



Transcript of Proceedings

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Date: 13 September, 2004

SUPREME COURT OF QUEENSLAND

CIVIL JURISDICTION

JONES J

Application No 394 of 2004

RE AN APPLICATION FOR BAIL BY NICOLE DOROTHY FLOOD

CAIRNS

..DATE 07/09/2004

JUDGMENT

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

HIS HONOUR: This is an application for bail by Nicole Flood who is charged that on the 6th day of August 2004 she murdered one Logan Amery.

She applies for bail conscious of the fact that she is in a show cause position and therefore has to satisfy the Court positively that there is no risk of her reoffending, failing to attend, or interfering with witnesses and the like.

The Director of Public Prosecutions opposes the grant of bail on the basis that the applicant has no ties with the area, that the inquiries are still on foot and therefore there raises the prospect of interference with witnesses, and generally because of the serious nature of the offence.

The applicant has been living in Cairns since 1998, a period of some six years. Her mother resides here as does one of her sisters. The applicant has five children, three of whom live with their father in Malanda, and the applicant has visiting rights. The other two children until the date of this offence lived with her. They are now being cared for by her mother. I am satisfied on that evidence that the applicant does have substantial ties to the area.

Notwithstanding that, because the ties are of a personal nature, strong though they are, and because of the limited view I have of the applicant's behaviour on the night in question, there remains a concern that she may decide not to comply with any bail condition I impose. For that reason I

intend to order that her release be conditioned upon a surety being provided which will be modest, but the purpose of it is to ensure that someone with a financial interest will accept the responsibility of ensuring compliance with the bail conditions.

The affidavit of Detective Clark relied upon by the respondent sets out in some detail the versions of events given by other witnesses. The case is an unusual one which rather suggests that there will be perhaps more than one defence argued in the trial. It is difficult to see in those circumstances that there is any prospect of interfering with any witnesses who may not already be known to the police and from whom statements would undoubtedly have been taken. Scientific evidence remains incomplete but there is no suggestion that the applicant would have any influence on that.

I am satisfied on those reasons that bail ought to be granted subject to conditions which were set out in a draft order, and the additional condition that there be provided one surety of \$2,000, or two sureties of \$1,000 each.

I will require the applicant to report to the Cairns Police Station between 8 a.m. and 4 p.m. on Monday, Wednesday, and Friday of each week unless that condition is varied by written notice from the Director of Public Prosecutions.

07092004 D.1 T22/AW M/T CNS3/2004 (Jones J)

I am satisfied therefore for those reasons that the applicant does not present an unacceptable risk of complying with bail conditions or with interfering with witnesses.

...

HIS HONOUR: There will be a condition that the applicant not have contact with any potential Crown witness.

...

HIS HONOUR: I make orders in terms of the draft initialled by me and placed with the papers.
