

3 pages.

ROYAL COURT
(Samedi Division)

80.

28th April, 1995.

Before: The Deputy Bailiff and Jurats
Blampied and Herbert.

Her Majesty's Attorney General

-v-

Kevin Barry O'Connell

Application for a review of the refusal of the Magistrate to grant bail on 24th April, 1995.

On 2nd March, 1995, the applicant pleaded guilty to 2 charges of causing malicious damage, and not guilty to 1 charge of violently resisting Police Officers in the execution of their duty and was remanded to appear on 3rd April, 1995.

On 6th March, 1995, the applicant reserved his pleas to 1 charge of assault; to 1 charge of being disorderly on licensed premises, contrary to Article 83 of the Licensing (Jersey) Law, 1974; to 1 charge of violently resisting Police Officers in the execution of their duty; and to 1 charge of assaulting a Police Officer in the execution of his duty. Bail was granted on conditions;

On 21st March, 1995, the applicant pleaded guilty to 1 charge of acting in a manner likely to cause a breach of the peace; to 1 charge of obstructing a Police Officer in the execution of his duty; and to 1 charge of causing malicious damage; and pleaded not guilty to 1 charge of violently resisting Police Officers in the execution of their duty, and was remanded in custody, and again on 24th March, 1994, to appear on 3rd April, 1995.

On 31st March, 1995, the applicant applied to the Royal Court for a review of the refusal to grant bail. The application was refused.

On 3rd April, 1995, the Relief Magistrate refused bail.

On 7th April, 1995, the Royal Court granted the application of the Applicant for a review of the refusal of the Relief Magistrate to grant bail on 3rd April, 1995, and granted bail (*see Jersey Unreported Judgment of that date.*)

On 18th April, 1995, the applicant pleaded guilty to 1 charge of causing malicious damage and not guilty to 1 charge of malicious damage and to 1 charge of being drunk and disorderly, and was remanded in custody; bail was refused.

On 21st April, 1995, the Royal Court granted the application of the Applicant for a review of the refusal of the Relief Magistrate to grant bail on 18th April, 1995, and granted bail (*see Jersey Unreported Judgment of that date.*)

found to be proved, and the applicant was remanded in custody; bail was refused.

Application refused.

D.E. Le Cornu, Esq., Crown Advocate
The Applicant on his own behalf

JUDGMENT

5 THE DEPUTY BAILIFF: Mr. O'Connell, because you felt that you could
not stay in the house which you had voluntarily said you would
stay in, even if you had then gone to your brother-in-law's house
rather than to the "Folie D'Amour" until 2 o'clock in the morning,
we are not certain even then - although perhaps our sympathy with
you might have been a little greater than it is at the moment -
10 ~~that~~ we would have been able to interfere because as the Crown
Advocate has said our duty here on an application to review a
refusal of bail by the Magistrate is merely to look at what the
Magistrate did. We could really only interfere if what the
Magistrate had done was seriously in error. Now, you may have a
sense of grievance against the Magistrate but we are unable to
15 find anything in what the Magistrate decided which allows us to
interfere with his decision. I am afraid you are going to have
to stay in prison until May 18th when your case comes up.

No Authorities