



Neutral Citation Number: [2019] EWCA Civ 1629

Case No: C1/2019/0404

**IN THE COURT OF APPEAL (CIVIL DIVISION)**  
**ON APPEAL FROM QUEEN'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

**Mr Justice Supperstone**  
**CO49082018**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 11/09/2019

**Before :**

**LORD JUSTICE FLOYD**  
and  
**LORD JUSTICE GREEN**

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**Between :**

**Lord Shane Romell**  
**- and -**  
**The Secretary of State for Justice**

**Applicant**

**Respondent**

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**The Applicant appeared in person via videolink**  
**Mr Nathan Roberts** (instructed by **Government Legal Department**) for the **Respondent**

Hearing date: Wednesday 11th September 2019  
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**Approved Judgment**

**Lord Justice Green :**

1. There is before the court a renewed application for habeas corpus pursuant to CPR 87.4(2). The application is made by Mr Shane Perry who now chooses to be known as Lord Romell. He was convicted at the Central Criminal Court on 30 November 2015 of a number of serious offences.
2. He was sentenced to two terms of life imprisonment. The applicable minimum term is one of eight and a half years imprisonment.
3. The applicant has a long history of offending. A summary of previous convictions dated 6 July 2016 records 7 convictions for 16 offences between 1995 and 2015. When sentenced for the offending which led to the life sentences the judge stated as follows:

“Shane Perry is 33 years old and has an appallingly bad record for robberies, in particular of banks and post offices using imitation firearms. An aggravating feature is his possession of ammunition (count 8) – nine live .22 bullets at his home. He plainly qualifies for consideration of a life sentence under section 224(a) of the CJA 2003. I impose concurrent sentences of life imprisonment with a minimum term of 8 and a half years in respect of counts 1 and 2 and a concurrent sentence of 3 years imprisonment for possession of ammunition.”
4. His present sentence arises out of convictions after trial of an indictment charging robbery, possession of a firearm when committing an offence, and possession of ammunition. The convictions related to an armed robbery dated 26 May 2015.
5. The initial application for a writ of habeas corpus was refused on the papers by Murray J on 10 December 2018. The application was renewed before Mr Justice Supperstone on 29 January 2019. ([2019] EWHC 322 (Admin)).
6. The judge refused the application as totally without merit. He recorded that the applicant was represented at the hearing by a McKenzie friend. Mr Justice Supperstone observed that the McKenzie friend did not appear to have any knowledge of matters relating to the present application. The judge had difficulty in identifying the relevant ground of challenge. From the papers he thought that the gist was that, in some unspecified manner, the State had lost the moral and legal right to enforce the law. There was evidence of State lawbreaking and in those circumstances the appellant’s imprisonment was unlawful. There was a conflict of statute and common law and that the court which tried him, namely the Central Criminal Court, was a creature of statute rather than a court of common law and had no jurisdiction to hear the case against him.
7. Supperstone J concluded that the appellant was lawfully detained and had there been any viable ground to challenge either his conviction or sentence, he could have availed himself of the normal processes of the Court of Appeal Criminal Division.
8. Before this court the applicant made his submissions in person.

9. A document entitled “*Skeleton Argument*” has been served. It is difficult to comprehend. It appears to allege, although without any form of particularisation, that the judgment of Mr Justice Supperstone reflects breaches of Section 5, 6 and 7 of the Human Rights Act 1998. It is said that the judge should have exercised his power to order the immediate release of the appellant. Broad references are made to the need for a legal basis for the detention of an individual, to the right to be heard and Article 6 and Magna Carta, and to the prohibition on punishment without operation of the law. There is also a suggestion that in some equally unspecified manner the judgment violates the Fraud Act 2006 and the general duties of the judiciary. The applicant today has argued that the Central Criminal Court was not a proper court. It is a private corporation governed by contract and he, the applicant, is not a party to the contract. Further, the applicant was sovereign flesh and blood and could not be subject to the arbitrary power of a commercial body. He argued that no agent of the State or other person can deprive any person of liberty.
10. This application lacks any semblance of merit. The short answer is that the applicant had a fair trial before a jury at the Central Criminal Court. He was found guilty and sentenced in accordance with the law by a lawfully convened court. He had a full opportunity to challenge both conviction and/or sentence following his trial. The judges who sit at the Central Criminal Court are Crown Court and High Court judges who are authorised and empowered in law to conduct trials, such as that of the applicant.
11. In *Re Corke* [1954] 1 WLR 899 Lord Goddard CJ stated:

“It is as well that persons serving sentences passed upon them by a competent court of summary jurisdiction should understand that habeas corpus is not a means of appeal. If they complain that they are wrongly convicted they should appeal to quarter sessions. A person convicted by a competent court of summary jurisdiction cannot apply for a writ of habeas corpus.”

Later he stated:

“In the present case, it is clear that, unless the conviction was set aside on appeal (and the time for appeal has long gone by), the applicant is lawfully in custody, serving a lawful sentence; and his application for a writ of habeas corpus is, therefore, refused.”

12. If an application for permission to appeal or an appeal is not made or if made is unsuccessful then, absent any of the exceptional circumstances pursuant to which a conviction may be challenged, such as the emergence of exculpatory evidence which was not available at the time, which is not the case here, then that is the end of the matter.
13. For those reasons this application is refused.

**Lord Justice Floyd :**

14. I agree.

**ANNEX: ORDER ON COSTS**

**IN THE COURT OF APPEAL (CIVIL DIVISION)**  
**ON APPEAL FROM THE HIGH COURT OF JUSTICE**  
**QUEEN'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**  
**SUPPERSTONE J**

**C1/2019/0404**

**BEFORE LORD JUSTICE FLOYD AND LORD JUSTICE GREEN**

**BETWEEN:**

**SHANE ROMELL**

**Appellant**

**-and-**

**SECRETARY OF STATE FOR JUSTICE**

**Respondent**

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**ORDER**

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**UPON HEARING** the Appellant in person, by video link, and Counsel for the Respondent  
**IT IS ORDERED THAT**

1. The appeal is dismissed.
2. The appeal is certified as being totally without merit.
3. The Appellant pay the Respondent's costs, summarily assessed at £500.
4. The payment of £50 of the costs to be paid by the Appellant may be enforced at any time and will be payable in instalments, the amount of which is to be determined at the discretion of the Governor of any prison at which the Appellant is detained.
5. The payment of the remaining £450 of the costs to be paid by the Appellant may be enforced only after the Appellant is released from detention and with the permission of a High Court judge.

**11 September 2019**