

ROYAL COURT
(Samedi Division)

219.

4th December, 1997

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

A.G.

-v-

Edward Appleyard

Application for Bail

1 Count of obtaining money by false pretences.

Plea:

Not guilty changed to guilty.

Remanded for sentencing on 30th January, 1998.

N.M. Santos Costa, Esq., Crown Advocate.
Advocate D. E. Le Cornu for the accused.

JUDGMENT

THE DEPUTY BAILIFF: This is an application for bail on a changed plea to guilty. Mr. Costa has shown us precedents in which the Court has repeated over and again that bail should only be granted, following a plea of guilty to a serious offence, in rare and exceptional circumstances.

There is no doubt in our minds that on the face of it the obtaining of over £40,000 from an insurance company is an offence that will ordinarily be met with a term of imprisonment. The personal circumstances of the applicant, as outlined to us by Mr. Le Cornu, although extremely disturbing should not be of concern to this Court. However, Mr. Le Cornu has explained to us that the accused was charged in October 1996. He was granted bail on 25th October of that year and has returned to England from where he has complied with every term of his bail, particularly by coming to Jersey on some six separate occasions for various committal hearings.

It surprises us that the Prosecution has taken so long to bring this matter to trial, eight months in the Police Court and six months in this Court. Mr. Costa candidly admits that there is no indication that Appleyard will not appear for his trial and the Crown has sympathy for the prolonged delay. It is for reasons of the prolonged delay, when weighed in the balance with the other personal reasons, that we will regard this case as exceptional. This finding must not of course be seen as in any way compromising the Sentencing Court when the matter comes to trial.

Appleyard, we are going to grant you bail on these terms, and they are the same as they were before. Your bail is set at £20,000. If you return to the United Kingdom you will keep the Law Officers, the Viscount, the States Police and Advocate Le Cornu notified of any change of address. You must return to Jersey for your sentencing on or before 30th January, 1998. You must report to the States Police on your return. You must notify them of a Jersey address and you must notify them of any change in address.

Authorities

A.G. -v- Hanley (1993) JLR N.3.

A.G. -v- Pockett (21st December, 1990) Jersey Unreported.