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ROYAL COURT

133.

17th September, 1991

Before: The Deputy Bailiff, and  
Jurats Coutanche and Vibert

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The Attorney General

- v -

Simon Brian Owen Knapp

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Police Court Appeal: Application by  
Appellant to call additional witness.

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Advocate SCK Pallot on behalf of the  
Attorney General;  
Mr. Knapp on his own behalf.

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**JUDGMENT**

DEPUTY BAILIFF: The decision of the Court is as follows:

Article 17 of the Police Court (Miscellaneous Provisions)  
(Jersey) Law, 1949, enables the Court to direct that the  
evidence of any relevant witness will be heard.

Mrs. Mulholland's statement is dated 11th May, 1990, exactly one week after the alleged offences were committed. We are satisfied that the statement was not disclosed to the defence prior to trial and clearly it should have been.

In the circumstances we are satisfied that the evidence of Mrs. Mulholland was not available to the defence at the time of trial since the defence did not know of her existence.

Clearly the evidence of Mrs. Mulholland as shown in her statement is relevant to the issues. On the face of the statement it is credible evidence in the sense that it is capable of belief, although of course it must be tested on cross-examination.

Therefore it satisfies all three tests in AG -v- Gorvel (1973) JJ 2503. Accordingly we grant the application. Thus, there will have to be an adjournment to a date to be fixed for the further hearing of this appeal.

Authorities

Police Court (Miscellaneous Provisions) (Jersey) Law, 1929:  
Article 17.

AG -v- Gorvel (1973) JJ 2503.