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IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
[2021] EWHC 3556 (Admin)



No. CO/4220/2021

Royal Courts of Justice

Monday, 20 December 2021

Before:

MR JUSTICE CHAMBERLAIN

B E T W E E N :

FLORIN SANDU

Applicant

- and -

MOINESTI DISTRICT COURT (ROMANIA)

Respondent

MR M. CLEJ appeared on behalf of the Applicant.

THE RESPONDENT was not present and was not represented.

J U D G M E N T

MR JUSTICE CHAMBERLAIN:

- 1 Florin Sandu applies for bail pursuant to section 22(1A) of the Criminal Justice Act 1967. He is sought by the Romanian authorities pursuant to two European Arrest Warrants. The first seeks his surrender to serve a sentence of four years imprisonment for manslaughter and making off from the scene of an accident. The facts set out in the European Arrest Warrant indicate that the charge, had the events occurred in England and Wales, would likely have been causing death by dangerous driving.
- 2 The appellant was summoned to his trial but did not attend. He was represented by a duty lawyer. He is said to be entitled to a retrial. The second warrant also relates to a conviction, this time for theft. The circumstances of that were that the sentence originally imposed was not custodial, but that was converted into a custodial sentence of one year, two months and 25 days because of non-compliance with the non-custodial conditions imposed. The extradition hearing is fixed for 29 March 2022.
- 3 The appellant has been in the UK since January 2019 and has worked for a subcontractor of BT, laying telephone and internet cables. He met his current partner shortly after arriving, and they had a son born in November 2021 shortly after his arrest pursuant to the warrant. She has settled status in the United Kingdom. Prior to his arrest, his partner was dependent upon his income. The appellant also has two brothers in the UK, both of whom have settled status, as does his sister-in-law.
- 4 I have read Mr Sandu's unsigned proof of evidence. In it he says that his partner had a difficult pregnancy having miscarried once before. The baby was born by caesarean section. His partner is suffering from depression and finding it difficult to cope. For Mr Sandu, Mr Matei Clej invites me to grant bail subject to the following conditions:
 - (a) Security of £7,000 from his family, which represents all their savings.
 - (b) Residence at his partner's address.
 - (c) Curfew electronically monitored from 8 p.m. to 7 a.m. every day.
 - (d) Surrender of ID documents.
 - (e) Surrender of passports and ID card of his brothers and sister-in-law.
 - (f) Not to attend International Courts.
 - (g) A requirement to sign-on at a local police station every day between 5 p.m. and 7 p.m.
 - (h) His phone to be fully charged and with him at all times.

Because Mr Sandu is sought pursuant to a conviction warrant, there is no presumption in favour of bail. The offences of which he has been convicted are serious, and the sentences are substantial. However, there is a guarantee of retrial in respect of the first warrant.

- 5 In the circumstances of the case, I am satisfied that there are strong countervailing factors which would pull against any incentive to abscond, the main one is the birth of the appellant's son and the condition of his partner. The appellant has, in addition, been in gainful employment earning some £50,000. He has paid tax and lived openly in the United Kingdom since 2019. He wishes to provide for his family. There are indications that he would be permitted to return to work pending the extradition hearing. Both of his brothers work for the same company.
- 6 I am satisfied that these factors, together with his family ties in the UK, provide a strong incentive to surrender at the extradition hearing in March. In the light of that, the conditions proposed, which are stringent, seem to me to be acceptable to mitigate against any risk that the appellant will fail to surrender. I do not consider it necessary to require the surrender of the identity documents of his siblings or sister-in-law. They are not sought for any offences, and it would not be proportionate to require them to surrender their identity documents as a condition of the applicant's bail. However, I have noted that the fourth condition, condition (d), requires the surrender of ID documents, I will specify that that must include the surrender of any passport or Romanian ID document on which he could travel, and that in relation to condition (g), to sign on at a local police station, it will have to be further specified which police station that should be. That could be done when the order is drawn up and approved.
- 7 For those reasons I will grant bail on the terms proposed.

MR CLEJ: I am grateful. If I could simply clarify this, which of the proposed conditions have been struck off?

MR JUSTICE CHAMBERLAIN: Simply the one requiring surrender of passports and ID cards of his brothers and sister-in-law. That has been offered, but I do not consider it necessary. They are not accused of any offence. There is no reason why they should have to surrender their documents.

MR CLEJ: I am grateful, my Lord. I will draft the order, making it out to your Court Associate.

MR JUSTICE CHAMBERLAIN: Thank you very much. If that could be produced as soon as possible I will approve it and it should be capable of being actioned as soon as possible.

MR CLEJ: I am grateful, my Lord.

CERTIFICATE

Opus 2 International Limited hereby certifies that the above is an accurate and complete record of the Judgment or part thereof.

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This transcript has been approved by the Judge.