

JERSEY / JUDGMENT

AG -v- Irving [2017] JRC 055 (04 April 2017)

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JUDGMENT

THE BAILIFF: 1. This is an application by the Crown for screens to be erected when the complainant gives her evidence, and in the skeleton argument the Crown relies on the case of *Myles-v-AG*

[2005] JCA 065, in the Court of Appeal in 2005. As far as I recall that was the first occasion on which the Court of Appeal was asked to endorse the exercise by the trial judge of his inherent jurisdiction to order the screens to be put up. 2. I consider that the world has moved on even since 2005. In sexual offence cases the Court can start from the premise that the complainant, if there is any truth in the complaint, will be emotionally distressed by what took place and there is a strong public interest in ensuring that he or she is put in the best personal position to give that evidence and if that involves screening the witness from the defendant that will be ordered. 3. I do not believe there is a prejudice to the defendant but, if there is, it will be covered by an appropriate direction to the effect that it is completely routine for screens to be put up and the jury therefore should take nothing from the existence of those screens and in these days I am quite confident the juries will accept that that is so and will then be able to judge the evidence on both sides, if defence evidence there is, appropriately. So I order screens. 4. Now I should add that in this particular case, the fact is that the complainant does say in her witness statement that she is "really nervous and emotional at the thought of him", the defendant, "looking at her whilst she gives evidence" and she "doesn't want anyone who doesn't need to see her to see her in Court." So it seems to me that for those reasons too screens should be ordered. Authorities *Myles-v-AG*

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