

JERSEY / JUDGMENT

AG v Page [2000] JRC 183 (15 September 2000)

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JUDGMENT

THE DEPUTY BAILIFF: 1. This accused now faces some nineteen charges most of which relate to credit card frauds. The first offences were allegedly committed between 17 th March, 2000, when he was placed on probation by this Court, and 19 th April, 2000, when he was presented before the Magistrate's Court and remanded in custody. The remainder were allegedly committed after 12 th May, 2000, when he was released on bail by this Court. 2. This matter has been before this Court on at least two occasions and on the most recent on 1 st August, 2000, the Court said this at paragraph 18 of its judgement: " We wish only to add that we have been told unequivocally that the committal hearing will take place before the Magistrate's Court on 18 th August, 2000, and we expect that target to be met ". 3. Despite what the Royal Court was apparently told on that occasion, the committal did not take place on the 18 th August, 2000. Shortly before that date, the prosecution presented an amended list of charges with a committal bundle and did not apparently warn any witnesses to appear on that date, despite the fact that - according to the representation - the defendant had made it clear that he wanted an old style committal. 4. The matter was then adjourned for 7 days with a view to fixing a date for the committal hearing, but it was not fixed at that time and the case was then adjourned for a further 28 days until the 22 nd September, 2000. We are informed by counsel today that the committal date has still not been fixed. 5. We have to say - particularly in the light of what the Royal Court said on the 1 st August, 2000 - that this is quite unacceptable. The prosecution must put its house in order; it must apply to the Magistrate's Court and fix a date. We look to the Magistrate to ensure that a date is fixed at the hearing on the 22 nd September, 2000, and we think that in no circumstances should that date be more than one month away. If that causes the prosecution inconvenience, they only have themselves to blame. 6. This matter has to be brought before the Court and finalised. We would add that should the Magistrate commit, we would ask the Attorney General to ensure that the gap between committal and indictment is short, because this case has drifted on for far longer than it should. 7. Nevertheless, the Magistrate was clearly aware of these matters when he considered the defendant's bail application, because he asked himself whether the time had come when the time spent on remand might exceed any sentence ultimately imposed in the event of a conviction. He concluded that that time had not yet been reached, although he thought it would probably arrive when the defendant had spent 8 months in prison; in other words the equivalent

of a 12 month sentence. 8. We think that the Magistrate asked himself exactly the right question. But he may have given himself an unduly tight timetable because we are not certain that he took account of the fact that, should there be any convictions, the defendant will be in breach of a probation order imposed by this Court for a number of offences, including illegal entry and so forth, when the Crown had moved for an 18 month sentence. If there is a conviction it would suggest that, within a very short time of the making of that probation order, the defendant chose to ignore it and committed further offences. It therefore seems probable that the Crown will be moving for a sentence of 18 months or something of that order. 9. In the circumstances we are satisfied, as I have said, that the Magistrate asked himself the right question. The grounds upon which he refused bail were the risk of re-offending, basing this on the allegation that the defendant had committed further offences whilst on bail, and on the defendant's truly appalling record which includes many instances of offences committed whilst on bail. As a second ground the Magistrate relied on the lack of connection which the defendant has with the Island and the risk of his absconding. 10. We remind ourselves that this is a review, and we must consider whether the Magistrate was wrong in principle or whether he reached an unreasonable decision. We are satisfied that he was perfectly entitled to reach the decision he did, and we therefore refuse this application. We point out, however, that if the matter is committed in due course to trial, it will be open to the defendant to make a bail application at that stage when the timing will be known rather more precisely and, of course, on that occasion the Royal Court will be exercising an original rather than a review jurisdiction. No authorities Page Last Updated: 19 Aug 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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