

Criminal Law Practice and Procedure

Module Status: **Mandatory** **Elective**

Credit Rating: Credit Level:

Pre-requisite Modules:	Co-requisite Modules:
Modules 1-5	
Total Contact Hours:	
Lecture: 24 hours	Independent Study: 96 hours
Total Student Effort: 120 hours	

Module Aims

This module aims to:

- Provide an overview of the Irish criminal system and the jurisdiction of the courts responsible for the implementation of that system.
- Outline the criminal appeals system including the respective responsibilities of the Central Criminal Court, the Court of Criminal Appeal and the Circuit Court.
- Explain the differing circumstances in which the summons procedure and the charge sheet procedure are employed and the purposes served by these alternative procedures.
- Provide an account of the practice and procedure applying to trials on indictment.

Module Learning Outcomes

On successful completion of this module, students should be able to:

- Define the jurisdiction of each of the different courts responsible for the application of the Irish criminal system.
- Discuss the distinction between summary and indictable offences;
- Recall the appeals system in Irish criminal matters.
- Compare the functions of the summons and charge sheet procedures.
- Make a bail application in a specific factual context.
- Explain the role played by the Book of Evidence in Trials on Indictment.
- Review the procedure applying to Trials on Indictment.

Indicative Module Content

TOPIC	DISCUSSION
Offences & Jurisdiction	Jurisdiction of the Criminal Courts in Ireland; summary offences (with particular emphasis on the Road Traffic Act, 1961 (as amended)); indictable offences; offences dealt with in the Special Criminal Court; Electable offences.
Criminal Appeals Procedure	Appeals to the Court of Criminal Appeal, the Central Criminal Court & the Circuit Court; grounds of appeal; time limits; case-stated procedure.
Summons, Arrest & Detention	Summons, arrest with warrant, arrest without warrant; record of arrest right to consult a solicitor; questioning; searches; fingerprinting; foreign nationals; charge sheets.
Remand & Bail	Remand in custody; procedure for application of bail; grounds upon which bail may be granted or refused; independent sureties.
Preparing the Book of Evidence	Contents of the Book of Evidence; serving the Book of Evidence; S9(a) of the Criminal Law Act, 1999; the taking of depositions; Legal Aid; witness orders & summons; Gary Doyle Orders for the District Court.
Trial on Indictment	Drafting the indictment; the arraignment; pleas in bar; <i>nolle prosequi</i> ; applications for separate trials; jury selection; the role and function of counsel.
Sentencing	Proportionality in sentencing, plea in mitigation, reports furnished to the courts, victim impact reports, concurrent and consecutive

	sentences, guilty plea
Forms of Sentencing	Community service orders, fines, compensation orders, deferral of sentence, partly suspended sentences, fixed and mandatory sentences, imprisonment.
Orders Consequent on Conviction	road traffic offences – disqualification, endorsement, forfeiture and confiscation. drug trafficking offences: confiscation orders.

Teaching / Learning Methodology

This module will be delivered through a series of lectures, tutorial-style discussions, group work sessions and exercises, and supplemented by structured web-based resources and reading.

Assessment

Students will be assessed on the basis of a practical piece of coursework (100%). This substantial piece of work will determine students' knowledge of the Irish criminal legal system in addition to assessing their ability to successfully conduct a case through the criminal courts.

Required Reading

Griffith College Manual, *Criminal Law: Practice and Procedure*, (Dublin: Clarus Press, updated annually)

Secondary Reading

Charleton, Peter, PA McDermott, and Marguerite Bolger (1999) *Criminal Law*, Butterworths

Bar Council, Code of Conduct of the Bar of Ireland, Bar Council: Law Library (2002)

Walsh, Dermot (2002) *Criminal Procedure*, Roundhall

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Rules of the Superior Courts, 1986-1999

Rules of the Circuit Court, 1950-1997

Rules of the District Court, 1997

Rules of the Special Criminal Court

McDermott, Paul (1999) *Res Judicata and Double Jeopardy*, Butterworths

Hogan, Gerard and David Morgan, *Administrative Law in Ireland*, Roundhall Sweet & Maxwell, 3rd Edition (1998)

Charleton, Peter (1993) *Criminal Law: Cases and Materials*, Butterworths
Byrne, Raymond and JP McCutcheon (1999) *The Irish Legal System*, Butterworths
Hanly, Connor (1999) *An Introduction to Irish Criminal Law*, Sweet & Maxwell
McAuley, F. and JP McCutcheon (2000) *Criminal Liability*, Butterworths
Clarkson, CMV and HM Keating (1998) *Criminal Law: Text and Materials*, 4th Edition
Sweet & Maxwell
Smith and John Hogan (1996) *Criminal Law*, 8th Edition, Butterworths

