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IN THE HIGH COURT OF NEW ZEALAND
CHRISTCHURCH REGISTRY

M.107/89

BETWEEN TANIA JOY JORDAN of
Christchurch, Unemployed

Applicant

A N D THE QUEEN

Respondent

**NOT
RECOMMENDED**

In Chambers:

Hearing: 22nd March 1989

Counsel: S.L. O'Neill for Applicant
J. Sandston for Respondent

ORAL JUDGMENT OF WILLIAMSON J.

This application for bail arises because the Applicant is due for release from her present term of imprisonment on Wednesday the 29th March 1989. She is awaiting trial on a charge of wounding with intent to cause grievous bodily harm. It is alleged that this offence took place on the 15th November 1988. Depositions were taken on the 23rd February 1989. No trial date has yet been fixed but Counsel anticipates that it is likely to take place during May.

The conviction in respect of which the Applicant is now in prison is one for burglary. She was sentenced to six months' imprisonment on that charge on the 29th November 1988. Another complication in her situation is that she is pregnant and the child is due in mid April 1989.

Bail is opposed by the Crown on the basis that it would be contrary to the public interest. In that connection reference has been made to the substantial number of convictions which the Applicant has. Particular reference has been made to convictions involving assaults and to a conviction for wounding with intent to injure in August 1987.

Any decision in relation to bail must relate firstly to whether the Applicant is likely to answer to her bail, and secondly whether a release on bail would be contrary to the public interest.

So far as the first matter is concerned, there is no indication in her record, nor have any submissions been made, to the effect that she is unlikely to answer to bail.

The possibility of re-offending and thus acting contrary to the public interest exists. It is a question of deciding whether the degree of that possibility is such that a release on bail of this Applicant in these circumstances would be contrary to the public interest. When making a judgment concerning that it is necessary to consider the presumption of innocence which applies. The facts contained in the depositions indicate that the complainant has said that he pulled the Applicant on to him. This evidence, while apparently contrary to that of the other eye witness, does provide a basis upon which the charge can properly be challenged. The complainant is the former de facto husband of the Applicant. He is the father of the child to be born in April. According to Counsel for the Applicant the complainant and the Applicant have been receiving special counselling as the result of which it is not envisaged that there would be any continuing difficulty between them. Counsel for the Crown suggested that there may be some problem in so far as the eye witness Mrs is concerned. There is no evidence to support that view.

Balancing all of the factors as best I am able to, I grant bail on this charge pending trial. This is granted on the following basis:

1. A bond of \$1,000 in her own recognisance.
2. One surety of a like amount.
3. She is not to contact or associate in any way with Mrs

4. She is to reside with her mother at
Linwood.
5. She is to remain at the above address between the
hours of 9.30 p.m. and 8 a.m. each evening.

A handwritten signature in cursive script, appearing to read "J. J. Thompson J", is written in the right-hand side of the page.

Solicitors:

Thompson & Morgan, Christchurch, for Applicant
Crown Solicitor, Christchurch, for Respondent