

**IN THE COURT OF APPEAL OF BELIZE A.D. 2026
CIVIL APPEAL NO. 1 OF 2025**

BETWEEN:

OSMAR CORREA

Appellant

and

ATTORNEY GENERAL

First Respondent

and

SUPERINTENDENT OF PRISONS

Second Respondent

Before:

The Hon. Mme. Louise Esther Blenman
The Hon. Mme. Minnet Hafiz Bertram
The Hon. Mr. E. Andrew Marshalleck, SC

Chief Justice
President
Justice of Appeal (Ag.)

Appearances:

Mr. Bryan Neal for the Appellant
Mrs. Cheryl-Lynn Vidal SC, Director of Public Prosecutions and
Ms. Stacey Martinez, Senior Crown Counsel for the First and Second
Respondents

2026: June 16;
August 18.

JUDGMENT

INTRODUCTION

- [1] **BLENMAN, C.J.:** Mr. Osmar Correa (“Mr. Correa”) has appealed against the order of the Honourable Mr. Justice Mohamed Mansoor (“learned trial judge”) dated 3 January 2025 whereby the learned trial judge refused to grant Mr. Correa’s application for a writ of *habeas corpus ad subjiciendum* (habeas

corpus). Mr. Correa sought habeas corpus directing his release from the Belize Central Prison (“the Prison”)¹ where he is awaiting a decision of the Honourable Minister of Foreign Affairs, Foreign Trade and Immigration (the “Honourable Minister”) in relation to his extradition.

[2] Indeed, Mr. Correa, who remains detained at the Prison, applied for the writ of *habeas corpus* on the ground that his detention arising from the Chief Magistrate’s committal decision was unlawful, a contention which he continues to maintain. Mr. Correa, who is both the applicant for the writ and the appellant in this appeal, contends that the learned trial judge erred in refusing him the relief sought. The Attorney General and the Superintendent of Prisons (collectively, the “State”) resist his appeal.

[3] To provide greater context on the matter, it is apposite to briefly outline the background.

BACKGROUND

[4] The underlying facts are in relation to extradition proceedings instituted pursuant to a request made by the Government of the United States of America (“the USA”) for the surrender of Mr. Correa to stand trial in the State of Texas on charges of intoxication manslaughter and intoxication assault. Following committal proceedings before the Chief Magistrate, Mr. Correa was committed to custody pending extradition. The gravamen of his appeal concerns the legality of the continued detention.

[5] The extradition proceedings originated in September 2018, when the Government of the USA made a formal request of the Government of Belize for the extradition of Mr. Correa to stand trial in the State of Texas for offences which he is alleged to have committed in Texas, in or about the year 1998. The request arose out of events that occurred on 23 March 1998, when an

¹ Section 4 of the Extradition Act, 2020 provides that: “The committal and detention of any fugitive criminal in Belize under the Extradition Acts shall be in and to the prison at Hattieville.”

ambulance transporting Mr. Claude Hughes (“Mr. Hughes”) to the Huguley Hospital in Keene, Texas, in the USA was involved in a collision. The ambulance was driven by Mr. Bruce Baker II (“Mr. Baker II”), an Emergency Medical Technician, with Mr. Scott Reasor (“Mr. Reasor”), a fireman, and Mr. Michael Harrison (“Mr. Harrison”), an engineer and EMT, travelling as passengers.

[6] According to the evidence contained in the extradition request, Mr. Baker II was driving north on FM 2280 while Mr. Correa was driving a truck in the opposite direction. Mr. Correa encroached into the northbound lane in which Mr. Baker II was travelling, causing Mr. Baker II, in an attempt to avoid a collision, to steer the ambulance into the southbound lane. Mr. Correa then also swerved into the southbound lane, where his vehicle collided with the ambulance. The force of the impact caused the ambulance to overturn at least three times which resulted in the death of Mr. Hughes and occasioned serious injury to Mr. Baker II, Mr. Reasor and Mr. Harrison. Mr. George Lee Aguilar (“Mr. Aguilar”), a passenger in the truck which Mr. Correa was driving, also died as a consequence of the collision. Mr. Correa failed two of three field sobriety tests which were administered to him, the result of the third proved inconclusive. His breath sample, upon analysis, registered a reading within the range indicative of intoxication.

[7] On 3 April 1998, a Grand Jury sitting in the 18th District Court in Johnson County, Texas (“18th Judicial District Court”), returned a bill of indictment against Mr. Correa on two counts of intoxication manslaughter and three counts of intoxication assault. Mr. Correa was released on bonds in the sums of \$100,000.00 and \$5,000.00, respectively, and a trial date was fixed for 10 August 1998. Mr. Correa did not appear in the 18th Judicial District Court on 10 August 1998. His bond was forfeited and on 25 August 1998, the 18th Judicial District Court issued a warrant for his arrest. Following these events, Mr. Correa fled the USA. For a considerable period, his whereabouts remained unknown. The record indicates that in 2000, the Federal Bureau of Investigation (“the FBI”) had reason to believe Mr. Correa was residing in Orange Walk, Belize. According to the extradition bundle, this belief was confirmed in 2016, when the

FBI, by reference to an open-source social media post, ascertained that Mr. Correa was indeed residing in Orange Walk.

- [8] On 25 January 2022, the Honourable Minister, signified to the Chief Magistrate that the Government of the USA had made an extradition request. The Honourable Minister requested that the Chief Magistrate issue a Warrant of Apprehension for the arrest of Mr. Correa.
- [9] On 1 February 2022, the Chief Magistrate issued the Warrant of Apprehension. On 7 February 2022, Mr. Correa was detained and arrested by members of the Belize Police Department in Belmopan, and thereafter appeared before the Chief Magistrate, where he was arraigned.
- [10] On 7 February 2022, Mr. Correa raised a Preliminary Objection pursuant to **section 6(2) of the Belize Constitution**² alleging that his constitutional rights were violated. The matter was referred to the High Court as a ‘case stated’. Following the determination of the issue, on 23 August 2023, the Honourable Mme. Justice Patricia Farnese held that the extradition proceedings had neither infringed his right to a hearing within a reasonable time nor constituted an abuse of process and ordered that the extradition proceedings continue before the Chief Magistrate, with costs to the State.

Issues in Magistrate’s Court – Extradition

- [11] On 25 April 2024, the Chief Magistrate heard the committal proceedings. The nucleus of the Chief Magistrate’s considerations was whether Mr. Correa ought to be surrendered to the Government of the USA. In determining that question, the Chief Magistrate considered the statutory regime governing extradition in Belize; namely the relevant provisions of the **Extradition Act, 2020**³ and the

² Cap. 4 of the Substantive Laws of Belize (Revised Edition 2020).

³ Cap. 112 of the Substantive Laws of Belize (Revised Edition 2020). This is a revised edition of the Substantive Laws, prepared by the Law Revision Commissioner under the authority of the Law Revision Act, Chapter 3 of the Substantive Laws of Belize, Revised Edition 2020. This edition contains a consolidation of amendments made to the law by Act No. 10 of 2016 which was gazetted on 14th April 2016.

Extradition Agreement between the Government of Belize and the Government of the United States of America⁴ (the “Extradition Treaty”) to answer the charges of intoxication manslaughter and intoxication assault preferred against him. The Chief Magistrate also addressed the several objections advanced on behalf of Mr. Correa concerning, among other matters, the sufficiency of the evidence, compliance with the **Extradition Treaty** requirements, the admissibility of the documentary evidence, delay, and his identification as the person named in the request.

- [12] It is necessary, before outlining the evidence considered by the Chief Magistrate, to state the statutory and treaty framework within which the extradition request fell to be determined.

Legislative Framework

- [13] At the time of the committal proceedings, extradition proceedings in Belize were governed principally by the **Extradition Act, 2020**; and the **Extradition Treaty**. **Section 2 of the Extradition Act, 2020** incorporated the statutory framework which was applicable in the United Kingdom; particularly: **the Extradition Act, 1870, c. 52; the Extradition Act, 1873, c. 60; the Extradition Act, 1895, c. 33; the Extradition Act, 1906, c. 15; the Extradition Act, 1932, c. 39; and the Counterfeit Currency (Convention) Act, 1935, c. 25** (collectively, the “Extradition Acts, 1870 to 1935, of England”). These instruments established the legal framework regulating the apprehension, committal and surrender of persons sought for prosecution or punishment by the requesting State.
- [14] Subsequently, the legislative framework was revised by the enactment of the **Extradition Act, 2023**,⁵ which repealed the **Extradition Act, 2020**, including the **Extradition Acts, 1870 to 1935, of England**.⁶ However, as the proceedings in the present appeal pre-date the 2023 Act, they fall to be determined in

⁴ Treaty signed at Belize March 30, 2000; Ratified by Belize August 31, 2000; Entered into force March 27, 2001.

⁵ Act No. 31 of 2023.

