

JERSEY / JUDGMENT

AG -v- Michel [2011] JRC 093 (06 May 2011)

[2011] JRC 093

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JUDGMENT

THE commissioner: 1. The Court has received a number of impressive references from colleagues at the Bar and from others replete with the words honesty, integrity and sincerity. It is very sad that this defendant, whose career as an advocate of the Royal Court has until now been unblemished, should have gone so wrong that his career has come to this abrupt and tawdry end. 2. At the very core of the relationship between an advocate and this Court is the virtue of truthfulness and her first cousin trust. If an advocate cannot be truthful with the Court there cannot be trust, and without trust between Counsel and the Bench, the process of justice is undermined. 3. We accept that this defendant was not acting as an advocate when these actions were performed but he was nonetheless acting as legal adviser to his father. One cannot escape the fact that an attempt to pervert the course of justice by an advocate is a very serious matter. We have listened very carefully to the persuasive submissions of Mr Preston but we do not think that in the circumstances of this case a sentence of community service, or indeed a suspension of custody, would be an appropriate penalty. We must accept, however, the ruling of the Court of Appeal in AG-v-Weston

[1980] JJ 43 that a distinction is to be drawn between an offence which seeks to inculcate someone else and an offence involving an attempt to escape the consequences of one's own acts or, in this case, the consequences of the father's acts. 4. In mitigation we accept that the defendant is of previous good character and we accept of course all the other submissions that we have heard relating to the catastrophic consequences of this conviction. 5. The jury did not believe you when you told them on oath that you did not know if these transfers represented gifts or payments for professional services. As you knew, in your heart of hearts, neither of these innocent explanations was in fact the truth. The jury found that your purpose in accepting these transfers was an attempt, a clumsy attempt maybe, to shield your father's wealth from seizure and confiscation, and that was an attempt to pervert the course of justice. 6. The sentence of the Court is that you will go to prison for 15 months. Authorities AG-v-Weston

[1980] JJ 43. R-v-Michael Hesse

[2004] 2 Cr. App. R. (S) 41. R-v-Bruce Hyman 19 th September 2007 (Unreported). R-v-Rowell [1977] 65 Cr. App. R. 174 (S) 56. R-v-Snelling [1996] 2 Cr. App. R. (5) 56. R-v-Brown [2004] EWCA Crim 744. AG-v- Kittleson

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