

ROYAL COURT
(Samedi Division)

161

18th August, 1995

Before: The Deputy Bailiff, and
Jurats Coutanche and Le Ruez

The Attorney General

- v -

Mark Anthony Broadhurst

Application for review of the decision of the Assistant Magistrate to refuse bail on 9th August, 1995.

- On 1st August, 1995, the applicant pleaded guilty to 1 charge of being knowingly concerned in the fraudulent evasion of the prohibition on importation of a controlled drug, (cannabis resin) contrary to Article 77(b) of the Customs & Excise (General Provisions) (Jersey) Law, 1972, and was remanded in custody with no bail option, until 4th August, 1995.
- On 4th August, 1995, the applicant pleaded guilty to 1 further charge of the same offence (amphetamine sulphate) and was remanded in custody to 9th August, 1995.
- On 9th August, 1995, the applicant appeared with his co-accused (who had reserved her plea on 3rd August, 1995, to two similar charges and had been remanded in Youth Custody to 9th August). Both accused were remanded in custody to the Royal Court; the applicant was refused bail; the co-accused was allowed bail in the sum of £1,000.

Application refused.

Advocate P.C. Harris for the Applicant.
A.R. Binnington, Esq., Crown Advocate.

JUDGMENT

5 THE DEPUTY BAILIFF: We have to consider whether the Magistrate erred
in refusing to grant bail. Mr. Harris, as always, has put to us a
very carefully prepared argument. He has asked us to consider the
disparity between the co-accused Miss Walsh, a student nurse, who
10 was accompanying Broadhurst on the motorcycle holiday to Jersey
and who was released on £1,000 bail on condition that she report
twice weekly to her local Police Station in Birmingham. We cannot
see that that argument is sustainable. In his statement,
Broadhurst, very candidly, exonerated his companion. He said that
15 she knew the drugs were there but wanted nothing to do with them.
In that scenario there is no disparity that we can see.

15 This was a commercial importation of a Class B drug even
though Broadhurst claimed that it was for his personal use. There
will, on that basis, inevitably be a period of imprisonment and
looking at the tables presented to us by Crown Advocate
Binnington, that could amount to 12 months.

20 It is only in exceptional cases that we will upset the
Magistrate's decision which was based on three proper grounds:

1. The seriousness of the offence.
2. The commercial amounts of controlled drugs involved, and
- 25 3. The fact that the case was to be remanded to the Royal Court.

25 As a fall-back argument Mr. Harris asks that bail be granted
to enable Broadhurst to put his affairs in order. He lives in
rented accommodation in Birmingham and his motorcycle is on hire
purchase.

30 We cannot allow the appeal on that ground. Assistance will
be given to Broadhurst in prison to regulate his affairs. The
application is accordingly dismissed.

No Authorities.