⁶ Section 37 of the Extradition Act, 2023

accordance with the earlier statutory regime.⁷

Extradition Act, 1870

- [15] The application of the **Extradition Act, 1870** in Belize is well established. The Act was extended to what was then British Honduras by Order in Council and remained part of the law of Belize. Its continuing force was recognised by the Judicial Committee of the Privy Council in **Rhett Allen Fuller v Attorney General of Belize**.⁸

- [16] **Section 10 of the Extradition Act, 1870** is of particular significance. It provides that a fugitive criminal accused of an extradition crime shall be committed to prison where the foreign warrant is duly authenticated and the evidence produced would, according to the law of the Requested State, justify committal for trial had the offence been committed within that State. In the absence of such evidence, the person sought must be discharged.

Extradition Act, 2020

- [17] The **Extradition Act, 2020** complemented that framework by regulating extradition arrangements entered into by Belize and providing for the implementation of treaty obligations within the municipal legal system.
- [18] **Section 9 of the Extradition Act, 2020** which regulates the extradition of 'fugitive criminals' between Belize and the USA provides that:

"The extradition of fugitive criminals between Belize and the United States of America shall be as directed in accordance with the Extradition Treaty between the Government of Belize and the Government of the United States of America..."

Treaty Obligations

- [19] The **Extradition Treaty** prescribes both the substantive and procedural requirements governing extradition requests. The Chief Magistrate identified

⁷ Section 38 of the Extradition Act, 2023.

⁸ [2011] UKPC 23 at [15].

Articles 2, 6 and 7 of the Extradition Treaty as being of particular relevance to the proceedings.

Article 2 — Extraditable Offences

[20] **Article 2 of the Extradition Treaty** provides, in material part:

1. An offense shall be an extraditable offense if it falls within any of the descriptions listed in the Schedule annexed to this Treaty, which is an integral part of the Treaty, or any other offense, provided that in either case the offense is punishable under the laws in both Contracting States by deprivation of liberty for a period of more than one year or by a more severe penalty.
2. An offense shall also be an extraditable offense if it consists of an attempt or a conspiracy to commit, aiding or abetting, counseling or procuring the commission of, or being an accessory before or after the fact to, any offense described in paragraph 1.
3. For the purposes of this Article, an offense shall be an extraditable offense: (a) whether or not the laws in the Contracting States place the offense within the same category of offenses or describe the offense by the same terminology; or (b) whether or not the offense is one for which United States federal law requires the showing of such matters as interstate transportation, or use of the mails or of other facilities affecting interstate or foreign commerce, such matters being merely for the purpose of establishing jurisdiction in a United States federal court.
4. If the offense was committed outside the territory of the Requesting State, extradition shall be granted in accordance with this Treaty if the laws of the Requested State provide for the punishment of an offense committed outside its territory in similar circumstances.
5. If extradition has been granted for an extraditable offense, it shall also be granted for any other offense specified in the request, even if the latter offense is punishable by one year's deprivation of liberty or less, provided that all other requirements for extradition are met."

[21] **Article 2 of the Extradition Treaty** defines an extraditable offence. In substance, it requires that the conduct for which extradition is sought be punishable under the laws of both Contracting States by imprisonment exceeding one year or by a more severe penalty. It further provides that differences in legal classification or terminology between the respective jurisdictions do not preclude extradition where the underlying conduct satisfies

the principle of dual criminality.

- [22] There were no objections raised on behalf of Mr. Correa in relation to **Articles 3, 4, and 5 of the Extradition Treaty**; therefore, the Chief Magistrate did not find it necessary to elaborate on these Articles (and neither does this Court) in the appeal at bar.

Article 6 — Extradition Procedures and Required Documents

- [23] The Chief Magistrate placed particular reliance on **Article 6 of the Extradition Treaty**, which set out the procedures and requirements for determining whether the conditions for extraditing Mr. Correa had been satisfied.

- [24] **Article 6 of the Extradition Treaty** provides, in material part, that all requests for extradition are to be submitted through the diplomatic channel, and are to be supported by: documents, statements, or other evidence describing the identity and probable location of the person sought; evidence describing the facts of the offence and the procedural history of the case; evidence as to the provisions of law describing the essential elements of the offence, the punishment therefor, and any applicable limitation period; and, where the person sought is wanted for prosecution, a copy of the relevant warrant or order of arrest, a document setting forth the charges, and such evidence as would, under the law of the Requested State, justify the committal for trial of the person sought had the offence been committed within that State.

Article 7 – Admissibility of Documents

- [25] **Article 7 of the Extradition Treaty** provides:

"The documents which accompany an extradition request shall be received and admitted as evidence in extradition proceedings if,

(a) in the case of a request from the United States, they are authenticated by an officer of the United States Department of State and are certified by the principal diplomatic or consular officer of Belize resident in the United States;

(b) in the case of a request from Belize, they are certified by the principal diplomatic or consular officer of the United States resident in Belize, as provided by the extradition laws of the United States; or

(c) they are certified or authenticated in any other manner accepted by the law of the Requested State."

- [26] **Article 7** governs the admissibility of documents accompanying an extradition request. It provides, in substance, that documents duly authenticated and certified in accordance with the **Extradition Treaty** are admissible in extradition proceedings before the courts of the requested State.

Article 10 – Decision and Surrender

- [27] **Article 10 of the Extradition Treaty** is also relevant. While **Article 6** prescribes the evidence and documents required to support a request for extradition, **Article 10** governs the determination of that request. It provides that extradition shall be granted only where the evidence is sufficient, according to the law of the Requested State, to justify the committal for trial of the person sought. In this respect, **Article 10** mirrors the evidential threshold contained in **section 10 of the Extradition Act, 1870**.

Sufficiency of Evidence

- [28] The Chief Magistrate also considered **section 34(7)(a) of the Indictable Procedure Act**,⁹ which outlines the test to be applied at the close of a preliminary inquiry: whether the evidence tendered discloses sufficient grounds to commit the accused for trial. This provision was relevant to the extradition proceedings insofar as it supplied the evidentiary threshold against which the sufficiency of the evidence adduced against Mr. Correa had to be measured. In determining whether that threshold had been satisfied, the Chief Magistrate considered the statutory provision along with the case of **Said Musa v Jones (Crown)**,¹⁰ in which the High Court described the duty of a magistrate in a preliminary inquiry under **section 34 of the Indictable Procedure Act**. Against

⁹ Cap. 96 of the Substantive Laws of Belize (Revised Edition 2020).

¹⁰ Claim No. 155 of 2009.

this legislative and treaty framework, the Chief Magistrate undertook an analysis of the evidence contained within the extradition request in order to determine its sufficiency.

Affidavit Evidence

[29] The material affidavit evidence which the Government of the USA and the Government of Belize submitted to support the extradition request comprised exhibits in relation to Mr. Correa's identity, his admissions, and the circumstances and consequences of the collision. For ease of reference, some of the material affidavit evidence considered by the Chief Magistrate is summarised in the paragraphs which follow.

[30] In Exhibit P, Sergeant Mark Reinhardt ("Sgt. Reinhardt") deposed to his observations at the scene of the collision. He stated that he had approached a male person who identified himself as Mr. Correa and that Mr. Correa admitted to him that:

"[H]e had been southbound on FM2280 and that he had been drinking four or five beers approximately two hours before the crash. Correa has also stated that he and the passenger in his vehicle began to argue and that he drove his car into the northbound lane of FM 2280. Correa has also admitted to the affiant that he observed an ambulance coming towards him in the northbound lane."

[31] The Chief Magistrate held that the admission made by Mr. Correa to Sgt. Reinhardt at the crime scene was *prima facie* admissible pursuant to **section 90 of the Evidence Act**.¹¹

[32] In Exhibit Q, Mr. Michel Gaudet, a Peace Officer attached to the Criminal Investigation Division and trained in the comparison and identification of fingerprint impressions, confirmed i) that the fingerprint impressions appearing on a standard fingerprint card dated 23 March 1998 matched those appearing

¹¹ Cap. 95 of the Substantive Laws of Belize (Revised Edition 2020).

on a photocopy of a standard fingerprint card dated 26 April 1995, and ii) that both sets of impressions belonged to Mr. Correa.

[33] Exhibit O also confirmed that the date of birth appearing on the fingerprint report, together with the name recorded therein, corresponded with the date of birth which Mr. Correa, through his attorney-at-law, had provided when queried by the Chief Magistrate.

[34] In Exhibit U, Mr. Marshall William Hicks ("Mr. Hicks") deposed that he had assisted the Johnson County Sheriff's Office in locating and apprehending Mr. Correa in respect of an unrelated matter in 1997 and had been present at the scene of the collision in 1998, where he observed Mr. Correa being placed in the back of a police vehicle. Mr. Hicks stated that his subsequent investigations led him to locate Mr. Correa's Facebook profile, by means of which he confirmed that Mr. Correa had fled to Belize and was residing in Orange Walk.

