

**IN THE SUPREME COURT OF NEW ZEALAND**

**I TE KŌTI MANA NUI**

**SC 115/2020  
[2020] NZSC 161**

BETWEEN  
RHYS RICHARD NGAHIWI WARREN  
also known as TE RANGATIRA TANGATA  
WHENUA  
Applicant

AND  
CHIEF EXECUTIVE OF THE  
DEPARTMENT OF CORRECTIONS  
Respondent

Court: William Young, Glazebrook and O'Regan JJ  
Counsel: Applicant in person  
Judgment: 23 December 2020

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed.**

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**REASONS**

[1] The applicant is serving a sentence of preventive detention for attempted murder and wounding with intent to cause grievous bodily harm.<sup>1</sup> This is pursuant to a warrant issued by Brewer J on 11 August 2017. An application by him for habeas corpus was dismissed by Powell J on 10 December 2020.<sup>2</sup> He now seeks leave to appeal from that judgment.

[2] The application for habeas corpus and the current application for leave to appeal are based on a Māori sovereignty argument. The application dismissed by Powell J was the applicant's third such application; the first having been brought

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<sup>1</sup> *R v Warren* [2017] NZHC 1913 (Brewer J).

<sup>2</sup> *Re Warren* [2020] NZHC 3264 [HC judgment].

while he was in custody awaiting his trial and the second after his conviction and sentence.<sup>3</sup> His application to Powell J was dismissed under s 15(1) of the Habeas Corpus Act 2001 as raising substantially the same questions as were considered in his earlier applications.<sup>4</sup> The Judge also said that it was clear that the applicant was lawfully detained under the August 2017 warrant.<sup>5</sup>

[3] The submissions in support of the application for leave disclose no basis for doubting the correctness of the judgment of Powell J. The proposed appeal does not raise a question of general or public importance and there is no appearance of a miscarriage of justice.<sup>6</sup>

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

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<sup>3</sup> *Warren v Chief Executive of the Department of Corrections* [2017] NZHC 12; and *Warren v The Chief Executive of the Department of Corrections* [2017] NZHC 2832. In both cases, the applicant then unsuccessfully applied for leave to appeal to this Court: *Warren v The Chief Executive of the Department of Corrections* [2017] NZSC 20; and *Te Tangata Whenua (Warren) v The Chief Executive of the Department of Corrections* [2017] NZSC 189.

<sup>4</sup> HC judgment, above n 2, at [7].

<sup>5</sup> At [8].

<sup>6</sup> Senior Courts Act 2016, s 74(2). Nor are there exceptional circumstances justifying taking the proposed appeal directly to this Court: s 75.