

## Module 10 Criminal Practice and Procedure

<b>Stage</b>				1			
<b>Semester</b>				4			
<b>Module Title</b>				Criminal Practice and Procedure			
<b>Module Number</b>				10			
<b>Module Status</b>				Mandatory			
<b>Module ECTS Credits</b>				5			
<b>Module NFQ level</b>				7			
<b>Pre-Requisite Module Titles</b>				n/a			
<b>Co-Requisite Module Titles</b>				n/a			
<b>Capstone Module?</b>				No			
<b>List of Module Teaching Personnel</b>				James Buckley			
<b>Contact Hours</b>				<b>Non-contact Hours</b>			<b>Total Effort (hours)</b>
24				76			100
<b>Lecture</b>	<b>Practical</b>	<b>Tutorial</b>	<b>Seminar</b>	<b>Assignment</b>	<b>Placement</b>	<b>Independent Work</b>	
15	3	6				76	100
<b>Allocation of Marks (Within the Module)</b>							
	<b>Continuous Assessment</b>	<b>Project</b>	<b>Practical</b>	<b>Final Examination</b>	<b>Total</b>		
<b>Percentage Contribution</b>		25	25	50	100		

### Intended Module Learning Outcomes

On successful completion of this module, the learner will be able to:

1. Describe the Irish criminal system generally and the jurisdiction of the courts responsible for the implementation of that system.
2. Explain the criminal appeals system including the respective responsibilities of the Central Criminal Court, the Court of Appeal and the Circuit Court.
3. Describe the differing circumstances in which the summons procedure and the charge sheet procedure are employed and the purposes served by these alternative procedures.
4. Discuss important pre-trial procedures.
5. Explain the practice and procedure applying to summary trials as well as trials on indictment.

## Module Objectives

The aim of this module is:

- 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;
- Compare the functions of the summons and charge sheet procedures.
- Explain the appeals system in Irish criminal matters.
- Make a bail application in a specific factual context.
- Explain the role played by the Book of Evidence in Trials on Indictment and review the procedure applying to Trials on Indictment.
- Apply the above principles to practical factual scenarios

## Module Curriculum

TOPIC	DISCUSSION
<b>Introduction to the Criminal Justice System</b>	Defining and explaining the Criminal Jurisdiction of the Courts, The Criminal Courts, The Appellate Jurisdiction of the Courts, Case Stated Procedure and the Personnel in the Criminal Courts.
<b>Summary &amp; Indictable Offences</b>	Examining and explaining Summary Offences, Hybrid Offences, Indictable Offences, Indictable Offences triable summarily under the Criminal Justice Act 1951, Indictable Offences dealt with summarily on a plea of guilty.
<b>The Preliminary Stage: Arrest &amp; Detention</b>	Explaining the Role of the Garda Síochana, Powers of Stop and Search, Arrest, Detention and Fingerprinting / Forensic Evidence
<b>Summary Procedure</b>	Defining and explaining Summons and Charge Sheets. Overview of a Defendant's first appearance in the District Court, what is a Failure to Appear, Disclosure in the District Court – the "Gary Doyle" Order and Legal Aid
<b>Bail</b>	Examining and explaining the Procedure for Application of Bail, Limitation to District Court Jurisdiction, Bail Terms, Consideration of Bail Application, Independent Sureties, Refusal of Bail and Estreatment of Bail.
<b>Proceedings in the District Court</b>	

	Explaining an overview of a summary trial in the District Court, explaining a Guilty Plea and an overview of a District Court Hearing.
<b>Trial on Indictment: “Sending Forward”</b>	Explaining DPP’s Directions, Contents and Service of the Book of Evidence and Witness Orders & Summons
<b>Trial on Indictment</b>	Defining and explaining Preparation of the Indictment, Pleas in Bar, Refusal, Applications for Separate Trials (Multiple Charges/Offences on Indictment), Procedure for Jury Selection, Sequestration of Juries and the Role and Function of Counsel
<b>Sentencing</b>	Examining and explaining the Probation of Offenders Act 1907, s1.1 and s.1.2, Fines, Community Service Order, Custodial Sentence and Suspended Sentence and Orders Consequent upon a Conviction
<b>Judicial Review</b>	Examining and explaining Reliefs’ That Can Be Obtained, Reasons for Judicial Review in the Criminal Context, Court Procedure, Time Limits, “Moving” the Application, Post-leave Procedure and Power of Remittal.

