

**IN THE HIGH COURT OF NEW ZEALAND
WELLINGTON REGISTRY**

**CIV-2013-485-916
[2013] NZHC 1198**

BETWEEN SEVENZ ROUGE ROGUE
Applicant

AND RIMUTAKA PRISON, PRISON
MANAGER
Respondent

Hearing: 23 May 2013

Counsel: Applicant in person
A Powell for Respondent

Judgment: 23 May 2013

*In accordance with r 11.5, I direct the Registrar to endorse this judgment
with the delivery time of 4.45pm on the 23rd May 2013.*

JUDGMENT OF WILLIAMS J

[1] I received today a habeas corpus application by the applicant whose name is recorded on his birth certificate is Sevenz Rouge Rogue. It was changed to this by deed poll from his birth name, David Eioa. It transpires that he was committed to prison under his birth name rather than his then and now correct name.

[2] Although the application is for habeas corpus in form, Mr Rogue's real problem is with both the Corrections Department and the Police insistence on using his former name rather than his current one. This, it appears has practical implications.

[3] The first is that mail to him at Rimutaka Prison including mail from his counsel addressed to Sevenz Rogue is being returned to sender addressee unknown.

The second problem is that he has ongoing criminal matters in the courts. When he appears in court his old name is used and this is causing embarrassment to family members.

[4] In the result therefore, the application for habeas corpus must be dismissed. Corrections staff at Rimutaka Prison (and the Police) may have the wrong name but they clearly have the right person. Sevenz Rogue is therefore lawfully detained.

[5] He is entitled however, to expect both Corrections and Police to use his official name as recorded on his birth certificate.

[6] The following directions are therefore issued:

- (a) the Corrections Department shall refer to the appellant for all purposes as Mr Sevenz Rouge Rogue; and
- (b) the Police will do the same in respect of ongoing criminal matters before the courts.

[7] The application for habeas corpus is dismissed.

Williams J