

**ROYAL COURT**

**(en Police Correctionnelle.)**

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12th December, 1991.

Before: The Deputy Bailiff, assisted by  
Jurats Gruchy and Vibert.

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**Attorney General**

- v -

**Andrea McKinney.**

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**Application by the Accused to exclude Police  
Question and Answer Interview and  
Record of Admissions**

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Miss S.C. Nicolle, Crown Advocate.  
Advocate S. Fitz for the Accused.

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**JUDGMENT**

DEPUTY BAILIFF: After long and anxious consideration, the Court  
has decided to exclude the record of the Question and Answer

Interview and the references to admissions in the previous unrecorded interview or interviews.

The Court is concerned with the differences in evidence between the Police Officers and Customs' Officer, and reluctantly feels bound to say that some of the evidence is unreliable.

Taking into account an arrest under gun-point, several apparent irregularities in procedure, some thirty hours detention, two strip-searches rather than one, lack of any explanation by a Senior Officer of the circumstances in which the accused was held and the reasons why, possible breaches of the Judges' Rules- and these reasons are not necessarily exhaustive- and taking into account that the test must be subjective: this was a twenty-two year old girl with no previous convictions or even involvement with the Police, the Court cannot be satisfied beyond reasonable doubt that the admissions she made were voluntary. I might add that the Court does not propose to give further reasons, unless requested by either Counsel to do so.

**AUTHORITIES.**

Archbold (43rd Ed'n): Chapter 15; paras 15/22-15/79: pp.924-970.

A.G.-v-Clarkin (28th August, 1991) Jersey Unreported.

R.-v-Allen & Ors (1977) Cr. L.R. 163.

R.-v-Canale (8th November, 1989) "The Times" Law Reports.

R.-v-Keenan (1st May, 1989) "The Times" Law Reports.

Kuruma-v-The Queen [1955] A.C. 197.