

ROYAL COURT
(Samedi Division)

7th July 1995.

132.

Before: The Deputy Bailiff and Jurats
Coutanche and de Veulle.

Her Majesty's Attorney General

-v-

Kevin Barry O'Connell

Application for a review of the refusal of the Magistrate to grant bail on 28th June, 1995.

On 2nd March, 1995, the applicant pleaded guilty to 2 charges of causing malicious damage, and not guilty to 1 charge of violently resisting Police Officers in the execution of their duty and was remanded to appear on 3rd April, 1995.

On 6th March, 1995, the applicant reserved his pleas to 1 charge of assault; to 1 charge of being disorderly on licensed premises, contrary to Article 83 of the Licensing (Jersey) Law, 1974; to 1 charge of violently resisting Police Officers in the execution of their duty; and to 1 charge of assaulting a Police Officer in the execution of his duty. Bail was granted on conditions;

On 21st March, 1995, the applicant pleaded guilty to 1 charge of acting in a manner likely to cause a breach of the peace; to 1 charge of obstructing a Police Officer in the execution of his duty; and to 1 charge of causing malicious damage; and pleaded not guilty to 1 charge of violently resisting Police Officers in the execution of their duty, and was remanded in custody, and again on 24th March, 1994, to appear on 3rd April, 1995.

On 31st March, 1995, the applicant applied to the Royal Court for a review of the refusal to grant bail. The application was refused.

On 3rd April, 1995, the Relief Magistrate refused bail.

On 7th April, 1995, the Royal Court granted the application of the Applicant for a review of the refusal of the Relief Magistrate to grant bail on 3rd April, 1995, and granted bail (see Jersey Unreported Judgment of that date.)

On 18th April, 1995, the applicant pleaded guilty to 1 charge of causing malicious damage and not guilty to 1 charge of malicious damage and to 1 charge of being drunk and disorderly, and was remanded in custody; bail was refused.

On 21st April, 1995, the Royal Court granted the application of the Applicant for a review of the refusal of the Relief Magistrate to grant bail on 18th April, 1995, and granted bail (see Jersey Unreported Judgment of that date.)



On 24th April, 1995, the Applicant appeared in the Magistrate's Court and denied breaches of the bail conditions imposed by the Royal Court on 21st April, 1995. The breaches were found to be proved, and the applicant was remanded in custody; bail was refused.

On 28th April, 1995, the Royal Court refused the application of the Applicant for a review of the refusal of the Relief Magistrate to grant bail on 24th April, 1995, (*see Jersey Unreported Judgment of that date.*)

On 3rd May, 1995, the Magistrate's Court refused an application by the Applicant to be admitted to Bail.

On 5th May, 1995, the Royal Court refused the application of the Applicant for a review of the refusal of the Relief Magistrate to grant bail on 3rd May, 1995, (*see Jersey Unreported Judgment of that date.*)

On 26th May, 1995, the Magistrate's Court refused an application by the Applicant to be admitted to Bail.

On 31st May, 1995, the Royal Court granted the application of the Applicant for a review of the refusal of the Relief Magistrate to grant bail on 26th May, 1995, and granted bail on terms.

On 26th June, 1995, the applicant pleaded not guilty in the Magistrate's Court to 4 charges of acting in a manner likely to cause a breach of the peace, and was remanded in custody without a bail option until 28th June, 1995.

On 28th June, 1995, the applicant changed his plea from not guilty to guilty to the 4 counts with which he was charged on 26th June, 1995, and was remanded in custody without bail option until 20th July, 1995. An application for bail was refused by the Magistrate.

On 30th June, 1995, the applicant applied to the Royal Court for a review of the refusal of the Magistrate to grant bail on 28th June, 1995. The Royal Court declined to entertain the application, but subsequently agreed that the applicant should have the opportunity to present the application on 7th July, 1995.

Application refused.

The Solicitor General.
The Applicant on his own behalf.

JUDGMENT

THE DEPUTY BAILIFF: Mr. O'Connell, listen very carefully to everything I have to say. As I have told you before the Court cannot interfere with the discretion exercised by the Magistrate unless we feel strongly that it is wrong in law. We have looked at everything very carefully but we cannot find that that applies here. We refuse the application.

No Authorities.