[35] Exhibits W and X comprised the affidavits of Ms. Garcia Nunez, Custodian of Records for the Tarrant County Medical Examiner's Office, and Mr. Logan Littlejohn, Custodian of Records for the Johnson County Medical Examiner's Office, to which were attached the autopsy reports of the two deceased persons, Mr. Hughes and Mr. Aguilar. The autopsy reports disclosed that the cause of death of Mr. Hughes was thoracic blunt force injuries sustained in a motor vehicle collision, and that the cause of death of Mr. Aguilar was multiple crush injuries sustained in the same collision.

Decision of the Chief Magistrate

[36] Having assessed the totality of the evidence presented against the requirements set out above, the Chief Magistrate was satisfied that: (i) the Government of the USA had adduced sufficient evidence, by way of affidavits and reports, to establish a *prima facie* case against Mr. Correa; and (ii) the documents comprising the extradition request bundle were duly authenticated in accordance with **Article 7(a) of the Extradition Treaty**, and were admissible in

the committal proceedings; and (iii) had the offences been committed in Belize, the evidence would have been sufficient to justify his committal, in accordance with **Article 10 of the Extradition Treaty**.

- [37] The Chief Magistrate accordingly granted the request for the extradition of Mr. Correa and issued a Warrant of Committal dated 25 April 2024 which identified the equivalent domestic offences as manslaughter, contrary to **section 116(1) read together with section 108(1)(b) of the Criminal Code**,¹² along with grievous harm, contrary to **section 81 read together with section 94 of the Criminal Code**. Mr. Correa was thereupon remanded to prison to await his extradition.

Habeas Corpus Application

- [38] As alluded to earlier, Mr. Correa applied to the High Court for a writ of *habeas corpus* pursuant to **section 37 of the Senior Courts Act**.¹³ He contended that his detention was unlawful and in breach of **section 5(1)(i) of the Constitution of Belize** and **section 10 of the Extradition Act, 1870**. He sought orders quashing the Chief Magistrate's committal order and directing his discharge and release from prison, together with compensation under **section 5 of the Constitution** and costs.
- [39] He advanced fifteen (15) grounds of challenge, which I have crystallised into four principal grounds; namely that:
- i. the Chief Magistrate's written ruling failed to identify the offences under Belizean law for which sufficient evidence existed to justify committal, rendering the committal order unlawful;
 - ii. the evidence before the Chief Magistrate was insufficient to establish that the applicant was the person sought by the US authorities, and that identification evidence had been improperly admitted;
 - iii. the Chief Magistrate's written decision did not, as required by **section 11**

¹² Cap. 101 of the Substantive Laws of Belize (Revised Edition 2020).

¹³ Act No. 27 of 2022.

- of the Extradition Act, 1870**, inform Mr. Correa of his right to seek *habeas corpus* within fifteen (15) days of committal; and
- iv. the Magistrate's court's delay in furnishing the warrant impeded Mr. Correa's ability to file his application in time.

[40] The State strenuously resisted his application for *habeas corpus*.

Evidence/Affidavits – Evidence on Record

[41] Mr. Correa and the State relied primarily on the exhibits and affidavit evidence which were relied on in the committal proceedings. The parties did not call any evidence at the hearing of the application. The parties made oral submissions before the learned trial judge and filed supporting authorities.

[42] Mr. Correa, in effect, submitted that the Chief Magistrate did not properly discharge her functions in accordance with the **Extradition Act, 2020**. The State opposed Mr. Correa's application on the basis that the Chief Magistrate discharged her duty to see whether a *prima facie* case was made out against Mr. Correa and determine whether there was sufficient evidence, according to the laws of Belize, to justify Mr. Correa's committal to stand trial.

[43] The learned trial judge considered the parties' submissions and authorities on the scope of the court's function in extradition and *habeas corpus* proceedings.

[44] Very shortly, I will treat with the learned judge's decision in detail.

Decision of the learned judge

[45] I will address the critical authorities which the learned trial judge engaged in determining whether to grant Mr. Correa's application for a writ of *habeas corpus*.

[46] First, the learned trial judge outlined the function of the Chief Magistrate in extradition proceedings, as well as the scope of the authority derived from the

Extradition Act, 2020. The learned trial judge affirmed that the Chief Magistrate's role was confined to determining whether, on the evidence before the court, the person sought can be extradited as outlined in **Atkinson v United States of America**,¹⁴ and affirmed in **Rhett Fuller v The Attorney General of Belize**,¹⁵ and **Mark Seawell v The Attorney General**.¹⁶

- [47] The learned trial judge directed himself on the distinction of the role of the court in extradition proceedings and a *habeas corpus* application. The learned trial judge accepted the authority of the Eastern Caribbean Supreme Court in **Cecil Boatswain v The Superintendent of Prisons and The Attorney-General**,¹⁷ which stated that the court does not rehear the magistrate's case or hear an appeal from it but ensures only that sufficient evidence was before the magistrate as domestic authority to the same effect.
- [48] The learned trial judge found that the Chief Magistrate had before her the evidence of Sgt. Reinhardt and Mr. Hicks, the undisputed passport bio page, and the fingerprint evidence; and that the exercise of comparing Mr. Correa in court against the photographic evidence had been undertaken and addressed in the Chief Magistrate's decision.
- [49] The learned trial judge noted that the Chief Magistrate had considered that Mr. Correa's alleged conduct constituted manslaughter and assault under the criminal laws of Belize, both extraditable under the Treaty schedule, although the Warrant of Committal identified the corresponding domestic offence as grievous harm. This minor misstatement in the trial judge's reference to the offences specified in the Warrant of Committal is not, in the Court's view, material as the Chief Magistrate correctly identified the corresponding domestic offences and their statutory provisions, and it is this identification that governs the sufficiency of the committal.

¹⁴ [1969] 3 W.L.R. 1074.

¹⁵ Civil Appeal No. 11 of 2009.

¹⁶ Claim No. 817 of 2009.

¹⁷ Claim No.130 of 2006.

- [50] It falls to this court to ascertain whether in the committal warrant, the Chief Magistrate correctly identified the corresponding domestic offences and their statutory provisions, since it is that identification that ultimately will determine whether there is sufficiency of evidence for committal and compliance with the legal and treaty requirements for committal. I have no doubt that the learned Chief Magistrate accurately referred to the relevant statutory and treaty provisions; and offences. The trial judge's misstatement of the nature of the offences in the judgment cannot be a basis for impugning the Chief Magistrate. Had the trial judge correctly stated what the Chief Magistrate said, he would have concluded as he did.
- [51] The learned trial judge found that, although the Chief Magistrate's written decision did not expressly address Mr. Correa's right to apply for *habeas corpus*, the record of proceedings of 25 April 2024 showed that he had been informed, orally, that he would not be surrendered for fifteen (15) days and had the right to apply within that period. The learned trial judge held this to be substantial compliance, causing no prejudice, and noted that **section 11 of the Extradition Act, 1870** requires that the requested person be informed, not that the information be given in writing.
- [52] The learned trial judge accepted that personal liberty warranted the utmost consideration but held that the administrative delay disclosed on the correspondence of 7 June 2024 and 18 June 2024 did not, without more, render the extradition proceedings irregular so as to defeat the extradition request.
- [53] The learned trial judge concluded that the decision to extradite was an executive act reserved to the responsible Minister, exercisable only once the Chief Magistrate's proceedings had concluded, and that the Chief Magistrate had properly exercised her judicial function in accordance with the **Extradition Act, 2020** and the **Extradition Treaty**.
- [54] By way of emphasis, the learned trial judge refused Mr. Correa's *habeas corpus* application as he found no basis to grant any of the remedies sought and ordered Mr. Correa to pay the respondents' costs.

[55] Mr. Correa appealed against the decision of the learned trial judge. He asserts that the learned trial judge's decision is unsafe as the learned trial judge made several errors in law in refusing to grant his application for *habeas corpus*. On this basis, Mr. Correa challenges the lawfulness of his detention.

THE APPEAL

[56] Learned Counsel, Mr. Bryan Neal ("Mr. Neal") filed an original Notice of Appeal, on behalf of Mr. Correa, which contains eight (8) grounds of appeal. Mr. Neal filed amended Grounds of Appeal,¹⁸ which contained ten (10) grounds of appeal; namely:

"1. The learned trial judge erred in law in circumstances where the transcript of the *habeas corpus* hearing is unavailable which is a serious procedural irregularity, thereby depriving the Appellant of a fair right of appeal and preventing proper appellate review of the basis of the decision, and rendering the decision unsafe.

2. The learned trial judge erred in law by failing to give adequate reasons, merely reciting principles and submissions without application, reaching unsupported conclusions, and in the absence of a transcript, rendering the decision incapable of proper appellate review.

3. The learned trial judge erred in law in making findings of fact and law without evidential basis, including as to section 11 compliance, identification, and statutory compliance; and in the absence of a transcript or reliable record, such findings were speculative and render the decision unsafe.

