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Research:

This document explains the legal reasons for asking for 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 law that applies to Mr. Hope's case, how the court should decide bail, and how these rules apply to the facts of his case.

Section 4 of the Bail Act 1976 is the first thing you need to know about bail. This part makes a strong case for bail. It says that a defendant should get 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 reason to deny it. This presumption holds true even in instances of grave allegations, including acts of violence. A charge under section 20 OAPA is serious, but just because it is serious does not mean the presumption of bail is gone.

Schedule 1 of the Bail Act lists the reasons why bail may be denied. In this case, the prosecution has said it will oppose bail on three grounds: the risk of not showing up, the risk of committing more crimes while on bail, and the risk of interfering with witnesses. The court needs to look at each reason separately and decide if there are good reasons to think that the risk exists. The court must also think about whether any bail conditions could help manage these risks instead of just denying bail.

To figure out how likely it is that the defendant will not show up, the court looks at things like their connections to the community, their history of going to court, their current job, and their family responsibilities. The case bundle in this case has the defendant's past convictions, which include one for failing to surrender 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 his story. In the five years since then, he has not missed any court dates. 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 there for years, and works full-time as an IT technician. For ten years, he has worked for the same company. He also must take care of their young son and his partner, who has motor neurone disease. These duties are like strong anchors that keep him in the area. Having a stable home, job, and family responsibilities lowers the chance of not turning yourself in. The bundle does not demonstrate that Mr Hope sought to get away from the police officer or did anything that would make him look like he was trying to escape. When DC Adam Fox apprehended him, he immediately cooperated, kept rejecting the charge, and stayed cool.

The prosecution's second argument is that the defendant might commit more crimes while on bail. According to Schedule 1, the court must look at past convictions and patterns of behaviour. There are some things about Mr. Hope's past that are included in the bundle, but they are all from 2019 and 2020. The newest one is more than five years old. His client said that this time of crime happened when things were hard for him because his father had died suddenly. He started drinking a lot and hanging out with the wrong people. Since then, he has moved on, rebuilt his life, and has not committed any crimes in 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 now.

The claim in this case is about something that happened in a park. The evidence is disputed, and the strength of the evidence is a key factor in determining 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, though, and no independent witnesses who saw it. The arresting officer's notes only say that both men were in the park at the time in question. 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 got out of the way. Dr. Elkin's expected statement about the medical injuries does not prove how they happened on its own because both stories talk about a fall. The proof is not very strong, so it is less likely that someone will break the law while they are out on bail.

The third reason is that witnesses were interfered with. The Bail Act says that bail can only be denied for this reason if there is a real and clear risk. In this case, the

person who filed the complaint and the person who is being sued do not know each other personally. The only times they talked to each other were during the events described in the witness statement and Mr Hope's interview. There is no evidence that Mr Hope tried to contact the complainant after the event or tried to sway anyone. The chances of witness interference are usually low when the parties do not know each other and have not tried to get in touch. Bail conditions can also help control the risk. A simple non-communication order and a no-go zone around Imperial Park would eliminate the risk.

The Magistrates' Courts Act 1980 gives the courts the power to remand people, but these powers should be used with care. The court should also think about how long it will be before the trial. Section 20 OAPA crimes often lead to non-custodial sentences, especially when the facts are in dispute, there are no weapons, and there is strong personal mitigation. It is less reasonable to keep someone in jail before their trial if they are unlikely to get a prison sentence at the end of the trial.

The Bail Act also gives the court a lot of power to set conditional bail. In this case, he could live at his home address, go to the police station several times a week, have a curfew or electronic monitoring, not be able to talk to the complainant, and stay out of certain areas. These conditions would take care of all known risks and follow the rule of proportionality.

In conclusion, the law strongly supports bail. The prosecution must demonstrate the existence of genuine and significant risks as stipulated in Schedule 1 of the Bail Act. The court should grant conditional bail because of the evidence in the case file, the type of accusation, the fact that there is no CCTV, the defendant's stable job, his family responsibilities, his willingness to work with the police, and the fact that strict conditions are available.

Speaker Notes:

Good morning, 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 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 on the grounds of failing to surrender, committing further offences, and interfering with witnesses. I will respectfully submit that none of these risks are made out and that any concerns can be managed with 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 is a risk due to one previous failure to attend court. Judge, if I could ask you to turn to page... of the bundle/document 3, and to the third paragraph on page 6. [PAUSE!!!!] You will see that this failure occurred during a genuine car accident in 2020. He was taken to the hospital and discharged the same day. The court accepted this explanation. Since then, over five years have passed with no failures. He works full-time as an IT technician, owns his home, and is the main carer for his partner with motor-neurone disease and their young son. Respectfully, Judge, the Prosecution has not established a real risk of failing to surrender. This risk can be managed by conditions.

With the court's permission, I will now turn to my second submission: the risk of further offending. Moving on, Judge, the Prosecution relies on previous convictions from 2019–2020. Judge, you will hear from the Prosecution that these show a pattern. Judge, the Prosecution claims that this history creates risk. However, these offences occurred during a period of grief after his father's death. In the last five years, there has been no offending at all. He now lives a completely different life. 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 ongoing risk. The arresting officer, DC Fox, confirms that my client cooperated fully and gave a consistent account. Finally, Judge, I would submit that any residual concern can be addressed through curfew or electronic monitoring. This risk can also be managed by conditions.

For my third point, Judge, I will address interference with witnesses. Judge, the Prosecution claims that my client may contact the complainant, Mr Pearson. As the court will be aware, the parties do not know each other. There has been no attempt at contact. 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/the bundle. Thank you, Judge. If the court would bear with me a moment, Judge, while I locate that document..... Thank you. A non-communication condition eliminates the risk. The medical evidence from Dr Elkin confirms injury but shows the complainant was discharged the same day and will make a full recovery. recovery. Serious injury alone is not a statutory ground to refuse bail. This risk can be managed by conditions.

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. Conditions such as residence, reporting to the police station, curfew, non-communication, and surrender of passport are sufficient and proportionate.

In summary, Judge, we submit that my client should be granted bail today because none of the exceptions to bail are made out, and any concerns can be dealt with by clear bail conditions. If the court has no questions, then that concludes my submission.

Reference List:

Bail Act 1976

Magistrates' Courts Act 1980

Offences Against the Person Act 1861 (s.20)