

**IN THE SUPREME COURT OF
THE REPUBLIC OF VANUATU**
(Criminal Jurisdiction)

**Criminal Case No. 76 of 2009
PUBLIC PROSECUTOR**

-V-

CLAUDE NICHOLAS

Coram: Justice N. R. DAWSON
Date of Hearing: 12th October, 2009
Date of Decision: 12th October, 2009
Counsel: Mr. L. Malantugun for Public Prosecutor
Mr. J. Ozols for Accused

ORAL RULING

1. This matter was set down for trial on 15th September, 2009. The trial did not proceed on that day as it became apparent at the commencement of the trial that when this incident took place approximately 5 years ago that 14 witness statements would have been made to the Police at that time but those witness statements were not available to the Defence. The matter was deferred through until today to enable the Public Prosecutor to make enquiries of the Police as to the existence of those witness statements.
2. The Court is advised today by the Public Prosecutor that enquiries have been made of the Police but no response has been received. The Public Prosecutor has therefore entered a nollie prosequi application pursuant to Section 29 of the Criminal Procedure Code. The Court is satisfied that is an entirely appropriate application and the nollie prosequi application is therefore granted.
3. This matter is now at an end and Mr. Nicholas you are free to go.

Dated at Port Vila, this 12th day of October, 2009

BY THE COURT

COURT COURT

LEX SUPREME LEX

N. R. DAWSON

Judge

**REPUBLIC OF VANUATU
COURT COURT
LEX SUPREME LEX
REPUBLICQUE DE VANUATU**