

ROYAL COURT
(Samedi Division)

ISS

7th August, 1997

Before: F.C. Hamon, Esq., Deputy Bailiff, and
Jurats Bonn and Jones.

The Attorney General

- v -

John Charles White

Application for a review of the Magistrate's decision to refuse bail on 5th August, 1997.

On 21st July, 1997, the applicant pleaded guilty in the Magistrates' Court to 1 count of being knowingly concerned in the fraudulent evasion of the prohibition on the importation of a controlled drug (cannabis resin), and was remanded in custody, without a bail option.

On 5th August, 1997, the Magistrate refused bail.

Application refused.

P. Matthews, Esq., Crown Advocate.
Advocate J.D. Melia for the Applicant.

JUDGMENT

5 THE DEPUTY BAILIFF: This is a review of the refusal by the Magistrate to grant bail. We have to be satisfied, beyond a peradventure, that the Magistrate positively misdirected himself, or the proceedings were irregular, or that he gave a decision which no reasonable Magistrate could properly have given.

All this Miss Melia readily accepts and, if we may say so, she has said everything that could be said.

10 In the spare wheel of the applicant's 'Mercedes' car was found a considerable amount of cannabis resin with a street value of £55,000. He seeks a limited period of bail to attend his wife's funeral in Birmingham, at 10.30 a.m. on Tuesday, 12th August, 1997.

15 What the Magistrate said at the end of the application was this:

20 "I have given the most anxious consideration to this one. I'll tell you very quickly that I'm refusing the application. I'm refusing the application for a number of reasons. Firstly, the seriousness of the offence. Secondly, he's

5 pleaded guilty. Thirdly, it's very important to his bail
application that the children are being cared for. They are,
they're being cared for. I didn't understand whether it was
his sister or his wife's sister, but they're clearly being
properly cared for. The administration of her estate is not
10 something on its own which I would ever think about letting a
man out on bail. These are the reasons and, perhaps,
sufficient, but that would at least enable you to get to
another place, if you're so instructed, and they are my
reasons. Obviously, I have great sympathy with the
defendant, but I cannot allow my heart to rule my head. What
15 would happen, for example, if something nasty was to overtake
Mr. White when he got back to Birmingham. There we are,
application is refused. Remanded in custody. Thank you".

Regretfully we can find nothing which allows us to interfere and
the application is refused.

Authorities.

A.G. -v- Hammond (24th December, 1996) Jersey Unreported.

A.G. -v- Skinner (24th June, 1994) Jersey Unreported.