

JERSEY / JUDGMENT

1999/196 - McCarthy v AG [1999]

UR 196 (3 November 1999)

[1999] UR 196

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JUDGMENT

THE DEPUTY BAILIFF: Under Article 35(2) of The Court of Appeal (Jersey) Law 1961, the Royal Court, may, if it sees fit, on the application of an Appellant, admit the Appellant to bail pending the determination of his appeal. On 1 November 1999 [1999.194] this Appellant was sentenced to nine months imprisonment by the Inferior Number. The Court clearly considered in some detail the leading case of Buesnel (21 August 1996) Jersey Unreported, where, let it be said at once, the facts were very different. We go no further than that, else we might trespass into the appeal itself, which is not our purpose this afternoon. Advocate Tremoceiro has written his grounds very helpfully, and then amplified them before us. When we look at bail pending appeal, we must look at three factors, the likelihood of success of the appeal, the risk that the sentence will have been served by the time the appeal is heard, and the exceptional circumstances. We have considered all those aspects very carefully, but can see no exceptional circumstances in the present case. In passing, we cannot say that the fact that he is unlikely to abscond is an exceptional circumstance sufficient to grant bail. That fact, and most of the facts expounded before us this afternoon, were well known to the sentencing Court. Mr Tremoceiro argues on behalf of the Appellant that he has apparently not used drugs since the time he was arrested, and that fact might have meant that reform was not uppermost in the sentencing Court's mind. We have looked at that aspect very carefully, but we cannot see that in the light of the judgment, and on reflection there was proof to assist the Court to reach that conclusion, as there was in Buesnel. The points made by Advocate Tremoceiro are cogent, and may well be compelling before the Appeal Court, but on reflection - and we have thought very deeply about this - we can see no reason to grant bail in this case. We can only ask that the Crown does everything in its power to bring this appeal on for an early hearing. Authorities A. G.-v-Young (26 August 1998) Jersey Unreported. [1998.181] A. G.-v-Buesnel (21 August 1996) Jersey Unreported. BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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