

ROYAL COURT
(Samedi Division)

150

22nd July, 1994

Before: The Deputy Bailiff, and
Jurats Hamon and Vibert

The Attorney General

- v -

Robert Alexander Campbell

Application for review of Magistrate's decision to refuse bail.

On 21st June, 1994, the Applicant reserved his plea in the Magistrate's Court to:

1 count of possession of a controlled drug (cannabis resin), contrary to
Article 6(1) of the Misuse of Drugs (Jersey) Law, 1978.

1 count of possession of a controlled drug with intent to supply it to
another, contrary to Article 6(2) of the said Law.

A.J. Olsen, Esq., Crown Advocate.
Advocate Mrs. S. Sharpe for the Applicant.

JUDGMENT

THE DEPUTY BAILIFF: This is an application for bail by Robert
Campbell. The applicant is appealing against a decision of the
Magistrate, given on 14th July, 1994, and as is clear from the
case to which we were referred by counsel for Campbell, the Royal
5 Court, in considering such an application, does not substitute its
own discretion, generally speaking, for that of the Magistrate.

The Royal Court, in these circumstances, will only interfere
with a decision of the Magistrate if it is satisfied either that
10 the Magistrate misdirected himself in some way or that the
proceedings were irregular; or that the Magistrate made a decision
which was unreasonable.

Counsel made the application on two grounds: first, that the
15 learned Magistrate expressed himself at the beginning of the
hearing in the Police Court in such a way as to show that he was

prejudiced against the applicant; secondly, that a co-accused, a man called Swinburn, was granted bail by the Magistrate on 14th July.

5 The relevant passage of the transcript of the proceedings before the Police Court on 14th July, reads as follows:

JUDGE SOWDEN: "Is he in custody?"

CENTENIER DAVIES: "Yes, Sir".

10 *JUDGE SOWDEN: "Right, I suppose he has to be otherwise there wouldn't be a bail application. Yes?"*

CENTENIER DAVIES: "If I may give the advocate a copy of the..."(interrupted)

15 *JUDGE SOWDEN: "Yes, please. Ah, you're going to be spiked before you start. You are going to have a struggle, aren't you? Right, are we going to have some charges read?"*

CENTENIER DAVIES: "Charges have been read, Sir".

20 It is clear from the submissions of counsel for the applicant that the paper to which the Magistrate was referring was a document setting out the grounds of objection of the police to the granting of bail by the Magistrate.

25 We think that the Magistrate was doing no more than indicating that the application of counsel was going to be opposed by the police. However, it is possible that the remarks could be construed differently as indicating that counsel had a difficult task ahead in seeking to persuade him in the circumstances of this case that bail should be granted. We do not think, as we have said, that that was the case in that we are entirely satisfied
30 that the learned Magistrate was not expressing any prejudice but was merely commenting on the fact that the application was to be opposed.

35 However, we accept that it is possible, on the face of the transcript, to place a different construction on the remarks and to avoid any possibility of Campbell feeling a grievance on that ground, we have decided to examine the matter *de novo* as if we
40 were the Magistrate considering a fresh application for bail.

There is no doubt that Campbell is charged with very serious offences. We were told that he would be pleading guilty to those offences when his case comes back before the Police Court on 2nd August. The quantity of cannabis involved is evidence of
45 participation by him in drug trafficking on a considerable scale.

We were told by the learned Crown Advocate that the applicant and another man called Morley were regarded by the police as the
50 prime movers in this enterprise. Morley remains in custody. Comparatively speaking, the third man, Swinburn, was regarded as "small fry".

Campbell is a mature man, aged 39, and has held for a long time a job with a reputable firm of painters and decorators. He has two previous convictions, admittedly some time ago, for possession of cannabis.

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We can see no grounds, having regard to the gravity of the offences with which he is charged, and his admitted involvement, for granting bail. The application is therefore refused.

Authorities

A.G. -v- Skinner (24th June, 1994) Jersey Unreported.