

ROYAL COURT

4th November, 1988

Before: The Deputy Bailiff and
Jurats Coutanche and Vint

Her Majesty's Attorney General

- v -

Gary John Barnes

Application for bail to attend grandmother's funeral pending hearing of appeal against conviction and sentence of 12 years' imprisonment on one count of rape, imposed by the Royal Court (Criminal Assize). (The applicant had not appealed against conviction and sentence of 5 years' imprisonment (concurrent) on a charge of grave and criminal assault).

H.M. Attorney General for the Crown
Advocate A. Messervy for the Appellant.

JUDGMENT

DEPUTY BAILIFF: In order to found jurisdiction the Court would be using the Court of Appeal (Jersey) Law, 1961, as a device, because there is no appeal against conviction for grave and criminal assault which will keep Barnes in custody long after next January, when his appeal is to be heard, regardless

of the appeal against sentence. Then, having used that device, the Court would have to go on to undermine the policy and the practice of the prison authorities. We have judicial knowledge of the fact that even within this jurisdiction, prisoners are only permitted to attend the funeral of very close relatives, that is to say, a spouse, a parent, or a child. Whatever compassion we may feel, we feel equally that we cannot create a precedent of this kind. The application is refused.

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