

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 108/2024  
[2024] NZSC 155

BETWEEN CHRISTOPHER WALKER  
Applicant

AND THE KING  
Respondent

Court: Glazebrook, Kós and Miller JJ

Counsel: Applicant in person  
J G Fenton for Respondent

Judgment: 14 November 2024

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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 was found in possession of 42 cannabis plants, which he admitted cultivating for his personal use. Charged with cultivating cannabis contrary to s 9(2) of the Misuse of Drugs Act 1975, he elected trial by jury. He then challenged jurisdiction. He asserted that he was entitled to diplomatic immunity. He presented the Judge with a card which stated that he was a Kaitiaki Diplomat. Relatedly, it also stated that he was acting under tikanga and in accordance with He Whakaputanga o te Rangatiratanga o Nu Tirenī (the Declaration of Independence of the United Tribes of New Zealand). For good measure, but less relatedly, he claimed also to be a Freeman-on-the-Land.

[2] Judge Earwaker held the applicant lacked diplomatic status and was subject to the Court's jurisdiction.<sup>1</sup> The applicant then entered a guilty plea. He was sentenced to 150 hours' community work with 12 months' intensive supervision.<sup>2</sup> A subsequent appeal against conviction and sentence failed in the Court of Appeal.<sup>3</sup>

[3] The applicant now seeks this Court's leave to appeal his conviction and sentence. He claims the Court has no jurisdiction over him, that he has diplomatic immunity, that he has invoked his tikanga and customary rights, and that the Court must show proof that he is compelled to obey the Misuse of Drugs Act.<sup>4</sup>

### **Our assessment**

[4] The grounds advanced reprise those presented in the Courts below. This Court must not give leave to appeal to it unless it is satisfied that it is necessary in the interests of justice for the Court to hear and determine the appeal.<sup>5</sup> We are not satisfied in this instance that it is. The proposed appeal raises no matter of general or public importance.<sup>6</sup> Nor is there any likelihood that a substantial miscarriage of justice may have occurred, or may occur unless the proposed appeal is heard.<sup>7</sup>

### **Result**

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

Solicitors:

Te Tari Ture o te Karauna | Crown Law Office, Wellington for Respondent

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<sup>1</sup> *R v Walker* [2023] NZDC 7619.

<sup>2</sup> *R v Walker* [2023] NZDC 27612.

<sup>3</sup> *Walker v R* [2024] NZCA 440 (Courtney, Mander and Walker JJ).

<sup>4</sup> We record that we have taken into account the reply submissions filed by the applicant.

<sup>5</sup> Senior Courts Act 2016, s 74(1).

<sup>6</sup> Section 74(12)(a).

<sup>7</sup> Section 74(2)(b).