

JERSEY / JUDGMENT

# AG -v- Hanby [2014] JRC 054A (28 February 2014)

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## JUDGMENT

THE DEPUTY BAILIFF: 1. The application for bail pending appeal is refused. The test which the Court has to apply is whether there are exceptional circumstances, whether it appears on the face of it the appeal is likely to be successful and particularly where there is a risk that the sentence will have been served before the appeal is heard. When your counsel opened his application for bail on your behalf, he said that in his view it was manifestly excessive and/or wrong in principle, he said there was no violence and that you did not know the victim. 2. When we read the report of the police officer concerned and look at the victim's statement and the police officer's statement, it seems to us that it must have been an extraordinarily frightening time for the victim. She came across a man she did not know in her premises and he did use some physical force towards her because he grabbed her from behind, according to her statement, around the shoulders and it was a strong hold and she was petrified and the Court can understand why. In those circumstances it seems to us it would be very difficult to say that the sentence was wrong in principle, we do not make any finding on it. We just think it is difficult to say that for the purposes of the test we have to apply today, are there exceptional circumstances which apply, and so we think that even if there were to be a case on whether the sentence was manifestly excessive, it is very unlikely that any reduction in sentence would take you below the time which you are due to serve between now and the date the appeal is heard on 20 th March. 3. For all those reasons bail is refused. No Authorities Page Last Updated: 06 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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