

**IN THE SUPREME COURT OF NEW ZEALAND**

**SC 73/2006  
[2007] NZSC 6**

**MICHAEL FRANK TEMPLETON**

v

**THE QUEEN**

Court: Blanchard, Tipping and McGrath JJ

Counsel: B S Yeoman for Applicant  
A Markham for Crown

Judgment: 16 February 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 against dismissal by the Court of Appeal of an appeal against conviction and sentence on charges relating to possession of firearms and other weapons does not satisfy the criteria in s 13 of the Supreme Court Act 2003.

[2] The applicant wishes to raise as his primary argument a matter which apparently did not feature before the Court of Appeal, namely a suggested inability to communicate properly with his trial counsel and an inability to understand matters pertaining to the trial because of his state of health, physical and mental, at that time.

It is submitted that his condition was such that he was not fit to plead. There is therefore said to have been a miscarriage of justice.

[3] However, as counsel for the Crown points out in her written submissions, this suggestion is not consistent with the written instructions prepared by the applicant which formed the basis of a brief of evidence for trial counsel. Nor does it appear consistent with the evidence given by trial counsel in the Court of Appeal relating to an issue which is no longer directly pressed in the present application.

[4] The sentence appeal raises no question of general or public importance.

Solicitors:  
Crown Law Office, Wellington