

ROYAL COURT
(Samedi Division)

205.

7th November, 1997

Before: F.C. Hamon, Esq., Deputy Bailiff and
Jurats Gruchy and Quérée

The Attorney General

- v -

John Peter Le Mière

Application for bail, pending sentencing by the Superior Number of the Royal Court on 26th November, 1997, following conviction at the *Assise Criminelle* on 31st October, 1997, on a not guilty plea to:

1 count of breaking and entering and larceny (count 5).

(The accused pleaded not guilty to six other counts (counts 1-4, 6 and 7) on the indictment of breaking and entering and larceny, and was acquitted on 31st October, 1997, on those counts).

Application granted on conditions.

J.G.P. Wheeler, Esq., Crown Advocate.
Advocate J. Melia for the accused.

JUDGMENT

THE DEPUTY BAILIFF: We have in mind, of course, the case of A.G. -v- Makarios (1979) JJ 85 which says that the seriousness of an offence is quite sufficient to refuse bail.

Le Mière is due for sentencing on 26th November, 1997, by the Inferior Number but we have had to consider his girlfriend to whom he is very close, and who is, apparently, traumatised by the tragic death of her brother in the last few days.

We have read Le Mière's letter and the letters from the young lady's General Practitioner.

Bail is strongly resisted by the Crown and if we may say so, Mr. Wheeler, on five valid grounds. Despite that we are going to exercise mercy.

Le Mière, stand up, please. We are going to give you bail on terms that you live at 80 Rouge Bouillon; that you report to the police once a day at a time convenient to them; that you remain under curfew from 8 o'clock in the evening to 8 o'clock in the morning every day; and that any change of address is immediately notified to the police

and that you forfeit your passport, if you have one. I do not need to tell you - your record is long enough for you to know - that if you breach any of the conditions or commit any offence you are going to go straight back into prison.

Authorities

A.G. -v- Makarios (1979) JJ 85.