4. The learned trial judge erred in law by applying the wrong test, namely whether a reasonable magistrate could have made the committal order, instead of whether the Appellant's detention was strictly lawful and the statutory preconditions satisfied, thereby misunderstanding his function in *habeas corpus*.

5. The learned trial judge erred in law in finding compliance with section 11 of the Extradition Act in the absence of any record that the Appellant was informed of his right to apply for *habeas corpus*, and thereby wrongly concluded that there was substantial compliance with a mandatory statutory requirement.

6. The learned trial judge erred in law by failing to properly assess the sufficiency and admissibility of the identification evidence, instead

¹⁸ filed 27 April 2026.

deferring to the Chief Magistrate without independent scrutiny, and thereby failing to discharge the Court's duty to examine the legality of the detention.

7. The learned trial judge erred in law by failing to assess whether the evidence was sufficient to justify committal, merely reciting the test and adopting the Chief Magistrate's conclusions without analysis, and thereby failing to apply the correct legal standard.

8. The learned trial judge erred in law in holding the Appellant's committal as lawful notwithstanding the failure of the Chief Magistrate's decision to specify the offences for which he was being extradited, thereby undermining the legality of his detention and wrongly concluding that the warrant alone was sufficient.

9. The learned trial judge erred in law in holding that procedural irregularities, including delay in providing the warrant of committal, did not affect the legality of the detention, without considering their impact on the Appellant's right to challenge his detention or applying the strict standard required in cases involving deprivation of liberty.

10. In light of the cumulative effect of the absence of a record, the inadequacy of reasons, and the reliance on unsupported findings, the decision of the learned trial judge is unsafe and cannot stand."

[57] In his original Notice of Appeal, Mr. Correa seeks:

- (1) An order that the decision of the trial Judge and the Chief Magistrate be set aside.
- (2) An order that the reliefs sought in the application for Habeas Corpus be granted.
- (3) An order or declaration that the Appellant is being held in violation of the Extradition Act, the Constitution of Belize and the Extradition Treaty.
- (4) An order for an immediate release of the Appellant.
- (5) An order that damages be awarded to the Appellant.
- (6) An order that the costs of the appeal and the costs in the High Court be awarded to the Appellant.

(7) Any or further orders as may be just.

ISSUES

[58] Learned Counsel Mr. Neal helpfully narrowed the grounds of appeal to six (6) issues in his written submissions. Mr. Neal submitted that the issues arising for determination before this Honourable Court are:

- i) whether the absence of the transcript makes the appeal unfair and the decision unsafe;
- ii) whether the trial judge failed to give adequate reasons;
- iii) whether the trial judge applied the correct test in habeas corpus proceedings;
- iv) whether the findings of the judge were supported by the evidence before him;
- v) whether the statutory safeguards under the extradition act were complied with;
- vi) whether the cumulative effect of the foregoing makes the decision unsafe.

[59] In my respectful view, the gravamen of this appeal is whether the learned trial judge erred in law in determining that Mr. Correa was lawfully detained, and in refusing to grant Mr. Correa's application under **section 37 of the Senior Courts Act**. On assessment of the Grounds of Appeal and Orders in Mr. Correa's Notice of Appeal, amended Grounds of Appeal and the written submissions filed on his behalf, I have distilled the following issues:

Procedural Fairness

- (1) Whether the absence of the transcript of the *habeas corpus* application hearing compromises the procedural fairness of the appellate process; and
- (2) Whether the learned trial judge erred in failing to give adequate reasons for his decision, such that proper appellate review of the basis for his findings was rendered impossible.

Propriety of the Trial Judge's Assessment of the Legality of Detention

- (3) Whether the learned trial judge erred in law in applying the wrong test in *habeas corpus* proceedings; and
- (4) If so, whether the learned trial judge further erred in finding that his conclusions were supported by the evidence before him.
- (5) Whether, independently of the foregoing, the statutory safeguards under the **Extradition Act, 2020** were complied with.

Safety of the Decision

- (6) Whether the learned trial judge was wrong in refusing to grant *habeas corpus*.

SUBMISSIONS ON BEHALF OF MR. CORREA

- [60] Mr. Neal, learned counsel representing Mr. Correa, advanced several points in support of Mr. Correa's assertion that the learned trial judge erred in law in refusing to grant the application for *habeas corpus*, and therefore, the decision was unsafe and should be set aside.

Procedural Fairness

- [61] First, Mr. Neal contended that the absence of a transcript of the proceedings before the learned trial judge deprived this Court of the ability to conduct a meaningful appellate review.
- [62] Mr. Neal submitted that, in the absence of a record of the oral submissions, the exchanges between the Bench and counsel, and the reasoning that informed the learned trial judge's determination, this Court is unable to ascertain whether relevant matters were taken into account or whether irrelevant considerations influenced the decision.

- [63] Mr. Neal also argued that the absence of the transcript increased the trial judge's duty to provide a '*clear well-reasoned decision to explain why the applications was dismissed*' [sic]. Mr. Neal submitted that the learned trial judge failed to do so as the judgment is merely a summary of the legal principles without proper application to the relevant issues raised in the application.
- [64] Mr. Neal argued that the absence of the transcript along with the inadequacy of the judgment, rendered the appeal incapable of proper appellate scrutiny of the learned trial judge's reasoning. Therefore, Mr. Neal submitted, the learned trial judge's decision is unsafe.

Propriety of the Trial Judge's Assessment

- [65] Mr. Neal submitted that the learned trial judge misdirected himself as to the proper function of the Court on an application for *habeas corpus*. The correct inquiry, Mr. Neal contended, was not whether a reasonable magistrate would have made the committal order, rather whether Mr. Correa's detention was lawful and whether the statutory requirements authorising his detention had been satisfied. Mr. Neal submitted that, as the learned trial judge applied the former test rather than the latter, he failed to discharge the Court's function on an application for *habeas corpus*.
- [66] Mr. Neal also contended that the judge failed to undertake an independent assessment of the admissibility, sufficiency and reliability of the identification evidence. Instead, it was submitted, the learned trial judge merely adopted the conclusions of the Chief Magistrate without analysing whether the evidence disclosed a sufficient basis for committal under the **Extradition Act, 2020**. Mr. Neal contended that this approach was inconsistent with the duty of a judge of the High Court to independently examine the legality of the detention in *habeas corpus* proceedings.
- [67] In support of this submission, Mr. Neal adverted this Court's attention to **section 10 of the Extradition Act, 1870**. Mr. Neal submitted that, while the learned trial

judge correctly outlined the applicable test, he failed to satisfy the statutory requirement to independently assess the evidence, relying instead on the Chief Magistrate's conclusions without conducting his own analysis. Mr. Neal referred more specifically to, what he asserted was, the learned trial judge's failure to review the statutes in Belize and independently determine whether Mr. Correa's detention was in accordance with the **Extradition Act, 2020** and the **Extradition Treaty**.

- [68] Relying on the Caribbean Court of Justice's decision in **AG of Barbados v Joseph & Boyce**,¹⁹ Mr. Neal emphasised that the courts are the guardians of constitutional rights and must ensure that any interference with an individual's liberty is strictly justified in law. Mr. Neal asserted that the present appeal concerns the lawfulness of Mr. Correa's detention which engages fundamental constitutional principles relating to personal liberty and the rule of law; and is a matter for the courts, as affirmed by the Privy Council in **Fuller v AG of Belize**.²⁰ In this regard, Mr. Neal contended, since the detention interferes with Mr. Correa's liberty, the learned trial judge was obligated to strictly adhere to the statutory framework governing extradition, however, he failed to.
- [69] Mr. Neal further argued that the delay in producing the warrant of committal raised a fundamental issue as to the legality of Mr. Correa's detention. Mr. Neal maintained that **section 10 of the Extradition Act, 1870** allowed the magistrate to detain a fugitive only where there is sufficient evidence to justify committal and **section 11 of the Extradition Act, 1870** imposed a mandatory obligation to inform the committed person of his right to apply for a writ of *habeas corpus*.
- [70] Mr. Neal submitted that the warrant of committal constituted the legal authority for detention and that its non-production at the material time required careful scrutiny. In further support of this point, Mr. Neal relied on **Gary Seawell v Superintendent of Prisons**²¹ which, he asserted, established that the

¹⁹ CCJ Appeal No CV 2 of 2005.

²⁰ 2011 UKPC 23.

²¹ Civil Appeal No 20 of 2014.

committal order constitutes the legal foundation of detention. He contended that where there is no valid and demonstrable committal order, there is no lawful basis upon which a person may be detained pending extradition.

- [71] Mr. Neal argued that the subsequent production of the warrant did not cure the defect as the sequence which the **Extradition Act, 2020** contemplated was infringed and that the learned trial judge failed to consider whether the delay had impaired Mr. Correa's ability to challenge the legality of his detention.

