

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 67/2005  
[2005] NZSC 85**

**AKEEL HASSAN ABBAS AL BAIATY**

v

**THE QUEEN**

Court: Blanchard and Tipping JJ

Counsel: B S Yeoman for Appellant  
M D Downs for Crown

Judgment: 16 December 2005

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**JUDGMENT OF THE COURT**

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

**REASONS**

[1] This is an application for leave to appeal against the Court of Appeal's dismissal of an appeal against conviction and sentence for sexual violation by rape and associated offending. The application and the submissions in support of it are specific to the facts of the particular case and identify no question of general or public importance. We are, moreover, in entire agreement with the Court of Appeal's conclusion that there was no substance in any of the matters raised before it in respect of either conviction or sentence and now repeated in the application to this Court. A sentence of preventive detention was, on the facts of this case, inevitable once there had been a conviction.

[2] The applicant attempts to introduce in this Court the contention that his trial counsel (who was not Mr Yeoman) failed to give him proper advice concerning whether he should give evidence. That was not a ground advanced in the Court of Appeal and understandably so, as it is contradicted by the pre-trial letter of advice to the applicant from his trial counsel which was supplied to us with Mr Yeoman's written submissions.

[3] We are not satisfied that it is necessary in the interests of justice for the Court to hear and determine the proposed appeal.

Solicitors:  
Crown Law Office, Wellington