

JERSEY / JUDGMENT

AG -v- Miller [2014] JRC 188A (01 October 2014)

[2014] JRC 188A

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JUDGMENT

THE commissioner: 1. Miss Miller has been brought before the Court to explain her failure to attend for Jury service on 18 th September, 2014. She was served with the summons in due form personally on 16 th August, 2014, and that summons had attached to it guidelines which included an explanation of how she could apply for exemption. 2. Article 57 of the Loi (1864) Reglant La Procedure Criminelle provides (in translation) as follows:- "Every juror duly summoned to appear at an Assize who, without a legitimate excuse, fails to appear when his name is called, or who, having appeared, withdraws without the leave of the President of the Court, shall be liable to a fine not exceeding five hundred pounds." 3. Article 62 sets out the grounds justifying absence namely:- "1 Illness which prevents him from attending Court; The death of a blood relation or relation by marriage up to and including the degrees of brother or sister, provided that the burial did not take place more than eight days before the day on which the juror was required to attend; and in the event of the death of an uncle or aunt, nephew or niece, provided that the burial did not take place before the day on which the juror was required to attend. The following grounds shall be sufficient to justify the absence of a witness or informant who was duly summoned in pursuance of this law - Illness which prevents him from attending Court; The death of a blood relation or relation by marriage up to and including the degrees of uncle and nephew, aunt and niece, provided the burial did not take place before the day on which the witness or informant was required to attend. In every other case, a juror, witness or informant who has been condemned to a fine by reason of his absence may obtain the remission of the penalty by accounting for his absence to the satisfaction of the Court." 4. Miss Miller of course has not yet been subjected to any penalty. Article 65 goes on to provide:- "Nevertheless, if the ground for absence arises on the day before that on which the person is required to attend, or on the day itself, and the juror, witness or informant who is prevented from appearing has been unable to fulfil the requirements of this law, he or she may obtain the remission of the penalties incurred by him, without costs, by accounting for his or her inability to attend to the satisfaction of the Court." 5. Trial by jury lies at the heart of our criminal justice system and is dependent upon members of the public carrying out the duty of a juror when required to do so. When a member of the public is summoned to attend they must do so unless there is a legitimate excuse. In my experience the Viscount's officer is always very reasonable and understanding in considering

written applications for exemption under Article 32(A) of the 1964 Law but an application must be made in writing to the Viscount for such exemption. 6. Miss Miller has apologised and explained to me that her partner arranged a surprise holiday to Turkey on 16 th September and her summons for jury service simply slipped her mind. It is clear to me that she is distressed at being arrested and brought before the Court to account for her non-appearance and she has been very open for her reason for not attending, but it is not of course a justification for her failure to attend. It is appropriate in my view that a penalty should be imposed. 7. She will therefore pay a fine of £100 and has 7 days in which to pay. Authorities Loi (1864) Reglant La Procedure Criminelle . Page Last Updated: 06 Jun 2015 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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