

JERSEY / JUDGMENT

AG -v- T [2014] JRC 106 (06 May 2014)

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JUDGMENT

COMMISSIONER: 1. There is a sub-issue in this case as to who, and in what circumstances, caused the cuts to the defendant's head. There is no issue but that the defendant on his detention on 28 th August had a mark of an injury to his head, that is confirmed by Detective Constable Percival in cross-examination already, it is underlined by an entry in the police log compiled on his admission to detention. It is also the subject of an assertion by the defendant when giving evidence that it was caused to him by Witness H in the course of an argument over drugs. Advocate Hall now wishes to take the matter a step further by calling one Witness E, not just to confirm that he said the mark of the injury to the defendant's head but that the defendant went on to give an explanation as to how it was caused and by whom. 2. The Prosecution object to the admission of that evidence submitting that it is second hand, it is hearsay and it adds nothing to the matters already before the Jury. I agree. My reasons for excluding the evidence are these: That the primary facts on this sub-issue as I have described it are already before the Jury. The fact of the mark is admitted. The defendant has given an explanation in interview. Witness H has been the subject of cross examination on the topic, she denies it and that's where the matter should rest properly. To seek to enlarge upon it in the way that Advocate Hall seeks to do so by a hearsay account adds nothing, in my judgment, to the determination of the issue on evidence that is in proper form before the Jury already. No Authorities Page Last Updated: 18 Jan 2017 BAILII: Copyright Policy | Disclaimers | Privacy Policy | Feedback | Donate to BAILII

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