

JERSEY / JUDGMENT

AG v Somerville and Hardman

[2004] JRC 184 (22 October 2004)

[2004] JRC 184

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

JUDGMENT

THE COMMISSIONER: 1. At the last Samedi morning Sitting of the Court, I sat alone to hear a preliminary application by Counsel for Somerville, who objected to the Court being shown CCTV footage of the assault taking place. I allowed the CCTV footage to be shown and Somerville and his co-accused, Hardman, were duly sentenced. This Judgment gives the reasons for my decision. 2. It must at once be said that, to my certain knowledge, the Court has seen CCTV evidence of an assault, captured on CCTV. That, as Advocate Haines rightly says, was by consent. 3. The Crown Advocate customarily produces a factual summary, which is an agreed document. It is always sent to defence Counsel, so that any points in dispute can be identified. This can lead to the summary being amended or, if the dispute is material, to a 'Newton' hearing. 4. The Crown has always supplemented its factual summary, if they are available, with official photographs of the injuries or with the report of the doctor who examined the complainant. If, for example, a knife were used in the assault, the Crown might wish to produce the knife. The Court would always be able to exercise its discretion whether to see the knife or not. 5. I can see no better evidence to put before the Court than the actual events taking place. The Court, in this case, was made aware of the fact that the injuries were not life-threatening, and were not even, apparently, of a permanent nature. 6. Advocate Haines put his argument in this way: The footage is evidence; evidence is adduced in order to prove fact; the rôle of the sentencing court is not to deduce fact from evidence. 7. Of course there is (and in this case, was) mitigation: the lack of injury, the possibility of provocation, and the general character of the accused are all matters that can be taken into account. 8. Of course the CCTV recording is materially prejudicial, but, in my view, not unfairly so and I allowed the Crown to show the footage without comment. I then allowed defence counsel to show the footage again (it was, in fact, shown twice) and to make whatever comment they considered appropriate. 9. In my view, if the CCTV footage of an assault is available, it should be shown. Its disadvantage is that it is silent and does not, of course, show the events that led up to the assault. 10. I have to say that it was the showing of the CCTV footage (with the other facts) that allowed the Court in this particular instance to give a non-custodial sentence. No Authorities. Page Last Updated: 18 Jun 2015 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/2004/>

CASE PAGE <https://chat.esheria.ai/case-law/jersey/ag-v-somerville-and-hardman-2004-jrc-184-22-october-2004>

Prepared on 26 October 2026 · Esheria