

NATIONAL UNIVERSITY OF IRELAND, GALWAY
FACULTY OF LAW

SEMESTER II EXAMINATIONS - SUMMER 1998

LL.B. - ALL YEARS
OCCASIONAL STUDENTS

CRIMINAL JUSTICE (LW394)

Professor A. Ashworth
Mr T. O'Malley

Time allowed: 2½ Hours. ERASMUS students have three Hours.
Answer THREE questions

1. *'The right to silence is nothing more than a strategy for allowing experienced criminals to escape conviction'.* Discuss this view, including in your answer your opinion on whether the abolition of the general right to silence would be compatible with the Constitution.
2. John, a former swimming coach, has been charged with 10 offences of indecent assault allegedly committed against two 16-year-old female pupils in 1982. He denies the charges and further claims that, because of the length of time that has elapsed since the offences allegedly occurred, he would not be able to get a fair trial. Advise him of any steps he might take to prevent the trial going ahead and of the principles that are currently applied by the courts when deciding if a trial should be prohibited on the ground of delay.
3. *'Juries are no longer representative of the community at large and, worse still, they can no longer be relied upon to establish the truth. It's time we abolished them and put our trust in judges'.* Discuss.
4. *'Preventative justice has no place in the scheme of values inherent in the Constitution of Ireland'.* Discuss.
5. Describe the main community-based sanctions currently available in Ireland. Should probationary measures, in your view, be primarily punitive or primarily therapeutic?
6. Suppose you were asked by the Minister for Justice to draft a policy document on the use of imprisonment. What fundamental principles would you suggest to govern (a) the use of imprisonment by the courts and (b) the lengths of prison sentences?