



# UNIVERSITY OF NICOSIA ΠΑΝΕΠΙΣΤΗΜΙΟ ΛΕΥΚΩΣΙΑΣ

University of Nicosia, Cyprus

<b>Course Code</b> LAW-326	<b>Course Title</b> Civil and Criminal Procedure II	<b>ECTS Credits</b> 6
<b>Department</b> Law	<b>Semester</b> Spring	<b>Prerequisites</b> LAW-325
<b>Type of Course</b> Major Requirement	<b>Field</b> Law	<b>Language of Instruction</b> English
<b>Level of Course</b> 1 <sup>st</sup> Cycle	<b>Year of Study</b> 3rd	<b>Lecturer(s)</b> Mr. Nicolas Angelides
<b>Mode of Delivery</b> Face-to-face	<b>Work Placement</b> N/A	<b>Co-requisites</b> None

## Objectives of the Course:

Students will be given the opportunity to thoroughly grasp the principles of Criminal procedure/litigation and of the rules of practices as applied by the Courts. All major areas of this subject will be examined in sufficient depth and the course will be designed to cover most of the points that are likely to arise in day-to-day practice. A clear exposition will be made of all relevant principles relating to applications made in the course of litigation.

## Learning Outcomes:

After completion of the course students are expected to be able to:

1. Demonstrate a working knowledge of the fundamental substantive and procedural issues during all stages of Criminal litigation, and also how Criminal litigation is conducted in practice.
2. Demonstrate a full understanding and awareness of the legal, procedural and evidential, rules governing how cases are dealt with by the criminal justice system, and to have covered all the key aspects of the criminal litigation process.
3. Illustrate a thorough grasp of a highly practical and comprehensive explanation of the key substantive, procedural and evidential issues that are encountered by both prosecution and defence lawyers in a criminal case, through practice-based examples, diagrams, self-test exercises and case studies so as to illustrate further the operation of the law in a very practical context.
4. Discuss an integrated and practical approach to Advocates' work, by making students aware that the rules of criminal procedure, criminal evidence, professional conduct and legal skills are not discrete elements, but are part of the integrated picture that is involved in representing a client in a criminal case.
5. Determine criminal evidence and to think about evidence at the very outset, before aspects of criminal procedure and the substantive rules of evidence are covered in the

syllabus.

6. Illustrate a thorough knowledge of the personnel and organizations within the Criminal Justice System and a thorough knowledge of advocates professional conduct duties, with specific emphasis on criminal practice.

7. Demonstrate a thorough grasp of the rules of criminal evidence and to be able to apply the rules in a highly practical way to the issues in test cases, and to demonstrate an understanding of the practical integration of the rules of criminal evidence with procedure.

8. Demonstrate a thorough grasp of the extensive statutory powers of the police to stop, search and arrest persons in connection with the investigation of a criminal offence, and also their powers to detain and question suspects, as well as the evidential rules and practical issues concerning the position of suspects in police interviews. To further demonstrate a thorough grasp of the principles and evidentiary rules governing the challenging of “tainted” prosecution evidence, the admissibility of identification evidence, and the decision to charge a suspect or to offer alternatives to prosecution and the role of the Crown Prosecution Service (CPS) and its duties of pre-trial disclosure of evidence.

9. State the procedural stages between charge/summons and a defendant having to appear in Court to answer the allegations made against him/her, and also the issues of public funding of criminal proceedings, bail, the steps/procedures and stages for prosecuting either way offences, summary offences, and for prosecuting indictable offences.

10. Illustrate a thorough grasp of the principles governing proving one’s case as regards the legal and evidential burdens of proving issues in contested cases in the Crown Court or Magistrates Court, and also the rules and principles associated with witnesses, giving evidence at trial, the admissibility of hearsay evidence, admission of a defendant’s bad character and rules on private privilege.

11. Demonstrate a thorough knowledge and grasp of all aspects of sentencing in the Crown Court and the Magistrates Court including procedure and principles, specific types of sentence, mitigations and appeal against sentence and conviction.

12. Illustrate a full working knowledge of the special considerations that apply to young offenders under the age of 18.

### **Course Content:**

During the course the student will study the following topics:

1. Introduction to Criminal Litigation: (a) Introduction, (b) and Introduction to the Law of Criminal Evidence and Advocacy.
2. Investigation and Charge: (a) The Powers to Stop, Search and Arrest, (b) Detention and Interrogation, (c) The Right to Silence at the Police Station, (d) Challenging Unlawfully and Unfairly Obtained Evidence, (e) Obtaining Identification Evidence, (f) The Decision to Prosecute and the Prosecution’s Duties of Disclosure of Evidence.
3. From Charge to Trial: (a) Public Funding and early stages of the Criminal Justice Process, (b) The Law and Practice Relating to Court Bail, (c) Prosecuting Either-way Offences, (d) Prosecuting Summary Offences, (e)

4.	Crown Court Proceedings Pre-trial (f) Trial before the Crown Court. Proving the Case – The Rules of Criminal Evidence: (a) The Burden of Proof, (b) Witness Evidence, (c) Corroboration, the “Turnbull Guidelines” and Opinion Evidence, (d) Hearsay Evidence, (e) Character Evidence and the Accused as a witness at trial, Private Privilege.
5.	Post Conviction, Sentencing and Appeals : (a) Sentencing Procedure and the General Principles of Sentencing, (b) Specific Types of Sentence and the Plea in Mitigation, (c) Sentencing in Road Traffic Cases, (d) Appeals.
6.	Youth Justice: (a) Youth Justice – Introduction, (b) Prosecuting Young Offenders, (c) Sentencing Young Offenders.

#### **Learning Activities and Teaching Methods:**

Interactive lectures (including presentations, seminars and problem solving activities/case studies)
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#### **Assessment Methods:**

One written assignment, mid-term exam, final exam
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#### **Required Textbooks/Reading:**

Authors	Title	Publisher	Year
Hannibal & Mountford	“Criminal Litigation Handbook 2010-2011”	Oxford University Press (OUP)	2010

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Authors	Title	Publisher	Year
John Sprack	“A Practical Approach to Criminal Procedure”	OUP	12 <sup>th</sup> Edition 2008
Ed Cape	“Defending Suspects at the Police Station”	Legal Action Group	5 <sup>th</sup> Edition 2006
Ede & Shepherd	“Active Defence”	Law Society Publications	3 <sup>rd</sup> Edition 2007
Keith Evans	“The Golden Rules of Advocacy”	Oxford University Press (OUP)	6 <sup>th</sup> Edition 2010
Corker & Parkinson	“Disclosure in Criminal Proceedings”	OUP	1 <sup>st</sup> Edition 2009
	“Blackstones Criminal Practice”	OUP	2010
	“Archbold Criminal Pleading and Practice”	Sweet & Maxwell	2011
	“Stone’s Justices Manual”	LexisNexis Butterworth	2010

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	“Criminal Law Review”	Sweet & Maxwell	Journal
	“Criminal Law & Justice Weekly”	LexisNexis Butterworths	Journal
	“Legal Action Group Magazine”	Legal Action Group	Journal
	“Solicitors Journal”	Waterlow Legal and Regulatory Ltd	Journal
	“Legal Executive”	Law Society	Journal
	“Law Society Gazette”	Law Society	Gazette