

JERSEY / JUDGMENT

AG v Dodds [2023] JRC 256 (14 December 2023)

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JUDGMENT

THE DEPUTY BAILIFF: 1. On 8 th December, the Royal Court was sitting in order to determine the sentence to be imposed upon two Defendants who had committed various offences. Mr Dodds was in the public gallery and, as with other members of the public, had passed signs indicating that mobile telephones are not to be used in Court and at the commencement of the Samedi Court sitting the Court usher, in the usual way, warned members of the public present that mobile telephones should be switched off or turned to silent. 2. During the course of the hearing it was brought to the Court's attention that Mr Dodds was using his telephone in Court and appeared to be recording something. This was notified to the Deputy Bailiff. The Deputy Bailiff halted the proceedings and asked Mr Dodds to come forward, enter the witness box and take the oath which he did. 3. Mr Dodds admitted that he had audio recorded part of the proceedings, he said two or three minutes worth, so that he could listen to the part of the proceedings which he had recorded again at home. He apologized for doing so and said he did not think it was an offence and agreed to surrender his phone to the Court Service so that it could be looked at by the police and the relevant material deleted. A police officer from the States of Jersey Police attended court and spoke to Mr Dodds, who cooperated and unlocked his mobile telephone and played the recording to the officer who recorded it on his body worn camera. The recording was 1 minute and 39 seconds in length and consisted of the Greffier reading the Indictment. The recording was deleted by the Defendant in the present of the States of Jersey Police Officer who also reviewed the mobile phone to make sure that the recording had not been disseminated to any third parties and it had not been. 4. The Deputy Bailiff then adjourned the matter, in accordance with good practice for contempt cases, until today for the purpose of Mr Dodds seeking legal representation and this he did. 5. We have been assisted today by the Crown, which has drawn our attention to a number of authorities, particularly English authorities, of significance and those authorities show that very serious consequences can follow if material recorded in Court proceedings is disseminated to third parties. One can imagine circumstances where, even the recording of an Indictment, and it contained the name, as it usually does, of the victim in a sex case there could be very significant consequences if it entered the public domain. 6. However, this is different from that sort of case. This was not a deliberate contempt. There was no further publication, which would have been a further contempt of court. Mr Dodds is 77 years

of age, still working and of previous good character. We accept, having regard to the letter from his doctor and the letter that he sent to us, that he suffers from poor hearing, was struggling to follow what was said and decided to use his telephone to record the charges so that he could listen to them again when he was at home. Of course that is no excuse, but it is mitigation and in the circumstances the penalty that we impose is a fine of £400 - to be paid today. No Authorities

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Prepared on 27 October 2026 · Esheria