



Irish Criminal
Bar Association
ICBA



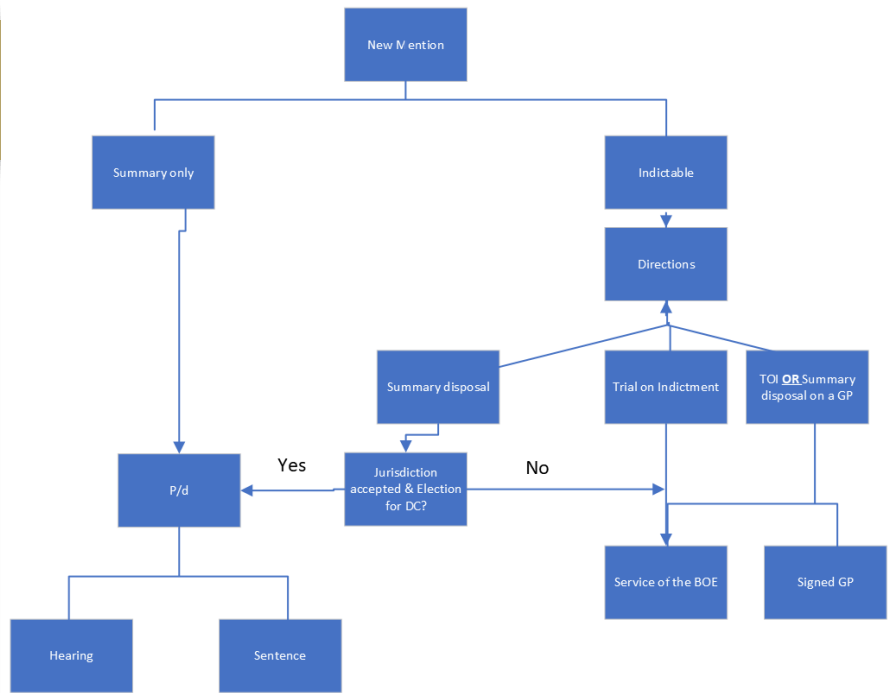
Irish Council for
Civil Liberties

An Introduction to Criminal Procedure in the District Court

26th April 2023



The life of a DC case



Applying for Disclosure

- **DPP v Gary Doyle [1994] 1 ILRM 529** (Case concerning indictable matter tried summarily)

Does constitutional justice require disclosure? Judge can consider:

- (a) the seriousness of the charge,
- (b) the importance of the statements or documents,
- (c) the fact that the accused has already been adequately informed of the nature and substance
- (d) the likelihood that there is no risk of injustice in failing to furnish the statements or documents in issue to the accused.

- **Maheer v O'Donnell [1995] 3 IR 530**

“The underlying rationale of the proposition that interests of justice may necessitate that the accused be furnished pre-trial with statements and other documents is that the accused is entitled, in advance of his trial, to adequate information of the accusations against him and the case he has to meet and any matters which might affect his defence.”

Service of the BOE

Time limit: S4B Criminal Procedure Act 1967

If indictable offence triable summarily - 42 days from:

- Election for CC
- Refusal of jurisdiction
- Directions for TOI

Does not apply to offences triable purely on indictment

- *Farrell v Judge Browne and Others* [2012] IEHC 54

State must apply to extend time, on basis of:

- Good reason to extend, AND
- In the interests of justice to do so



Service of the BOE

Checklist:

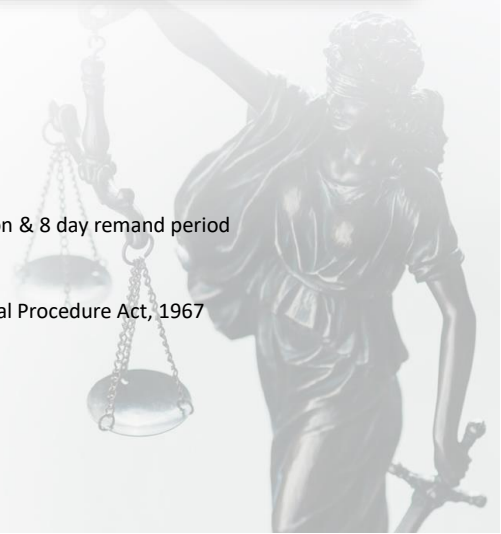
- Any amendments?
- Client produced/solicitor present?
- Bail application?
- Legal aid (apply for 2 BLs?)
- S56 order
- Alibi warning

❖ **GET THE BOOK OFF THE CLIENT**



Remand in Custody

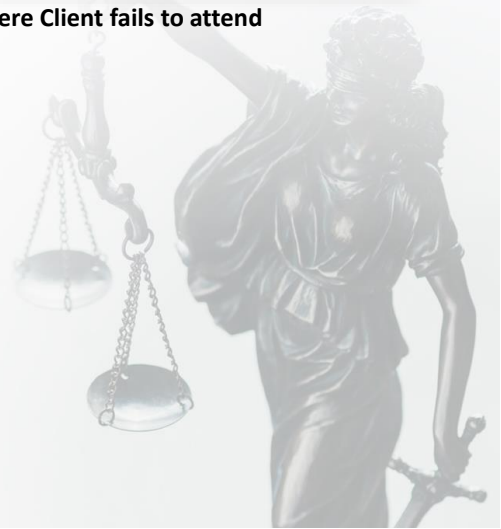
- **Statutory requirements for appearing before Court:**
 - New custody – 8 days
 - Max remand period w/o consent – 15 days
 - Max remand period w/ consent – 30 days
- **Trip-falls:**
 - Is the Client in custody on this matter?
 - Further charges whilst in custody – need to consider bail application & 8 day remand period
- **Not produced?**
 - Good reason/accident/illness – remand in absence - S24(5) Criminal Procedure Act, 1967
 - Potential Article 40 application
- **Remember custody limits!**



Bench Warrants

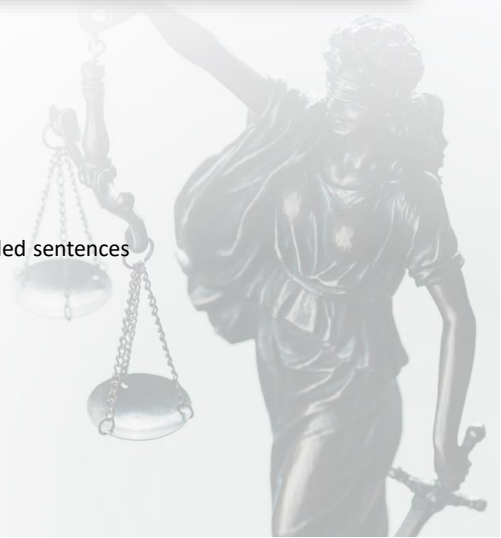
Court may grant BW on application from the Gardai/DPP - where Client fails to attend

- Client running late
 - Ask second call
 - Ask to re-mention
- Good excuse? – May need proof on next date!
- No excuse/bad excuse – expect a BW
 - Estreatment of bond
 - S8 endorsement



Tips

- Check time Court starts
- Find running order (not the Court list!)
- Check Judge's attitude to Client attendance
- Check mention details & charges with Sgt
- If possibility of plea – check PCs with Sgt
 - Most recent, total number, type of offending, relevant suspended sentences
- Check LA list for other matters with your Solicitor's name
 - Check with sol if on record/stand in



Prison Phonelines

- Cloverhill – 01 630 4908
- Wheatfield – 043 332 0757
- Mountjoy – 01 806 2826
- Portlaoise – 057 869 1166

