

JERSEY / JUDGMENT

AG v Michel 16-Sep-2019 [2019]

JRC 179A (16 September 2019)

[2019] JRC 179A

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JUDGMENT

THE Commissioner: 1. Firstly, we confirm the finding of the court on the 23 rd May, 2019 that the defendant is fit to plead and the defendant has today through counsel confirmed her plea of guilty. 2. This is the first occasion in which the court has been asked to make a final treatment order under Article 65 of the Mental Health (Jersey) Law 2016 combined with a restriction order under Article 68 and we are therefore going to issue a written judgment which will be handed down in due course. We are therefore going to limited ourselves today, simply to announcing our decision. 3. Suffice it to say, that the court is satisfied that the level of culpability on the part of the defendant is such as to justify the making of a treatment order as opposed to the imposition of a sentence of imprisonment or other penalty. 4. We therefore grant the conclusions of the Crown and; (i) make a treatment order under Article 65 for the defendant to be detained in Brockfield House, an approved establishment, where she has already been admitted and; (ii) make a restriction order under Article 68 so that the defendant cannot be discharged, transferred or granted leave of absence from Brockfield House unless by Order of the Court and; (iii) further order that the defendant be examined by the responsible medical officer at intervals of not less than six months and that the written report of such examinations be sent to the Attorney General containing the responsible medical officer's opinion as to whether the restriction order should continue in effect, and opinion as to where any further treatment of the defendant is to be carried out. 5. The precise terms of those orders are delegated by the court to the Commissioner to determine with counsel following the draft that has been handed up today. 6. We would like to thank Professor Eastman, Dr Bisht and Dr Engelbrecht for their very valuable assistance in dealing with this case. 7. Destruction of the knife ordered. Authorities Mental Health (Jersey) Law 2016 AG v Michel

[2019] JRC 031. AG v Michel

[2019] JRC 160 Mental Health Act 1983 R v Birch [1990] 90 Cr App R (S) 78 R v Vowles

[2015] 2 CrAppR (S) 6 Crown Court Compendium Part II Sentencing Council, Sentencing Offenders with Mental Health Conditions or Disorders - for consultation only Page Last Updated: 16 Oct 2019 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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