

IN THE SUPREME COURT OF BELIZE, A.D. 2005

ACTION NO. 80

DIRECTOR OF PUBLIC PROSECUTIONS APPLICANT

AND

**JOHN RASH
and
ISABELLA POP**

RESPONDENTS

BEFORE the Honourable Abdulai Conteh, Chief Justice.

Mr. Kirk Anderson, Director of Public Prosecutions, for the Crown.

RULING

I rule that an Order be issued to have the decision of the Magistrate sitting in Punta Gorda Town of 29th November, 2004, be brought up for this court to review.

The power granted to the Director of Public Prosecutions under section 113 of the Supreme Court of Judicature Act, is to ensure that in the interest of justice, a decision given by a court below should be open to review for one flaw or the other.

In the instant case, from the affidavit of Sgt. Florentino Salam, it would appear that after the prosecution had led the evidence of only P.C. Young, as the first prosecution witness, who put in a certificate of analysis of the alleged drugs found on the accused. The defence counsel raised objection on the grounds that the evidence was flawed or inconsistent. Quite in what respect of being flawed or inconsistent is not clear from the affidavit of Sgt. Salam, nor is there any material before me to determine this question. However, in the interest of justice, to have the full facts before me, I grant the application

and order that this Order, with all the necessary documents be served within 14 days from today on the respondents and that this matter be brought up at the earliest practicable time for determination.

A. O. CONTEH
Chief Justice

DATED: 21st March, 2005.