

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 59/2025

[2026] NZSC 2

RE

FRANCISC CATALIN DELIU  
Applicant

Counsel: Applicant in person

Judgment: 10 February 2026

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JUDGMENT OF MILLER J

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- A**     **The application for review of the decision of the Registrar not to accept the application for leave to appeal for filing is upheld.**
- B**     **The Registrar is directed to accept for filing the application for leave to appeal and refer it to a panel for decision.**
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REASONS

[1]     Mr Deliu has sought review of a Registrar’s decision made on 30 October 2025 to refuse to accept for filing a proposed appeal from a Court of Appeal decision declining leave to appeal a decision of the District Court under s 51 of the Criminal Procedure Act 2011 to allow Ms Ying to elect a jury trial out of time.<sup>1</sup>

[2]     The application for review is upheld. There is a question whether this Court has jurisdiction to act as the first appeal court under s 297 of the Act, and because it goes to jurisdiction it is appropriate that it be decided by a panel.

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<sup>1</sup>     *Deliu v Ying* [2025] NZCA 524 (Whata, Downs and Isac JJ).