

ROYAL COURT

28th February, 1992. 29,

Before: Deputy Bailiff and Jurats
Coutanche and Vibert

Her Majesty's Attorney General

-v-

Mark Louis Fischer

Application for Review of Police
Court's Decision on Bail

C.E. Whelan Esq., Crown Advocate
The Applicant on his own behalf

JUDGMENT

DEPUTY BAILIFF: Fischer, this Court is bound by the legal situation that we can grant your application only if the Magistrate misdirected himself, proceeded irregularly, or that his decision was one to which no reasonable person could have come.

We are unable to make a finding to that effect, and therefore we have no alternative but to refuse your application. However, you will, in due course, be indicted before this Court. We note that the transcripts were signed on the 14th February, that is two weeks' ago. We express the hope that the indictment will be brought within the shortest possible delay.

When the indictment is presented, assuming that you renew your plea of Not Guilty to all three charges, you should make a further application to this Court for bail to enable you to prepare your defence. That application will then be considered on its merits and the members of the Court then sitting will not have their hands tied as ours are today. That does not mean, of course, that your application will necessarily be successful, but it will be considered, and if it is successful you will still have more than sufficient time to prepare your defence before the actual Assize trial.

The application today is refused.

AUTHORITIES

Edgar (née Foster) -v- Edgar (1985-86) JLR N.23.

A.G. -v- Hervey (26th September, 1988) Jersey Unreported.