

IN THE SUPREME COURT OF NEW ZEALAND

SC 52/2009
SC 53/2009
[2016] NZSC 25

BETWEEN JOHN KENNETH SLAVICH
Applicant

AND THE QUEEN
Respondent

Court: Elias CJ, William Young, Glazebrook, Arnold and O'Regan JJ

Counsel: Applicant in person

Judgment: 15 March 2016

JUDGMENT OF THE COURT

The applications by Mr Slavich for recall of the judgments of this Court of 10 August 2009 and 10 February 2016 and the minute of 6 November 2012 are dismissed.

REASONS

[1] Mr Slavich suggests that the Court should recall, of its own motion, the judgment of 10 February 2016¹ which dismissed his recall application in respect of the judgment of 18 December 2015 which dismissed two leave applications.² We propose to treat this as a recall application. He has also complained that other applications have not been addressed. They are:

- (a) Recall application dated 8 April 2013³ in relation to the judgment of the Court of 10 August 2009 dismissing his application for leave to

¹ *Slavich v R* [2016] NZSC 5.

² *Slavich v R* [2015] NZSC 195.

³ The coversheet has the date 8 April 2012 but it is dated 8 April 2013.

appeal against the dismissal of his conviction appeal⁴ and another application of 2 March 2015 dealing with the same matter; and

- (b) A further recall application dated 31 March 2014 seeking the recall of the 10 August 2009 judgment and what we take to be a minute of 6 November 2012.

[2] Primarily in issue is the judgment of the Court of 10 August 2009.⁵ A first recall application in respect of it was dismissed on 13 September 2011. A second recall application was dismissed by minute of 22 September 2011. A third recall application was dismissed in the minute of 6 November 2012 to which we have referred. This prompted further complaints from Mr Slavich which were addressed and rejected in a minute of 29 January 2013.

[3] There are now six formal judgments of this Court which are addressed, more or less directly, to whether Mr Slavich should be granted leave to appeal his conviction.⁶ This is in addition to the three minutes to which we have referred. Associated satellite litigation has resulted in a further seven judgments.⁷ The recall applications of 8 April 2013 and 31 March 2014 are, by our count, the fourth and fifth, respectively, in relation to the 10 August 2009 judgment. They are an abuse of process and are dismissed (as is, consequentially, the application of 2 March 2015).

[4] Mr Slavich's complaints about the judgment of 10 February 2016 do not engage with the reasons why the Court concluded that it had no jurisdiction to hear the appeals proposed in his April 2012 applications. Accordingly, we do not propose to recall this judgment.

⁴ *Slavich v R* [2009] NZSC 87.

⁵ *Slavich v R* [2009] NZSC 87.

⁶ *Slavich v R* [2009] NZSC 87; *Slavich v R* [2011] NZSC 103; *Slavich v R* [2011] NZSC 131; *Slavich v R* [2015] NZSC 174; *Slavich v R* [2015] NZSC 195; and *Slavich v R* [2016] NZSC 5.

⁷ *Slavich v R* [2011] NZSC 139; *Slavich v Attorney-General* [2013] NZSC 130; *Slavich v Attorney-General* [2014] NZSC 22; *Slavich v Attorney-General* [2014] NZSC 46; *Slavich v Judges of the Supreme Court* [2015] NZSC 125; *Slavich v Judges of the Supreme Court* [2015] NZSC 130; and *Slavich v Judges of the Supreme Court* [2015] NZSC 151.