

ROYAL COURT
(Samedi Division)

67.

7th April, 1995

Before: Sir Peter Crill, K.B.E., Commissioner, and
Jurats Myles and Rumfitt

Her Majesty's Attorney General

-v-

Kevin Barry O'Connell

Application for a review of the refusal of the Relief Magistrate to grant bail on 3rd April, 1995.

On 2nd March, 1995, the applicant pleaded guilty to 2 charges of causing malicious damage, and not guilty to 1 charge of violently resisting Police Officers in the execution of their duty and was remanded to appear on 3rd April, 1995.

On 6th March, 1995, the applicant reserved his pleas to 1 charge of assault; to 1 charge of being disorderly on licensed premises, contrary to Article 83 of the Licensing (Jersey) Law, 1974; to 1 charge of violently resisting Police Officers in the execution of their duty; and to 1 charge of assaulting a Police Officer in the execution of his duty. Bail was granted on conditions;

On 21st March, 1995, the applicant pleaded guilty to 1 charge of acting in a manner likely to cause a breach of the peace; to 1 charge of obstructing a Police Officer in the execution of his duty; and to 1 charge of causing malicious damage; and pleaded not guilty to 1 charge of violently resisting Police Officers in the execution of their duty, and was remanded in custody, and again on 24th March, 1994, to appear on 3rd April, 1995.

On 31st March, 1995, the applicant applied to the Royal Court for a review of the refusal to grant bail. The application was refused.

On 3rd April, 1995, the Relief Magistrate refused bail.

The Solicitor General
Advocate C.G.P. Lakeman

JUDGMENT

5 THE COMMISSIONER: We think it may be said, without being unfair to the difficult task the Magistrate has in these matters, that perhaps too great an emphasis was placed on the series of events which were very closely linked in our mind. It does not necessarily follow that further offences would be committed. We say that because there has been a substantial break between 197

and 1990 when this applicant started offending again, committing relatively minor offences; and a further break between September 1993, when the last offence was recorded, and these present offences. We take into account also the length of time that he would have remained in custody. That, in our view, would be unfair and create a sense of injustice. Accordingly bail is allowed in the sum of £50.

I must warn you, however, O'Connell, that you are not to go near any of the witnesses.

No Authorities