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ROYAL COURT
(Samedi Division)

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5th May, 1995.

Before: The Deputy Bailiff and Jurats
Myles and Vibert.

Her Majesty's Attorney General

-v-

Stephen George Hall

Application for a review of the refusal of the Relief Magistrate to grant bail on 4th May 1995.

Proceedings in the Magistrate's Court

On 29th March, 1995, the applicant reserved his plea to 2 charges of causing malicious damage and was remanded on £200 bail, with conditions, until 26th April, 1995.

On 24th April, 1995, the applicant pleaded not guilty to 1 count of grave and criminal assault and was remanded on terms.

On 26th April, 1995, the applicant pleaded not guilty to 1 charge of assault, and to 1 charge of making annoying telephone calls, contrary to Article 20(b) of the Telecommunications (Jersey) Law, 1972, and was remanded on bail on all charges until 26th May, 1995, for trial on 1st June, 1995.

On 27th April, 1995, the applicant pleaded not guilty to 1 charge of making telephone calls of a menacing character, contrary to Article 20 of the said Law, and to 1 charge of making annoying telephone calls, contrary to Article 20(b) of the said Law, and was remanded in custody.

On 4th May, 1995, the Relief Magistrate refused an application for bail by the applicant.

Application refused.

W.J. Bailhache, Esq., Crown Advocate.
Advocate P.C. Harris for the Applicant.

JUDGMENT

THE DEPUTY BAILIFF: We need to repeat the fact that in matters of

Court, we are only acting as a Court of review. We have a duty, in so acting, to examine whether the Magistrate has taken into account all factors which he should properly have taken into account; or perhaps ignored factors which he should have taken into account; was clearly wrong in law; or is so unreasonable in his decision, that his decision must be set aside.

We have examined the facts of this case most carefully, and we need to say that we were disturbed by the summary of facts presented to the learned Relief Magistrate by the Centenier, who appears to have finally dealt with the matter - there seem: to have been four Centeniers involved in the seven charges which were eventually brought. However, we are not convinced that we can upset the Magistrate's decision. Overall, the Magistrate's words "there must be a halt to all this" are apposite.

The threats, which were clearly made - whether they were made in drink or not, whether they were intended or not - were unpleasant and frightening. We do not need to rehearse them here again. The applicant must have known that he was treading on dangerous ground when he was placed on bail. He clearly knew the terms of his bail and his actions, particularly in the light of his record, were, in our view, bound to lead the Magistrate to the conclusion that he reached, and therefore the application is refused.

No Authorities