

IN THE MATTER of an application for
bail

BETWEEN

EDMONDS

Applicant

**NOT
RECOMMENDED**

A N D THE POLICE

Respondent

In Chambers:

Hearing: 27 February 1987

Counsel: M. Bungay Q.C. for Applicant
M.N. Zarifeh for Respondent

ORAL JUDGMENT OF WILLIAMSON J.

This is an application for bail by Edmonds, who was committed on the 12th November 1986 for trial in this Court in relation to charges of kidnapping, sexual violation, wounding, disfiguring and indecent assault.

At this stage the real question for the Court is whether or not the public interest (so far as possible re-offending is concerned) can be met by stringent terms of bail. The offences allegedly occurred on the night of the 24th September 1986 at the Pleasant Point Domain at South Brighton. The case against the Accused is based upon identification by photograph and an identification by one of the complainants of the Applicant leaving or entering the District Court. Mr Bungay for the Applicant has indicated that this evidence will be objected to. Other evidence relating to the presence of the white Hillman Hunter motorcar of the type used by the Applicant and a knife form part of the case.

Essentially the Court's task is to consider the likelihood of the accused person attending for his trial and to consider matters of public interest. An application for bail by this Applicant came before me on the 19th November 1986. I declined it at that time because of matters of public

interest. I was influenced by the unusual and serious nature of the offences which tend to have serious public consequences so far as fear and public reactions are concerned. The problem for the Accused in this case is that he has a previous record in relation to violent sexual matters. That, of course, is not relevant so far as his guilt or innocence on these charges is concerned, but it is relevant to a question of whether or not there is a likelihood of any further offending.

At the time when the matter came before me on the 19th November there was a possibility that the trial would be heard on 8th December. Because Counsel assigned to the Applicant on legal aid was not available during that week, the matter did not proceed then and he was accordingly remanded further until the beginning of February 1987. He elected then to decline the grant of legal aid and to employ his own Counsel. As a result of the preparation and rearrangements that then had to be made the trial will not now proceed until the 27th April 1987. This factor of delay in the trial, combined with the imminent pregnancy of his de facto wife, who suffers from particular pregnancy problems, means that the Applicant now has a much stronger case for bail than was the position on the 19th November 1986. The terms of the bail which could be imposed, and which have been mentioned in the submissions by Counsel for the Applicant, are the provision of two substantial sureties, a nightly curfew, reporting twice a day, and abstaining from liquor and attendance at licensed premises.

It is a matter of balancing those against the seriousness of the offences, the strength of the evidence and the Applicant's previous history. There is no exact way of doing that and although it may be a conservative view I am of the opinion that bail should not be granted. I do so because of the matters I have already mentioned and in particular the previous behaviour of the Applicant and the effect that this may have on his future behaviour which may, through the emotional turmoil prior to trial or associated with his living conditions up till then, cause him to react in a way which he

might not otherwise do.

A handwritten signature in dark ink, appearing to be "E. J. Corcoran", written in a cursive style. The signature is located in the upper right quadrant of the page.

Solicitors:

E.J. Corcoran Son Thwaites & Brown, Christchurch, for Applicant
Crown Solicitor, Christchurch, for Respondent