

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 21/2021
[2021] NZSC 47

BETWEEN ROBERT FRANK TERRY
Applicant

AND NEW ZEALAND POLICE
Respondent

Court: William Young, Glazebrook and O'Regan JJ

Counsel: Applicant in person
C A Brook for Respondent

Judgment: 24 May 2021

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] On 5 November 2020, the applicant appeared in the District Court on two charges of driving while his licence was suspended. The hearing of these charges was adjourned to 21 March 2021. On 18 December 2020, he attempted to file in the Court of Appeal an application against the adjournment decision. This was rejected by the Deputy Registrar for want of jurisdiction and Miller J dismissed an application by the applicant to review that decision.¹ The applicant now seeks leave to appeal to this Court against Miller J's judgment.

[2] There is no right of appeal in District Court criminal proceedings in respect of adjournments.² If there were a right of appeal it would be to the High Court and not

¹ *Terry v New Zealand Police* [2021] NZCA 7.

² Section 215 of the Criminal Procedure Act 2011 lists the types of pre-trial decision in respect of which there are rights of appeal in Judge-alone cases. Adjournments are not listed.

the Court of Appeal.³ The judgment of Miller J was thus entirely correct. Further, there is nothing in the Criminal Procedure Act 2011 which authorises an appeal to this Court from the judgment of Miller J.⁴

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

Solicitors:
Crown Law Office, Wellington for Respondent

³ Criminal Procedure Act, s 219(1)(b).

⁴ Senior Courts Act 2016, s 71.