

IN THE SUPREME COURT OF NEW ZEALAND

**SC 30/2010
[2010] NZSC 48**

BETWEEN

DAVID OWEN CREQUER
Applicant

AND

CHIEF EXECUTIVE, DEPARTMENT OF
CORRECTIONS
Respondent

Court: Elias CJ, Blanchard and Wilson JJ

Counsel: Applicant in person
V E Casey for Respondent

Judgment: 6 May 2010

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed, with costs of \$1,250 to the respondent.

REASONS

[1] Mr Crequer applies for leave to appeal against a judgment of the Court of Appeal¹ dismissing his appeal against a judgment of Gendall J denying his application for a writ of habeas corpus on behalf of Mr Peter Petryszick, a remand prisoner.²

[2] The proposed appeal is moot, because Mr Petryszick was released on bail on 1 April 2010, prior to the filing of the leave application. Even if the appeal were not moot it would, as the Court of Appeal found, be barred by s 14(2)(b) of the Habeas

¹ *Crequer v Chief Executive, Department of Corrections* [2010] NZCA 75, [2010] NZAR 208.

² *Crequer v Prison Manager, Northland Region Corrections Facility* HC Whangarei CIV-2010-488-134, 20 March 2010.

Corpus Act 2001 which prevents a Judge from calling into question “a ruling as to bail by a court of competent jurisdiction”.

[3] It is therefore unnecessary to consider whether Mr Crequer has a right of appearance in this matter.

[4] The application for leave to appeal is dismissed. The respondent has sought costs. The applicant is ordered to pay to the respondent costs of \$1,250.

Solicitors:
Crown Law, Wellington