



JUDICIARY OF  
ENGLAND AND WALES

**Preston Crown Court**

**5 April 2012**

**Sentencing Remarks of  
His Honour Judge Russell QC, Recorder of Preston**

**R -v- Janet Chapman**

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Janet Chapman, you are to be sentenced for a serious contempt of court committed by you whilst you were a juror in a trial in this building presided over by His Honour Judge Baker.

The case was a serious one involving allegations of robberies of cash in transit vehicles. The case lasted about 4 weeks. At the beginning of the trial the judge informed potential members of the jury of the anticipated length of the case and gave jurors who might not be able to serve for that period of time an opportunity to make representations that they should be excused from serving on the jury. A document was provided to the jury panel which included this request:

“If there is any reason why you would not be able to serve on the jury in this case (eg because of a pre-booked and pre-paid holiday, or admission to hospital) please indicate the reason(s):...”

I have before me the form you returned which indicated that there was no reason why you should not serve on the jury and you were selected in the ballot.

The case lasted its anticipated time and on the morning of the Monday of the fourth week, Monday 19<sup>th</sup> March 2012, you did not appear at court. You contacted the court that morning and said you were unfit to attend. On Tuesday 20<sup>th</sup> March a telephone message was left by you on the number provided to jurors, which is that of the Jury Bailiff, in these terms:

“Hello, this is Janet Chapman Juror Number \*\*\*. I won't be attending court for a period of up to two weeks. I have got to return to the doctors next Tuesday. I have got sciatica. Thank you. Bye”

This call was made from Malta.

In fact on that Tuesday morning you were at Liverpool Airport – a car registered to your address was in the vicinity of the airport at 05.42 a.m. – and you boarded a flight which departed Liverpool Airport at 08.15 for Malta, and were to stay there for a week. The message you left at the court was misleading and a deliberate deception.

Meanwhile enquires were made at your home and in the vicinity to try to discover your whereabouts. Enquiries were made of your doctor and it was discovered that you had visited the surgery on Monday 19<sup>th</sup> March complaining of a back related problem and a sick note was issued for 7 days. However you were not at home as would be expected to be the case if you were off sick for this reason, and whilst such a complaint might be sufficient to be off work it would not necessarily preclude you from performing jury service, and as you were able to endure a flight to Malta and enjoy a holiday there it is quite clear to me that you were not unfit to continue your duties as a juror on medical grounds. I am satisfied that if you really suffered back pain of such severity that you could not continue your jury service you would not have been able to endure the travel to Malta. I am driven to the conclusion that you pretended to your doctor that you had a back problem in order that you could take a holiday in Malta. As Mr McEntee pointed out in cross-examining you, back pain is something which is easily feigned.

Your assertion to the police when you were arrested on your return to the United Kingdom that you were unaware that you could not go away on holiday whilst absent from jury duty due to what you maintain was illness is ludicrous. If you were too ill to attend court you were not fit to travel to Malta for the holiday. I do not accept the evidence and mitigation which has been put forward on your behalf and I specifically reject the assertion made on your behalf that by telephoning the court and informing the court of your supposed illness you thought that you had done all you needed to do and that there was nothing wrong with going to Malta – this was not the action of a responsible person.

As a result of your actions the trial was delayed for two days while enquiries were made. There was genuine concern at first for your welfare. Extensive police enquiries were made which have cost the taxpayer considerable expense which should not have been incurred. The two day delay to the trial has resulted in significant wasted costs, personal loss to several people and considerable inconvenience. After this delay and wasted time Judge Baker discharged you from the jury in your absence and the trial continued. It is important to note that when a trial has to continue with a reduced number of jurors this can mean that it is more difficult for a result to be achieved and sometimes a retrial may have to be ordered.

Jury service is one of the most important public duties that a citizen of this country can be called upon to perform. It is inconvenient, but an essential part of our democratic system. It is essential that the duty of jury service is taken seriously by those called upon to perform it, and that it is performed diligently and responsibly.

You have manifestly failed to perform your public duty. Further it is clear that you deliberately deceived the court for your own ends and pleasure, namely taking a holiday in Malta.

In my judgement this is a serious contempt of court which can only be met by an immediate sentence of imprisonment.

The sentence of the court is 56 days imprisonment of which you will serve up to half.