

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 21/2026
[2026] NZSC 66

BETWEEN ALISOHN JOAN FIELDING
Applicant
AND NEW ZEALAND POLICE
Respondent

Court: Ellen France, Williams and Cooke JJ

Counsel: Applicant in person
T R Simpson for Respondent

Judgment: 27 May 2026

JUDGMENT OF THE COURT

- A The application for an extension of time to apply for leave to appeal is granted.**
- B The application for leave to appeal is dismissed.**
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REASONS

[1] The applicant, Ms Alisohn Fielding, seeks leave to appeal directly to this Court from a decision of a High Court which dismissed her appeal from convictions in the District Court for resisting a police officer in the execution of his duties and related charges,¹ as well as her appeal against the sentence imposed by the District Court in respect of those convictions.² The Court of Appeal dismissed Ms Fielding's

¹ *Fielding v New Zealand Police* [2024] NZHC 1455 (La Hood J) [HC judgment]; and *New Zealand Police v Fielding* [2023] NZDC 2723 (Judge Walsh) [DC judgment].

² *New Zealand Police v Fielding* [2024] NZDC 9995 (Judge Walsh) [DC sentencing notes] at [13].

application for leave to bring a second appeal in that Court.³ She now seeks leave to appeal directly to this Court from the decision of the High Court.⁴

Background

[2] Ms Fielding has acted for herself throughout these proceedings. Following a judge-alone trial in the District Court, she was convicted of a charge of resisting a police officer in the execution of his duty. The Judge found that Ms Fielding had been driving at 65 km/h in a 50 km/h zone in a residential area in Paraparaumu. An officer in a police vehicle activated his lights and siren, but she did not stop.⁵ When she pulled over in a carpark the officer approached her and advised that she was under arrest for failing to stop. She said she did not consent to this and, when he tried to restrain her, she attempted to break free and claimed she was being assaulted. The evidence was that she then declined to provide identifying information.⁶ On the lead charge of resisting an officer in the execution of his duty, the Judge ordered the applicant to come up for sentence if called upon within 12 months and to pay \$500 towards the cost of prosecution.⁷ He convicted and discharged Ms Fielding on the remaining charges.⁸

[3] On appeal, La Hood J reviewed the evidence and upheld the District Court's findings that the elements of the offences had been established to the required standard.⁹ He rejected Ms Fielding's submissions that the arresting officer's evidence was not credible or reliable,¹⁰ and that the true speed of her vehicle had not been as alleged.¹¹ He also rejected her other arguments as to the weight given to certain pieces of evidence,¹² and dismissed the appeals against conviction and sentence.¹³

³ *Fielding v New Zealand Police* [2025] NZCA 673 (Mallon, Fitzgerald and Cull JJ) [CA judgment].

⁴ On 19 February 2026, Williams J directed that Ms Fielding's application was to be treated as an application to bring a leapfrog appeal: *Re Fielding* [2026] NZSC 6; and see Senior Courts Act 2016, s 75.

⁵ DC judgment, above n 1, at [104]–[106].

⁶ At [107], and see at [42]–[44] and [68].

⁷ DC sentencing notes, above n 2, at [13].

⁸ At [14].

⁹ HC judgment, above n 1, at [34].

¹⁰ At [10]–[21] and [23]–[24].

¹¹ At [25]–[28].

¹² At [29]–[33].

¹³ At [34] and [40].

[4] In declining leave to appeal, the Court of Appeal considered there were two main arguments arising from the 19 grounds of appeal raised by Ms Fielding: that the High Court Judge was biased, and that this together with other irregularities in the trial and appeal process had led to wrongful convictions; and that the lower Courts erred in their assessment of the evidence.¹⁴ The Court of Appeal concluded that there was no risk of a miscarriage of justice arising from these matters, and that no matters of general or public importance arose.¹⁵

[5] In support of her application for leave to appeal to this Court under ss 74 and 75 of the Senior Courts Act 2016, Ms Fielding contends that her convictions were entered on the basis of evidence incapable of meeting the required threshold for convictions, that there were procedural and evidential irregularities in the processes in the District Court and High Court that had not been adequately addressed in the proceedings, and that the appellate process proceeded on an incomplete and defective record. She contends that these matters involve questions of general or public importance, and that a miscarriage of justice has arisen. She also argues that there is a jurisdictional issue — that the District Court had no jurisdiction to sentence her after she had filed her conviction appeal — and she raises what she describes as systemic issues, including in relation to the integrity of court records.

Assessment

[6] Under r 11 of the Supreme Court Rules 2004 an application for leave to appeal is required to be made within 20 working days of the relevant decision unless time is extended. Given the circumstances, here we grant the required extension.

[7] Under s 74 of the Senior Courts Act, this Court must not give leave to appeal unless it is necessary in the interests of justice for the Court to hear and determine the appeal because it involves a matter of general or public importance, or because a substantial miscarriage of justice may have occurred.¹⁶ Further, under s 75, the Court must not grant leave to appeal directly from a decision of the High Court unless there are exceptional circumstances that justify a direct appeal.

¹⁴ CA judgment, above n 3, at [21] and [25].

¹⁵ At [27].

¹⁶ Section 74(1) and (2)(a)–(b).

[8] We are satisfied that the application does not meet these thresholds, and that leave to appeal should be declined.

[9] The issues Ms Fielding raises relating to the evidence at trial ultimately turn on the factual findings made by the District Court which have been reviewed and upheld by the High Court. We do not accept that her arguments relating to these concurrent findings raise issues of general or public importance, nor that a substantial miscarriage of justice would arise if leave were not granted.

[10] Neither do we accept that the wider procedural and systemic arguments Ms Fielding advances are sufficiently arguable to warrant the grant of leave to appeal. We also consider that there is no substance to her jurisdictional argument. We agree with the Court of Appeal that there is no risk of a miscarriage of justice, and no matter of general or public importance arising from the proposed appeal. Moreover, we do not accept that there are exceptional circumstances that could justify the grant of leave directly to this Court.

Result

[11] The application for an extension of time to apply for leave to appeal is granted.

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

Solicitors:

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