

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 67/2010  
[2010] NZSC 83**

BETWEEN                      VINCENT ROSS SIEMER  
   Applicant  
  
AND                                THE CHIEF EXECUTIVE OF THE  
   DEPARTMENT OF CORRECTIONS  
   Respondent

Court:                      Elias CJ, Blanchard and McGrath JJ

Counsel:                  F C Deliu for Applicant  
   A M Powell for Respondent

Judgment:                16 July 2010

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**JUDGMENT OF THE COURT**

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**The application for leave to appeal is dismissed.**

**REASONS**

[1]     As the respondent submits, and as the lower courts have pointed out to the applicant, the application for habeas corpus is entirely misconceived. The applicant cannot by this means question the judgment of this Court, on final appeal, which found that he was in contempt and ordered his committal, but on conditions fulfilment of which would lead to his release.

[2]     It appears that the applicant has belatedly appreciated that, if he believes those conditions are met, his appropriate course is to apply to the High Court, as he now appears to have done. It will be for that Court to determine whether the applicant has established that he can now be released in terms of this Court's order. The basis on which that order was made cannot, however, be the subject of legal challenge by Mr Siemer.

[3] We make no order for costs

Solicitors:  
Equity Law, Auckland for Applicant  
Crown Law Office, Wellington