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Research:

1. Introduction

This document explains the legal reasons for requesting bail for Jeremy Hope, who is accused of causing serious bodily harm in violation of section 20 of the Offences Against the Person Act 1861. The goal is to explain the relevant law, how the court should decide on bail, and how these rules apply to Mr Hope's case. The study relies solely on legislation, CPS guidance, Ministry of Justice resources, and the documents included in the case bundle.

2. The Law on Bail

Section 4 of the Bail Act 1976 is where all bail applications begin. This part makes a strong case for bail. It says that a defendant should be given bail unless the court is sure that one of the exceptions in Schedule 1 applies. This is important because it means that the court does not start from a neutral position. Instead, it starts with the idea that bail will be granted unless the prosecution can show a good reason to deny it. This presumption holds even in instances of grave accusations, including violent offences. A charge under section 20 OAPA is serious, but that does not mean that bail is automatically denied.

This statutory presumption has been confirmed by the courts. In *Regina v Southampton Magistrates' Court, ex parte Green* (1976) QB 11, the court ruled that bail should usually be given and that being held in custody should be seen as an unusual situation. This supports the idea that freedom is the starting point.

3. Reasons to Deny Bail Under Schedule 1

The Bail Act's Schedule 1 lists the reasons why bail may be denied. The prosecution has said that it will object to bail for three reasons: the risk of failing to surrender (FTS), the risk of committing further offences while on bail (CFO), and the risk of

interfering with witnesses (IWW). The court needs to look at each reason separately and decide if there are good reasons to think that the risk is real. The CPS Bail Guidance says that "substantial grounds" means risks that are real, not just ideas or guesses. The court must also think about whether any bail conditions could lower these risks enough to allow bail instead of completely denying it.

4. Risk of Failing to Surrender

The court looks at things like the defendant's ties to the community, their history of appearing in court, their current job, and their family duties to figure out how likely it is that they would not show up. The case bundle in this case includes the defendant's past convictions, which show that he was convicted of failing to surrender to custody in 2020

Mr Hope said that the situation was a real car accident that sent him to the hospital. At the time, the court believed what he said. Since then, he has not missed a single court date. The Bail Act says that the court can look at what someone has done in the past, but it also says that the court must look at how much time has passed and if anything has changed.

Mr Hope is very involved in his community. He owns his own home, has lived at the same address for years, and works full-time as an IT technician. For ten years, he has worked for the same company. He also has to take care of his partner, who has motor neurone disease, and their young son. These duties are strong anchors that keep him in the area. While the CPS Bail Guidance does not list specific factors in a checklist, prosecutors and courts routinely consider characteristics such as stable accommodation, steady employment, and strong family responsibilities as factors that reduce the likelihood of a defendant failing to surrender to custody. There is nothing in the bundle that shows Mr Hope has tried to avoid the police or done anything that would make him look like he was trying to run away. When DC Adam Fox arrested him, he cooperated right away, denied the accusation every time, and stayed calm.

5. Risk of Committing Further Offences While on Bail

The prosecution's second argument is that the defendant might commit more crimes while on bail. Schedule 1 says that the court must look at past convictions and patterns of behaviour. The bundle includes Mr Hope's past convictions, but they are all from 2019 and 2020. The most recent one is more than five years old. His client said that this time of crime happened when things were hard for him after his father died suddenly. He started drinking a lot and hanging out with people who made bad choices. Since then, he has moved on, rebuilt his life, and stayed out of trouble for

more than five years. The Bail Act says that the court cannot deny bail just because someone did something wrong a long time ago; the risk must be real right now.

The accusation in this case is about something that happened in a park. But the evidence is disputed, and how strong the evidence is an important factor when assessing risk. The Prosecution Case Summary and Edward Pearson's witness statement say that the complainant says he was punched and headbutted. There is no CCTV footage of the event itself, and there are no independent witnesses who saw it. Mr Hope's interview, which was done with a lawyer present, says that a man came up to him aggressively and raised his fist. The man fell when Mr Hope moved out of the way. Both stories mention a fall, which means that the medical injuries from Dr Elkin's expected statement do not prove how the injuries happened on their own.

It is also important to note that the alleged crime seems to have happened because of a spontaneous fight, not because of planned or repeated criminal behaviour. There is no evidence that Mr Hope was armed, part of a group, or looking for the person who complained. This makes it less likely that the same thing will happen while on bail. The court has the right to think about whether the alleged events are likely to happen again. In this case, there is no proof that the parties are still in a dispute or are still in touch with each other. There would be even less of a chance of anything happening again if the bail conditions included a non-communication condition and an exclusion zone.

