

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 3/2025  
[2025] NZSC 15

BETWEEN JIMMY REX PARKER  
Applicant

AND THE KING  
Respondent

Counsel: Applicant in person

Judgment: 20 March 2025

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JUDGMENT OF JUSTICE KÓS

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**The application for review of the Registrar’s decision is declined.**

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REASONS

[1] This application—for review of the Registrar’s decision not to accept a document for filing—arises from the following procedural history:

- (a) Mr Parker was convicted of wilful damage and intimidation in the District Court in January and March 2021, respectively.<sup>1</sup>
- (b) In June 2024, he sought to appeal those convictions to the High Court—well outside the 20-working day period allowed.<sup>2</sup>
- (c) In October 2024, his application for extension of time to appeal was dismissed by Jagose J, who noted that the application claimed dispensation from statutory time limits due to Mr Parker’s status as

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<sup>1</sup> *New Zealand Police v Parker* [2021] NZDC 3403; and *New Zealand Police v Parker* [2021] NZDC 26180.

<sup>2</sup> Criminal Procedure Act 2011, s 231(2).

tangata whenua, and was based also on an asserted but unproved medical disability.<sup>3</sup>

- (d) In October 2024, Mr Parker filed a notice of appeal from that decision in the Court of Appeal. It was declined for filing on the basis that, as the application for an extension of time in the High Court had been declined, that Court had not determined Mr Parker’s appeal and there was therefore no right of appeal under s 237(1) of the Criminal Procedure Act 2011.
- (e) In December 2024, a Judge of the Court of Appeal declined Mr Parker’s application to review that decision.<sup>4</sup>
- (f) In January 2025, Mr Parker’s application for leave to appeal to this Court was declined by the Registrar on the basis that the Court of Appeal decision was not the “determination of [an] appeal” for the purposes of Part 6 of the Criminal Procedure Act.<sup>5</sup>

[2] Mr Parker now seeks review of that Registrar’s decision.

[3] This Court has previously taken the view that a refusal to grant an extension of time to appeal is not a “determination of the person’s first appeal” for the purposes of ss 236 and 237 of the Criminal Procedure Act.<sup>6</sup> Consistently, I consider there is no jurisdiction for this Court to hear the proposed appeal.

[4] This Court may, in an appropriate case, treat an application such as the present one as an application for leave to bring a direct appeal to this Court against the conviction.<sup>7</sup> That course would require an application for extension of time and,

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<sup>3</sup> *Parker v R* [2024] NZHC 2918; and see *Parker v New Zealand Police* HC Rotorua, CRI-2024-463-0071, 26 July 2024 (Minute of Moore J).

<sup>4</sup> *Parker v R* [2024] NZCA 650 (Hinton J).

<sup>5</sup> See Supreme Court Rules 2004, r 5A(1)(b)(ii).

<sup>6</sup> *Nottingham v Taka* [2018] NZSC 102, [2018] NZAR 1759 at [9]–[10]. See also *Fergusson v R* [2013] NZSC 28, (2013) 26 CRNZ 173 at [8]; *Penman v R* [2016] NZSC 96 at [5]; *Genge v R* [2019] NZSC 35 at [7]; and *Millar v R* [2022] NZSC 6 at [2].

<sup>7</sup> *S (SC 109/2023) v Chief Executive of the Department of Corrections* [2024] NZSC 58; and see Senior Courts Act 2016, s 75.

ultimately, depend on establishing exceptional circumstances justifying direct appeal to this Court.<sup>8</sup> As the application tendered neither directly addresses the conviction nor these two further matters, I do not consider this an appropriate case in which to treat the application as if it sought direct appeal. Mr Parker is of course at liberty to instead make a properly focused application for extension of time and for leave to appeal direct.

## **Result**

[5] For the reasons given at [3] and [4] above, the Registrar's decision is confirmed.

[6] The application for review of the Registrar's decision is declined.

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<sup>8</sup> *Millar v R*, above n 6, at [3]. See also Criminal Procedure Act, ss 231(1)(b) and (2); Supreme Court Rules, rr 11(1)(a) and (4); and Senior Courts Act, s 75(b).