

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 85/2025
[2025] NZSC 142

BETWEEN	JIMMY REX PARKER Applicant
AND	NEW ZEALAND POLICE Respondent

Court: Glazebrook, Ellen France and Miller JJ

Counsel: Applicant in person
M R L Davie and E P C Duckett for Respondent

Judgment: 16 October 2025

JUDGMENT OF THE COURT

**The application for an extension of time to apply for leave to
appeal is dismissed.**

REASONS

[1] Mr Parker was convicted in two judge-alone trials in the District Court.¹ The first involved charges of assault and intentional damage to a cellphone. He was convicted on the latter charge. The incident occurred on 22 June 2020 and the hearing was held on 14 January 2021. The second trial involved threatening to injure a person with intent to frighten. The incident occurred on 23 July 2020 and the hearing was held on 17 March 2021.

[2] In both cases the charges arose out of ill-feeling between neighbours. In one case the complainant was the visitor of a vacant section next to Mr Parker's property.

¹ See *New Zealand Police v Parker* [2021] NZDC 3403 (Judge Cameron); and *New Zealand Police v Parker* [2021] NZDC 26180 (Judge Bouchier).

In the other, the complainant was a workman engaged to drive piles on the same property.

[3] Mr Parker was self-represented. In each case, he and the complainant gave evidence and the trial judge accepted that of the complainant.

[4] In June 2024, some three years out of time, Mr Parker sought to appeal to the High Court. He was declined an extension of time, principally because he did not adequately explain the delay and there was no compelling reason to extend time.²

[5] In October 2024, the Deputy Registrar of the Court of Appeal declined to accept an appeal for filing on the basis that the High Court's refusal of an extension of time was not a "determination of the person's first appeal" which can be appealed under s 237(1) of the Criminal Procedure Act 2011. Mr Parker applied for a review of that decision. In December 2024, a judge of the Court of Appeal found that the decision was plainly correct.³

[6] Mr Parker then sought leave to appeal from the decisions of the High Court and Court of Appeal. In March 2025, Kós J confirmed the Registrar's decision that this Court lacked jurisdiction.⁴ He noted that Mr Parker might be able to file an application for an extension of time and an application for leave to appeal direct from the decisions of the District Court.⁵

[7] Mr Parker then brought this application for leave to appeal direct to this Court on 22 July 2025. He has also sought an extension of time for filing.

[8] This Court may hear an appeal direct from the District Court where there are exceptional circumstances that justify that course.⁶ However, that discretion is subject to the appeal provisions in pt 6 of the Criminal Procedure Act.⁷ In the present case, this Court is barred by that Act from acting as a first appeal court as the convictions in

² *Parker v R* [2024] NZHC 2918 (Jagose J) at [9].

³ *Parker v R* [2024] NZCA 650 (Hinton J) at [4].

⁴ *Parker v R* [2025] NZSC 15 at [3].

⁵ At [4].

⁶ Senior Courts Act 2016, s 75.

⁷ Section 71(a).

question are for category 2 offences.⁸ Leave must therefore be refused for want of jurisdiction.

[9] Because Mr Parker is self-represented, we explain that we would not have granted leave in any event. The District Court was entitled to prefer the Crown's evidence over that of Mr Parker. We also see no risk of a miscarriage of justice in the decision of the High Court to refuse Mr Parker an extension of time.⁹ He was more than three years out of time. Despite multiple directions, he did not provide any evidence to support his various explanations for the delay. He still has not.

[10] The application for an extension of time to apply for leave to appeal is dismissed accordingly.

Solicitors:

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

⁸ Criminal Procedure Act 2011, s 230(1)(b); and see s 229(1).

⁹ See *Ellis v R* [2019] NZSC 83 at [15].