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IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 5/2026
[2026] NZSC 58**

BETWEEN JAXON DIXON
Applicant

AND THE KING
Respondent

Court: Williams, Kós and Miller JJ

Counsel: J C Hannam for the Applicant
M H Cooke for the Respondent

Judgment: 15 May 2026

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Mr Dixon applies for leave to appeal a Court of Appeal judgment upholding the imposition of a protection order against him by the District Court pursuant to s 123B of the Sentencing Act 2002.¹

¹ *Dixon v R* [2025] NZCA 564 (Palmer, van Bohemen and Gault JJ) [CA judgment]; and *R v Dixon* [2024] NZDC 25935 (Judge Hikaka) [Sentencing notes].

Background

[2] Mr Dixon and the victim met in 2017. The victim described the relationship that followed as being very close. She said Mr Dixon was her best friend. Their relationship included sexual intimacy and lasted about a year to a year and a half. Once it ended, Mr Dixon was very upset. He threatened suicide and the victim ceased contact with him.²

[3] Mr Dixon then embarked on a “campaign” of offending against the victim.³ In January 2022 he used intimate photographs she sent him to create fake online advertisements offering sexual services, which caused members of the public to contact her and visit her address.⁴ This constituted an offence against s 22 of the Harmful Digital Communications Act 2015. The victim obtained a protection order which was served on Mr Dixon on 28 January 2022.⁵ On 24 March 2022, Mr Dixon breached that order.⁶ Mr Dixon was sentenced for these two offences separately to the index offending on 5 December 2023.⁷

[4] On 17 September 2022, Mr Dixon set fire to the victim’s car at her home, giving rise to a charge of arson. On 19 September 2023, Mr Dixon breached the protection order again and attempted to pervert the course of justice by having a third party pressure the victim into removing herself as a witness in proceedings related to the protection order, which Mr Dixon was contesting.⁸

[5] Mr Dixon pleaded guilty to the breach of protection order and attempting to pervert the course of justice charges but contested the arson charge.⁹ He was found guilty by a jury on 4 September 2024, sentenced on all three charges to four years’ imprisonment and ordered to pay reparations of \$3,620.70.¹⁰ At sentencing,

² Sentencing notes, above n 1, at [3].

³ At [57].

⁴ At [4] and [14]–[15].

⁵ At [5] and [36].

⁶ At [6].

⁷ At [10].

⁸ At [37]–[39] and [45]–[46].

⁹ At [2].

¹⁰ At [2], [63] and [73]–[74].

Judge Hikaka also imposed a protection order.¹¹ That is the subject of Mr Dixon’s application for leave to appeal to this Court.

Issue on appeal

[6] Section 123B allows the court to impose a protection order at sentencing if the offender has been convicted of a “family violence offence”. A “family violence offence” is any offence involving “family violence”.¹² “Family violence” means violence inflicted by a person with whom the victim is, or has been, in a “family relationship”.¹³ A “family relationship” includes a “close personal relationship”.¹⁴

[7] As in the Court below, Mr Dixon wishes to argue in this Court that he and the victim were not in a “close personal relationship”. Section 14 of the Family Violence Act 2018 relevantly provides as follows:

- (3) In determining whether a person (**A**) has a close personal relationship with another person (**B**) under section 12(d), the court must have regard to—
 - (a) the nature and intensity of the relationship, and in particular—
 - (i) the amount of time A and B spend together:
 - (ii) the place or places where that time is ordinarily spent:
 - (iii) the manner in which that time is ordinarily spent:
 - (b) the duration of the relationship.
- (4) Despite subsection (3)(a), it is not necessary for a person (**A**) to have a sexual relationship with another person (**B**) in order for A to have a close personal relationship with B.
- (5) Subsections ... (3), and (4) do not limit the matters to which a court may have regard in determining, under section 12(d), whether a person has a close personal relationship with another person.

¹¹ At [72].

¹² Sentencing Act 2002, s 123A.

¹³ Section 123A; and Family Violence Act 2018, s 9.

¹⁴ Family Violence Act, s 12.

[8] The Court of Appeal held that there was a “sufficient basis for the Judge to conclude that Mr Dixon and the victim were in a close personal relationship”,¹⁵ commenting:¹⁶

While [the Judge] did not explicitly consider the amount of time the victim and Mr Dixon spent together, the place or places that time was ordinarily spent, and the manner in which that time was spent, those factors were implicit in his consideration of the nature and intensity of the relationship: an intimate sexual relationship coupled with Mr Dixon being described as a “best friend”, ongoing telephone contact, albeit in what was described as an open relationship, and the provision by the victim of intimate photos of herself.

[9] Mr Dixon submits the Courts below have not “applied themselves” to the test in s 14 of the Family Violence Act. The argument is that the sentencing Judge’s approach was in error because he failed to explicitly connect his analysis as to whether there was a “close personal relationship” with the considerations listed in s 14(3). Mr Dixon also says there was insufficient evidence upon which to find that such a relationship existed in this case. The proposed appeal is said to raise a point of public interest, being the evidential threshold for the finding of a “close personal relationship”.¹⁷

[10] The respondent opposes leave, adopting the Court of Appeal’s analysis.

Assessment

[11] Although the meaning of s 14(3) of the Family Violence Act has not been addressed by this Court and may in a future case give rise to an issue of principle having general or public importance, no such issue arises in the circumstances of this case.¹⁸ We see no appearance of error in the assessment of the Court of Appeal that the facts in this case satisfied the requirements of subs (3). While Mr Dixon does not argue that his case presents a risk of a substantial miscarriage of justice, we are nonetheless satisfied that there is no basis for such a finding.¹⁹

¹⁵ CA judgment, above n 1, at [53].

¹⁶ At [52].

¹⁷ Such that leave is justified pursuant to s 74(2)(a) of the Senior Courts Act 2016.

¹⁸ Section 74(2)(a).

¹⁹ Section 74(2)(b).

[12] It is therefore not necessary in the interests of justice for this Court to hear and determine the proposed appeal.²⁰

Result

[13] The application for leave to appeal is dismissed.

Solicitors:
Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent

²⁰ Section 74(1).