

**IN THE SUPREME COURT OF NEW ZEALAND**

**I TE KŌTI MANA NUI**

**SC 87/2020  
[2020] NZSC 149**

BETWEEN                    ROBERT FRANK TERRY  
Appellant

AND                            NEW ZEALAND POLICE  
Respondent

Court:                        Glazebrook, O'Regan and Williams JJ

Counsel:                    Applicant in person  
R K Thomson and S E Trounson for Respondent

Judgment:                 18 December 2020

---

**JUDGMENT OF THE COURT**

---

**The application for leave to appeal is dismissed.**

---

**REASONS**

[1]      The applicant seeks leave to appeal against a decision of Courtney J dismissing an application for review of a decision of the Deputy Registrar of the Court of Appeal declining to accept for filing a notice of application for leave to appeal to that Court.<sup>1</sup>

[2]      Courtney J upheld the decision of the Deputy Registrar because Mr Terry had exhausted his appeal rights against his conviction for a traffic offence. He had appealed unsuccessfully from the decision of the Justices of the Peace convicting him to the District Court.<sup>2</sup> He was then refused leave to appeal against the District Court decision by the High Court.<sup>3</sup>

---

<sup>1</sup>      *Terry v New Zealand Police* [2020] NZCA 415.

<sup>2</sup>      *Terry v New Zealand Police* [2019] NZDC 4742 (Judge Barry). His appeal against conviction was dismissed but his appeal against sentence was allowed.

<sup>3</sup>      *Terry v New Zealand Police* [2019] NZHC 1131 (Grice J).

[3] Mr Terry then attempted to file an application for leave to appeal against the decision of Grice J to the Court of Appeal, which was not accepted by the Deputy Registrar for filing, because Mr Terry had exhausted his appeal rights under the Criminal Procedure Act 2011. That decision of the Deputy Registrar was upheld by Clifford J on review.<sup>4</sup> Mr Terry sought leave from this Court to appeal against the decision of Clifford J, but this was declined.<sup>5</sup>

[4] Before filing the application for leave to appeal to the Court of Appeal referred to above, Mr Terry also filed a second application for leave to appeal to the High Court. This was processed by the High Court apparently because the registry staff did not realise that the application related to the same matter that had been dealt with by Grice J. This second application for leave to appeal to the High Court required an extension of time, which was refused by the High Court.<sup>6</sup> Mr Terry then attempted to appeal to the Court of Appeal against the decision of Simon France J, and again the Deputy Registrar refused to accept this for filing because the Court had no jurisdiction to deal with it. That decision was upheld by Courtney J on review in the decision against which Mr Terry now seeks leave to appeal.

[5] It is clear Mr Terry has well and truly exhausted his appeal rights and that this Court has no jurisdiction to determine the present application. His appeal rights were exhausted after the decision of Grice J. All the steps he has taken since then have been beyond the jurisdiction of the relevant courts.

[6] The application for leave to appeal is dismissed.

Solicitors:  
Crown Law Office, Wellington for Respondent

---

<sup>4</sup> *Terry v New Zealand Police* [2020] NZCA 185 (Clifford J).

<sup>5</sup> *Terry v New Zealand Police* [2020] NZSC 105.

<sup>6</sup> *Terry v New Zealand Police* [2020] NZHC 1682 (Simon France J).