

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC UR 2/2026

[2026] NZSC 6

RE ALISOHN JOAN FIELDING  
Applicant

Counsel: Applicant in person

Judgment: 19 February 2026

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JUDGMENT OF WILLIAMS J

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- A The application for review is allowed.**
- B The application for leave to appeal must be accepted for filing.**
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REASONS

[1] The applicant, Ms Fielding, was convicted and sentenced in the District Court for offences related to a police traffic stop.<sup>1</sup> Her appeal to the High Court was dismissed,<sup>2</sup> and her application for leave to bring a second appeal in the Court of Appeal was refused.<sup>3</sup> She now seeks to review the Deputy Registrar's refusal to accept for filing her application for leave to appeal to this Court. The Deputy Registrar was of the view that the application for leave to appeal related to the Court of Appeal's refusal to grant leave, so this Court lacked jurisdiction to entertain an appeal against that refusal. The Deputy Registrar rightly pointed out that, according to s 213(3) of the Criminal Procedure Act 2011, such decisions are final.

[2] Although the notice of appeal is not entirely clear, and noting Ms Fielding is not represented by counsel, I am prepared to accept that paragraph 4 of Ms Fielding's

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<sup>1</sup> *New Zealand Police v Fielding* [2023] NZDC 2723 (Judge Walsh).

<sup>2</sup> *Fielding v New Zealand Police* [2024] NZHC 1455 (La Hood J).

<sup>3</sup> *Fielding v New Zealand Police* [2025] NZCA 673 (Mallon, Fitzgerald and Cull JJ).

notice of appeal suggests that she wishes to invoke s 75 of the Senior Courts Act 2016, seeking leave thereby to appeal directly to this Court against the prior High Court decision—that is, to bring a leapfrog appeal.

[3] There is jurisdiction to entertain such an application. Exceptional circumstances must be established.<sup>4</sup> Ms Fielding submits (in paragraph 4) that such circumstances exist. Whether that is so is a matter for the leave panel, but at this stage, it is appropriate to construe the notice of appeal generously and in the applicant's favour.

[4] The application for review of the Deputy Registrar's decision is therefore allowed and the application must be accepted for filing as an application for leave to bring a leapfrog appeal.

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<sup>4</sup> Senior Courts Act 2016, s 75(b); and *Burke v Western Bay of Plenty District Council* [2005] NZSC 46, (2005) 18 PRNZ 560 at [4].