

Case Number :DOMHCV2024/0213



Submitted Date:20/12/2024 16:57

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- Affidavit filed on behalf of the Claimant, Jonathan Lehrer
- Initials and Surname of deponent: J. L; Lehrer
- Affidavit #: 1
- Exhibit reference:
- Date Sworn: 20 December, 2024
- Date Filed: 20 December, 2024

IN THE EASTERN CARIBBEAN SUPREME COURT
IN THE HIGH COURT OF JUSTICE
COMMONWEALTH OF DOMINICA

DOMHCV 0213 OF 2024

IN THE MATTER OF THE BAIL ACT # 20 OF 2020, SECTION 4(3), (4) AND
SECTION 7(1)(2)

AND

IN THE MATTER OF AN APPLICATION BY JONATHAN LEHRER THAT BAIL BE
GRANTED HIM WITH OR WITHOUT CONDITION

BETWEEN

JONATHAN LEHRER

CLAIMANT

AND

CHIEF OF POLICE

FIRST DEFENDANT

DIRECTOR OF PUBLIC PROSECUTIONS

SECOND DEFENDANT

AFFIDAVIT IN SUPPORT OF NOTICE OF APPLICATION

I, JONATHAN LEHRER of Bois Cotlette Estate, Soufriere in the parish of St. Mark, in the Commonwealth of Dominica currently at the Dominica State Prison,

Stockfarm, in the parish of St. George, Commonwealth of Dominica make oath and say as follows:

1. I am the Claimant / Applicant in this matter. I rely on the facts and information disclosed herein in support of my Notice of Application.
2. The facts stated in this Affidavit are true and correct and within my personal knowledge save and except where I swear to information and belief, in which event I also verily believe the same to be true.
3. On October 24, 2024 I filed a Fixed Date Claim with an Affidavit in Support for the grant of bail which set out the medical emergency which I face and which directly impacts my life.
4. The specialized medical attention that I require is either not readily available in Dominica or not available whatsoever; however, this specialized medical attention is available in the United States of America.
5. There is a Specialist in Texas, United States of America who is able to provide the very specialized medical attention for the prostate cancer from which I suffer together with robotic imaging and intervention, which I need on an urgent basis.
6. On November 26, 2024 the Honourable Court granted bail subject to conditions. A true copy of the Order After Judgment is produced exhibited and marked **"JL1"**.
7. Since the grant of bail, I have been trying to comply with the bail conditions but I have face numerous setbacks and resulting delays as set out below.
8. On the said November 26, 2024 the Honourable Minister for National Security made a public declaration on radio objecting to the grant of bail.

The Minister has portfolio responsibility for the Police Force and the Registry Department.

9. On November 29, 2024 the Defendants filed a Notice of Application to Revoke the Bail granted on November 26, 2024. I opposed that Application.
10. On December 8, 2024 the Defendants filed an Amended Notice of Application to Revoke the Bail granted on November 26, 2024.
11. On December 8, 2024 the Defendants filed another Amended Notice of Application to Revoke the Bail granted on November 26, 2024 pursuant to the Bail Act, Bail Rules and the Inherent Jurisdiction of the Court. I opposed that Application.
12. On December 11, 2024 the Honourable Court heard arguments on the Defendants' Application.
13. On the December 13, 2024 an Affidavit of the proposed surety was submitted to the Registrar for the approval of the surety for the grant of bail. That Affidavit was filed on the December 16 2024. A true copy of the said Affidavit is produced, exhibited and marked "**JL2**".
14. On December 16, 2024 the Court denied the Defendants' said Application with cost. the Honourable court ruled that the application by the Defendants was unmeritable.
15. On the said December 16, 2024 an exhibit from the Affidavit of the proposed surety submitted on December 13, 2024 and filed on December 16, 2024 was published in two online blogs in Dominica; those blogs made several statements contemptuous of the Honourable Court. This

matter was a subject of complaint to the Registrar of the High Court by letter dated December 17, 2024. A true copy of the said letter is produced, exhibited and marked "**JL3**".

16. On the December 16, 2024 I filed an Affidavit confirming inter alia that the proposed surety has been a de facto family member with sufficient influence over me capable of ensuring that I abide by the conditions of my bail. A true copy of the said Affidavit is produced, exhibited and marked "**JL4**".

17. I am informed by my Legal Practitioners and verily believe that:

- (i) on December 17, 2024 my attorneys together with the proposed surety attended the Registrar's chambers to assess and approve the surety and that after a detailed examination the surety was approved as someone of similar nature to a family member or business associate who was capable of ensuring that I abide by the conditions of my bail;
- (ii) on said December 17, 2024 the Registrar contacted my legal practitioner via telephone to advise that my Solemn Guarantee as required at paragraph 106(9) of the Judgement of the Honourable Court and the Consent required at paragraph 106(10) and (12) of the Judgement must be filed prior to her issuing her order/warrant to take me from the prisons to her chambers to sign all the relevant papers in order to release me on bail.

18. On December 18, 2024 I did sign and file the Consent and Solemn Guarantee as required by the Registrar and the conditions of bail. A true copy of the Consent and Solemn Guarantee is produced, exhibited and marked "**JL5**".

19. I am informed by my Legal Practitioners and verily believe that on December 19, 2024 the Registrar telephoned and commented on the caveat which was registered on the property of BC North Inc in which the surety is the sole shareholder. On the said December 19, 2024, an Order for Withdrawal of Caveat was filed withdrawing the caveat in the name of Insite Inc. On the said December 19, 2024 a Caveat was filed by the Surety against the said title of BC North Inc; in the premises the surety's interest in that title was protected.
20. I am further informed by my Legal Practitioners and verily believe that on December 19, 2024 sometime after the caveat had been filed, the Registrar requested the presence of my Attorneys and the surety at her Chambers and proceeded to disapprove the selfsame surety that she had approved two days earlier on Tuesday December 17, 2024. A true copy of the Letter of Complaint to the Registrar is produced, exhibited and marked "**JL6**".
21. I am informed by my Legal Practitioners and verily believe that the Registrar had only been authorized to approve the surety and that having approved the surety she was fontase in that matter and had no power to disapprove that surety two days later.
22. I am further advised by my Legal Practitioner and verily believe that the disapproving of the surety was ultra vira the Registrar and accordingly a nullity.
23. My medical condition continues to deteriorate with further catheter blockages at a growing feeling of being unwell and in need of urgent medical attention.


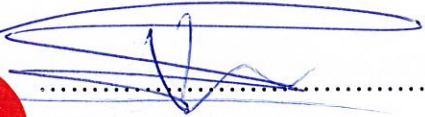
24. I have sought advice on my revoking of my United States citizenship and I have been informed and verily believe that:

- (i) the procedure is governed by the United States Embassy, further upon the revoking of my citizenship I would require a visitor's visa to enter the United States and there is no guarantee that the visa will be issued to me;
- (ii) upon the revocation of my United I will lose my medical coverage and so not be able to access medical care as a United States citizen. These are benefits I continue to enjoy as a citizen but once my citizenship is revoked, I will pay a substantially higher cost.

25. In the circumstances, I hereby pray that the Orders sought in the accompanying Application be granted on an urgent basis

Sworn at the State Prison, Stock)
Farm, in the parish of St. George)
this 20th day December, 2024) JONATHAN LEHRER

Before me:



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NOTARY PUBLIC
GEOFFREY L. LETANG
NOTARY PUBLIC

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AFFIDAVIT IN SUPPORT OF NOTICE OF APPLICATION


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LENNOX LAWRENCE
PLATINUMLAW CHAMBERS
LEGAL PRACTITIONER FOR THE CLAIMANT