

**IN THE DISTRICT COURT
AT OPOTIKI**

**CRN 14016001349
[2016] NZDC 17107**

NEW ZEALAND POLICE
Informant

v

CHRISTINA WARREN
Defendant

Hearing: 4 February 2016

Appearances: Sergeant I Dodds for the Informant
Defendant appears in Person
Mr Te Oneone - McKenzie Friend

Judgment: 02 March 2016

DECISION OF JUDGE L M BIDOIS

[1] Ms Christina Warren is charged with theft. It arises out of an incident between 1st and 2nd August 2013 when it is alleged she stole property from a flatmate. Ms Warren denies being criminally liable for this offending and challenges the jurisdiction of the Court to hear the charge against her. Ms Warren is self represented. Ms Warren however has the benefit of a McKenzie friend; her father Mr Te Oneone. Ms Warren adopts the submissions made on her behalf by Mr Te Oneone.

[2] Ms Warren protests that she is not subject to the law as tangata whenua and as such has sovereign immunity.

[3] Ms Warren is a believer in Rangatiratanga or Maori Sovereignty. Mr Te Oneone is of Pa Kowhaia, a tribal area within the Opotiki district of which he is the ariki or paramount chief. Mr Te Oneone states that Pa Kowhaia is the pa matua (head marae) of all marae and therefore the paramount tribe of Aotearoa, the tangata whenua.

[4] Mr Te Oneone is genuine in his belief about sovereignty. Mr Te Oneone regularly appears in support or as a McKenzie friend for others who are charged with offences and support tino rangatiratanga. The Court is aware that on each occasion he has appeared, in whatever capacity, he has behaved courteously and has always presented written submissions which have occupied some time to prepare. He takes the matters very seriously.

[5] Judges rely on Supreme Court, Court of Appeal and High Court decisions such as *Wallace v R* and *Phillips v R* to dismiss sovereignty claims without full consideration. Mr Te Oneone has attended Waitangi Tribunal hearings, Waitangi Day celebrations at Te Tii marae and meetings of the Whakatohea Trust Board and has claimed in the presence of Maori leaders that he is the Ariki of Pa Kowhaia and Aotearoa. In the absence of any challenge to his proclamation, he has treated such silence as tacit consent to his claims and therefore he considers himself the chief of New Zealand. Mr Te Oneone claims that as tangata whenua he has the royal prerogative. As such Mr Te Oneone constitutionally challenges the authority of a person claiming to be a police officer to bring any supporter before the Court.

[6] Mr Te Oneone submits that the above decisions do not satisfy sovereignty claims as those cases start with the fundamental but conclusory proposition that New Zealand Parliament is paramount and has authority to pass laws over all New Zealanders. Mr Te Oneone asks “who gave Parliament such authority to govern and pass laws that apply to tangata whenua?” This is a fundamental constitutional issue. This is not a case of Mr Te Oneone believing in lawlessness. It’s about a wider constitutional issue of who gave Parliament authority when sovereignty was never ceded by Maori nor were Maori conquered and the land seized by conquest.

[7] Mr Te Oneone submits that any criminal matter should be referred to Pa Kowhaia as the paramount tribal entity. As such only Pa Kowhaia has jurisdiction over all laws applying to Māori.

[8] Mr Te Oneone submits that as the rangatira (leader) of hapu Te Oneone through royal prerogative legitimised by Whakapapa (genealogy), Ms Warren is not subject to the law. Sovereignty comes from heritage (whakapapa) back to Te Hapu Te Oneone. Te Hapu Te Oneone did not cede sovereignty and therefore is not bound by British Law including the Crimes Act 1961, upon which the present charge is based.

[9] There is strong support from some quarters legitimising Mr Te Oneone's claim. The arguments in recent times in this Court run generally as follows:

- (a) Māori are the indigenous people of New Zealand;
- (b) Māori formally claimed sovereignty over New Zealand by occupation by the Declaration of Independence 1835;
- (c) Māori including Te Hapu Te Oneone did not cede sovereignty to England under the Treaty of Waitangi based on:
 - (i) The only document signed by both Māori and British representatives at the Treaty signing was the Māori version which did not refer to sovereignty being ceded;
 - (ii) England had not previously wanted to colonise NZ;
 - (iii) If the purpose of England was to obtain sovereignty then full and proper information needed to be given to Māori at Waitangi which did not take place;
 - (iv) Northern Māori did not have authority to represent Māori from other areas on any matter, let alone sovereignty; so did not in

fact have authority to cede sovereignty over any part of Aotearoa except their own rohe.

- (v) England claimed sovereignty of South Island by discovery which was a downright lie and undermined the legitimacy of its claim over the North Island through the treaty process;
- (vi) The 1840 Treaty proclamation was backdated to January so was in itself false given the treaty was signed on February 6th and falseness again undermined the validity of any legitimate claim.
- (d) Māori believed it was authorising England to exercise control and dominion over British subjects only (such belief was never corrected by British representatives) who were aware this was their belief.
- (e) Māori were never conquered;
- (f) Māori had their own law;
- (g) Parliament, an English concept, was never subject to any discussions, was later established as believed by Māori, to pass laws over British and other foreigners prepared to live here under British rule;
- (h) Parliament's laws as such never applied to Māori including criminal law;
- (i) Fundamentally, why would Māori cede sovereignty? The answer being no reason to do so.

[10] All of the above matters have been subject to argument and evidence in other jurisdictions primarily the Waitangi Tribunal. No evidence was put before this Court.

[11] I am bound to rely on the above court decision given by the Supreme Court and other superior courts and cannot resolve the above arguments without proper evidence being called. In any respect, the District Court is not the proper forum to have this important constitutional matter determined.

[12] I also rely on the need for social order. By occupation, a Parliament was set up and passed laws that are intended to be obeyed by all. Unless that occurs there will be chaos and that is not in anyone's interest, including Maori.

[13] Mr Te Oneone's claim to be the rangatira matua of all tangata whenua remains unresolved. Mr Te Oneone's claim to be exempt from New Zealand law is however not accepted. He, Ms Warren and other supporters need to be subject to the law like everyone else otherwise there would be chaos.

[14] I determine that this court has jurisdiction to hear this criminal charge against Ms Warren as set out by the laws passed in Parliament. The charge will proceed.

[15] This matter is to be next called on 17 March 2016 at 11.45 am which can be a case review hearing.

[16] If Ms Warren pleads guilty she is likely to be sentenced to a modest sentence of community work and reparation. If there is some dispute over reparation that can be subject to discussion and/or a hearing as to that aspect only.

[17] If Ms Warren maintains her not guilty plea (despite her admission and finding of some property in her possession), the case will need to be set for a fixture on a date to be confirmed on 17 March.

L M Bidois
District Court Judge