

SCRUTINY JERSEY

13 February 2018

Ref Criminal Procedures Law Sub Panel

Following today's hearing I spoke with the Scrutiny Clerk and was invited to write.

Today's Scrutiny hearing with four lawyers was interesting but rather too cosy for my taste.

I don't know if any victims of crime or those convicted of crimes have participated in this Review but I hope that they have or will.

Today I was reminded very forcibly about a criminal case I recently followed and the video interviews I recorded concerning "Martin" – who has now been convicted of serious sex offences and is serving a long sentence at La Moye.

I have three interviews with Martin recorded from January 2016 before he was charged until July 2017 a few days before his trial commenced.

Many of the topics discussed in the Scrutiny hearing are raised in these interviews but from a somewhat different perspective to that of the four lawyers and I would suggest that these might usefully be considered for the purposes of the Review.

In fact I would suggest that unless the views of actual "consumers" of the criminal process are heard then this will be a very incomplete "review."

Two of the three videos have already been posted on YouTube and these are the links:

January 2016 [https://youtu.be/1daUgVX\\_vpM](https://youtu.be/1daUgVX_vpM)

October 2016 <https://youtu.be/cOMwTUKkv0s>

The third video has not been posted but is available on my camcorder card to view.

I would urge the Panel to view all three and I am happy to attend to discuss these more fully and my concerns about the failures in the criminal process as I see them.

I feel sure that Martin would be happy to discuss his experiences too if this could be arranged.

I would mention, for example, that Martin was persuaded not to give evidence at his trial by his lawyer at the last minute although he had always intended to do so. In spite of assurances I feel sure that this simple omission was used unfairly against him by the prosecution during the trial and sentencing and that the Judge failed to stress enough how this should not infer guilt.

This is just one of many failures that are discussed in the videos along with the predominant use of English law and procedures, legal precedents and sentencing policies in such a case as this - where Jersey law is so deficient, conflicting or just vague.

The videos also deal with such matters as disclosure of evidence, character and the choice and role of the jury (11 in the trial) and the climate of potential bias that exists throughout Jersey following years of discussion of child abuse issues and the publication - just before the trial – of the Independent Jersey Care Inquiry Report. I would urge the Panel to view them.

Please let me know if you require any further information

MIKE DUN

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