

JERSEY / JUDGMENT

AG v Burke [2008] JRC 107 (04 July 2008)

[2008] JRC 107

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JUDGMENT

THE BAILIFF: 1. This is an application by the defence for an order overruling the discretion of the Crown Advocate as to the calling a witness named Fogg. 2. The Crown Advocate has decided that Fogg should not be called for the prosecution because he does not, in essence, support the Crown case. The Crown Advocate has nonetheless made arrangements for the witness to be called should the defence wish to call him. 3. Mr Haines has drawn my attention to the relevant principles in Archbold , except that he did not draw my attention to paragraph 4-275 of the text. That paragraph makes it clear that the Crown is under no obligation to call a witness for no purpose other than to assist the defence to destroy the Crown's own case. 4. Looking at the evidence of Fogg it is clear to me that he supports the evidence of the defendant. He is in essence a defence witness and in my judgment there are no grounds upon which I could properly overrule the discretion of the Crown Advocate not to call Fogg as a witness for the prosecution. 5. The application is accordingly rejected. Authorities Archbold 2008. Page Last Updated: 15 Mar 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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