

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 26/2025
[2025] NZSC 118

BETWEEN AMBER JADE CANTWELL
Applicant

AND NEW ZEALAND POLICE
Respondent

Court: Glazebrook, Ellen France and Williams JJ

Counsel: Applicant in person
J A A Mara for Respondent

Judgment: 15 September 2025

JUDGMENT OF THE COURT

A The application for an extension of time to apply for leave to appeal is granted.

B The application for leave to appeal is dismissed.

REASONS

Introduction

[1] On 23 May 2024, the applicant, Amber Jade Cantwell, was convicted of assault and intentional damage (but acquitted of theft).¹ On 13 December 2024, her conviction appeal was dismissed by the High Court.² She now seeks leave to appeal to this Court against the High Court decision. A direct appeal from the High Court to this Court will only be granted in exceptional circumstances.³

¹ *New Zealand Police v Cantwell* [2024] NZDC 17939 (Judge Thomas).

² *Cantwell v New Zealand Police* [2024] NZHC 3827 (Johnstone J) [HC judgment].

³ Senior Courts Act 2016, s 75(b). It must also be necessary in the interests of justice for this Court to hear and determine the appeal: ss 74 and 75(a).

The offending

[2] In April 2023, Ms Cantwell spent the evening at Mr Smith's house. Ms Cantwell left but returned shortly afterwards and mistakenly took Mr Smith's phone out to her car. When Mr Smith followed her, she struck him twice on the head. When Mr Smith went inside to call the police, Ms Cantwell threw a plant pot through a glass pane in Mr Smith's front door.

Extension of time to apply for leave

[3] Ms Cantwell's application was out of time. It should have been filed by 16 January 2025.⁴ The High Court judgment was delivered on 13 December 2024, and her application for leave to appeal was dated 18 March 2025. Ms Cantwell is self-represented and says that she is homeless and has been having email issues.

[4] Ms Cantwell has provided some explanation for not filing on time. As there is no prejudice to the Crown and the period of delay was not great, we grant her application for an extension of time to apply for leave to appeal.

Grounds of application for leave

[5] In her notice of appeal Ms Cantwell says that the High Court did not review the evidence before deciding on the appeal and that she was not given adequate disclosure. It appears she also maintains that the District Court and High Court erred in their findings.⁵

[6] The Crown submits that there are no exceptional circumstances justifying granting leave to appeal directly from the High Court and in any event no matters of general or public importance arise and there is no risk of a miscarriage of justice. The Crown points out that the High Court, in a minute dated 18 December 2024, granted Ms Cantwell's application to access the Court record.

⁴ See Criminal Procedure Act 2011, s 239(2).

⁵ Ms Cantwell was given multiple extensions of time to file her submissions in support of her application. This Court, in a minute dated 6 August 2025, gave Ms Cantwell one final extension and said that the application would be decided on the material before the Court as at 27 August 2025 if her submissions were not filed by 13 August 2025. She failed to meet this deadline.

Our assessment

[7] There are no exceptional circumstances that would merit an appeal directly to this Court. There is in any event no merit in the application. It is clear from the High Court judgment that the Judge did review the evidence.⁶ Ms Cantwell also had full access to the Court file. Nothing raised by Ms Cantwell suggests that there is a risk of a miscarriage of justice.

Result

[8] The application for an extension of time to apply for leave to appeal is granted.

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

Solicitors:

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent

⁶ The HC judgment, above n 2, set out the evidence in detail at [12]–[29], and analysed the submissions and the evidence at [40].