

ROYAL COURT
(Samedi Court) 115

10th August, 1990

Before: The Deputy Bailiff, and
Jurats Bonn and Le Ruez

Attorney General _____

- v -

Peter Thomas Fogg,
James William Hillis

Bail application, following remand
in custody with Bail refused by
the Magistrate pending trial on drugs
related charges.

Court, after the reading of
indictment and entry of not
guilty plea, heard present application
de novo, rather than treating it as
review of Magistrate's decision.

C.E. Whelan, Esq., Crown Advocate.
Advocate F.J. Benest for Fogg.
Advocate P. Harris for Hillis.

JUDGMENT

DEPUTY BAILIFF: Both applications are refused.

I have to stress that we have considered the case of Hillis separately from that of Fogg - and we have considered it de novo and not as a review of the Magistrate's decision.

In the case of Fogg there were no grounds whatever - on his own admissions in the statements which we have examined he imported into this Island two kilos of cannabis resin with intent to supply and did supply one kilo to Hillis. That alone, whatever the circumstances relating to the LSD may be, will warrant a custodial sentence well in excess of the period covered between May when he was arrested and October when the trial will take place. Fogg has pleaded guilty to possession of one kilo with intent to supply and it is only in the rarest of cases that bail will be granted by this Court to a person who has pleaded guilty to a very serious offence.

In the case of Hillis, there was an arguable case. But although we have considered the matter de novo we agree with the Magistrate that in view of the very serious nature of the offence - where there is strong evidence against him and where again the sentence is likely to be much in excess of the period of delay, the risk of Hillis absconding, with or without his dependants, is too high. This is a separate jurisdiction and when people come to this jurisdiction and involve themselves with crime they cannot expect to be treated as if they had remained in their original jurisdiction.

Thus both applications are refused - both Fogg and Hillis are remanded in custody to stand trial at 10.00 a.m. on 22nd October, 1990, before the Inferior Number of this Court sitting 'en police correctionnelle'.

Authorities

A.G. -v- Baxter (18th May, 1990) Jersey Unreported.

D. Barnard: "The Criminal Court in Action" (2nd Ed'n, 1979)

p.p. 146-151: Chap. 8: Bail.

A.G. -v- McConnachie (7th January, 1987) Jersey Unreported C of A.

A.G. -v- Clohessy and Roberts (25th January, 1989) Jersey Unreported.

A.G. -v- Young (1980) JJ 281 C of A.