6.Risk of Interfering with Witnesses

The third ground for refusing bail concerns the risk of interference with witnesses. The Bail Act says that bail can only be denied on this basis if there is a real and identifiable risk. In this case, the person who filed the complaint and the defendant do not know each other. The only times they talked to each other were during the events that were described in the witness statement and Mr Hope's interview. There is no evidence that Mr Hope tried to get in touch with the complainant after the event or tried to sway anyone. The CPS Guidance says that there is usually a low risk of witness interference when the people involved are strangers, and there has been no attempt to contact them. Bail conditions can also help manage the risk. A simple non communication condition, along with an exclusion zone around Imperial Park, would eliminate the risk.

7.Proportionality and the Use of Custody

The court must also think about proportionality when deciding on bail. According to research from the Ministry of Justice (2023) on how to make decisions about

remanding people, defendants should not be held in custody unless there is no other way to manage the risks. Sections 128 and 128A of the Magistrates' Courts Act 1980 give the power to remand, but these powers should be used with care.

The importance of properly exercising this discretion was emphasised in *Regina v Manchester City Magistrates' Court, ex parte Davies* (1985) 1 WLR 1308, where the court confirmed that magistrates must actively consider whether bail conditions could adequately address risks before refusing bail.

The court should also think about how long it will probably be before the trial. Offences under Section 20 of the OAPA often lead to non-custodial sentences, especially when the facts are in dispute, there are no weapons, and there is strong personal mitigation. If a defendant is not likely to get a prison sentence at the end of the trial, there is less reason to hold them in jail before the trial.

8. Conditions for Bail and Managing Risk

The Bail Act also gives the court a lot of power to set conditional bail. In this case, the conditions that would be appropriate include living at his home address, going to the police station several times a week, having a curfew or electronic monitoring, not being able to contact the complainant, and being in a certain area. These conditions would take care of all known risks and follow the rule of proportionality.

In the end, the law is very much in favour of bail. The prosecution must demonstrate that substantial and genuine risks exist under Schedule 1 of the Bail Act.

9. Conclusion

The court should grant conditional bail based on the evidence in the case bundle, the nature of the allegation, the lack of CCTV, the defendant's stable job, his family obligations, his cooperation with the police, and the fact that strict conditions are available.

Speaker Notes:

Hello Judge. My name is Sajid Khan, and I appear on behalf of the Defendant, Mr Jeremy Hope. I thank my learned friend for setting out the background. I will refer to the relevant parts of the bundle as I make my submissions. The Prosecution is

objecting to the grant of bail to Mr Jeremy Hope, and, Judge, I will be seeking to demonstrate why my client should be granted bail today.

Judge, as the court will be aware, there is a general presumption in favour of bail under section 4 of the Bail Act 1976. The Prosecution objects to bail on the grounds of failing to surrender, committing further offences, and interfering with witnesses. Respectfully, Judge, I submit that none of these risks are made out on the facts of this case, and that any concerns can be effectively managed by appropriate bail conditions.

If it pleases the Court, I will now turn to my first submission regarding failing to surrender.

Judge, the Prosecution claims that my client presents a risk of absconding due to one previous failure to attend court. Judge, if I could ask you to turn to document 3, the list of previous convictions, and to the third paragraph on page 6. [PAUSE!!!] You will see that this incident occurred in 2020 and arose from a genuine car accident. Mr Hope was injured, taken directly to the hospital, and discharged later the same day. The medical evidence from Dr Elkin confirms this injury. The court accepted this explanation at the time.

Since then, more than five years have passed without a single failure to attend court. Mr Hope has complied with all legal obligations placed upon him. There is no proof that he has ever tried to avoid going to court or getting in trouble with the law. When DC Fox arrested him, he was completely cooperative and gave a clear and consistent story.

Judge, Mr Hope's personal circumstances further demonstrate that absconding is extremely unlikely. He owns his home at 10 Petunia Avenue, Swansea, and lives there with his partner and their four-year-old son. For the past ten years, he has worked full-time as an IT technician for the same company. This long-term job shows that he is responsible and stable. If Mr Hope ran away, he would lose his job, his income, and the good name he has built up over many years.

That would be entirely against his own interests.

More importantly, Judge, Mr Hope is the primary carer for his partner, who suffers from motor neurone disease. This is a serious and worsening condition that makes it hard for her to move around and be independent. Mr Hope helps her a lot every day, including taking care of their young son. Their son needs his father for routine, stability, and care. It's just not realistic to say that Mr Hope would leave his family if he did not give up.

