

ROYAL COURT
(Samedi Division)

126.

1st October, 1993

Before: The Bailiff, and Jurats
Orchard and Vibert

The Attorney General

- v -

Nicholas Damien Hanley

Application for bail following guilty plea to 17 counts of fraudulent conversion (counts 1-17 of the indictment) and remanded in custody pending sentencing by the Superior Number.

The Solicitor General.
Advocate S.J. Crane for the accused.

JUDGMENT

THE BAILIFF: The principle in granting bail after an accused has pleaded guilty to a serious offence is that it is only in exceptional and rare circumstances that this Court will grant bail. That principle is well established both in this jurisdiction and in England.

We have listened carefully to all that you have said, Mr. Crane, but the fact that your client is a compulsive gambler is no more mitigation as the Crown has said, than if he were an alcoholic. The matter, of course, will be taken into account in due course; but it does not rank as an exceptional and rare circumstance.

Furthermore, there have often been applications in the past for doctors to examine accused persons outside gaol; but the gaol is adequate, properly staffed and proper arrangements can be made for your client to be seen there. Again, that is not an exceptional circumstance and therefore bail is refused.

Authorities

A.G. -v- Makarios (1978) JJ 215.

A.G. -v- Wallace & Anor. (4th August, 1989) Jersey Unreported.

A.G. -v- Baxter (18th May, 1990) Jersey Unreported.

A.G. -v- Hughes (22nd September, 1989) Jersey Unreported.

C.J. Emmins: "A Practical Approach to Criminal Procedure": p.428:
para. 22.3.2: Refusing bail for a defendant charged with an
imprisonable offence.