

ROYAL COURT
(Samedi Division)

12th May, 1995

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Before: The Deputy Bailiff and Jurats
Bonn and Le Ruez

The Attorney General

- v -

Jason Thomas Russell

Application for review of the refusal on 11th May, 1995 to grant bail by the Relief Magistrate, pending appeal.

On 23rd February, 1995, the applicant was charged with:

- 1 count of driving without due care and attention, contrary to Article 15 of the Road Traffic (Jersey) Law, 1956, as amended (charge 1 of the 1st charge sheet).
- 1 count of dangerous or careless driving, contrary to Article 26 (2) of the said Law (charge 2 of the 1st charge sheet).
- 1 count of of assault (charge 1 of 2nd charge sheet).
- 4 counts of grave and criminal assault (charges 2,3,4, & 5 of 2nd charge sheet).
- 1 count of acting in a manner likely to cause a breach of the peace (charge 6 of the 2nd charge sheet); and
- 3 counts of causing malicious damage (charges 7,8 & 9 of 2nd charge sheet)

On 13th April, 1995, the applicant after pleading guilty to charges 1 & 2 of 1st charge sheet, and to charges 1, 6 & 9 of 2nd charge sheet, and not guilty to the remaining charges, was tried and convicted.

On 11th May, 1995, the applicant was sentenced to a total of 2 months' imprisonment, but applied for bail, pending appeal out of time against conviction and against concurrent sentences of 2 months' imprisonment, imposed on charges 2-5 inclusive of 2nd charge sheet and of 2 weeks' imprisonment imposed on charges 7 & 8 of 2nd charge sheet. Bail was refused.

Application refused.

The Attorney General.
Advocate P. M. Livingstone

JUDGMENT

DEPUTY BAILIFF: This is an application by Jason Thomas Russell for bail, pending appeal from a decision of the Relief Magistrate. The appeal against conviction is three weeks out of time.

Mr. Russell was sentenced yesterday to two months' imprisonment. No reason was given to us why the appeal against conviction was delayed. The charges all arise out of the same incident, where serious injury could have resulted.

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The applicant drove his car at another car with four persons in it, in the presence of the police. It was a domestic problem, but injury and shock resulted.

10 The application is hopeless. Mr. Livingstone says the words of Judge Short show that the matter was not properly considered. What Judge Short, who had knowledge of the case, said was this:

15 *"All the grounds are there clearly set out before me. Bail pending appeal is more sparingly granted than bail before the finding. If it had been a matter of two or three days, or even two or three weeks, and if I had felt any danger that the appeal would not come up for hearing before the end of the*
20 *sentence of before the mid-sentence, I would have considered it. But I am not willing to grant bail in this instance because I think it would be wrong in principle".*

25 It cannot be right that every comparatively short sentence where an appeal is made, leads to a successful bail application. As the learned Attorney has said, the Magistrates have to exercise a delicate balancing operation, and in the duty that we have in this Court, we can see no reason, in this case, to interfere.
30 Therefore, the application is refused.

No Authorities.