

IN THE SUPREME COURT OF NEW ZEALAND

SC 151/2016  
[2017] NZSC 1

BETWEEN JAY MAUI WALLACE  
(AKA ABDULLAH MAUI WARAH)  
Applicant

AND CHIEF EXECUTIVE OF THE  
DEPARTMENT OF CORRECTIONS  
Respondent

Court: Arnold, O'Regan and Ellen France JJ

Counsel: Applicant in person  
A M Powell and M J McKillop for Respondent

Judgment: 1 February 2017

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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 seeks leave to appeal against a decision of the Court of Appeal.<sup>1</sup> In that decision, the Court of Appeal upheld a decision of Woodhouse J dismissing the applicant's application for a writ of habeas corpus.<sup>2</sup>

[2] The background to the application is that the applicant was arrested on 17 October 2016 and charged with a number of offences. He was remanded in custody and refused bail, and the refusal of bail was upheld by the High Court on appeal.<sup>3</sup> He then applied for a writ of habeas corpus and which was declined by Woodhouse J after a hearing on 6 December 2016. The applicant had been detained

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<sup>1</sup> *Wallace v Chief Executive of the Department of Corrections* [2016] NZCA 602 (Randerson, Harrison and Asher JJ).

<sup>2</sup> *Wallace v Chief Executive of the Department of Corrections* [2016] NZHC 2965 [*Wallace* (HC)].

<sup>3</sup> *Police v Wallace* [2016] NZDC 21345; *Wallace v Police* [2016] NZHC 2707.

pursuant to a warrant issued by a District Court Judge on 2 December 2016, authorising the applicant's detention until 21 June 2017. Woodhouse J noted that under s 14(2)(b) of the Habeas Corpus Act 2001, a judge considering application for habeas corpus is not entitled to call into question a ruling as to bail by a Court of competent jurisdiction.<sup>4</sup> That applied in the present case, given the District Court and High Court bail rulings in relation to the applicant.

[3] The Court of Appeal was satisfied that Woodhouse J had correctly found that the applicant was lawfully detained under a warrant issued by a District Court Judge and that nothing advanced by him had called into question the lawfulness of his detention. It therefore dismissed his appeal.

[4] The applicant filed a number of documents in this Court in support of his application for leave, but none of these provided any basis for calling into question the lawfulness of his detention. Rather, the documentation appears to challenge the jurisdiction of the Courts over the applicant on Maori sovereignty grounds and assert that the applicant is himself sovereign and therefore beyond the jurisdiction of the Courts. There is nothing in these documents that provides any support for the applicant's assertions.

[5] Similar arguments have been rejected by this Court in earlier cases.<sup>5</sup>

[6] Nothing in the material provided to the Court by the applicant calls into question the legality of his detention. His application for leave to appeal is therefore dismissed.

Solicitors:  
Crown Law Office, Wellington for Respondent

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<sup>4</sup> *Wallace* (HC), above n 2, at [6].

<sup>5</sup> *Wallace v R* [2011] NZSC 10; *Wallace v R* [2011] NZSC 126; *Wallace v Chief Executive of the Department of Corrections* [2012] NZSC 16; and *Wallace v R* [2012] NZSC 54.