

IN THE HIGH COURT OF JUSTICE

QUEEN'S BENCH DIVISION

CO/4777/2018

ADMINISTRATIVE COURT

*[2018] EWHC 3723 (Admin)*

Royal Courts of Justice

Tuesday, 11 December 2018

Before:

MR JUSTICE LEWIS

B E T W E E N:

GINTARAS DELTUVA Appellant

- and -

KAUNAS REGIONAL COURT (LITHUANIA) Respondent

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MR J OLIVER (instructed by Lloyds PR) appeared on behalf of the Appellant.

MR T COCKROFT (instructed by the CPS Extradition Unit) appeared on behalf of the Respondent.

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## **J U D G M E N T**

MR JUSTICE LEWIS:

1This is an application by Mr Deltuva for bail pursuant to section 22A of the Criminal Justice Act 1967. The applicant is subject to a European Arrest Warrant seeking his return to Lithuania to serve a combined sentence of two years and six months.

2In about 2012, the applicant was convicted of possession of an antipersonnel explosive. He was sentenced to two years' imprisonment suspended for 18 months. He was convicted of an offence in about November 2014 of insulting a civil servant, namely a police investigator, a social worker and the social worker's assistant, who had gone to his home in the exercise of their functions, as the family has been classified as being at risk. According to the European Arrest Warrant he used curse words towards them. He was sentenced to 10 months' imprisonment which was combined with the earlier sentence and suspended.

3On 15 April 2015, the applicant was convicted of possession of an unauthorised firearm and two cartridges. It appears that he took the firearm to a public place and discharged the two cartridges. The sentence for that offence was combined with the earlier sentence. That resulted in a total sentence of two years and six months' imprisonment, suspended for two years.

4On 7 June 2016, a ruling of the relevant Lithuanian court suspending the sentence was reversed and the sentence was activated. The European arrest warrant says this:

"By the judgment of the District Court of Prienai Region of 15 April 2015, execution of the imprisonment sentence imposed on Gintaras Deltuva was suspended for 2 (two) years. The following injunctions were imposed on him: 1) to continue employment or to register with the local labour exchange; 2) not to leave the confines of his place of residence without the permit of the authorities supervising the stay of penalty for more than 7 (seven) days. During the period of suspended sentence, the sentenced person committed violations of law therefore the District Court of Marijampolė Region passed the ruling of June 2016 whereby [it] reversed [the] suspension of the sentence."

Pausing there, Mr Oliver accepts that the clear implication of that is that the

applicant failed to comply in Lithuania with the terms of the suspended sentence.

5The applicant was present at the criminal trials, but not at the ruling which reversed the suspension and activated the sentence of imprisonment. He did not serve his sentence but instead came to the United Kingdom where he has lived since about June 2016. Mr Oliver accepts that he is a fugitive.

6An appeal against extradition is listed for next week. He has twice been refused bail by the magistrates' court. He applies now to this court for bail. This is a fresh hearing where his application will be considered afresh.

7After he came to the United Kingdom, the applicant was joined by his wife in about October 2016. Their son, who is now approximately 10 or 11 years old, lived originally with his grandmother in Lithuania, but he came to the United Kingdom in June 2017. His wife cannot work because of the childcare responsibilities. She has limited income. She is in receipt of child benefits and tax credits. She needs assistance from food banks and her local church. She has recently had to change accommodation because she was unable to pay for the previous accommodation. The applicant seeks bail so that he can work and support his family in the United Kingdom. Mr Oliver's principal submission is that the need to support his family will provide a very strong motivation not to abscond and to surrender to bail.

8Whilst I understand the position that the applicant and his family is in, there is, in my judgment, a very high risk that the applicant would not surrender to bail if bail were granted. The fact is that the applicant has shown a persistent refusal to comply with orders of the Lithuanian courts. He has it seems on two occasions had his sentences suspended and then gone on to commit further offences. When the last sentence was imposed and it was suspended, he failed to comply with the orders of the Lithuanian court and the suspension was revoked. He did not then serve his sentence in Lithuania, but instead he became a fugitive and came to the United Kingdom. In addition to the fact that he has a record of noncompliance with court orders, there is the fact that the sentence he is facing, one of two years and six months' imprisonment, is a very substantial sentence which adds to the incentive to continue the pattern of breaking court orders and not surrendering to bail.

9As I say, it has been said that the applicant has been in the United Kingdom for some time and needs to support his wife and child here. In reality, he has not been here for an extended length of time; he has been here for almost two and a half years. His 10 or 11 year old son has been here for one and a half years, having previously lived in Lithuania. Whilst I understand the motivation to support the family, the fact of the matter is that that consideration is far outweighed by the very high risk here that the applicant would

not surrender to bail.

10In those circumstances, this application is refused.

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