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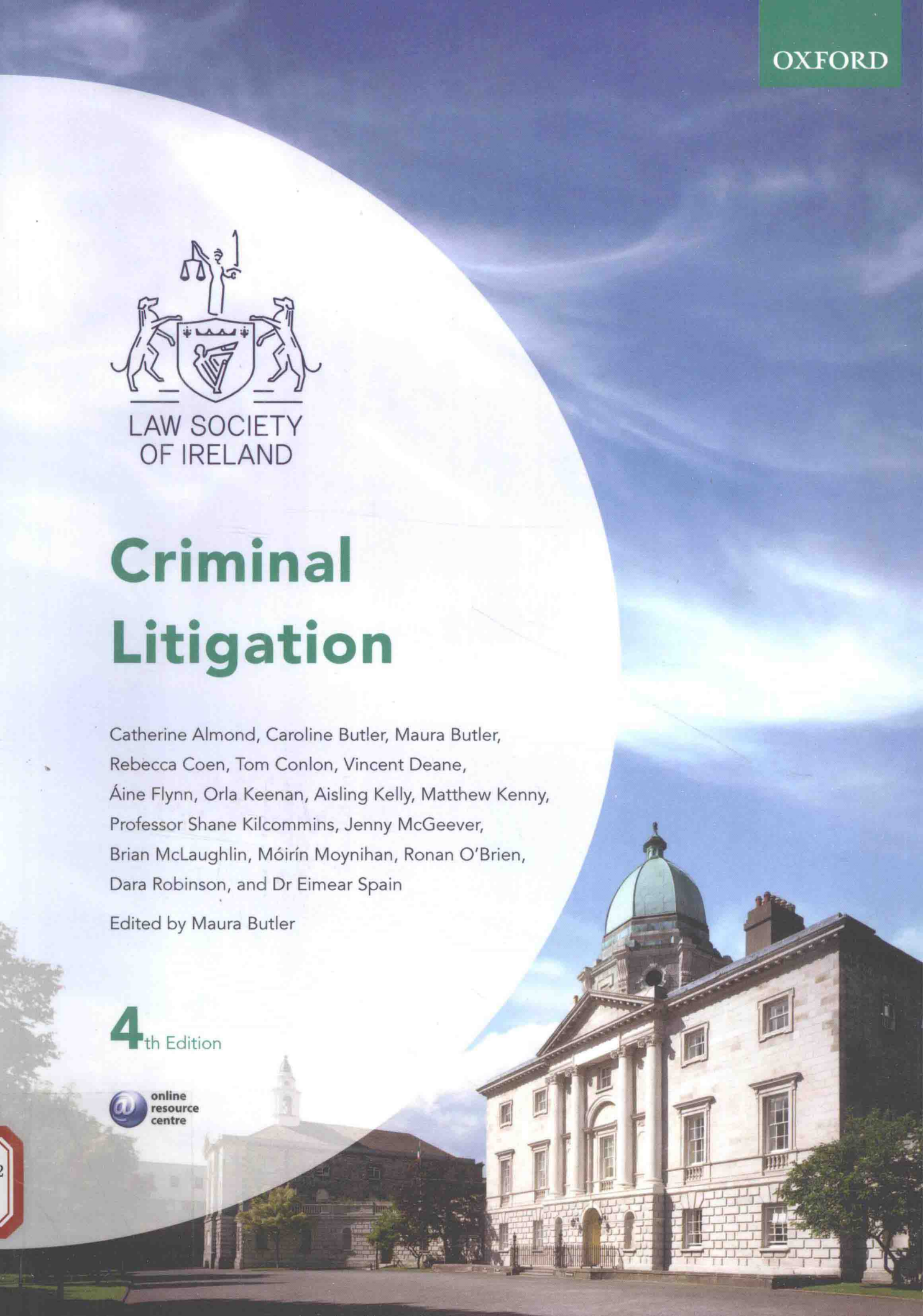
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CRIMINAL LITIGATION

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CRIMINAL LITIGATION

PREFACE

This practice-orientated textbook will prove useful to those who wish to understand how the Irish Criminal Justice System works. Its contents demonstrate the practical application of the core principles of academic law, criminology and policing studies.

Whilst primarily created to enhance the training of trainee solicitors, it will be a universally useful resource to many others to include qualified practitioners who are solicitors, barristers, judges, and police officers (Gardaí).

The objective of this book is to emulate the real-time sequential manner of the journey of an accused person, from the initial investigation of crime to the determination of that case, up to and including sentencing and any judicial reviews or appeals. The generic nature of the chapter contents includes both a prosecution and a defence perspective. Separate chapters distinguish universal principles of 'ordinary' and regulatory/white-collar crime, victims' rights, juvenile justice sentencing, appeals, and judicial reviews. Rights and obligations arising during the investigation of crime and application of evidential rules are addressed, followed by an examination of the processes that characterise the commencement of prosecutions, granting of legal aid, and stages leading to trial. Particular attention is given to the Director of Public Prosecution's choice of trial venue and to the manner in which the trial process works in both the summary and indictable jurisdiction. Discreet areas of practice are selected, such as the prohibition, defences, and penalties of the most common road traffic offences, the impact of the European Convention on Human Rights in this jurisdiction, and European arrest warrant practice and procedure. The advocacy chapter focuses on the solicitor advocate but has universal applicability for all actors in that environment. The text concludes by profiling best practice in the ethical management and governance of practitioner obligations, client care and practice management in criminal litigation work.

It is hoped that the material produced herein will demystify the practicalities of compiling and presenting a case in the criminal courts at all levels, and thereby assist comprehension in this important and specialised area of practice.

Every effort has been made to ensure that the text is accurate, but the editor would be grateful to learn of any errors or omissions. Any such comments or queries should be sent to the editor at the Law Society of Ireland.

No decision or course of action should be taken on the basis of this text and competent professional legal advice should be sought before any decision or course of action is taken.

The reader is alerted to the OUP Online Resource Centre at <http://www.oxfordtextbooks.co.uk/orc/lsm_criminal/> that supports this text in the context of the ever-changing nature of legislation and case law in this dynamic practice environment. The editor's aim is to facilitate updating of this Online Resource Centre as the need arises, with the kind cooperation of the authors.

The editor tenders grateful thanks to the commitment of all co-authors for sharing their expertise, Robert Lowney for his formatting input, Declan Bannon for his support, and especially the entire OUP team for their professionalism, advice, and support.

Maura Butler, Editor
2016

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