

ROYAL COURT
(Samedi Division) 119

20th June, 1997

Before: F.C. Hamon, Esq., Deputy Bailiff,
and Jurats Le Ruez, and Le Brocq

The Attorney General

- v -

David Waller

Application to review refusal of Bail in the Magistrates Court.

- On 22nd April, 1997: the applicant reserved his plea to: 1 count of grave and criminal assault on a Police Officer; 1 count of obstructing Police Officers in the execution of their duties; and 1 count of resisting a Police Officer in the execution of his duty. Bail was refused; the applicant was remanded in custody until 21st May 1997
- On 2nd May, 1997: a bail application was refused.
- On 21st May, 1997: Plea again reserved; a bail application was refused; the applicant was remanded in custody until 18th June, 1997.
- On 18th June, 1997: the applicant was remanded in custody for trial before the Royal Court. Bail application was refused.

Application refused.

P. Matthews Esq., Crown Advocate.
Advocate S Gould for the Applicant.

JUDGMENT

THE DEPUTY BAILIFF: This is a review of a refusal to grant bail by the Relief Magistrate, Mr Short, on the 18th June of this year.

5 Mr Short clearly based his judgment on the seriousness of the offence; he said so in express terms and in our view he was clearly entitled to do so.

10 Mr Gould has, both in his very careful written submission and indeed in his careful address to us, dealt with all the possible points. The later medical report of Mr James Payne-James gives some possible explanations, but in our view at this stage they are no more valid than an expression of opinion.

What we have had to consider is whether, if the learned Assistant Magistrate had had this report before him it would have altered the decision that he made. It must be born in mind that we are only reviewing his decision.

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We have given very great thought to this application but we cannot say that his opinion would have been so altered as to have made him change his mind. Because of this and because of the seriousness of this assault bail, is refused.

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Authorities

Attorney General -v- O'Reilly (23 January 1995) Jersey Unreported.
