

ROYAL COURT
(Samedi Division)

13.7.

26th July 1996.

Before: The Deputy Bailiff and Jurats Potter
and de Veulle.

The Attorney General

-v-

Antonio Romano Capuano.

Application for review of Magistrate's refusal of bail on 22nd July, 1996.

On 14th June, 1996:	The applicant:	(1) pleaded guilty to:
		(a) 1 count of causing malicious damage to a motor vehicle;
		(b) 1 count of acting in a manner likely to cause a breach of the peace;
		(c) 1 count of assaulting a Police Officer in the execution of his duty; and
		(d) 1 count of violently resisting Police Officers in the execution of their duty; and
		(2) admitted a breach of a 6 month Binding Over Order, imposed on 2nd June, 1996, on a charge of causing malicious damage to a window.

The applicant was remanded in custody, without bail option, for sentencing by the Royal Court.

On 14th June, 1996: The applicant applied to the Royal Court for a review of the Magistrate's refusal of bail on 14th June, 1996. The application was refused.

On 25th June, 1996: The Magistrate refused an application for bail.

On 28th June, 1996: The applicant applied to the Royal Court for a review of the Magistrate's refusal of bail on 25th June, 1996. Application granted in sum of £500, from 3rd to 10th July, 1996, on condition that the applicant does not contact, directly or indirectly, Zelda Heath or Amber Heath pending further Order of the Court. The Applicant to surrender to custody by 6.00.p.m., on 10th July.

On 22nd July, 1996: The Magistrate refused an application for bail.

Application refused.

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

JUDGMENT

5 THE DEPUTY BAILIFF: It is to Capuano's credit that he returned from a wedding having been granted bail by this Court. He has eloquently applied for bail this morning and when we retired we were given a reference from a well-known construction company that says he is an excellent workman. However, the offences are serious; they include an assault on a police officer by spitting in his face and another victim was left with a fractured cheek bone. We have to say this - and I do not think Mr. Capuano would disagree with us - he has an appalling record.

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On the basis of Attorney General -v- Makarios, (1978)JJ 215, we are not minded to grant bail at this stage. We are told by Crown Advocate Le Cornu that he is likely to be indicted next month and may change his plea and we can only say that he can make
15 a further application then.

Authorities

A.G. -v- Makarios (1978) JJ 215.