

JERSEY / JUDGMENT

# AG v Pounds [2024] JRC 225 (22 October 2024)

[2024] JRC 225

Source: bailii.org · Research copy typeset by Esheria. Not court-issued or certified.

## JUDGMENT

THE DEPUTY BAILIFF: 1. This is an application for the Crown for special measures in relation to a witness in her early fifties who attended the scene of the fatal accident in this case on 5 August last year, when her and her husband were driving along the coast road and then into Rue de Fauvic. There, they came upon the scene of what had just occurred namely, Dean and Charlie Lowe had been fatally injured and were lying in the road. They were the first people on the scene and both of them attempted to assist in circumstances described in the witness's Achieving Best Evidence video disclosure. She made that disclosure at Dewberry House on the afternoon of the following day and on several occasions the transcript indicates that she broke down in tears. 2. Nonetheless, when she met him in the usual way she told prosecuting counsel on 13 October 2024 that she was prepared to give evidence without the assistance of special measures in this case. But since then the witness has revisited the transcript of her ABE and come to this Court for a pre-trial visit. Now, through a witness statement and an application made by the Crown, she seeks special measures, in particular that she gives her evidence by video link. 3. The context is described by her in the witness statement she made on 18 October 2024. It is clear from the statement and the supporting letter from Jersey Talking Therapies that she has, understandably in my judgment, been affected significantly by witnessing what she saw on 5 August. The witness tried to go back to work on 7 August 2023 but in fact was signed off until 14 September 2023. She has had therapy sessions with Jersey Talking Therapies since May of this year in respect of symptoms of post-traumatic stress disorder. 4. When refreshing her memory by viewing her video disclosure she found herself getting upset to the point where she was becoming physically sick as well as upset. As part of her therapy sessions with Jersey Talking Therapies she has been trying to work through strategies that would enable her to talk about what had happened and what she saw. This has not been very successful. 5. I previously ruled that the Crown is entitled to call this witness. I am not going to revisit that ruling. The witness says at paragraph 8 of her statement "I think about the prospect of giving evidence in court in front of everyone and think that I will become so overcome with distress and emotion that I will find it very difficult to speak in a comprehensible way" She asks the Court to order that she give evidence by video link or, in default, screened from the Defendant and the public gallery. 6. The Defence object to the application and say that this is an unnecessary application for a number of reasons. The witness

does not need to give evidence at all, and there is no need for her to give evidence by video link, or be screened, as she does not know the Defendant or anyone in the case. Her evidence is of marginal relevance and if this application succeeds then almost every witness to a criminal offence will be entitled to special measures. 7. I do not accept those arguments. In my judgment the witness in this case is an eligible witness under Article 100(2)(b)(ii)(E) of the Criminal Procedure (Jersey) Law 2018 in that I am satisfied that the quality of the evidence to be given by her is likely to be diminished by distress in connection with testifying in these proceedings. When reaching that conclusion I have considered the factors set out in sub paragraph 6 of Article 100, including the nature and alleged circumstances of the offence to which the proceedings relate

- the aftermath of which she witnessed. I rule that not only is she an eligible witness but that she is entitled to give evidence by video link in this case in order to maximise the quality of her evidence. If I am wrong in holding that she is an eligible witness under Article 100, then I would in any event have made a similar ruling under Article 101(7) which gives the Court the power to provide special measures to witnesses who are not qualifying witnesses under Article 100. 8. I will in the usual way direct the Jurats that this is simply a measure that has been afforded to this witness to enable her to give the best evidence and must not be held against the Defendant. Authorities Criminal Procedure (Jersey) Law 2018. Page Last Updated: 07 Jan 2025 Back to top About JLIB Accessibility Contacts Copyright Disclaimer Feedback Privacy policy Site map BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

---

## Source & reproduction note

Judgment wording, source notices and original paragraph numbers are retained. Esheria supplies the layout and this PDF's page numbers; these are not the source pagination. This is a research copy, not an official or certified court document. Check quotations, citations and publication restrictions against the original source before relying on it.

**ORIGINAL SOURCE**      <https://www.bailii.org/je/cases/UR/2024/>

**CASE PAGE**              <https://chat.esheria.ai/case-law/jersey/ag-v-pounds-2024-jrc-225-22-october-2024>

Prepared on 26 October 2026 · Esheria