When these factors are taken together, stable accommodation, long-term employment, and significant caring responsibilities, the risk of failing to surrender is

very low. Respectfully, Judge, the Prosecution has not established a real risk of absconding. In any event, this risk can be managed by conditions such as residence at his home address and regular reporting to a police station.

With the court's permission, I will now turn to my second submission, which concerns the alleged risk of further offending.

Moving on, Judge, the Prosecution relies on convictions from 2019 to 2020. Judge, you will hear from the Prosecution that these convictions show a pattern of behaviour. But these crimes happened at a very bad time for Mr Hope, who had just lost his father. At that time, he was having a hard time emotionally and making bad choices.

Since 2020, there has been a complete change. For more than five years, Mr Hope has not committed any further offences. He now lives a stable life focused on work and caring for his family. He no longer associates with the people or lifestyle that led to his earlier offending.

Judge, if I might refer you to the witness statement of Mr Pearson, which can be found at page 9 of the bundle. [PAUSE!!!] In that statement, you will see nothing suggesting any ongoing dispute or repeated interaction between the parties. DC Fox, the officer who arrested Mr Hope, says that he was fully cooperative and told the same story during the interview.

This case is about one event that is in dispute.

There is no CCTV of the incident itself, no forensic evidence, and no independent eyewitness. The medical evidence confirms injury but does not explain how those injuries were caused. This is not a case involving repeated violence or an ongoing risk to the public.

Any remaining concern about further offending can be addressed through conditions such as a curfew or electronic monitoring. This risk can be managed by conditions.

With the court's permission, I now turn to the third ground relied upon by the Prosecution, namely, interference with witnesses.

Judge, the Prosecution claims that my client may contact the complainant, Mr Pearson. However, as the court will be aware, the parties do not know each other personally. There has been no attempt at contact before or after the incident. My apologies, Judge, if I might correct my last statement: there has been no contact since the incident itself. Apologies, Judge, may I take a moment to refer to my

notes? Thank you. If the court would bear with me a moment while I locate that document. Thank you.

There is nothing in the bundle to suggest intimidation, threats, or any attempt to influence witnesses. The concern raised by the Prosecution is speculative. A strict non-communication condition, together with an exclusion zone around Imperial Park, removes any realistic possibility of interference. This risk can be managed by conditions.

Judge, I also ask the court to think about why conditions are working in this case and why custody is not needed. Bail conditions are meant to control risk in a safe and useful way. Reporting conditions make sure that you have regular contact with the police. A residence condition keeps Mr Hope at an address that is known and stable. A curfew or electronic monitoring stops people from moving around and lets them check to see if they are following the rules. A non-communication condition and an exclusion zone stop anyone from talking to the complainant. When combined, these conditions let the court keep control without having to put someone in jail.

Judge, I also want to remind the court that Parliament has limited how adult defendants can be held in custody before their trial. The Legal Aid, Sentencing, and Punishment of Offenders Act 2012 put limits on a court's ability to hold an adult in custody before they are found guilty. This makes it clear that detention should only be used when absolutely necessary. In this case, custody would not be right because the risks can be controlled by conditions.

Custody should always be a last resort. It is the most restrictive option available and should only be used where no other measure can manage the risks. In this case, conditions are clearly capable of doing so.

Judge, I also ask the court to consider the impact of custody on Mr Hope's family. His partner's illness means she relies heavily on him for daily care. Removing Mr Hope from the family home would immediately place a vulnerable person and a young child under severe strain. This hardship would be immediate and real.

Finally, Judge, my client's personal circumstances support bail. He is the primary carer for a vulnerable partner and young child. Remanding him would cause significant hardship. Any concerns can be dealt with by clear, strict, and proportionate bail conditions. Conditions such as residence, reporting to the police station, curfew, non-communication, and surrender of passport are sufficient and proportionate.

For those reasons, Judge, I respectfully invite the court to grant conditional bail. If the court has no further questions, that concludes my submission.

Reference List:

Bail Act 1976.

Legal Aid, Sentencing and Punishment of Offenders Act 2012.

Magistrates' Courts Act 1980.

Offences Against the Person Act 1861, s.20.

Regina v Southampton Magistrates' Court, ex parte Green (1976) QB 11.

Regina v Manchester City Magistrates' Court, ex parte Davies (1985) 1 WLR 1308.