Safety of the decision

- [72] Mr. Neal submitted that the several deficiencies identified should be considered cumulatively. He argued that the combined effect of the absence of a transcript, the inadequacy of the learned trial judge's reasons, the alleged misdirection as to the applicable legal test, the failure to independently assess the evidence, and the issues surrounding the committal warrant rendered the decision unsafe.

- [73] Mr. Neal submitted that extradition proceedings are governed by a strict statutory regime, and that the Court must be affirmatively satisfied that each statutory requirement has been complied with before a person may lawfully be deprived of his liberty. Mr. Neal relied on **Re Nielsen**,²² which he asserted, emphasised that the function of the court is to determine whether the evidence and procedure justify committal according to the law of the requested state; an inquiry said to be one of legality, and not of assumption or deference to the decision below. Mr. Neal further relied on **In re Arton**,²³ where, he said, the Court recognised that extradition is entirely a creature of statute and treaty, such that the conditions authorising committal must be strictly satisfied, leaving no scope for informal or approximate compliance.

- [74] Mr. Neal submitted that the Privy Council's decision in **Kossekechatko v**

²² [1984] AC 606.

²³ (No. 2) [1896] 1 QB 509

Attorney General of Trinidad²⁴ affirms that the consequence of non-compliance with the statutory requirements governing extradition proceedings may render detention unlawful and justify discharge on *habeas corpus*, the legality of the detention having to be clearly established rather than presumed.

[75] Mr. Neal contended that the cumulative effect of the defects, identified in Mr. Correa's appeal, was decisive. Mr. Neal submitted that, taken individually, each of these matters raises serious concern as to the safety of the decision below, and that, taken together, they render it impossible for the Court to be satisfied that Mr. Correa's detention was lawful. Accordingly, it was submitted that the statutory and constitutional safeguards governing deprivation of liberty have not been shown to have been complied with.

[76] Mr. Neal therefore urged this Court to allow the appeal; set aside the order dismissing the application for *habeas corpus*; grant the writ or remit the matter for rehearing before a different judge of the High Court; and award Mr. Correa his costs of this appeal and the proceedings in the court below.

SUBMISSIONS ON BEHALF OF THE STATE

[77] The learned Director of Public Prosecutions Mrs. Chery-Lynn Vidal SC ("Mrs. Vidal SC") made written and oral submissions on behalf of the State. Mrs. Vidal SC advanced submissions to support the State's assertion that there was no basis upon which the learned trial judge could have found that Mr. Correa's detention was unlawful; therefore, the writ of *habeas corpus* could not have been properly issued.

[78] Mrs. Vidal SC contextualised the State's written submissions by summarising the extradition request, the committal proceedings, the affidavit evidence which was before the Chief Magistrate, and the statutory framework governing the committal proceedings.

²⁴ (1932 AC) 78.

Procedural Fairness

[79] First, Mrs. Vidal SC contended that, in the circumstances, the absence of a transcript occasioned no prejudice because no oral evidence had been received before the learned trial judge. Mrs. Vidal SC asserted that the *habeas corpus* application was determined on affidavit evidence and documentary exhibits, all of which form part of the Record of Appeal, together with the written judgment under appeal. Further, Mrs. Vidal SC submitted that as the appeal is against the decision of the learned trial judge, the judgment is sufficient for this Court to consider whether the learned trial properly considered the lawfulness of Mr. Correa's detention and rightfully refused to issue the writ. Therefore, Mrs. Vidal SC submitted that Mr. Correa is not prejudiced by the absence of a transcript of the hearing of the *habeas corpus* application.

[80] In a similar vein, Mrs. Vidal SC, asserted that the learned trial judge sufficiently analysed the issues raised in Mr. Correa's application. Mrs. Vidal SC referred this Court to the portions of the judgment in which the learned trial judge referred to supporting affidavit evidence, identified his function supported by the decision of the Eastern Caribbean Supreme Court in **Cecil Boatswain v The Superintendent of Prisons and The Attorney-General**, properly considered the parties' submissions and ultimately concluded that the Chief Magistrate had exercised her judicial function in accordance with the statutory and Treaty framework.

[81] Accordingly, Mrs. Vidal SC submitted that Mr. Neal's submissions were inaccurate, as the learned judge had given sufficient reasons for concluding that that the detention was lawful and that the application is refused.

Propriety of the Learned Trial Judge's Decision on the Lawfulness of Detention

[82] Mrs. Vidal SC challenged Mr. Neal's submission that the learned trial judge applied the wrong test in the *habeas corpus* proceedings. Mrs. Vidal SC referred

this Court to the lower court's decision in **Carlos Higgins v Attorney-General and Ors**²⁵ in which Goonetilleke J stated that a *habeas corpus* application calls upon the custodian of the applicant to justify his detention and the court to determine whether the basis of the detention is lawful.

[83] During the delivery of her oral submissions, Mrs. Vidal SC conceded that the learned trial judge did not properly word a sentence of the judgment as he referred to the request for extradition as a discretion that is exercised by the Magistrate. Mrs. Vidal SC contended that, notwithstanding this misstatement, this sentence does not detract from the decision ultimately made by the trial judge that there was in fact compliance and that the evidence was sufficient and the detention was not unlawful. Mrs. Vidal SC asserted that, as illustrated in his judgment, the learned trial judge properly considered whether Mr. Correa's detention was lawful and concluded that the procedural requirements were satisfied.

[84] Mrs. Vidal SC also emphasised that Mr. Neal failed to demonstrate the basis on which he submitted that the learned trial judge erred and arrived at an incorrect result.

[85] Mrs. Vidal SC maintained that, in relation to the identification evidence and sufficiency of the evidence, Mr. Correa's challenge to the identification evidence is unsubstantiated and, in certain respects, borders on disingenuity. Mrs. Vidal SC noted that while Mr. Neal contends the learned trial judge erred in agreeing with the Chief Magistrate's finding on identification, he has not at any point demonstrated why that conclusion was incorrect, nor explained why the identification evidence was, as he asserts, insufficient.

[86] Mrs. Vidal SC pointed out that the Chief Magistrate set out clearly the identification evidence before her, comprising the affidavit evidence provided by the Government of the USA together with Mr. Correa's bio-data page, which was

²⁵ Claim No CV 748/2023.

admitted without objection. The learned trial judge, Mrs. Vidal SC asserted, having considered that evidence, found no error in the Chief Magistrate's conclusion that Mr. Correa was the person sought by the Government of the USA.

[87] Mrs. Vidal SC submitted that Mr. Correa has, at no stage, denied being the individual sought pursuant to the extradition request from the USA. Mrs. Vidal SC asserted that, in his affidavit sworn in support of the Case Stated, Mr. Correa acknowledged that he is the person being sought and contended only that the lapse of time since his departure from the USA rendered his return unfair. Mrs. Vidal SC also noted that, when asked to confirm his personal details at the preliminary inquiry, Mr. Correa confirmed his name and date of birth. Mrs. Vidal SC submitted that the extradition bundle contained more than one photograph of Mr. Correa, and the Chief Magistrate compared him against one such photograph, a method of identification, Mrs. Vidal SC, submitted is well established as permissible, relying on **Re Bradshar's Application for a Writ of Habeas Corpus ad Subjiciendum**,²⁶ **R v Governor of Pentonville Prison, ex parte Rodriguez**, **Subnom Re Rodriguez's application for a writ of habeas corpus ad subjiciendum**²⁷ **R v Governor of Pentonville Prison, ex parte Voets**²⁸ and **Sealy v The Government of the United States of America**.²⁹

[88] In these circumstances, Mrs. Vidal SC submitted that it is unarguable that the identification evidence was insufficient; and that the learned trial judge did not err in finding the Chief Magistrate's conclusion on this point to be sound.

[89] As to the related submission that the learned trial judge merely adopted the Chief Magistrate's conclusions without independently analysing the sufficiency of the evidence or the question of dual criminality, Mrs. Vidal SC submitted that this mischaracterises the function of the Court below, which was not sitting in an appellate capacity over the Chief Magistrate's order. Having recited the

²⁶ [1984] Lexis Citation 1578.

²⁷ [1984] Lexis Citation 983.

²⁸ [1986] 2 All ER 630.

²⁹ BB 1992 CA 8.

evidence, the learned trial judge's decision, Mrs. Vidal SC submitted, reflects independent agreement rather than an abdication of the judicial function.

[90] In reference to the committal warrant, Mrs. Vidal SC submitted that Mr. Neal's submission related only to the delay in providing Mr. Correa with a copy of the warrant and not to its validity. Mrs. Vidal SC argued that the Clerk of Court sufficiently justified the delay as she informed Mr. Neal that she had been on vacation leave and provided the warrant of committal on the day that she returned to office. Further, Mrs. Vidal SC maintained that the warrant was in proper form, and that Mr. Correa had failed to establish any non-compliance with the statutory safeguards governing extradition proceedings.

