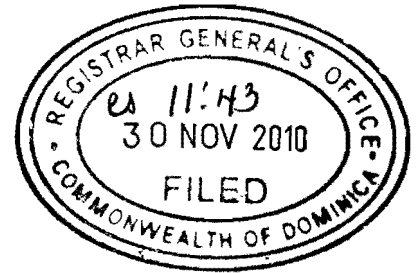


IN THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
COMMONWEALTH OF DOMINICA
(Civil)



Claim No. DOMHCV 2010/0312

BETWEEN:-

KIRONIE SANDY Claimant

-and-

THE STATE Defendant

Before the Hon. Justice Birnie Stephenson-Brooks

Appearances: Mrs Dawn Yearwood Stewart for the Applicant

Messrs. Wayne Norde and Mr. Clement Joseph for the Defendant

RULING

2010: October 27th
November 26th

1. This is an application for bail filed on the 18th October 2010 by way of Fixed Date Claim Form with affidavit in support by the Applicant, which affidavit does not comply with the requirements of Part 30:2 of the CPR 2000.
2. At the first hearing of the claim on the 27th October 2010 it was ordered that "the parties submit written submissions with supporting authorities regarding whether the delay in the completion of the Preliminary Inquiry constitutes a change in the circumstances meriting a new application for bail and if so whether the delay in this matter is sufficient reason for the Court to revisit the matter and grant bail to the applicant".
3. The submissions were to be filed within 5 days of the hearing on the 27th October 2010.
4. To date neither party has complied with the Court's order neither has there been an application for relief from sanctions or extension of time within which to comply.

5. The Defendant has sought to file an affidavit in reply dated the 8th November 2010. A close examination of the affidavit discloses that it does not comply with the format as stated in Part 30:2 of the CPR 2000. I am not certain that this was intended to be the submissions relied on by the Defendant in this matter.
6. Having not received any submissions, I will now proceed to review the application which is before the Court, that is, for the court to admit the applicant to bail with or without conditions. This application was filed on the 18th October 2010 with an affidavit in support of the application. It is to be noted that this affidavit fails to comply with the requirements of Part 30:2 of CPR 2000 and therefore the Court will have no regard to same.
7. It is to be noted that there was a previous application in DOMHCV2009/0062 by the Applicant for bail which was heard and refused by Baptiste J (as he then was). In the application currently before the Court the Applicant has not stated that there are any new circumstances which the Court should take into consideration and that he is seeking to rely on.
8. I am constrained to express the Court's concern in the length of time that it takes a Preliminary Inquiry to commence and be completed in the Magistrate's Court and to also note that, all together, there are too many adjournments granted by the examining Magistrates to both the Prosecution and the Defence and could only at this juncture encourage all concerned to make every effort to have the matters brought to a speedy conclusion.
9. The application for bail in this matter is denied and the application dismissed.
10. I would also like to at this time to once again remind Counsel of the need to comply with the provisions of the Civil Procedure Rules 2000 and with the Orders of the Court.



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M E B Stephenson-Brooks
High Court Judge