

JERSEY / JUDGMENT

AG -v- Barnett [2008]

JRC 092 (05 June 2008)

[2008] JRC 092

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JUDGMENT

THE commissioner: 1. The defendant has pleaded guilty to this serious offence of being involved in the importation of 120 grams of heroin, estimated value of £120,000. He was arrested on the 3rd November, and stands to be sentenced on 14th July and will almost certainly face a custodial sentence. 2. He applies for bail, for 24 hours, in order to celebrate his 20th wedding anniversary with his wife and son who are coming to the Island for that purpose. 3. Bail is opposed by the Crown on three grounds; the risk of absconding, the lack of connection between the defendant and the Island, and the fact that he is under threat from an unnamed person and thus in the VP Unit in the prison. 4. Miss Nicolle has referred us to the decision of *Neumeister -v- Austria*

(1968) 1 EHRR 91 in relation to absconding in paragraph 10 of the judgment, which reads as follows:- "The danger of flight cannot, however, be evaluated solely on the basis of such considerations. Other factors, especially those relating to the character of the person involved, his morals, his home, his occupation, his assets, his family ties and all kinds of links with the country in which he is being prosecuted may either confirm the existence of a danger of flight or make it appear so small that it cannot justify detention pending trial." 5. We have considered all those matters but this is not an appropriate case for the grant of bail on compassionate grounds. The Court will grant bail on compassionate grounds, but we agree with Mr Gollop, that it should do so sparingly. 6. It is, of course, a sad situation. We appreciate that, but this is a consequence unfortunately of the acts undertaken by the defendant. 7. Bail is therefore refused. Authorities *Neumeister -v- Austria*

(1968) 1 EHRR 91 . Page Last Updated: 06 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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