IN THE SUPREME COURT OF NEW ZEALAND

CA 193/03
[2015] CA NZCA 416
SC

UNDER the Supreme Court Act 2003

IN THE MATTER of the Supreme Court Act 2003

BETWEEN **RICHARD JOHN CRESER**

Appellant

AND **JANINE MICHELLE CRESER and MARION NGAIRE CRESER** (as trustees and executors of the estate of Jesse Joy Creser)

Defendants

APPLICATION FOR LEAVE TO APPEAL 4 SEPTEMBER 2005 CHAMBERS JUDGMENT OF HARRISON J

Dated at Wellington this 10th day of September 2014

Filed by the applicant in person-4 Rothwell Street, Titahi Bay, Porirua 5022

Email-jcreser@gmail.com

I, Richard John Creser, the Appellant, hereby apply for leave to appeal to the New Zealand Supreme Court against the chambers judgment CA193/2003 [2015] NZCA 416 of Harrison J dated 4 September 2015 ("**The Judgment**"):

UPON THE GROUNDS:

1. Of judicial incapacitation; evident in Harrison J's findings which claimed not to accept the Court of Appeal's jurisdiction to review a Registrar decision and equally failed to understand the factual issue before him.

2. The judicial incapacitation was both elementary and broad, resulting in a denial of natural justice at that Court (indeed, denied elementary access as the Judgment refused to allow filing of an application).

PARTICULARS

3. In paragraph [2] of the Judgment, Harrison J doubted a Court of Appeal judge's jurisdiction existed to review a decision of its Registrar while vaguely doubting the Appellant's right to make such an application:

> "I am not satisfied that a Judge of this Court has jurisdiction to review the Registrar's decision to reject the documents. However, on the assumption that jurisdiction exists, I am not satisfied that the Registrar erred. The documents filed by Mr Creser in this Court do not constitute an application or appeal as defined by the Court of Appeal (Civil) Rules 2005."

4. This legal assumption was clearly incorrect, and it was incorrect in respect to a commonly exercised right, and as provided by Rule 7 of Court of Appeal (Civil) Rules 2005. Moreover, there have been at least 20 applications for review of the Registrar so far this year. It is hardly possible for a stable and mentally-functioning permanent judge of the Court to be so detached from this reality.

5. The same cognitive disconnect occurred in respect to the factual issue Harrison J was asked by the application to determine. In the first paragraph of this 4 paragraph judgment Harrison J recorded the application sought "**to amend this Court's decision delivered on 8 October 2003**". No such challenge was sought. The application very clearly stated at paragraph 6 it sought to challenge a "**Notice of Result**

filed by counsel on 14 October 2003" and sealed by the Court of Appeal as a judgment. This document materially and fraudulently altered a decision of the Court of Appeal.

6. The application also referred to Court to its jurisdiction under Section 8 of the Court of Appeal Rules 2005 allowing the registrar to amend a judgment by correcting omissions or errors.

7. On the most elementary level, Harrison J portended an application to *defend* a judgment was an application to *amend* that judgment. This Court needs only to be directed to Harrison J's conclusions in the Judgment to prove the Judge was out of touch with reality concerning his jurisdiction to review the lay registrar and the issue before him.

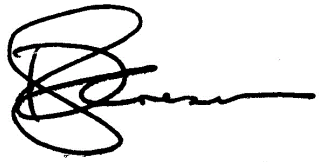
It is necessary in the interests of justice for the Supreme Court to hear and determine the proposed appeal as it concerns –

(a) A matter of fundamental, general and/or public importance *(Supreme Court Act s 13(2)(a))* by way of -
i.) Judgments from New Zealand's highest appellate court by right must be lawful and, where such judgments are shown to be unlawful on not one but two elementary issues, it is incumbent upon the Supreme Court to uphold the rule of law in the absence of the Court of Appeal to do so.

(b) Denial of court access will be the result if the legally unsafe Judgment is allowed. *Supreme Court Act s13(2) (b)*
ii.) The Judgment refused to permit a legitimate application to be filed, and did so on grounds the judge had doubtful jurisdiction to determine what proved to be a false issue never before the Court.

Order sought from the Supreme Court

8. That the Judgment be quashed.



Richard John Creser, Appellant

This document is filed by the Appellant in person, 0221363980