[91] Mrs. Vidal SC submitted that the factual circumstances of the present case were distinguishable from those in **Gary Seawell** and **Deon Bruce v Attorney General and Superintendent of Prisons**³⁰ and urged this Court to disregard Mr. Neal's reliance on what Mrs. Vidal SC characterised as inapplicable authorities.

Safety of the Decision

[92] Mrs. Vidal SC submitted that there was no cumulative error capable of rendering the learned trial judge's decision unsafe and invited this Court to dismiss the appeal.

COURT'S ANALYSIS AND DISCUSSION

[93] At the outset, I state that I have deliberately considered all the submissions that were advanced before this Court. I turn now to address the issues which have been raised. I will treat with Issues 1 and 2 together since they are inextricably linked.

³⁰ Civil Appeal No 31 of 2018.

ISSUES 1 and 2: Procedural Fairness

Whether the absence of the transcript of the *habeas corpus* application hearing compromises the procedural fairness of the appellate process

[94] It is common ground that no transcript of the lower court's proceedings is available. However, this Court's inquiry at this stage is not focused on the absence of a transcript, without more, but whether its impact serves to vitiate the proceedings. It is essential to determine whether the absence of the transcript has deprived this Court of its ability to discharge its appellate function of review or has otherwise occasioned a miscarriage of justice which would compromise the fairness of the appellate process.

[95] Although decided in a criminal context, in **Lionel Daley v The Queen**,³¹ this Court, relying upon the decisions of the Judicial Committee of the Privy Council in **Roberts and Roberts v The State**,³² and the English Court of Appeal in **R v Le Caer**,³³ reaffirmed that the mere absence of a transcript does not, without more, render a conviction or decision unsafe. The significance of the missing record depends upon whether the appellant can point to something to suggest that there was an irregularity at the trial or a misdirection. I find these authorities persuasive to the civil appeal at bar and helpfully apply them.

[96] Mr. Correa must therefore do more than point to the absence of the transcript. He must identify the respect in which the omission prevents meaningful appellate review or gives rise to a real possibility that the proceedings below were affected by error. Thus, I will move directly to determine whether the absence of the transcript results in any unresolvable gaps.

[97] Mr. Correa was obliged to point to particulars, not merely invoke the absence of the record in general terms. Mr. Neal's submission does not, in its present form, identify any specific submission, exchange, or ruling made by the learned trial

³¹ BZ 2018 CA 23.

³² [2003] UKPC 1

³³ 1972) 56 Cr App R 727.

judge which is unknown and material to a live issue on this appeal.

[98] Moreover, it is taken as common ground, based on an assessment of the record of appeal and Mr. Neal's omission to respond to Mrs. Vidal SC's assertion, that no oral evidence was called before the learned trial judge. I accept that no oral evidence was called before the learned trial judge. All the evidence and documents before the learned trial judge is contained in the record of appeal before this Court. Therefore, this Court is not deprived of material necessary to test the correctness of the decision of the learned trial judge under appeal. Consequently, there was no prejudice. The issue of lack of transcript, as raised by Mr. Neal, does not render the procedure unfair or the decision of the trial judge unsafe.

[99] I will now continue to interrogate Mr. Correa's complaint of the procedural fairness of the *habeas corpus* application in the context of the learned trial judge's reasoning.

Whether the learned trial judge erred in failing to give adequate reasons for his decision, such that proper appellate review of the basis for his findings was rendered impossible.

[100] The duty of a judicial officer to give reasons has long been recognised as an indispensable incident of the administration of justice. It serves not merely to explain the outcome reached but to demonstrate that the decision has been arrived at by the proper application of legal principle to the facts. In **Flannery v Halifax Estate Agencies Ltd**,³⁴ the English Court of Appeal recognised that a trial judge's failure to give adequate reasons may constitute a ground of appeal. However, delivering the judgment of the Court, Henry LJ observed that, "*It is not a useful task to attempt to make absolute rules as to the requirement for the judge to give reasons...because issues are so infinitely various.*"³⁵ Therefore, the sufficiency of reasons will depend upon the circumstances of the particular case. The Court further explained that the content of the duty varies according

³⁴ [2000] 1 WLR 377.

³⁵ *ibid* at 381.

to the nature of the dispute before the court. The appellate court will only intervene where:

“[T]he reasons given by the trial judge are not satisfactory, or because it unmistakably so appears from the evidence, may be satisfied that he has not taken proper advantage of having seen and heard the witnesses, and the matter will then become at large for the appellate court.”³⁶

[101] These principles were reaffirmed shortly thereafter by the English Court of Appeal in **English v Emery Reimbold & Strick Ltd.**³⁷ Giving the judgment of the Court, Lord Phillips MR observed that the requirement to give reasons serves a number of important functions within the common law, but its essential purpose is simple: *“justice will not be done if it is not apparent to the parties why one has won and the other has lost.”*³⁸ The obligation is therefore directed not only to facilitating appellate review but also to maintaining public confidence in the administration of justice.

[102] Equally, the authorities make clear that the duty is not without limits. In **Eagil Trust Co Ltd v Pigott-Brown**,³⁹ Griffiths LJ explained that a judge is under no obligation to address every submission advanced by counsel. It is sufficient if the reasons disclose the principles upon which the judge acted and the basis upon which the decision was reached. The judgment need not be elaborate; it must simply be sufficient to enable the parties and an appellate court to understand the route by which the decision was reached. For emphasis, I find it necessary to extract a critical portion of the observations of Griffiths LJ:

“[T]here is no duty on a judge, in giving his reasons, to deal with every argument presented by counsel in support of his case. **It is sufficient if what he says shows the parties and, if need be, the Court of Appeal the basis on which he has acted and if it be that the judge has not dealt with some particular argument but it can be seen that there are grounds on which he would have been entitled to reject it, this court should assume that he acted on those grounds unless the appellant can point to convincing reasons leading to a contrary**

³⁶ *ibid* at 382.

³⁷ [2002] 1 WLR 2409.

³⁸ *ibid* at 2417.

³⁹ [1985] 3 All ER 119.

conclusion.⁴⁰ (Emphasis mine)

- [103] This Court adopted those principles in **Astry Galvez v Ramon Galvez**,⁴¹ where, after reviewing the English authorities, it reiterated that the adequacy of judicial reasons depends upon the circumstances of the individual case. Drawing upon the decision of the Full Court of the Supreme Court of Victoria in **Sun Alliance Insurance Ltd v Massoud**,⁴² the Court accepted that reasons will ordinarily be inadequate where the appellate court is unable to ascertain the reasoning upon which the decision is based or where the reasons are such that justice is not seen to have been done.
- [104] Culled together these authorities establish a coherent body of principles which guide the appellate inquiry into the adequacy of judicial reasons. A trial judge is not required to address every argument advanced by counsel nor to produce an exhaustive judgment detailing every legal *minutia*. All that is necessary is that the reasons be sufficient to disclose the process by which the court reached its conclusion, thereby enabling the parties to understand the decision and permitting, if so called upon, an appellate court to determine whether the applicable principles of law have been correctly applied. Whether that standard has been met depends upon the issues which the judge was required to determine in the particular case.
- [105] As with all categories of matters which the courts consider, extradition matters are '*infinitely various*', to adopt the parlance of Henry LJ in **Flannery**. This Court observes that in the circumstances, the learned trial judge quite properly identified the governing statutory and treaty framework, detailed the evidence before the Chief Magistrate on each contested point, and stated his conclusion and basis for each of the grounds advanced on behalf of Mr. Correa. I am of the considered view that the reasons given by the learned trial judge were adequate in the circumstances of this case.

⁴⁰ *ibid* at 122.

⁴¹ Civil Appeal No 29 of 2016.

⁴² (1989) VR 8.

[106] The learned trial judge was not required to address every argument which Mr. Neal advanced nor produce an exhaustive judgment dedicated to every legal *minutia*. Being cognisant of the underlying purposes of the trial judge's duty to give reasons, and applying the standard in **Flannery** and **Emery Reimbold**, I am satisfied that the parties were not in doubt as to who the successful and unsuccessful party was. A perusal of the decision of the learned trial judge makes it manifest that Mr. Correa was the unsuccessful party and adequately delineated in unornamented fashion the reasons for coming to that view. I am of the view that the reasons prove sufficient in elucidating the learned trial judge's process of arriving at his conclusion. Accordingly, Mr. Correa does not succeed on Issues 1 and 2.

[107] I will treat with Issues 3, 4 and 5 together.

ISSUES 3, 4 AND 5: Propriety of the Trial Judge's Assessment of the Legality of Detention

[108] In order to answer the next three issues raised, an appropriate starting point is closer review of the applicable legislative framework governing *habeas corpus* applications generally and in relation to extradition proceedings.

