

IN THE SUPREME COURT OF NEW ZEALAND

**SC 13/2010
[2010] NZSC 75**

TERRY ALAN MERRILEES

v

THE QUEEN

Court: Blanchard, Tipping and McGrath JJ

Counsel: Applicant in Person

Judgment: 8 July 2010

JUDGMENT OF THE COURT

The application for leave to appeal is dismissed.

REASONS

[1] On 6 March 2009 the Court of Appeal granted Mr Merrilees's application to extend the time for his appeal to that Court but dismissed his appeal. It was against conviction and sentence for sexual offending on a child complainant and threatening to do grievous bodily harm. The conviction appeal had been brought despite the fact that Mr Merrilees had actually pleaded guilty to the charges. His application for leave to appeal to this Court was not made until nearly a year later, on 24 February 2010. Counsel then acting for him was given an extended time for the filing of submissions in support of the application. None have been forthcoming, apparently because the Legal Services Agency has refused to grant legal aid.

[2] The Court of Appeal had received affidavit evidence from the applicant and his trial counsel, who were cross-examined in that Court on their affidavits. The Court reviewed the circumstances in which the guilty pleas were entered by Mr Merrilees and a number of other counts were discharged under s 347 of the Crimes Act 1961 in what appears to have been an arrangement accepted by the Crown. The Court of Appeal did not believe Mr Merrilees's evidence concerning those circumstances. It was satisfied that he was not subjected to improper pressure by trial counsel and that he understood the significance of his pleas. The Court was not able to discern that Mr Merrilees in fact had had any prospect of successfully defending the charges.

[3] His application to this Court does not suggest any arguable basis for a further appeal which meets any of the criteria in s 13 of the Supreme Court Act 2003.