

JERSEY / JUDGMENT

AG v McIntyre 14-Aug-2006

[2006] JRC 112C (14 August 2006)

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[2006] JRC 112C [New search] [Help] [2006]JRC112C ROYAL COURT (Samedi Division) 14 August 2006 Before : M. C. St. J. Birt, Esq., Deputy Bailiff, and Jurats Tibbo, and Morgan. The Attorney General -v- Kenneth McIntyre J. C. Gollop, Esq., Crown Advocate. Advocate M. Pallot for the Defendant. Ruling 2 THE DEPUTY BAILIFF: 1. This is a case where the defendant has been acquitted and, prima facie he is entitled to his costs. However, I am quite satisfied that the defence team - and I place no criticism on individual advocates because I do not know the position - did not raise this matter at the plea and directions hearing. On the contrary they said they did not know of any admissibility problems. Despite Mr Pallot's submissions today, it has nothing to do with the terms of the admissions and the terms of the summary of the interview; it has everything to do with the evidence which the customs officer was going to give and to which challenge has now been made. 2. This matter should have been raised at the directions hearing. I take Mr Pallot's point that in a sense the costs would have to be incurred at some stage and would have been incurred in arguing this at an earlier stage had the correct procedures been followed. But I cannot let this pass without reflecting the defence failure by reference to costs, not least because the witnesses and the prosecution, the Jurats and everyone else has been put to grave inconvenience in a matter which, had the defence done their job properly, would have been dealt with at a much earlier stage. That is the whole point of these directions hearings. The prosecution have decided not to proceed in the light of my decision to exclude the evidence. That decision could have been taken much earlier - and costs therefore saved - had the defence taken the point before the trial instead of on the first day of the trial. 3. Accordingly, I am going to grant costs generally against the Crown but I disallow all of today's costs incurred by the defence. We order the forfeiture and destruction of the drugs. No Authorities Page Last Updated: 15 Oct 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII URL: https://www.bailii.org/je/cases/UR/2006/2006_112C.html

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