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IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

ADMINISTRATIVE COURT

[2018] EWHC 3540 (Admin)

CO/4699/2018

Royal Courts of Justice

Thursday, 29 November 2018

Before:

MR JUSTICE OUSELEY

B E T W E E N :

KINSELLA Applicant

- and -

IRISH JUDICIAL AUTHORITY Respondent

MR D. WILLIAMS (instructed by National Legal Services) appeared on behalf of the Applicant.

MR A. DOS SANTOS (instructed by the CPS Extradition Unit) appeared on behalf of the Respondent.

J U D G M E N T

MR JUSTICE OUSELEY:

1. I am going to refuse bail. I understand entirely the advantage and incentive to Mr Kinsella of complying with the conditions and attending the rehabilitation programme, which is clearly doing him some good. I am very sympathetic to the argument that it is better that good be done to him, than that he languish in prison.
2. I have to be satisfied that there are sound grounds for believing that he will not attend. I am satisfied that there are, indeed, such grounds. The extradition hearing is imminent, even if the process may last a little longer, because of the need to obtain information from the Irish authorities as to such arrangements as would be made for him if he is extradited.
3. There are difficulties in seeing why he might suppose that he would not be extradited. If the Article 3 issue dies away because of what the Irish authorities are able to put in place, the Article 8 basis seems thin, bearing in mind the gravity of the charges and the likely sentence. These were late at night/early hours of the morning street robberies with a weapon held to the throat of, at

least in one case, a vulnerable victim, in a joint enterprise in which he appears to have been the weapon holder.

4. I am troubled also that he skipped bail for this, although there have been no other recorded instances in his chequered criminal career, for rather lesser offences, leading to any non-compliance with bail requirements. But here there is a combination of serious offences, no obvious basis upon which extradition is to be resisted, yet it is contested, previous failure to surrender to bail, an instance of non-compliance with court requirements when a suspended sentence was activated and the imminence of his removal anyway from the drug rehabilitation programme, because that it is far from simple to see why he will not be extradited, which all add up, in my mind, to sufficiently compelling grounds that I must refuse bail.
5. I am grateful, Mr Williams, for all you have said; it could not have been put better.
