

JERSEY / JUDGMENT

Baglin -v- AG [2012] JRC 190 (17 October 2012)

[2012] JRC 190

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

JUDGMENT

THE BAILIFF: 1. The defendant was charged on 28 th February, 2012, with a grave and criminal assault. We have heard the description and it is said that he attacked the victim, who was his neighbour, causing serious injuries, including a number of fractures. He was indicted on 18 th May and pleaded not guilty. At that stage bail was refused; we were told that the grounds were the risk of re-offending and the risk of interference with witnesses. It had been hoped that an Assize could take place in the summer but the defendant wished it to be deferred till October so that he could be represented by Advocate Pearmain. We make no criticism of that, that is entirely his choice which he is entitled to make, but it means that it was not at the Court's or Prosecution's request that the trial date was fixed for October. 2. The trial was due to be heard this week, but last week the defence applied for a further adjournment as they wished to obtain certain text evidence; it is fair to say that this coincided with an application by the Prosecution to read the evidence of a witness who, at the last moment, was unable to attend from England, and the Court acceded, in all the circumstances, to the application to adjourn and the trial date is now 21 st January, 2013. 3. It is in those circumstances that Mr Baglin now applies for bail. Mrs Pearmain has explained the position. She says that Mr Baglin wishes to prove his innocence, and therefore there is no risk of his re-offending or not attending or indeed of interference. He has turned his life around in the manners that she described and she says that, with the imposition of conditions about residence, surrendering travel documents, not contacting the victim and reporting to the police station, the Court can be satisfied that the defendant will attend and will not commit offences in the meantime or interfere with witnesses. 4. The Prosecution object to bail on three grounds, the risk of re-offending, the risk of non-attendance and the risk of interference with the course of justice. 5. In relation to the first point, the risk of re-offending, they point out that the defendant has an appalling record; he has been before the Courts on some twenty-six occasions and those comprise seventy-nine offences. Most recently, in 2005, he was convicted, after trial, of a grave and criminal assault and was sentenced to 7 years' imprisonment. He was released in early 2009 and it is fair to say, as Mrs Pearmain pointed out, the only offending since then is motor traffic offences. In relation to his record, since 1999 twelve of his offences have been committed whilst on bail, including the grave and criminal assault of which he was convicted in 2005. The Prosecution say therefore that this a man who does not respect the

conditions of bail. 6. Secondly, the Prosecution say that there is a risk of non-attendance. They point out that there are five occasions in his record when he failed to attend trial, having been granted bail and accordingly, the Prosecution say there is a substantial risk that the defendant will not attend trial, particularly given that if he were to be convicted, this would clearly be a serious offence by a man with a very bad record, and he could expect a very lengthy prison sentence. 7. Thirdly, they say there is a risk of interference with witnesses. They point out that the victim asserts that the defendant threatened him at the time saying that if the victim called the police the defendant would come back and knife him, and later saying that if the victim did call the police, friends of his would come back and knife the victim. That is denied by the defendant but nevertheless the Prosecution say that that suggests there is a risk of interference with witnesses. They support that by pointing out that he has two convictions for doing acts tending to pervert the course of justice. They also point out that the serious grave and criminal assault, to which I have referred, in 2005 arose where he wanted to revenge himself on the victim in that case who had refused to commit perjury on Mr Baglin's behalf. So all in all the Prosecution say that this is a man who is willing to interfere with the course of justice. 8. The Court has considered the application by Mrs Pearmain. We take into account the fact that there is this further delay and that therefore if the defendant is acquitted, he will have been remanded in custody for nearly a year. But the Court is satisfied that the three grounds relied upon by the Prosecution are all made out. 9. In our judgement there is a real risk of re-offending, a real risk of non-attendance and a real risk of interference with the course of justice. Bail is therefore refused. The defendant is remanded in custody until 1st January. No Authorities Page Last Updated: 10 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

ORIGINAL SOURCE <https://www.bailii.org/je/cases/UR/2012/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/baglin-v-ag-2012-jrc-190-17-october-2012>

Prepared on 24 October 2026 · Esheria