

APPLICANT'S NAME SUPPRESSED

IN THE HIGH COURT OF NEW ZEALAND
AUCKLAND REGISTRY

12/6

M No. 818/92

IN THE MATTER of an application for
a Writ of Habeas Corpus

BETWEEN I F

Applicant

A N D D WILSON

First Respondent

A N D THE COMMONWEALTH OF AUSTRALIA

Second Respondent

910
**MEDIUM
PRIORITY**

Hearing: 27 May 1992

Counsel: B.J. Hart for applicant
Miss C. Gordon for respondents

Judgment: 27 May 1992

SUPPLEMENTARY JUDGMENT OF DOOGUE J

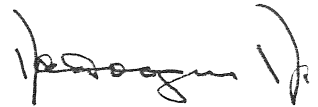
I have now heard from counsel as to the appropriate final disposal of the case. Counsel accept that the Court has jurisdiction to remit the matter to the District Court. In my view, the appropriate determination of the application before the Court is that the writ do issue subject to the following terms:

1. That the matter be remitted to the District Court for re-hearing in the District Court of such case as the applicant wishes to put before the District Court under s. 19 of the Fugitive Offenders Act 1881 (UK) ("the Act"), there being no challenge by

the applicant to the findings of the District Court under s. 14 of the Act.

2. Any application that the applicant might have for further particulars of the offence which is alleged against him shall be made by notice to the solicitors for the second respondent, to be served by 1.00 p.m. on 29 May 1992.
3. The second respondent is to give any particulars reasonably requested by the applicant to the applicant's solicitor on or before Monday, 8 June 1992.
4. In the event of there being any disagreement as to the particulars supplied or to be supplied, that shall be determined by a District Court judge at a time and place to be determined by the District Court.
5. The applicant is to advise the second respondent by notice served upon the solicitors for the second respondent, at least seven clear working days prior to the substantive hearing of the case under s. 19 of the Act, as to the nature of the case to be advanced by the applicant in a sufficient form to enable the applicant to be able to properly prepare for hearing.
6. The substantive hearing under s. 19 of the Act is to be on a date to be fixed by the District Court not before one month from today. I note that counsel for the applicant considers that a week should be allowed for the hearing of such application.

7. The applicant shall continue to observe the terms of bail granted to him by this Court and shall attend at the District Court on any date fixed by the District Court for the substantive hearing in respect of s. 19 of the Act advised to his solicitor.
8. Suppression of name: The existing interim order is extended until 9.30 a.m. tomorrow, 28 May 1992.

A handwritten signature in dark ink, appearing to read 'Hart', is written on the right side of the page.

Solicitor for applicant:
B.J. Hart, Auckland

Solicitors for first and second respondent:
Meredith Connell & Co., Auckland