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ROYAL COURT
(Samedi Division)

15th November, 1996 214.

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

The Attorney General

- v -

Lee Thomas Buckley
Stephen James Hendry

LEE THOMAS BUCKLEY

1 count of grave and criminal assault (1st indictment: count 1).

1 count of attempted breaking and entering with intent (2nd indictment: count 1).

1 count of malicious damage (2nd indictment: count 2).

1 count of being carried in a motor vehicle, taken without the owner's consent or other lawful authority, contrary to Article 28(1) of the Road Traffic (Jersey) Law, 1956 (2nd indictment: count 3).

STEPHEN JAMES HENDRY

1 count of grave and criminal assault (1st indictment: count 1).

1 count of attempted breaking and entering with intent (2nd indictment: count 1).

On 27th September, 1996, the Court adjourned matter until 14th November, 1996, for a 'Newton' hearing in respect of the accused Hendry on the grave and criminal assault charge; Hendry remanded in custody; Buckley on bail.

On 8th November, 1996, the accused Hendry abandoned 'Newton' hearing and Court further adjourns matter for a week; accused remanded on same terms.

Accused Hendry, having stated he now wishes to proceed with 'Newton' hearing, applies for and is granted bail on conditions.

J.A. Clyde-Smith, Esq., Crown Advocate.
Advocate S.J. Crane for L.T. Buckley.
Advocate J. Martin for S.J. Hendry.

JUDGMENT

THE DEPUTY BAILIFF: The Court looks at the nature of the accusation, the nature of the evidence in support of the accusation, the severity of the punishment which conviction will entail and whether the accused has a bad criminal record and whether he is likely to interfere with witnesses. That list of course is not exhaustive.

The offence is an extremely serious one but there is to be a 'Newton' hearing which, we understand, will determine Hendry's involvement in the grave and criminal assault, to which he has pleaded guilty. We cannot pre-judge that issue; the fact that it has been re-opened because Hendry's mother, it appears, has somehow advised her son to proceed against legal advice does not affect the issue. He is only just twenty-one. He has a bad record and we have to recall that he committed the grave and criminal assault and an attempted break-in whilst on bail. However, it has apparently taken five months to progress the matter from the Police Court to this Court.

We have listened very carefully to everything that Mr. Clyde-Smith has said to us but in the unusual circumstances of the delay we are going to take a risk. We have to say it is a calculated risk. Hendry, will you stand up, please. You are going to be granted bail. You will report to the police three times a week. We are going to fix a curfew - as your family has obviously taken an interest in you - and that will be from 6.30 in the evening to 6.30 in the morning on weekdays and there will be a total curfew at weekends. You are not to approach the victim or any prosecution witness and you are to notify the police of your present address and any change of address. We would add this: we have thought long and hard about what we should do; if you offend in any way at all you must realise that you will be back in prison very quickly.

No Authorities.