Whether the learned trial judge erred in law in applying the wrong test in *habeas corpus* proceedings

[109] **Section 5(2)(d) of the Constitution** confers the express right to seek *habeas corpus* 'where the fundamental right to liberty has been infringed by detention'. The interpretation of this provision has been affirmed by the Privy Council in **Fuller v AG (Privy Council)**.⁴³ A person who has been committed to custody by a magistrate to await the outcome of a request for their return to another state has a right to apply for a writ of *habeas corpus* for the purpose of testing the validity of their committal.

⁴³ Fuller v AG at [50].

[110] **Section 37 of the Senior Courts Act** provides that:

“37. The common law right to the writ of habeas corpus, as confirmed and regulated by the Habeas Corpus Act 1679, c. 2, and extended by the Habeas Corpus Act 1816, c. 100, shall be part of the law and procedure of Belize and, subject to any rules of court, shall be granted and issued as nearly as possible in accordance with the practice and procedure for the time being in force in regard to that writ in the High Court of Justice in England.”

[111] This section expressly incorporates the English **Habeas Corpus Act 1679** and **Habeas Corpus Act 1816** into part of Belizean law and procedure, meaning writs are issued in line with the High Court of Justice in England.

[112] **Halsbury's Laws of England**⁴⁴ states the writ of *habeas corpus* for release is:

“[A] prerogative process for securing the liberty of the subject by affording an effective means of immediate release from unlawful or unjustifiable detention whether in prison or in private custody...

It is a prerogative writ by which the Sovereign has a right to inquire into the causes for which any of the Sovereign's subjects are deprived of their liberty. By it the High Court and the judges of that court, at the instance of a subject aggrieved, command the production of that subject. If there is no legal justification for the detention, the party is ordered to be released.”

[113] As was recently reaffirmed by the United Kingdom Supreme Court in **The Father v Worcestershire County Council**,⁴⁵ the function of *habeas corpus* is confined to determining the legal authority for detention. The United Kingdom Supreme Court,⁴⁶ in approving the strictures of enquiry as it relates to the writ of *habeas corpus*, relied on the *dictum* of Lord Donaldson MR in **R v Secretary of State for the Home Department, ex p Cheblak**⁴⁷ which noted:

“A writ of habeas corpus will issue where someone is detained without any authority or the purported authority is beyond the powers of the person authorising the detention and so is unlawful...”

⁴⁴ Halsbury's Laws of England (2025) vol 88, para 666.

⁴⁵ [2025] UKSC 1 at [67].

⁴⁶ *Ibid* (Lord Sales and Lord Stephens (with whom Lord Reed, Lord Leggatt and Lady Simler agreed)

⁴⁷ [1991] 1 WLR 890.

- [114] The ability to obtain relief by way of habeas corpus is as of right in contradistinction to being discretionary as in an application for judicial review; as stated in **B v Barking, Havering and Brentwood Community Healthcare NHS Trust**⁴⁸ and by Lord Schiemann in **Ian Abdul Raheem Sheikh v Secretary of State for the Home Department**.⁴⁹
- [115] The burden rests on the detainer to justify the legality of the detention. In **R (on the application of M) v Secretary of State for the Home Department**,⁵⁰ the Court held that “[O]nce the Applicant shows that he is detained by the Respondent, it is for the Respondent to show that the detention is lawful.”
- [116] It is settled law that, on an application for *habeas corpus* arising out of extradition proceedings, the function of the High Court is to review the case as it was presented before the magistrate. This brings into sharp focus the complaints made against the judge in relation to his refusal to grant Mr. Correa habeas corpus.
- [117] Consistent with the limited function of this court of review, I turn closely to analyse whether the learned trial judge erred in law in applying the wrong test in *habeas corpus* proceedings. It is well settled that the role of the trial judge in an application for *habeas corpus* is limited to an examination of whether the detention is authorised by law, having regard to the statutory scheme governing extradition and the applicable treaty obligations.⁵¹
- [118] In accordance with **section 37 of the Senior Courts Act**, Mr. Correa invoked his right to apply for a writ of *habeas corpus* on the basis that he was being unlawfully detained at the Prison as the Chief Magistrate did not properly discharge her duties as authorised by the **Extradition Act, 2020**. The burden rested on the State, as the detainer to justify the legality of Mr. Correa’s

⁴⁸ [1999] 1 FLR 106 at 116.

⁴⁹ [2001] INLR 98 at [8] to [12].

⁵⁰ [2012] EWCA Civ 1349 at [22].

⁵¹ **R (on the application of M) v Secretary of State for the Home Department** [2012] EWCA Civ 1349 at [24] and [25].

detention.

[119] The learned trial judge was then required to review the case before the Chief Magistrate and determine whether Mr. Correa's detention was lawful. As outlined in **The Father v Worcestershire**, the learned trial judge must consider whether the Chief Magistrate made the order for the detention of Mr. Correa without the authority to do so or acted beyond the scope her powers.

[120] First, the learned trial judge outlined the scope and functions of the Chief Magistrate and referred to **section 3 of the Extradition Act, 2020** which granted her authority to hear extradition proceedings. I find it necessary to note that in recalling the scope of the function and authority of the Chief Magistrate, the learned trial judge referenced the **Belize Extradition Act of 2000** (Cap 112) when the applicable legislation was the **Extradition Act, 2020**. However, upon a closer examination, I am of the considered view that this is an immaterial error as the relevant sections are materially the same. Accordingly, the learned trial judge's citation of the earlier edition did not affect the correctness of his conclusion.

[121] In outlining the scope and function of the Chief Magistrate at the outset of his judgment, the learned trial judge properly equipped himself with the necessary framework against which to assess whether the Chief Magistrate had acted without authority, or beyond the scope of her powers, in ordering Mr. Correa's detention.

[122] Having so equipped himself, the learned trial judge then turned to articulate the test which, in his view, governed his function on the application for *habeas corpus*. At paragraph [15] of his judgment, the learned trial judge stated:

"The role of the court in extradition matters is very limited. It is limited to determining whether on the evidence before the court, the person sought can be extradited. This position was recognised by the Belize Court of Appeal in **Rhett Fuller v the Attorney General of Belize** and by the Supreme Court in **Mark Se[a]well v the Attorney General**. The court must consider whether on the material a reasonable magistrate could have made an order of committal. The court cannot, however,

retry the case to substitute its discretion for that of the magistrate."
(Emphasis mine)

- [123] Habeas corpus is unlike the prerogative orders available on judicial review as its grant is not discretionary. In habeas corpus, the right to redress has nothing to do with the exercise of discretion. Authority for this proposition is found in **B v Barking Havering and Brentwood Community Healthcare NHS Trust** at 116 and **Ian Abdul Raheem Sheikh v Secretary of State** at [8] to [12] which show habeas corpus is as of right, not discretion.
- [124] Quite properly, as conceded by Mrs. Vidal SC, I accept that the judge misspoke in the sentence when he referred to 'discretion', which is properly applicable to an application for judicial review, and distinguishable from the nature of relief on habeas corpus. That said, for the reasons which follow, I do not consider this misstatement to be material.
- [125] It was clear from the entirety of the judgment that the trial judge was aware that his role was to determine whether the Chief Magistrate complied with the statutory and treaty requirements and properly considered the sufficiency of the legal and evidentiary basis for committal. In consequence, the trial judge properly recognised that he was not required to retry the extradition proceedings, but to satisfy himself that Mr. Correa's detention was lawful. Ultimately, the trial judge examined the committal proceedings and warrant of committal and so concluded.
- [126] Extradition requires interrogation as to whether the law, statutory and evidence have been complied with as illustrated in the House of Lords' decision in **Re Guisto**.⁵² It is a statutory process in which the court is required to determine whether in view of the evidence, the conditions prescribed by the governing legislation and treaty obligations have been satisfied. The legality of the committal therefore depends upon compliance with those statutory and treaty requirements. However, an isolated infelicity of language by the learned trial

⁵² [2003] UKHL 19 at [27] to [33] and [64].

judge, unaccompanied by any corresponding error in the analytical exercise the judge in fact undertook, does not, without more, vitiate the judgment.

- [127] Given the circumstances that were before him, I am persuaded that the learned trial judge was seized of his proper role and properly concluded that the Chief Magistrate's order for committal was lawful. There is no basis upon which this Court can impugn this judge's decision.

If so, whether the learned trial judge further erred in finding that his conclusions were supported by the evidence before him

- [128] Second, and more significantly, the substantive analysis of the learned trial judge clearly demonstrates that he considered underlying evidentiary record himself and independently concluded that the evidence was sufficient. Where, as here, the body of the judgment demonstrates that the judge went beyond the Chief Magistrate's reasoning and made his own independent findings on each of the statutory safeguards said to be in issue, this Court is satisfied that the learned trial judge discharged the function properly required of him on an application for *habeas corpus*.

- [129] I am satisfied that the learned trial judge applied the correct test and his conclusions were supported by the evidence before him.

