

JERSEY / JUDGMENT

AG -v- Michel [2011] JRC 012 (17 January 2011)

[2011] JRC 012

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JUDGMENT

THE commissioner: 1. I have been asked to consider recusing myself as the Judge in this trial. Counsel for the defendant has helpfully placed before me the judgment of the Court of Appeal in the matter of the Esteem Settlement and the Number 52 Trust and I have considered carefully the passages cited by Vaughan JA in particular at paragraph 21 et seq. It seems clear from that passage that a judge has a duty not to recuse himself unless he thinks that a properly informed and reasonable man would consider that there was a reasonable suspicion that the judge might be biased against the defendant. 2. The only matter that has given me some concern in the submissions of counsel is the possibility that the conduct of the former Attorney-General might be called into question during the course of this trial. Mr Preston has very candidly told me that he cannot say that the actions of the former Attorney-General will be questioned, nor that he will be a witness at the trial. I must say from my reading of the papers that it is difficult to see how an argument related to those matters could assist the defendant or be relevant at the trial. If Defence counsel had been able to say that the actions of the former Attorney-General would be called into question then I should very likely have recused myself. 3. As things stand it seems to me that I have a duty to sit and I accordingly decline to recuse myself. Authorities The Esteem Settlement and No 52 Trust

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