

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

JUDGMENT OF MILLER J

- 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.**

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.¹

[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.

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