

COURT OF APPEAL

de JERSEY CJ
JERRARD JA
ATKINSON J

Appeal No 8269 of 2002

WILLIAM JOHN RODGERS

Applicant

and

THE DIRECTOR OF PUBLIC PROSECUTIONS

Respondent

BRISBANE

..DATE 11/09/2002

JUDGMENT

THE CHIEF JUSTICE: The applicant was, on the 31st of May 2002, convicted of producing a dangerous drug, in a quantity exceeding 500 grams. The conviction relates to the production of 804 cannabis plants, weighing 17.37 kilograms, with roots removed.

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He was sentenced to three years' imprisonment. He has appealed against his conviction and seeks bail pending the determination of the appeal. The appeal has been set down for hearing on the 24th of September 2002.

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The applicant applied unsuccessfully to Mr Justice Douglas for bail pending appeal on the 14th of June 2002. His Honour then observed that the applicant had failed to demonstrate any exceptional circumstance to warrant a granting of bail. That is the relevant criterion of course, as confirmed in Maher [1986] 1 Queensland Reports 303.

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The applicant has criticised the learned trial Judge's approach in various respects, largely concerning matters of discretion and none of the points advanced could conceivably warrant a grant of bail pending appeal. This is not a case where the conviction is patently vulnerable because of some clearly arguable error at the trial, neither is it a case where a short term of imprisonment would be served by the time of the appeal hearing.

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The applicant's essential complaint, other than challenges to the trial procedure and evidence, is that his incarceration is

