

ROYAL COURT
(Samedi Division) 124.

28th June, 1996.

Before: The Bailiff and Jurats Blampied
and Potter.

The Attorney General

-v-

Antonio Romano Capuano.

Application for review of Magistrate's refusal of bail on 25th June, 1996.

- | | | |
|---------------------|----------------|---|
| On 14th June, 1996: | The applicant: | (1) pleaded guilty to: <ul style="list-style-type: none"> (a) 1 count of causing malicious damage to a motor vehicle; (b) 1 count of acting in a manner likely to cause a breach of the peace; (c) 1 count of assaulting a Police Officer in the execution of his duty; and (d) 1 count of violently resisting Police Officers in the execution of their duty; and (2) admitted a breach of a 6 month Binding Over Order, imposed on 2nd June, 1996, on a charge of causing malicious damage to a window. |
|---------------------|----------------|---|

The applicant was remanded in custody, without bail option, for sentencing by the Royal Court.

On 14th June, 1996: The applicant applied to the Royal Court for a review of the Magistrate's refusal of bail on 14th June, 1996. The application was refused.

On 25th June, 1996: The Magistrate refused an application for bail.

Application granted in sum of £500, from 3rd to 10th July, 1996, on condition that the applicant does not contact, directly or indirectly, Zelda Heath or Amber Heath pending further Order of the Court. The Applicant to surrender to custody by 6.00.p.m., on 10th July.

A.R. Binnington, Esq., Crown Advocate.
Advocate H. Tibbo for the Applicant.

JUDGMENT

5 THE BAILIFF: This is an unusual application in the sense that as the
Crown Advocate has rightly said the Court is sitting to review a
decision of the Magistrate to refuse bail. It is unusual because
10 the Magistrate who was faced with the application for bail
essentially on compassionate grounds, gave an indication in
refusing the application that if he had been more fully informed
he might have dealt with the application in a different way. The
compassionate ground upon which the applicant sought bail in the
Police Court was to enable him to attend the wedding of his sister
15 in Scotland and to give her away at that ceremony. When the
application was made in the Police Court the date of the proposed
wedding was unclear. Counsel for Capuano has now told us that
the date of the wedding is Saturday 6th July and that he has
obtained confirmation from his mother that the wedding is to take
place and that the mother desires her son to be present at the
ceremony.

20 Capuano, with some reservations the Court is going to grant
your application for bail for a limited period of time to enable
you to attend the wedding in Scotland. The bail will be granted
in the sum of £500 and it will operate between Wednesday 3rd July
and Wednesday 10th July and you must surrender yourself to custody
by 6 o'clock in the evening on Wednesday 10th July. Now, it is
25 also a condition of the bail that you should have no contact
directly, or indirectly, with Zelda Heath, or with your daughter,
Amber Heath pending any further order of the Court. To that
limited extent the application is granted.

No Authorities