

ROYAL COURT  
(Samedi Division) 59,

4th April, 1997

Before: Sir Phillip Bailhache, Bailiff and Jurats  
Rumfit and Jones.

The Attorney General

-v-

Darren John Tanguy

Application for review of Magistrate's refusal of bail

- On 27th March, 1997, the applicant was convicted on a not guilty plea to 1 count of assault and was remanded to appear for sentencing on 1st April, 1997.
- On 1st April, 1997, the applicant was sentenced to 12 weeks' imprisonment and notified the Court of his intention to appeal.
- On 2nd April, 1997 the applicant was refused bail.
- Application refused.

The Solicitor General.  
Advocate J. Martin for the accused.

JUDGMENT

THE BAILIFF: This applicant was convicted by the Magistrate on 27th March, 1997 of an offence of assault and was sentenced to twelve weeks' imprisonment. Notice of Appeal has been given and the applicant has applied for bail. That application was refused by the Magistrate on 2nd April. We have been given to understand that the appeal will be heard on 21st April. That means that the applicant will have served three weeks in prison out of his twelve weeks' sentence before his appeal is heard. There is no evidence before us - indeed no submissions have been made - as to any exceptional circumstances arising in this case, and no contentions have been made as to the likelihood of the appeal's succeeding. We have only to consider whether the Magistrate was acting unreasonably in taking the view that it was acceptable to serve three weeks out of a twelve weeks' sentence of imprisonment before the appeal is heard.

There is clearly a balance to be struck in these cases. If the majority of a sentence of imprisonment is to be served before the appeal is heard, we would expect the balance to tip in favour

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of the applicant. In the circumstances of this case, we cannot find that the Magistrate acted unreasonably in refusing bail and the application is therefore refused.

Authorities

A.G. -v- Fischer (22nd July, 1994) Jersey Unreported

McLaughlin -v- A.G. (1985-86) JLR N.8.; (21st May, 1995) Jersey Unreported.

Police Court (Miscellaneous Provisions) (Jersey) Law, 1949 : Articles 14,15,21.