

IN THE COURT OF APPEAL OF NEW ZEALAND

I TE KŌTI PĪRA O AOTEAROA

**CA199/2018
[2018] NZCA 461**

| | |
|---------|---|
| BETWEEN | DERMOT GREGORY NOTTINGHAM Applicant |
| AND | KELVIN LYNN PRENTICE First Respondent |
| AND | APN NEWS & MEDIA LIMITED Second Respondent |

Court: French, Simon France and Moore JJ

Counsel: Applicant in person
N S Tabb for First Respondent
A L Ringwood for Second Respondent

Judgment: 29 October 2018 at 11 am
(On the papers)

JUDGMENT OF THE COURT

The application for leave to appeal is declined.

REASONS OF THE COURT

(Given by French J)

[1] Mr Nottingham seeks leave to appeal a decision of Wylie J in the High Court.¹

¹ *Nottingham v APN News & Media Ltd* [2018] NZHC 596.

[2] In the decision at issue, Wylie J declined to grant Mr Nottingham an extension of time under s 298(4) of the Criminal Procedure Act 2011 to apply for leave to appeal two rulings and a costs judgment issued by Judge Collins in the District Court.²

[3] For the reasons articulated in the decision of this Court in two other proceedings also involving Mr Nottingham,³ we are satisfied we do not have jurisdiction to entertain Mr Nottingham's application. That is so whether it is characterised as an application for leave to appeal Wylie J's decision declining to grant an extension of time, or an application for leave to appeal Wylie J's decision declining to grant leave to appeal.

[4] The application for leave to appeal is accordingly declined.

Solicitors:
Bell Gully, Auckland for Second Respondent

² *Nottingham v APN News and Media Ltd* [2016] NZDC 11154; *Nottingham v APN News and Media Ltd* [2016] NZDC 11198; and *Nottingham v Prentice* [2017] NZDC 18603.

³ *Nottingham v District Court at Auckland* [2018] NZCA 345 at [15]–[23] and [27]–[32].