

ROYAL COURT

5th May, 1989

Before: The Bailiff and
Jurats Lucas and Harmon

H.M. Attorney General

- v -

Mark Louis Fischer

Bail Application.

Advocate S.C. Nicolle for the Crown
Fischer on his own behalf.

JUDGMENT

BAILIFF: This Court, as the Solicitor General has advised you, does not act in these matters as an Appeal Court; we cannot overturn the Magistrate's decision unless we can review his decision and find that he took into account matters that he should not have taken into account, or forgot to take into account matters which he should have, or something of that nature. The facts here are clear - although you were refused bail on the 13th April, the matter came back again, that is to say the question of bail came before another Magistrate and you clearly said (although you have given us the reason) that you did not wish to apply for bail before Magistrate Dorey.

That being so, there is nothing for this Court to review - you have not made an application before him which has been refused. So far as the previous application of the 13th April is concerned, that was swallowed up in later proceedings. The reason why you are in custody is because Judge Dorey kept you in custody; it was not Judge Le Marquand who kept you there.

Therefore there is nothing for you to appeal against at the moment. If you want to apply for bail you must go back to the Police Court and apply to the Magistrate, Mr. Dorey. You have not done so and therefore there is nothing we can review. In the circumstances, your application must be refused.

nb: no authorities.