



# Bail: Practice exercises

## Exercise 1

**Would you grant or refuse bail? Why or why not? If granted bail are there any conditions you would impose.**

The defendant appears in court and pleads guilty to a charge of causing injury to his father.

The brief facts are that on the evening of the 5<sup>th</sup> of May 2017, the defendant and his father were drinking together. They began arguing. The defendant told his father that he (the father) should stop hitting his mother. The father swore at the defendant. The defendant punched his father to the ground and then kicked him when he was on the ground. The father suffered a broken eye socket and broken jaw.

The defendant has two previous convictions for assault. They were five years and three years ago.

The police oppose bail. They say they fear a further argument between the father and the defendant.

The defendant says he will give his word he will not go near his father. And in any event his mother has now left his father.

The case adjourned for one month for sentence.

## Exercise 2

**Would you grant or refuse bail? Why or why not? If granted bail are there any conditions you would impose.**

The defendant is charged with theft of money from the accountancy office she was working at. There are 25 charges involving \$100,000. The defendant pleads not guilty. It will be six months before a trial can be held.

The police allege that the defendant developed a very clever system of disguising her thefts including the use of overseas bank accounts. When interviewed by the police the defendant refused to say anything.

The police oppose bail. They submit that they have yet to complete their investigation into the defendants' offending. They say they should be given a chance to complete their investigation before the defendant is considered for release. They say she could interfere with witnesses if bail is granted.

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The prosecution also points out the defendant who is representing herself strongly denies offending. She says she couldn't properly prepare her defence if she is in custody.



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## Case 3

The defendant is charged with assaulting his partner. He has pleaded not guilty.

His trial will likely be in three months.

The prosecution alleges that when the defendant arrived home, he searched his wife's phone. He saw a phone number he did not recognise. He was angry. He said to her that he had told her not to ring anyone whose phone number he did not know. He then punched his partner on her body about six times knocking her to the ground. There are photographs of her bruising.

The police oppose bail. They say they have been called to the defendant's home many times following calls from his wife, but she has not been prepared to give evidence at any prosecution. They say the defendant will likely assault his wife again if he is released. This time the prosecution says the complainant has said she will give evidence against the defendant.

The defendant's lawyer says his client has told him that he has reconciled with his wife following his arrest by the police.

The claim of assault he says is not correct. His wife just slipped and fell.

Would you grant or refuse bail? Why or why not?

If granted bail are there any conditions you would impose.