

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 52/2009
SC 53/2009
SC UR 10/2024
[2024] NZSC 133

BETWEEN JOHN KENNETH SLAVICH
Applicant

AND THE KING
Respondent

Court: Winkelmann CJ and Ellen France J

Counsel: Applicant in person

Judgment: 7 October 2024

JUDGMENT OF THE COURT

- A** The further application for recall of this Court's judgment of 16 April 2020 (*Slavich v R* [2020] NZSC 34) is dismissed.
- B** The application for consolidation of this application together with the application for recall of this Court's judgment of 31 May 2024 (*Re Slavich* [2024] NZSC 66) is dismissed.
-

REASONS

[1] In a judgment delivered on 21 June 2024, the Court declined an application for recall of this Court's judgment of 16 April 2020 (*Slavich v R* [2020] NZSC 34).¹ Mr Slavich has now filed a document described as an application for correction to the 16 April 2020 judgment (the 2020 judgment). We treat that as a further application for recall of the 2020 judgment.

¹ *Slavich v R* [2024] NZSC 72 (Winkelmann CJ and Ellen France J).

[2] It is difficult to discern the basis on which recall is sought. The 2020 judgment confirmed the decision of the Registrar not to accept a correction application made by Mr Slavich. The Court had earlier directed the Registrar not to “accept any further applications by Mr Slavich which directly or indirectly challenge his convictions”.² Mr Slavich essentially says that the 2020 judgment meant, but did not say, that the effect of the direction to the Registrar is not to accept applications from him that challenge his convictions even if the applications have merit. That submission does not provide a basis for recall of the 2020 judgment. If anything, it confirms the application was one challenging the convictions.

[3] The present application similarly has at its heart a challenge to the correctness of the convictions. In particular, Mr Slavich continues to question the basis on which the Court, in declining to recall the judgment declining leave to appeal against conviction, concluded that the Court of Appeal was “satisfied” the trial Judge had considered both a brief of evidence and a transcript of the cross-examination of a witness.³ It suffices for us to say that it is apparent from the approach of the Court of Appeal to the admission of the evidence in question that the Court proceeded on the basis that the trial Judge had considered the transcript.

[4] There being no basis for a recall, the application is dismissed.

[5] Mr Slavich also sought consolidation of this application with another application for recall. The latter application relates to a judgment of the Court delivered on 31 May 2024.⁴ The latter proceeding relates to a different party and each can be properly dealt with on their own terms. We see no basis for consolidating the two matters. Nor is there any basis on the material before us for the Court to make the orders suggested by Mr Slavich in his further memorandum of 3 October 2024.

Disposition

[6] The further application for recall of this Court’s judgment of 16 April 2020 (*Slavich v R* [2020] NZSC 34) is dismissed.

² *Slavich v R* [2016] NZSC 99 at [3(b)].

³ *Slavich v R* [2011] NZSC 103 at [3]; and see *R v Slavich* [2009] NZCA 188.

⁴ *Re Slavich* [2024] NZSC 66.

[7] The application for consolidation of this application together with the application for recall of this Court's judgment of 31 May 2024 (*Re Slavich* [2024] NZSC 66) is dismissed.