### Reading lists and other learning materials

1. Griffith College Manual, *Criminal Law: Practice and Procedure*, (Dublin: Clarus Press, updated annually)
2. Bunreacht na hEireann [www.taoiseach.gov.ie](http://www.taoiseach.gov.ie)
3. Byrne & McCutcheon, *The Irish Legal System* (2009, Dublin; Tottel Publishing)
4. Conway, *Irish criminal justice system: theory, process and procedure* (2010, Dublin; Clarus Press)
5. O’Malley, *The criminal process* (2009, Dublin; Thompson Round Hall)

The lecturer may recommend Extracts from:

- Consolidated Circuit Court Rules
- Consolidated District Court Rules
- Consolidated Superior Court Rules
- The Bail Acts 1967 - 1997

### Module Learning Environment

Accommodation

In line with other higher education awards offered by the College, the Special Purpose Diploma in Legal Studies and Practice, will provide reasonably comparable resources and accommodation requirements, all of which can be met by facilities on campus.

At the moment, a base classroom is used for teaching purposes at both the Dublin and Cork campuses. Participants also have access to online teaching resources and Moodle and an e-learning studio. It is not proposed that these arrangements be changed as they are continuing to operate successfully.

In addition, all lectures are recorded and posted on the relevant Moodle page, providing students with the opportunity to watch lectures at a later date if they are unable to attend the lecture or wish to review the lecture.

The workshop is held in an open plan room with movable desks in order to facilitate group work, discussion, presentations. The workshop is not recorded as all learners must attend.

### Library

All learners have access to an extensive range of “actual” and “remote access” library resources. The library monitors and updates its resources on an ongoing basis, in line with the College’s Library Acquisition Policy. Lecturers update reading lists for this programme on an annual basis as is the norm with all courses run by Griffith College.

### Equipment, Information & Communication Technology

The College is already fully resourced with the necessary teaching equipment – such as a base class room fully equipped with PC, audio and visual presentation facilities and projectors.

Further resources such as video recording equipment are also available for use on the programme. Participants may also use the College’s other computer labs, open labs and the e-learning studio. The College’s IT Services Department and the Lecturer Support Unit also support this process by continually updating classrooms and PC labs. Proposals for the acquisition of new technologies are made to the IT Services Department and to the Director of Academic Programmes, so that academic and technical issues are considered.

Extensive use is also made of the Moodle VLE for posting lecture notes and other relevant material used for study and revision. With the aid of data projectors, these can form the basis of lecture presentations.

### **Module Teaching and Learning Strategy**

This module will be delivered through a series of lectures, through tutorial-style discussions, group work sessions and exercises, and supplemented by structured web-based resources and reading; and also involves one practical workshop

This module comprises of twenty-one contact hours, being fifteen lecture hours, five tutorial hours and one revision/exam preparation class, and one three-hour workshop.

Each class will comprise three hours of lectures and a one-hour tutorial.

Tutorials will comprise the review of past exam papers, class discussions, group work sessions and exercises.

The workshop will comprise an interactive, group discussion based assessment, with learners requested to engage in interviews and negotiation exercises.

Lectures and tutorials will be supplemented by structured web-based resources and reading.

In order to support learners through the exam process they engage in the answering of sample exam questions and correction of their own or peers' papers, thereby familiarising themselves with the process of writing papers and with the marking criteria.

### **Module Assessment Strategy**

Theoretical knowledge will be assessed at the end of the module by examination (worth 50%), the purpose of which is to enable learners to become accustomed to undertaking extended examinations which are a traditional method of assessment commonly used in law-based degrees on the National Framework of Qualifications and in the sphere of professional legal training. The examination will consist of a mixture of essay style questions, which place emphasis on the learners demonstrating academic legal knowledge as well as discursive legal writing skills, and problem style questions which assess the learner's ability to apply the law to practical factual scenarios. Formative assessment will be provided in the form of interactive exercises such as mini quizzes or directed class discussion topics.

The examination will be supplemented by an Assignment worth 25% of the overall grade enabling learners to utilise their learning from class based work and to develop their legal research, problem solving, independent learning, initiative skills and professional analytical capacity. The Assignment focuses on a matter of practical importance in the field of Irish Criminal Law. Learners will submit an assignment, which typically comprises of an essay on one of the major academic aspects of the course.

Element No.	Weighting	Type	Description	Module Learning outcomes
1	25%	Assignment	Learners are required to complete a practical piece of coursework which is modelled on the workshop activities	4
2	25%	Workshop	Learners are required to work in groups completing a numbers of tasks including drafting and mock interviews.	4
3	50%	Exam	The examination consists of a choice of both essay and problem style questions. Essay style questions place emphasis on the learners' demonstrating their understanding of the main principles of the law and their capacity to critique the law. Problem style questions enable learners to apply principles of the law to a factual scenario.	1-7