

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 35/2026
[2026] NZSC 117

RE

SAMANTHA JANE GRANT
Applicant

Counsel: Applicant in person

Judgment: 27 August 2026

JUDGMENT OF KÓS J

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

REASONS

[1] In August 2020, a final protection order was made against Ms Grant in the Family Court. In July 2025, she brought an appeal in the High Court against the making of that order. Separately in or about August 2025, Ms Grant was charged with breaching the protection order. She was tried by a jury in the District Court in July 2026.

[2] On 28 July 2026 two things happened. In the High Court, Preston J dismissed Ms Grant's appeal against the order.¹ In the District Court, the jury found her guilty of breaching the order.

[3] The next day, and acting for herself, Ms Grant sought to file an application for leave to bring a criminal appeal in this Court against conviction and sentence. Confusingly, the notice referred also to the High Court judgment of Preston J, a civil matter. The Deputy Registrar read the application as relating to that decision and

¹ *Grant v [E]* [2026] NZHC 2164.

refused to accept it for filing for want of jurisdiction.² Ms Grant now seeks review of the Deputy Registrar's decision.

[4] On a close reading of the papers, I think it is clear Ms Grant was really seeking leave only to appeal conviction and sentence in the District Court. Her reference to the High Court judgment is simply a mistake. So is her attempt to appeal sentence before one has been imposed.³

[5] The application for review will be upheld in respect of the proposed conviction appeal. Jurisdiction exists to hear appeals against conviction on charges for breach of protection order tried by jury in the District Court, and sentencing is not a jurisdictional prerequisite for such an appeal.⁴

[6] The application for leave to appeal may therefore be filed. It will be taken only to seek leave to appeal conviction, and the incorrect reference to "NZ Police" as applicant will be taken to refer instead to the King as respondent.

[7] None of this is to suggest that leave is granted. That matter will be determined subsequently, and Ms Grant will need to persuade the Court that exceptional circumstances justify an appeal direct to this Court, rather than proceeding to the Court of Appeal in the usual way.⁵

Result

[8] The application for review of the decision of the Deputy Registrar not to accept the application for leave to appeal for filing is upheld.

² See Family Violence Act 2018, ss 177(7) and 179.

³ Sentencing is scheduled to take place in October 2026. I do not anticipate that being altered by this judgment.

⁴ See Family Violence Act, s 112(3); and Criminal Procedure Act 2011, s 6(1) definition of "category 3 offence" and s 230(1).

⁵ Senior Courts Act 2016, s 75.