

NOT
RECOMMENDED

2202

THE QUEEN

v

RAYMOND JOHN HOSKEN

Coram: Richardson J
Casey J
McKay J

Hearing: In Chambers 9 November 1992

Counsel: S. Zindel for appellant
D H Boldt for Crown

Judgment: 9 November 1992

JUDGMENT OF THE COURT DELIVERED BY RICHARDSON J

This is an appeal against a refusal of bail in relation to alleged drug offending. On 13 August the police searched a property in Hope, Nelson. As a result of that police search and what took place in the context of the search Raymond John Hosken was charged with assault for which he was on 30 October sentenced to six weeks imprisonment. The police also intend to bring a charge of attempting to manufacture morphine against Hosken.

On 4 October 1992, that is while Hosken was on bail on the assault charge, the police raided his property in Nelson. As a result he was charged with manufacturing morphine. He sought bail and that was refused by McGechan J on 12 October. The Judge concluded that there was such a strong probability of further offending should Hosken be released on bail as to justify in all the circumstances its refusal.

Hosken's previous offending includes convictions on a number of cannabis charges over a long period, possession of methamphetamine in August 1985 for which he was sentenced to three months imprisonment and selling temgesic tablets in May 1990 for which he was imprisoned for nine months.

The depositions in respect of the manufacturing morphine charge and the proposed attempting to manufacture charge are expected to be taken on 15 and 16 December. At this stage there is a suggestion that the trials, assuming trials take place, may not eventuate until as late as April 1993.

We have considered carefully everything that Mr Zindel has said in his helpful extended synopsis as well as in oral submissions. We are satisfied that the High Court Judge was entitled to reach the conclusion that bail should be refused at this stage. Mr Hosken if so advised will be in a position to apply again following depositions. By that time the cases against him in respect of the two charges will be clearly before the Court and the likely trial position will be better known. In that regard we would think, although it would be a matter for the Judge considering any application, that the possibility of a trial delay until April or thereabouts in a case of this kind not involving violence or directly offending other parties, is likely to be a major consideration supporting a bail application.



Solicitors:

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