

ROYAL COURT
(Samedi Division) 212,

12th November, 1996

Before: F.C. Hamon, Esq., Deputy Bailiff, and
Jurats de Veulle and Querée.

The Attorney General

- v -

William Charles Dubois

Application for review of Magistrate's refusal of bail on 6th November, 1996.

On 30th October, 1996, the applicant reserved his plea to 1 count of grave and criminal assault, and was remanded in custody, without bail application.

On 6th November, 1996, the applicant reserved his plea to:

1 count of driving a motor vehicle, whilst unfit to drive through drink or drugs, contrary to Article 16 (as amended) of the Road Traffic (Jersey) Law, 1956 (count 1)

1 count of failing to comply with the conditions, subject to which a provisional licence, of which he was the holder was granted to him, by driving whilst unsupervised and without displaying 'L' plates, contrary to Article 6(2) of the Road Traffic (Jersey) Law, 1956 (count 5)

1 count of illegally entering premises with intent to commit a crime (count 6)

1 count of theft (count 7); and

pleaded guilty to:

1 count of driving away a motor vehicle without the owner's consent or other lawful authority, contrary to Article 28 of the Road Traffic (Jersey) Law, 1956 (count 2)

1 count of using a motor vehicle whilst there was not in force a policy of insurance against Third Party Risks, contrary to Article 2(1), as amended, of the Motor Traffic (Third Party Insurance) (Jersey) Law, 1948 (count 3)

1 count of failing to stop and report an accident, contrary to Article 27 of the Road Traffic (Jersey) Law, 1956 (count 4); and

1 count of acting in a manner likely to cause a breach of the peace (count 8).

Application refused.

P. Matthews, Esq., Crown Advocate.
Advocate J.D. Melia for the Applicant.

JUDGMENT

5 THE DEPUTY BAILIFF: This is an application for bail. Our duties are clear in dealing with an application such as this. We have to be satisfied either that the Magistrate positively misdirected himself, or the proceedings were irregular, or that he gave a decision which no reasonable Magistrate could properly have given.

10 There are many matters which a Magistrate will take into account; there are such matters as the nature of the accusation; the nature of the evidence in support of the accusation; the severity of the punishment which conviction will entail; the criminal record of the accused, or whether witnesses are likely to be interfered with and so on.

15 We have considered the matter carefully. The Magistrate retired to consider the record and when he returned he said: "I can say I'm influenced, amongst other things, by the record which I see includes a fairly recent term of imprisonment imposed by the Royal Court totalling fifteen months. There we are. The date till the trial is also very short". He then refused bail.

20 Miss Melia has said everything that she can this morning, but all her arguments were carefully rehearsed before the Magistrate. We cannot, on any basis, see a reason to interfere and bail is refused.

Authorities

A.G. -v- Skinner (24th June, 1994) Jersey Unreported.

A.G. -v- Croke (23rd December, 1994) Jersey Unreported.

A.G. -v- Gaffney (23rd December, 1994) Jersey Unreported.

A.G. -v- Mee (23rd December, 1994) Jersey Unreported.

A.G. -v- Douglas (31st July, 1987) Jersey Unreported; (1987-88)
JLR N.9.

A.G. -v- Hall (21st July, 1995) Jersey Unreported.

A.G. -v- Hall (5th May, 1995) Jersey Unreported.