

JERSEY / JUDGMENT

AG -v- Cocks [2014] JRC 139A (04 July 2014)

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JUDGMENT

THE BAILIFF: 1. This is a case where the defendant has been convicted after a trial of obtaining some £50,000 by way of income support and other payments when, in truth, he had assets of over £1 million. In these circumstances it is very hard to envisage anything other than a substantial prison sentence being imposed at the sentencing hearing. 2. Issues of bail fall to be considered very differently after conviction than they do beforehand. Before conviction when a person is pleading not guilty, there is a presumption of innocence and therefore bail is only refused in certain clearly defined circumstances. The position changes completely upon conviction because a person is then guilty of the offence with which he is charged; if a prison sentence is inevitable then the normal course is that the defendant is remanded in custody in order to begin the sentence which will inevitably be imposed and which follows his conviction or plea of guilty. 3. Now on this occasion, following the conclusion of the trial, the Deputy Bailiff did, exceptionally, grant bail. This was apparently in order to enable the defendant to sort out his affairs. On 2 nd May however, this Court remanded him in custody, so he has been in custody since then. Today he is represented by Advocate Bell because hitherto he has not wished to have legal representation and there was only an amicus trying to assist him. Advocate Bell has said everything that could possibly be said on Mr Cocks' behalf. It is submitted that Mr Cocks needs to have bail until the sentencing date, which at present is 14 th July, in order to sort out his affairs. What is said is that he has a cheque for £1.4 million and he needs to sort this out; he also needs to sort out his flat in terms of whether he can keep it on or store furniture and obtain suitable clothing. 4. However, he appears to have taken no steps to deal with these matters during the period between his conviction and his remand in custody on 2 nd May. We have to say we see no reason why these matters cannot be satisfactorily addressed whilst he is on remand; in particular we are sure that Advocate Bell will do all he can on behalf of the defendant to regularise his financial affairs if, as we are told, it is the defendant's wish to make restitution or pay compensation to the States for the money he has defrauded. 5. In the circumstances we see no grounds for bail and the application is rejected. 6. We should add that of course the Court will hear any application for an adjournment if that is in due course brought but we are not at the moment clear that there are circumstances which justify it. With Advocate Bell's assistance we would hope that the financial position can be regularised and that arrangements can be made so the Court can be told, if this is the defendant's wish, that there are proper arrangements in place to pay compensation and any other orders that may be made. Now we do not rule out an

adjournment if Advocate Bell were to come forward with a compelling case for it, but we do not think it exists at present. We hope that helps a little. No Authorities Page Last Updated: 06 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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