

JERSEY / JUDGMENT

AG v Warn 04-Nov-2020 [2020] JRC 232B (04 November 2020)

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JUDGMENT

THE COMMISSIONER: 1. Shortly before we closed yesterday there was the opportunity to consider the possibility of a direction to the jury about alternative verdicts and I indicated that I would inform counsel of my decision as soon as possible. 2. The Judicial Secretary informed the Crown and defence of my decision last night and I am really just confirming now for the record that I accepted the submissions of Advocate Thomas that there is no evidence from which the jury could properly identify an act committed by the defendant which led to the death of the deceased. For that reason I could not identify the shape of the direction which I would give to the jury in that respect, and so I am not going to include a direction for an alternative verdict of manslaughter as had been canvassed. 3. I should add that I am also influenced in reaching that conclusion by the fact that neither counsel wants me to give such a direction to the jury; and that is not conclusive which I recognise, but of course it is a factor in the way I have approached it. Ultimately the reason is that such a direction would encourage the jury to speculate. No

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