

GX 1699

**Ollscoil na hÉireann, Gallimh**  
**National University of Ireland, Galway**

**Semester II Examinations, 2003/2004**

<b>Exam Code(s)</b>	2BL1, 2BL2, 2CW1, 3BA6, 3BL1, 3BL2, 3CW1, 4BA8, 4BL2, IEM1, IOA1.
<b>Exams(s)</b>	2 <sup>nd</sup> 3 <sup>rd</sup> & 4 <sup>th</sup> LL.B. 2 <sup>nd</sup> & 3 <sup>rd</sup> Bachelor of Civil Law 3 <sup>rd</sup> & 4 <sup>th</sup> Bachelor of Arts (Public & Social Policy) Erasmus & Occasional Students
<b>Module Codes(s)</b>	LW394
<b>Module(s)</b>	Criminal Justice
<b>Paper No.</b>	1
Repeat Paper __ Special Paper __	
<b>External Examiner(s)</b>	Professor J. Paul McCutcheon
<b>Internal Examiner(s)</b>	Mr. T. O'Malley
<b><u>Instructions</u></b>	Answer <b>THREE</b> questions
<b>Duration</b>	<b>TWO AND A HALF HOURS.</b>
<b>No. of AnswerBooks</b>	
<b><u>Requirements:</u></b>	
<b>Handout</b>	
<b>MCQ</b>	
<b>Statistical Tables</b>	
<b>Graph Paper</b>	
<b>Log Graph Paper</b>	
<b>Other Material</b>	
<b>Department(s)</b>	LAW

PTO

1. Write an essay on the role of discretion in public prosecutions, including an account of any reforms you would recommend in this area.
2. "Trial by jury should be the norm. Any exceptions to the right to jury trial should be closely circumscribed and offences of medium gravity should be so defined as to give the accused the option of jury trial in every case." Discuss the extent to which this principle is reflected in modern Irish law, especially in relation to the jurisdiction of the District Court.
3. Article 6 of the European Convention of Human Rights guarantees the right to trial by a fair and impartial tribunal and the same right is, implicitly at least, protected by the Constitution of Ireland. With reference to appropriate case law discuss the implications of this guarantee for the selection of juries and for any allegations that may come to light during or after a criminal law that one or more jurors may have expressed prejudice towards the accused.
4. Give a critical account of the powers currently vested in the Gardai to detain suspects for questioning.
5. Peter has been charged with an offence of obstructing a tribunal of inquiry and is due for trial in Dublin Circuit Criminal Court in July 2004. However, for the past several months, his evidence to the tribunal and the allegations made against him by other witnesses have been subject to extensive media comment. In February 2004, one tabloid newspaper carried a front-page headline which said: "JAIL HIM", referring to Peter. An interim report of the tribunal which alleged that Peter had obstructed it has also been subject to extensive media analysis. Peter claims that he cannot get a fair trial in these circumstances and seeks your advice as to whether he should apply to have his trial prohibited on the ground of adverse publicity. Advise him.
6. "The present Irish law on bail represents an awkward compromise between the competing values of liberty and security". Discuss.

**END**