

**IN THE SUPREME COURT
OF NEW ZEALAND**

SC 105/2015

UNDER the Supreme Court Act 2003

IN THE MATTER of a breach of due process by a New Zealand
Court of Appeal Judge

BETWEEN **RICHARD JOHN CRESER**
Appellant

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

AND the Official Assignee (being a party served
pursuant to s119(2) Insolvency Act 1967

**SUBMISSIONS IN SUPPORT OF LEAVE TO APPEAL 4 SEPTEMBER 2005
CHAMBERS JUDGMENT OF HARRISON J**

Dated: 8 October 2015

To: Janine Creser
Marion Creser
Registrar- Supreme Court
The Official Assignee

This document is filed by the appellant in person, 4 Rothwell Street, Titahi Bay.

MAY IT PLEASE THE COURT:

1. This appeal is submitted to be simple. The evidence in support is submitted to be incontrovertible.
2. The Appellant's two page application for leave is relied upon in its' entirety.
3. The Appellant pleads, and the evidence demonstrates, Court of Appeal Judge Rhys Harrison, by His Honour's public judgment, recorded his conclusion he lacked jurisdiction to review a decision of the Court of Appeal Registrar to refuse filing.
4. The Appellant pleads, and the evidence demonstrates, Court of Appeal Judge Rhys Harrison, by the same public judgment, recorded he doubted whether the Appellant had a *legal right* to bring his application to the Court of Appeal.
5. Both jurisdictions are conferred by rules 7 & 8 of the **Court of Appeal (Civil) Rules 2005**. Harrison J clearly overlooked this and did so despite being provided the rule reference.
6. The Judge also misconstrued elementary material facts by recording the Appellant **sought "to amend this Court's decision delivered on 8 October 2003"** when the application made clear on its face and in paragraph 6 that it sought to *defend* that 8 October 2003 judgment by challenging a "notice of result" filed by Counsel 6 days later which materially altered the parties to that judgment.
7. This judgment of Harrison J prevented access in a judgment which confused the factual issue before the Court and relied upon erroneous legal findings of the very type this Court publicly pronounced in **Attorney General v Chapman SC120/2009 NZSC 110** to provide "the most significant systematic" protection against:

"The most significant (protection against unlawful New Zealand Court of Appeal judgments) systemically is the establishment of the Supreme Court of New Zealand and a right of appeal with leave to that Court on the grounds that it is necessary in the interests of justice to hear and determine a proposed appeal."
8. The Appellant appeals very simply that Harrison J's conclusions in respect to EACH jurisdiction and the elementary facts demonstrated judge incapacitation, in circumstances where a wrongful judicial conclusion on either jurisdiction is fatal. In short, and with respect, it is inconceivable any judge could be so woefully incorrect on jurisdictions which are so elementary, so commonly exercised and so ingrained in the Court Rules in which he has sat for five years.

9. The Appellant seeks no more than this Court apply its own representations in ***Chapman*** as the most significant systemic remedy to the very breaches of procedural law the Appellant's application exposes.

Richard John Creser, Appellant