

JERSEY / JUDGMENT

AG -v- Michel [2011] JRC 056 (11 March 2011)

[2011] JRC 056

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JUDGMENT

THE commissioner: 1. This is an application by the Crown Advocate for leave to amend the Indictment in three respects. First, the Crown wishes to substitute for the "statement of offence" the words "attempting to pervert the course of public justice", secondly, the Crown seeks in the first line of the particulars of offence to substitute for the words "with intent" the word "attempted" and thirdly, in sub-paragraph (b) the Crown seeks to substitute for the words "in consideration of" the words "payment for". 2. No objection is taken by counsel for the defendant to the third proposed amendment. Objection is however taken to the first and second amendments on the ground that they involve substantive changes to what the Crown needs to prove. 3. I am not satisfied that any substantive change is involved. The statement or description of the offence is simply a different label on the same legal bottle. The alleged offence has not changed. I agree with the Crown Advocate that the proposed amendment expresses the alleged offence more simply and more appropriately in relation to this case and would be helpful to the jury. 4. I regard the second proposed amendment as being essentially consequential to the first. The Prosecution will have to prove at trial, as was always the case, that what the defendant did was such as had a tendency to pervert the course of justice and that he intended to achieve that result. It is unfortunate that this application comes rather late in the day but I agree with the Crown Advocate that the proposed amendments will simplify matters for the jury and I also find that no injustice would be caused by these amendments to the defendant. 5. I accordingly grant leave for the amendments to the Indictment to be made. No Authorities Page Last Updated: 15 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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