

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

**SC 88/2020
[2020] NZSC 140**

BETWEEN TE IWI NGARO RAMEKA
 Applicant

AND THE QUEEN
 Respondent

Court: Glazebrook, O'Regan and Williams JJ

Counsel: Applicant in Person
 M R L Davie for Respondent

Judgment: 10 December 2020

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Earlier this year, this Court dismissed Mr Rameka's application for leave to appeal against a Court of Appeal decision dismissing his appeal against conviction for cultivating cannabis.¹

[2] The background to this matter is set out in both those judgments and need not be repeated here. For present purposes, it is sufficient to note that Mr Rameka's conviction was based on evidence obtained following the execution of a search warrant at his property. Prior to his trial, Mr Rameka obtained a copy of the police application for the search warrant under the Criminal Disclosure Act 2008. The

¹ *Rameka v R* [2020] NZSC 44, dismissing an application for leave to appeal against *Rameka v R* [2020] NZCA 75 [CA judgment].

identity of the informant, among other things, was redacted at the direction of the judge who reviewed the application.² This decision was not challenged at the time.

[3] As noted in this Court's earlier decision dismissing Mr Rameka's leave application, the defence theory of the case at trial was that the cannabis found on Mr Rameka's property was not his, but belonged to his relative, whom he suspected was the informant in the search warrant application.

[4] After this Court's dismissal of Mr Rameka's earlier leave application, he applied to the Court of Appeal for an unredacted version of the search warrant application. This application was made under the Senior Courts (Access to Documents) Rules 2017 (the Access Rules). It should be noted that the Court of Appeal's judgment dismissing Mr Rameka's conviction appeal recorded that the Court had seen an unredacted copy of the search warrant application.³

[5] In a minute dated 13 October 2020, Clifford J declined Mr Rameka's application.⁴ The Judge considered that the reasons for redacting information in response to Mr Rameka's pre-trial application under the Criminal Disclosure Act continued to apply and provided a proper basis to decline his new request under the Access Rules.⁵

[6] Mr Rameka seeks leave to appeal against that decision.

[7] The leave criteria are not met. The proposed appeal concerns a routine application of the Access Rules and would not raise any issue of general or public importance.⁶ Nor, for the reasons set out in our first leave decision, is there any risk of a miscarriage of justice.⁷

² *R v Rameka* [2019] NZDC 3890 at [10] (Judge Ridder).

³ CA judgment, above n 1, at n 6.

⁴ *Rameka v R* CA374/2019, 13 October 2020.

⁵ At [4].

⁶ Senior Courts Act 2016, s 74(2)(a).

⁷ Section 74(2)(b).

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

Solicitors:
Crown Law Office, Wellington for Respondent