

ROYAL COURT
(Samedi Division) 119.

30th June, 1995

Before: The Deputy Bailiff, and
Jurats Orchard and de Veulle

The Attorney General

- v -

Serena Ann Le Feuvre

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

On 19th June, 1995, the Applicant was charged in the Magistrate's Court with grave and criminal assault on a Police Officer in the execution of his duty and reserved her plea.

On 23rd June, 1995, the Applicant was charged with being drunk and incapable, and was admitted to bail by the Magistrate, on conditions. Plea reserved.

On 27th June, 1995, the Magistrate ordered the Applicant's arrest for breach of bail conditions with no bail option, and, subsequently, a bail application was dismissed.

On 28th June, 1995, the Applicant entered guilty pleas to both charges and was refused bail.

Application granted.

Advocate C. Lakeman for the Applicant.
S.C.K. Pallot Esq., Crown Advocate.

JUDGMENT

THE DEPUTY BAILIFF: Crown Advocate Pallot is, of course, quite right. It is not for us to substitute our opinion for that of the learned Magistrate. But after saying that and realising what our duties



5 here are, we are troubled by this matter, particularly by some of
the remarks made by the learned Magistrate. We have to say this
immediately: we think that all that the Magistrate was doing was
trying to be as helpful as he possibly could. Nevertheless a
considerable number of reports were asked for and that leads us to
suspect that the Magistrate might not have intended to impose a
custodial sentence; we are worried about the indications that were
given when he requested the reports to be prepared; perhaps
feeling that, if the accused were in custody, those reports would
10 be available a little quicker. His final remarks bear that out.

15 We are very anxious not to break what is a clear and common
precedent and we have to remember, Mr. Lakeman, that your client
came to Court because she had already breached an order of the
Court.

20 However, much of what you have told us has disturbed us and
we are going to give you one more chance, Le Feuvre, but if you do
not take it, you will only have yourself to blame. Your client is
going to be given bail, Mr. Lakeman, and the terms of that bail
are that she remain in the custody and care of her parents. I
will say this to you, Le Feuvre: if you breach the bail conditions
- and you are sensible enough to know what we are saying - then
there is no alternative; you will go straight back into prison and
at that point there is nothing we can do to help you. You must
25 keep away from drink; you must keep away from public houses at all
costs, because how you behave between now and the time of your
sentencing may very well influence the Magistrate in the decision
he is going to make. We want you to co-operate with the Probation
Officer and, if necessary, with the psychiatric services as fully
30 as you possibly can. It is your last chance, please take it.

No Authorities.