

ROYAL COURT  
(Samedi Division)

24<sup>th</sup> December, 1997

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

The Attorney General

-v-

Darren Gerald Louvel

Application for a review of the Magistrate's Decision to refuse Bail.

On 15<sup>th</sup> October 1997, the applicant reserved his plea to 1 count of grave and criminal assault; 1 count of assault; 1 count of having with him an offensive weapon (a metal bar) without lawful authority or reasonable excuse, contrary to Article 27 of the Firearms (Jersey) Law 1956; and 1 count of causing malicious damage to a motor vehicle.

The applicant was remanded in custody with a £20 bail option, and again on 12<sup>th</sup> November, 1997.

On 2<sup>nd</sup> December 1997, not guilty pleas were entered and the applicant was further charged with 1 count of being drunk and disorderly.

Bail was refused, and again on 23<sup>rd</sup> December, 1997.

BAIL GRANTED ON TERMS.

Mrs. S. Sharpe, Crown Advocate  
Advocate N.G.A. Pearmain for the Applicant

JUDGMENT

**THE DEPUTY BAILIFF:** This Court does not want people kept in prison unless it is found necessary, after careful enquiry, in order to prevent them from doing things which it is the function of the Court to suppress. If, of course, they have demonstrated that they are likely to abuse this procedure then they have no one to blame but themselves if they are remanded in custody.

Advocate Pearmain has appeared at short notice because it was understood that the application for bail this morning had been withdrawn. On 15<sup>th</sup> October of this year the Magistrate - well aware of Louvel's record and of the details of the offence, which to us look extremely serious, and indeed he has been remanded to this Court for trial - was pleased to grant bail for a mere £20 on terms not to interfere directly or indirectly with the victim or any

witness. He has been remanded thereafter three times in the Magistrate's Court on the same terms or conditions.

Yesterday he was charged with being drunk and disorderly in the early hours of the morning on 21<sup>st</sup> December when presumably the failing health of his father was not uppermost in his mind. It may be the policy of the Magistrate's Court that any offence, however trivial, committed whilst on bail is sufficient to warrant custody but this case appears to us to be too severe.

Bail is granted on the same terms but we are going to increase the trivial amount to reflect the annoyance that this Court feels at the abuse of the leniency of the lower Court. The sum will be increased to £100.

**No Authorities**