Whether, independently of the foregoing, the statutory safeguards under the Extradition Act were complied with

- [130] The trial judge is required to determine whether the statutory preconditions and procedural requirements to committal and continued detention were satisfied. This includes considering whether the evidence before the Chief Magistrate was sufficient to justify committal for trial had the alleged offence been committed in Belize, and whether the procedures prescribed by the **Extradition Act, 2020** and the **Extradition Treaty** were observed.

[131] It follows from this principle that the exercise undertaken by the learned trial judge could not properly be confined to asking whether the Chief Magistrate had before her some evidence capable of sustaining committal, or whether she had acted within the four corners of her jurisdiction. *Habeas corpus* being a supervisory jurisdiction directed at the legality of detention itself, the learned trial judge was required to go further: to satisfy himself, independently, that each of the statutory and treaty safeguards attending Mr. Correa's detention had in fact been observed, rather than to ask only whether the Chief Magistrate's conclusion was one reasonably open to her on the material before her.

[132] It is against that standard that this Court now turns to consider whether the statutory safeguards under the **Extradition Act, 2020** were, in substance, complied with.

[133] Three safeguards fall for consideration under this head, in these circumstances. First, whether the evidence before the Chief Magistrate was sufficient, according to the law of Belize, to justify Mr. Correa's committal, as required by **section 10 of the Extradition Act, 1870** and **Article 10 of the Extradition Treaty**. Second, whether Mr. Correa was informed, as **section 11 of the Extradition Act, 1870** requires, of his right to apply for habeas corpus and of the fifteen-day period before which he could not be surrendered. Finally, whether the warrant of committal was produced and made available to him without such delay as to impair his ability to invoke that right. I will now address each in turn.

(i) Sufficiency of the Evidence for Committal

[134] The first safeguard requires that, in accordance with **section 10 of the Extradition Act, 1870**, the evidence before the Chief Magistrate was sufficient to commit Mr. Correa for trial in Belize, in accordance with **section 34(7)(a) of the Indictable Procedure Act** and **Article 10 of the Extradition Treaty**. I am satisfied that Chief Magistrate's decision discloses that she precisely undertook this exercise. The evidence before the Chief Magistrate met the threshold prescribed by **section 10 of the Extradition Act, 1870** and **Article 10 of the**

Extradition Treaty.

- [135] The Eastern Caribbean Supreme Court in the Court of Appeal in **Cecil Boatswain v The Superintendent of Prisons and Attorney General**,⁵³ supports this approach. Adopting the observations of Saunders JA (as he then was), applying **Noel Heath v The Government of the United States of America**, the Court confirmed that an extradition hearing is not a trial, but a hearing directed only to whether there is sufficient evidence of an extradition crime to warrant surrender, and that the magistrate is not required to weigh the evidence or assess witness credibility as would a trial court. It follows that the sufficiency of the identification evidence falls to be measured against this lesser, *prima facie* threshold, and not against the standard which would attend proof of the underlying offence at trial.
- [136] For completeness, I must add, that Mr. Neal's eighth ground of appeal; namely, that the Chief Magistrate's written decision did not itself specify the domestic offences for which sufficient evidence existed does not affect this Court's findings on this issue or the appeal. The equivalent domestic offences of manslaughter and grievous harm were expressly identified in the Warrant of Committal issued contemporaneously with the Chief Magistrate's decision on 25 April 2024. Mr. Correa accordingly received adequate notice of the offences underlying his committal, and no authority has been placed before this Court for the proposition that the offences must additionally be recited in the body of the written decision, as distinct from the warrant itself, in order for the committal to be lawful.
- [137] Based on the affidavit evidence which the Chief Magistrate considered, had Mr. Correa's alleged conduct occurred in Belize, the evidence would have justified his committal for trial on the domestic offences of manslaughter and grievous harm, in accordance with **section 34(7)(a) of the Indictable Procedure Act**.

(ii) Notification under Section 11 of the Extradition Act, 1870

⁵³ Civil Appeal No. 6 of 2006 at [4].

[138] Mr. Neal's fifth ground of appeal contends that the learned trial judge erred in finding that the Chief Magistrate complied with **section 11 of the Extradition Act, 1870** in the absence of any documentary record that Mr. Correa was informed of his right to apply for *habeas corpus*. **Section 11 of the Extradition Act, 1870**, does not, on its face, prescribe the form which notification must take; it requires only that the person be informed.

[139] Paragraph [23] of the decision of the learned trial judge states that the record of proceedings before the Chief Magistrate on 25 April 2024 show that Mr. Correa was in fact informed, orally, that he would not be surrendered for fifteen (15) days and that he had the right to apply for the writ within that period. Mr. Neal has neither rebutted this position nor provided any evidence to further support this assertion.

[140] Therefore, I am of the view that, in addition to being unsubstantiated on the merits, there is no prejudice flowing from the absence of written notice as Mr. Correa was duly notified in accordance with **section 11 of the Extradition Act, 1870**.

(iii) Delay in Producing the Warrant of Committal

[141] The third safeguard concerns whether the warrant of committal was made available to Mr. Correa without such delay as to impair his ability to invoke his right to apply for *habeas corpus*.

[142] The learned trial judge addressed this delay at paragraph [24] of his judgment. He examined the correspondence directly, noted that the Clerk of Court had apologised for the delay and explained it by reference to a period of leave, and found that the warrant was produced within a short period of the renewed request. On that basis, he concluded that the administrative delay, without more, did not render the extradition proceedings irregular to the extent of defeating the extradition request.

[143] I am satisfied that this finding was properly open to the learned trial judge on the material before him. The delay in question, which was administrative in nature, was explained, and did not extend to any suggestion that the warrant, once produced, was other than regular and in proper form. The authorities of **Seawell** and **Bruce** do not assist Mr. Correa on the facts of this case as those authorities are concerned with the absence or invalidity of a warrant, not with administrative delay in transmitting a warrant that was issued in proper form on the very date of committal.

[144] For these reasons, I find that each of the three statutory and treaty safeguards under the **Extradition Act, 2020** was, in substance, observed, and that the learned trial judge, in reaching that conclusion, discharged the independent supervisory function required of him on an application for *habeas corpus*. The fifth issue raised by Mr. Neal is resolved against Mr. Correa.

ISSUE 6: Whether the learned trial judge was wrong in refusing to grant *habeas corpus*

[145] This is a very short point. I reiterate that whether or not the trial judge grants a habeas corpus does not engage any exercise of the judge's discretion.

[146] Having addressed Issues 1 through 5 individually and found no appealable error established under any of them, I turn finally to Mr. Neal's submission that, even if no single ground succeeds on its own, the cumulative effect of the matters raised renders the learned trial judge's decision unsafe. Before addressing that submission, it is apposite to reaffirm the standard by which this Court reviews a trial judge's findings on an application of this kind.

[147] **Section 201(6) of the Senior Courts Act** confers jurisdiction on this Court to hear an appeal from the decision of the High Court granting or refusing an application for a writ of *habeas corpus*. **Section 201(6) of the Senior Courts Act** provides that:

“(6) Notwithstanding sub-section (4)(a), an appeal shall lie to the Court from the decision of the High Court, with the leave of that court or of the Court of Appeal, against any decision of the High Court granting or refusing a writ of *habeas corpus*.”

[148] The existence of that jurisdiction does not, however, convert the appeal into a rehearing of the extradition proceedings. Rather, this Court is concerned with reviewing the High Court's decision by determining whether the learned trial judge erred in concluding that Mr. Correa's detention was lawful or unlawful.

[149] In the appeal at bar, in reviewing the learned trial judge's decision not to grant *habeas corpus*, this Court is concerned with whether he erred in so doing. The learned trial judge was required to consider the evidence that was before the Chief Magistrate and determine whether she had acted in accordance with the governing statutory and treaty requirements and, consequently, whether Mr. Correa's detention was authorised by law. Having undertaken that inquiry, the learned trial judge concluded that the committal and detention were lawful. It therefore falls to this Court to consider whether any error has been demonstrated in that conclusion.

[150] On the Record before this Court, there is no discernible error made by the learned trial judge in the determination of the writ of *habeas corpus*. I am not persuaded that the learned trial judge erred in concluding that Mr. Correa's detention was lawful. Consequently, there is no basis upon which this Court can properly impugn his decision.

Conclusion

[151] Given the totality of the circumstances, it was clearly open to the learned trial judge to conclude that the committal order was properly given and that the detention was lawful. As no error has been established under any of the preceding grounds, I am therefore satisfied that the learned trial judge committed no error warranting appellate intervention and that Mr. Correa's detention pending extradition remains authorised by law.

ORDER

[152] For the foregoing reasons, I hereby dismiss Mr. Correa's appeal and affirm the order of the learned trial judge in refusing Mr. Correa's application for *habeas corpus*.

[153] I gratefully acknowledge the helpful assistance of all learned counsel.

Louise Esther Blenman
Chief Justice

[154] I concur.

Minnet Hafiz Bertram
President

[155] I concur.

E. Andrew Marshalleck, SC
Justice of Appeal (Ag.)