

JERSEY / JUDGMENT

AG v Correia [2024] JRC 196 (16 September 2024)

[2024] JRC 196

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JUDGMENT

THE COMMISSIONER: 1. I will adjourn briefly for 15 minutes or so, so that the ushers can erect screens in the corner to screen the Defendant from both the Complainant and the other witness. 2. When I heard the application last week, my initial instinct was to allow screens in the case of the Complainant because it was a case which I thought was capable of causing her concern and worry, and in the case of the other witness because she is 17 years old and therefore the quality of her evidence was liable to be affected. Then in the course of the submissions made and a study of the statements that were produced I thought they fell well short of what was required, and so I decided, that I would not allow the screens but would keep an open mind as the evidence came out so that if the situation arose that the quality of the evidence, which is the test under the law, was being adversely affected then I would adjourn and allow the screens to be put up. 3. Now it is true that I had not anticipated that the witnesses would not come into the court room at all and I have quite a lot of sympathy with the submission which Advocate Jones has made that this is the tail wagging the dog and that witnesses should not be in a position to dictate to the Court the way in which their evidence should be given. At the same time, the overriding objective is to ensure that justice is done. The law provides for a process for screens in order to ensure that the quality of evidence given by the witnesses is not affected by matters such as the Defendant's presence in Court and having regard to that overriding objective and the terms of the legislation it seems right to rescind the decision I took last week and to allow screens to be put up. So we will now adjourn for this to be done. No Authorities Page Last Updated: 20 Sep 2024 Back to top About JLIB Accessibility Contacts Copyright Disclaimer Feedback Privacy policy Site map BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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