

IN THE SUPREME COURT OF NEW ZEALAND

SC 55/2015
[2015] NZSC 95

BETWEEN JOHN FREDERICK ERICSON
Applicant

AND CHIEF EXECUTIVE OF THE
DEPARTMENT OF CORRECTIONS
Respondent

Court: Elias CJ, William Young and Arnold JJ

Counsel: Applicant in person
K M Muller for Respondent

Judgment: 29 June 2015

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] The applicant, Mr Ericson, is serving a sentence of life imprisonment following his conviction on a charge of murder. He seeks leave to appeal against a decision of the Court of Appeal¹ upholding a decision of Nation J in the High Court dismissing his application for a writ of habeas corpus.² The essential ground of the leave application is that Mr Ericson considers that he is being held in prison under an invalid warrant of commitment. Mr Ericson alleges that the warrant held by the prison authorities is a photocopy rather than the original.

[2] The Court of Appeal held that there was no doubt that the High Court Judge who had sentenced Mr Ericson, Panckhurst J, had signed the necessary warrant of

¹ *Ericson v Chief Executive of the Department of Corrections* [2015] NZCA 199 [*Ericson* (CA)].

² *Ericson v Superintendent of Christchurch Men's Prison* [2015] NZHC 756.

commitment. That was sufficient to authorise Mr Ericson's detention.³ Moreover, although it was not necessary that the penal institution concerned hold the original of the warrant, the Court was satisfied that it did in fact hold the original warrant.⁴

[3] We are not satisfied that it is necessary in the interests of justice that the Court hear and determine this appeal. It raises no issue of general or public importance, nor is there any risk of a serious miscarriage of justice. Accordingly, the application for leave to appeal is dismissed.

Solicitors:
Crown Law Office, Wellington for Respondent

³ *Ericson* (CA), above n 1, at [9]–[14].

⁴ At [15].