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BETWEEN

JAMES

Applicant

A N D THE POLICE

Respondent

In Chambers: 28 October 1986

Counsel: M.J. Knowles for Applicant
M.N. Zarifeh for Respondent

Judgment: 28 October 1986

ORAL JUDGMENT OF HOLLAND, J.

The applicant seeks bail. He has been arrested on two charges of robbery. He has been remanded in custody in the District Court until 19 November 1986 and an application for bail before a District Court Judge was refused. It was refused primarily because it is alleged that on two occasions this applicant threatened the complainants on these robbery charges. Although he was apparently charged jointly with others in respect of robbery without a specific charge of aggravated robbery, it is now intended that a charge of aggravated robbery will be laid. If he is committed for trial on 19 November he will have to be tried in this Court and it will not be possible for that to take place before February, and in the ordinary course of events would be March at the earliest. He accordingly faces a period in custody of up to five months while awaiting trial. It is a very long time and probably

too long. On the other hand, the Courts must be concerned about the prevalence of violent crime in Christchurch and the threats which have been made from time to time to witnesses.

This man is a leader of a gang. There is a danger in merely by stating that, that some prejudice may be held against him on that account. I can assure him and his counsel that that is not so. The concern is the fact that on two occasions he threatened these witnesses. In the light of those threats and his ability to carry them out I must have some concern as to his previous record. He has no less than twelve charges of assault. He has charges of obstructing constables, being in possession of an offensive weapon, being in possession of a pistol, and more than one charge of being a party to an unlawful assembly. He does not specifically deny the threats. Through his counsel he simply says that he has no memory of any such threats. Two of his co-offenders were allowed bail. I can understand his feeling of resentment that bail has been refused in his case but he was the person who committed the threats. In the circumstances outlined to me I see no reason to interfere with the exercise of the discretion carried out in the lower Court by the District Court Judge who was primarily concerned with the question of bail. The application for bail is refused.

A D Holland