

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

SC 42/2022
[2022] NZSC 75

BETWEEN MAUI WARAHİ
Applicant

AND CHIEF EXECUTIVE OF THE
DEPARTMENT OF CORRECTIONS
Respondent

Court: O'Regan, Ellen France and Kós JJ

Counsel: Applicant in person
P J Gunn for Respondent

Judgment: 17 June 2022

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] Mr Maui Warahi, who goes also by the names Jay Maui Wallace and “Lawful Suveran being Maui Copyright Tangata-Whenua”, seeks leave to appeal against a decision of the Court of Appeal dismissing his appeal against the refusal of a writ of habeas corpus by Brewer J.¹ He is currently on remand on charges of contravening a protection order, common assault, threatening to kill and injuring with intent to injure.

[2] Underlying the application is a challenge to the enforceability of the statutes under which the charges are brought against Mr Warahi as tangata whenua. Such

¹ *Warahi v Chief Executive of the Department of Corrections* [2022] NZCA 105 (Goddard, Katz and Edwards JJ) [CA judgment]; and *Warahi v Chief Executive of Department of Corrections* [2021] NZHC 3059.

challenges have been rejected previously by this Court.² Nothing filed in support addresses what alone ought to be in issue, namely whether Mr Warahi is or may have been unlawfully detained.³ It follows there is no basis to impeach the conclusion reached by the Court of Appeal,⁴ that the warrants produced by the respondent demonstrate a lawful basis for detention.

[3] The proposed appeal does not raise any issue of general or public importance, nor is there any indication that a substantial miscarriage of justice may have occurred in refusing habeas corpus.⁵ It is not in the interests of justice for the Court to hear and determine the proposed appeal.

Result

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

Solicitors:
Crown Law Office, Wellington for Respondent

² *Warren v Chief Executive of the Department of Corrections* [2017] NZSC 20.

³ Habeas Corpus Act 2001, ss 6 and 14.

⁴ CA judgment, above n 1, at [12].

⁵ Senior Courts Act 2016, s 74(2).