

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 43/2025
[2025] NZSC 160

RE

MARK ANDREW ANTHONY
ALEXANDER

Counsel: Applicant in person

Judgment: 12 November 2025

JUDGMENT OF WILLIAMS J

The application for review of the decision of the Registrar not to accept the application for leave to appeal for filing is dismissed.

REASONS

[1] Mr Alexander seeks review of the Registrar's decision not to accept his application for leave to appeal for filing under r 5A(1)(b)(ii) of the Supreme Court Rules 2004.

[2] The leave application concerns a decision of the Court of Appeal refusing Mr Alexander leave to bring a second appeal against conviction under s 237(1) of the Criminal Procedure Act 2011.¹ Mr Alexander argues that the Court of Appeal failed to engage with evidence he presented that was not before the Courts below and that he has suffered a miscarriage of justice.

[3] This Court does not have jurisdiction to consider the merits of Mr Alexander's intended application for leave. Under s 213(3) of the Criminal Procedure Act, the Court of Appeal's decision was final and cannot be appealed to this Court.²

¹ *Alexander v R* [2025] NZCA 430 (Mallon, Powell and Cull JJ).

² See also Senior Courts Act 2016, s 71(a).

[4] It may have been possible for Mr Alexander to apply to bring a leapfrog appeal directly from the High Court, but he has not done that. In any event, the information provided in his current application is insufficient to determine whether such application might have satisfied the high “exceptional circumstances” threshold in s 75 of the Senior Courts Act 2016 and the leave criteria in s 74.

[5] It follows that the Registrar correctly applied r 5A(1)(b)(ii) in declining to accept the leave application for filing.

[6] The application for review of the decision of the Registrar not to accept the application for leave to appeal for filing is dismissed.