

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 21/2020
[2020] NZSC 44

BETWEEN TE IWI NGARO RAMEKA
 Applicant

AND THE QUEEN
 Respondent

Court: Glazebrook, O'Regan and Williams JJ

Counsel: Applicant in person
 M Davie for Respondent

Judgment: 11 May 2020

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

Introduction

[1] In April 2019, following a jury trial, Mr Rameka was convicted of cultivating cannabis. His appeal against conviction was dismissed on 23 March 2020.¹ He now seeks leave to appeal to this Court on the basis that he was not able to put his defence properly before the jury.

Background

[2] On 20 January 2016 the police executed a search warrant at Mr Rameka's address and found 48 cannabis plants growing on the property.

¹ *Rameka v R* [2020] NZCA 75 (Clifford, Simon France and Lang JJ) [CA judgment]. On the lengthy procedural history of this case, see [4]–[11].

[3] The search warrant for Mr Rameka's property was based on information from a registered informant. Mr Rameka thought that the informant was a neighbour (one of his relations) and that this relative had informed on him in order to deflect attention from himself. There had been a search warrant executed the day before on the relative's property.

[4] Before trial, Mr Rameka applied for a copy of the application for the search warrant. He considered that, if the informant was his relative, this would provide grounds for exclusion of the evidence. The District Court refused to release the name of the informant but did release a redacted copy of the application.² The challenge to the validity of the warrant was dismissed.³

[5] Mr Rameka's defence at trial was that the cannabis found on his property was not his but belonged to the relative. Mr Rameka had, however, had admitted to the police that he did from time to time cultivate cannabis at the property. His evidence at trial was that his remarks to that effect were misconstrued and that he was not admitting that the particular cannabis found during the search was his. He says that he made this clear to the police at the time by telling them that they should take the cannabis down the road to the property they were searching the day before. This was put to the police officers involved in the search but they had no recollection of these comments.

Court of Appeal decision

[6] Mr Rameka's case before the Court of Appeal was that he was stopped from advancing his theory at trial (that the informant was his relative and that the cannabis belonged to that relative) as he had been told the issue had been disposed of in the pre-trial application.

² *R v Rameka* [2019] NZDC 3890 (Judge de Ridder) at [10]. The Judge considered there were good grounds for refusing to release the informant's name in terms of the Criminal Disclosure Act 2008 relating to informant evidence: at [9].

³ At [15]. The Court of Appeal confirmed it had reviewed an unredacted copy of the search warrant application and endorsed the District Court Judge's conclusions: CA judgment, above n 1, at n 6.

[7] The Court of Appeal noted that Mr Rameka's theory had in fact been put to the police by his trial counsel.⁴ One of the police officers was asked if there was a connection between the two addresses and if the search of the neighbouring property had led to the warrant being issued for Mr Rameka's address. The police officer answered both questions in the negative.⁵ The police officer's evidence was not challenged.

[8] The Court considered that the exchange addressed Mr Rameka's assertion that he was not allowed to raise his concerns about the informant at trial. The Court considered this was sufficient reason to dismiss Mr Rameka's appeal.⁶

Our assessment

[9] This application raises no issue of general or public importance. Nor do we consider that there is any risk of a miscarriage of justice.⁷ Mr Rameka was able in his evidence to put his version of events before the jury (that the cannabis belonged to his relative) and his case was also put by his counsel to the police officers involved.

Result

[10] The application for leave to appeal is dismissed.

Solicitors:
Crown Law Office, Wellington for Respondent

⁴ CA judgment, above n 1, at [13].

⁵ At [13].

⁶ At [16]–[17].

⁷ Senior Courts Act 2016, s 74(2).