

IN THE SUPREME COURT OF NEW ZEALAND

I TE KŌTI MANA NUI O AOTEAROA

**SC 49/2026
[2026] NZSC 74**

BETWEEN KING TE RANGATIRA AKA RHYS
WARREN
Applicant

AND CHIEF EXECUTIVE OF THE
DEPARTMENT OF CORRECTIONS
Respondent

Court: Ellen France, Kós and Cooke JJ

Counsel: Applicant in person
No appearance for Respondent

Judgment: 10 June 2026

JUDGMENT OF THE COURT

- A The application for an extension of time to file the notice of application for leave to appeal is granted.**
- B The application for leave to appeal is dismissed.**
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REASONS

Introduction

[1] The applicant is in prison serving a sentence of preventive detention. He was convicted in 2017 of two charges of attempted murder, a charge of wounding with intent to cause grievous bodily harm, and a further charge of using a firearm against a law enforcement officer.¹ He applied unsuccessfully to the High Court for a writ of

¹ *R v Warren* [2017] NZHC 1913 (Brewer J).

habeas corpus.² The Court of Appeal subsequently dismissed his application to that Court for an extension of time to file an appeal against the High Court decision.³ The applicant now seeks leave to appeal to this Court from the decision of the Court of Appeal.

Background

[2] As the Court of Appeal noted, the present proceedings are “the latest in a series of similar challenges” made by the applicant.⁴ The Court observed that in those cases, his argument that New Zealand law does not apply to him has consistently been rejected. The courts have also found that he is lawfully detained under a valid warrant issued after he was convicted and sentenced. Further, the Court of Appeal noted that the Habeas Corpus Act 2001 makes it clear an application for habeas corpus cannot be utilised to challenge a criminal conviction.⁵

[3] In declining to grant an extension of time to appeal, the Court of Appeal considered the applicant’s proposed appeal was without merit. The Court essentially agreed with the High Court that a habeas corpus application was not the right procedure for assessing the applicant’s challenges to his convictions. Other avenues were available to him.⁶

The proposed appeal

[4] The application for leave to appeal is out of time but the delay is brief and is explained. We grant an extension of time.

[5] The principal argument the applicant wishes to make on the proposed appeal is that the documents he provides contain “concrete evidence” of his unlawful and

² *Warren v Department of Corrections* [2025] NZHC 3392 (Boldt J).

³ *King Te Rangatira v Department of Corrections* [2026] NZCA 104 (Collins, Mander and Becroft JJ).

⁴ At [4] citing: *Warren v Department of Corrections* [2017] NZHC 12; *Warren v Department of Corrections* [2017] NZHC 2832; *Warren v Department of Corrections* [2017] NZSC 20; *Te Tangata Whenua (Warren) v Department of Corrections* [2017] NZSC 189; and *Re Warren* [2020] NZHC 3264.

⁵ Habeas Corpus Act 2001, s 14(2).

⁶ Boldt J noted the applicant has approached the Criminal Cases Review Commission.

ultra vires detention. In developing this submission, he says his detention is a breach of his tribal sovereignty and that evidence at trial was fabricated.

[6] As the Court of Appeal and the High Court said in relation to the current application for habeas corpus, habeas corpus is not the appropriate avenue for redress here. We agree with the Court of Appeal's assessment the proposed appeal has insufficient prospects of success. In those circumstances, we decline to grant leave to appeal.

Result

[7] The application for an extension of time to file the notice of application for leave to appeal is granted.

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