

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 45/2007  
[2007] NZSC 71**

**ROBERT FRANK TERRY**

v

**THE QUEEN**

Court: Tipping, McGrath and Anderson JJ

Counsel: Appellant in person  
S B Edwards for Crown

Judgment: 31 August 2007

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**JUDGMENT OF THE COURT**

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

**REASONS**

[1] This application for leave to appeal raises no point of general or public importance. The grounds relied on are, in any event, forlorn. There is no appearance of any substantial miscarriage of justice.

[2] After an earlier mis-trial, Mr Terry pleaded guilty to a charge of threatening to kill. Notwithstanding his plea, he appealed to the Court of Appeal against the conviction. He also appealed against the sentence imposed upon him which was a direction that he enter into a bond to keep the peace for 12 months. These appeals were dismissed by the Court of Appeal.

[3] The first ground for the proposed appeal to this Court relates to the refusal of the District Court Judge, whose decision was upheld by the Court of Appeal, to direct the Crown to call the person who was the subject of the threat to kill. The plea of guilty makes this point moot. But, in any event, it stands no prospect of success.

[4] The second ground relates to an order made suppressing the reasons for the mis-trial. This point too is irrelevant to the conviction because of the plea and is, in any event, a hopeless one.

[5] The third point relates to a sentence indication allegedly given to Mr Terry. The Court of Appeal resolved it against him on the facts. There is no public or general importance in the point.

[6] The fourth and final point Mr Terry seeks to raise arises because the sentencing Judge took into account his previous convictions when deciding what sentence to impose. There is no possible basis for complaint about that.

[7] For these reasons the application is dismissed.