IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI

SC 64/2018
[2018] NZSC 83

BETWEEN	MOKO PUNA TUA TAHI TURNER Applicant
AND	CHIEF EXECUTIVE OF THE DEPARTMENT OF CORRECTIONS Respondent

Court:	Elias CJ, Glazebrook and Ellen France JJ
Counsel:	Applicant in person A M Powell and J B Watson for Respondent
Judgment:	3 September 2018

JUDGMENT OF THE COURT

A The application for leave to appeal is dismissed.

B No order as to costs.

REASONS

[1] The applicant has been remanded in custody for sentencing following conviction for assault with intent to injure contrary to s 193 of the Crimes Act 1961. He seeks leave to appeal to this Court against a decision of the High Court dismissing his application for habeas corpus.[1]

[2] The primary argument the applicant wishes to make is that the District Court had no jurisdiction.[2] To illustrate the proposed approach, he wishes to argue there is

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1 *Turner v Chief Executive of the Department of Corrections* [2018] NZHC 1948 (Fitzgerald J).
2 The applicant also says proper procedures have not been followed in considering his claim.

no evidence native customary title has been extinguished in relation to certain land and that this affects the jurisdiction of the District Court in this case.

[3] Where leave to appeal directly to this Court is sought the Court must not grant leave unless there are exceptional circumstances justifying taking the proposed appeal directly to this Court.[3] As Fitzgerald J noted, the applicant does not raise any issue as to the validity of the warrant which has been produced.[4] In these circumstances, there is nothing about the proposed appeal that suggests any exceptional circumstances arise to justify a direct appeal.

[4] The application for leave to appeal is dismissed. We make no order as to costs.

Solicitors:
Crown Law Office, Wellington for Respondent

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3 This in addition to the usual criteria: Senior Courts Act 2016, s 75; and Supreme Court Act 2003, s 14.

4 The Judge also referred to ss 14(1A) and 14(2)(b) of the Habeas Corpus Act 2001.