

IN THE COURT OF APPEAL OF NEW ZEALAND
I TE KŌTI PĪRA O AOTEAROA

CA510/2017

BETWEEN RHYS RICHARD NGAHIWI WARREN
 (ALSO KNOWN AS TE TANGATA
 WHENUA)
 Appellant

AND THE QUEEN
 Respondent

Counsel: Appellant in Person
 I R Murray for Respondent

Date of Minute: 28 August 2018

MINUTE OF WINKELMANN J

[1] I convened a telephone conference for this appeal for 22 June 2018 for the purpose of case management. On the afternoon of 21 June 2018, the Registry was advised that Mr Te Tangata Whenua would not attend the telephone conference. The conference was therefore cancelled.

[2] This was the second telephone conference Mr Te Tangata Whenua had declined to attend. Mr Te Tangata Whenua confirmed by letter that he wished to represent himself and that he would not accept the assistance of Mr Ewen, who I had appointed as standby counsel. Mr Te Tangata Whenua also said he will only participate in the conference if he received assurance that he would be released immediately with compensation.

[3] This appeal must be advanced, either by Mr Te Tangata Whenua identifying the grounds of appeal he wishes to take to hearing, or by his abandoning the appeal. Any progress in the appeal is now complicated by the fact that Mr Ewen raised with the Court his concern in relation to Mr Te Tangata Whenua's mental state. It was

Mr Ewen's opinion that some of the matters that exercise Mr Te Tangata Whenua evidence paranoid and delusional thinking to a degree that might be clinically significant. On checking the record of the proceedings in the High Court it seems that Mr Te Tangata Whenua was formally assessed as fit to plead and stand trial before the High Court.

[4] The issue then is how to proceed in this appeal, given the matters raised by Mr Ewen. I intend to convene a telephone conference to discuss whether it is necessary to appoint an amicus to assist the Court on this appeal. I ask the Registry to allocate a telephone conference for these purposes. I ask that Mr Ewen attend that telephone conference, along with the Crown and Mr Te Tangata Whenua. If Mr Te Tangata Whenua is not willing to attend, the telephone conference will proceed in his absence.

Winkelmann J