

JERSEY / JUDGMENT

AG -v- McCabe 5-May-2006

[2006] JRC 069 (05 May 2006)

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JUDGMENT

THE DEPUTY BAILIFF: 1. In the case of Harrison -v- AG

[2004] JLR 111 the Court of Appeal said: "There is no maximum sentence of 12 months' imprisonment in Jersey for the offence of contempt. It is therefore open to the Royal Court to impose a sentence which exceeds 12 months in an appropriate case. One can envisage a situation where the offender does in fact evade justice by absconding (e.g. where the key witness dies or becomes unavailable because of a lengthy delay) so that a sentence in excess of 12 months may be appropriate". 2. Here the defendant absconded some five years ago. As a result the victim, who now lives in Singapore, has said that he has put the matter behind him and does not wish to come back. Furthermore, the record of the interview has been lost. That, of course, is not directly the defendant's fault but no doubt it would not have been lost if the matter had proceeded with due expedition. 3. In all the circumstances we think 6 months is insufficient. We think the Court needs to make it clear that if people abscond and try to evade justice then there will be a price to pay. The sentence of the Court is 9 months' imprisonment. 4. I will order costs in connection with the discontinued proceedings in favour of the defence, but I am going to direct that any costs which were incurred as a result of his absconding are not to be recoverable.

Authorities Harrison -v- AG

[2004] JLR 111 . Page Last Updated: 15 Jul 2016 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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