

**NOTE: PUBLICATION OF NAMES OR IDENTIFYING PARTICULARS OF
COMPLAINANT PROHIBITED BY S 139 OF THE CRIMINAL JUSTICE ACT
1985.**

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 39/2017
[2022] NZSC 57**

BETWEEN S (SC 39/2017)
 Applicant

AND THE QUEEN
 Respondent

Court: Glazebrook, O'Regan and Ellen France JJ

Counsel: Applicant in person
 R E King for Respondent

Judgment: 10 May 2022

JUDGMENT OF THE COURT

- A The application for recall of this Court's judgment of
 16 November 2017 (*S (SC 39/2017) v R*) is dismissed.**
- B We direct the Registrar to reject any further applications
 related to this Court's judgment of 16 November 2017.**
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REASONS

[1] Mr S has filed an application to recall this Court's judgment of 16 November 2017.¹ That judgment dismissed his application for leave to appeal against a Court of Appeal judgment dismissing his appeal against conviction for sexual offending against a young family member.²

¹ *S (SC 39/2017) v R* [2017] NZSC 169 (Elias CJ, William Young and O'Regan JJ).

² *S (CA361/2010) v R* [2013] NZCA 179 (Stevens, Allan and Clifford JJ).

[2] Mr S has applied to recall this Court's judgment previously. That application was dismissed on 17 February 2022.³ He has also unsuccessfully sought to have the judgment of the Court of Appeal recalled on more than one occasion and advanced other challenges to his conviction.⁴

[3] Mr S's current application for recall essentially raises the same grounds raised in his previous recall application. Those have already been considered and rejected by this Court.⁵

Result

[4] The application to recall this Court's judgment of 16 November 2017 (*S (SC 39/2017) v R*) is dismissed.

[5] We direct the Registrar to reject any further applications related to this Court's judgment of 16 November 2017. Such applications would be an abuse of process.

Solicitors:
Crown Law Office, Wellington for Respondent

³ *S (SC 39/2017) v R* [2022] NZSC 7 (Glazebrook, O'Regan and Ellen France JJ).

⁴ *S (CA361/2010) v R* [2013] NZCA 359 (first recall); *S (CA361/2010) v R* [2015] NZCA 259 (second recall); and *S (CA361/2010) v R* [2015] NZCA 358 (third recall).

⁵ Recall applications cannot be used to relitigate the reasons provided in the leave judgment: *Nuku v District Court at Auckland* [2018] NZSC 39 at [2].