I. COURSE DESCRIPTION

Building on LAW103 Criminal Law, this course aims to familiarise students with the entire criminal process and its stakeholders, from the exercise of prosecutorial discretion to the sentencing of an accused person. The subsequent appeal process will also be examined. Where possible, the more important evidential rules that apply to criminal cases will be reviewed. A theoretical and practical approach (incorporating drafting and advocacy exercises) will be adopted throughout the course to ensure that students appreciate the legal principles and how these are applied in practice. In addition, students will be exposed to practical exercises, where they will be asked to prepare submissions on sentence, a mitigation plea, a petition of appeal, or skeletal appellate arguments. On successful completion, students should be able to demonstrate a sound understanding of the criminal process as a whole and how cases progress through the criminal justice system. Students are also encouraged to read the Law on Evidence course concurrently.

II. PRE-REQUISITE/COREQUISITE/MUTUALLY EXCLUSIVE COURSE(S)

LAW103 Criminal Law
III. RECOMMENDED TEXT AND READINGS

- Tan Yock Lin and Chandra Mohan
  *Criminal Procedure*
  (LexisNexis, Looseleaf Ed)

- *Sentencing Practice in the Subordinate Courts*
  (LexisNexis, 2013)

- Kow Keng Siong
  *Sentencing Principles in Singapore*
  (Academy Publishing, 2009)

- *Ratanlal & Dhirajlal's The Code of Criminal Procedure*
  (LexisNexis Butterworths Wadhwa Nagpur, 20th Ed, 2011)

Apart from the non-exhaustive series of textbooks listed here, other readings will be posted on SMU E-Learn from time to time.

IV. OTHER REFERENCE BOOKS

- Anthea Hucklesby and Azrini Wahidin (eds)
  *Criminal Justice*
  (Oxford University Press, 2nd Ed, 2013)

- Andrew Ashworth & Jeremy Horder
  *Principles of Criminal Law*
  (Oxford University Press, 7th Ed, 2013)

- Stanley Yeo, Neil Morgan, and Chan Wing Cheong
  *Criminal Law in Malaysia and Singapore*
  (LexisNexis, 2nd Ed, 2012)

- Andrew Ashworth & Mike Redmayne
  *The Criminal Process*
  (Oxford University Press, 4th Ed, 2010)

- Nicola Padfield
  *Text and Materials on the Criminal Justice Process*
  (Oxford University Press, 4th Ed, 2008)

- Mike McConville and Geoffrey Wilson (eds)
  *The Handbook of the Criminal Justice Process*
  (Oxford University Press, 2002)

V. LEGAL MATERIALS AVAILABLE ON THE INTERNET

Local legislation can be accessed at [http://statutes.agc.gov.sg](http://statutes.agc.gov.sg) or via LAWNET (which is accessible through the SMU website at [http://www.smu.edu.sg](http://www.smu.edu.sg)).
Reports of Singapore, Malaysian and English cases as well as legal literature can also be obtained via LAWNET.

For American and Commonwealth cases, these can be accessed via LEXISNEXIS through the SMU website.

VI. ASSESSMENT METHOD

<table>
<thead>
<tr>
<th>Component</th>
<th>Percentage Weight</th>
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<tbody>
<tr>
<td>Class Participation</td>
<td>20%</td>
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<tr>
<td>Group Written Assignment</td>
<td>20%</td>
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<tr>
<td>Presentation</td>
<td>20%</td>
</tr>
<tr>
<td>Research Paper and presentation</td>
<td>40%</td>
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</table>

A. Class Participation

Students will be continuously assessed based on their participation in class. They are, therefore expected to complete the assigned readings and to actively participate in class discussions.

B. Group Written Assignment & Presentation

The class will be grouped into small teams. Each group will be required to prepare a short research paper (not exceeding 3000 words) on a current issue on criminal process or criminal justice. To share the knowledge they have acquired from their research and analysis, each group will make an oral presentation of its written assignment.

C. Research Paper

Students are required to submit a Research Paper of not less than 3,500 words and not exceeding 7,000 words (excluding footnotes) on a topic approved by the course instructors. Students will need to obtain formal approval for their Research Paper topic by the end of Term 1, Week 4.

VII. ATTENDANCE

Your attention is drawn to the SMU requirements in this regard which appear on the student portal of the SMU Undergraduate Regulations & Procedures:

Class Attendance

You are expected to attend all classes. In all courses, the instructor will determine the acceptable level of attendance. If, in the opinion of the instructor, you have been absent excessively, you may be given a grade of "F". If you receive a grade of "F" for absences during the term, you will be
excluded immediately from the course. You should also bear in mind that
class participation is an important aspect of the University's assessment
system.

VIII. ACADEMIC INTEGRITY

All acts of academic dishonesty (including, but not limited to, plagiarism, cheating,
fabrication, facilitation of acts of academic dishonesty by others, unauthorized possession of
exam questions, or tampering with the academic work of other students) are serious offences.

All work (whether oral or written) submitted for purposes of assessment must be the student’s
own work. Penalties for violation of the policy range from zero marks for the component
assessment to expulsion, depending on the nature of the offence.

When in doubt, students should consult the instructor of the course. Details on the SMU
Code of Academic Integrity may be accessed at http://www.smuscd.org/resources.html.

IX. COURSE METHODS

SMU’s seminar-style teaching will be employed during the course. These will be
supplemented with occasional overview or introductory lectures and guest lectures by
practitioners. Students will also have opportunities to learn from class presentations, debates
and videos of actual criminal cases. Seminars will mainly revolve around the discussion of
landmark cases, particularly cases involving corporate and financial crimes. Students with a
strong interest in a particular topic are free to refer to the additional material on top of the
landmark cases. Students who will benefit most from seminars and who are likely to do
well in this course are those who are prepared for the seminars by reading and
reflecting on the prescribed reading materials.

X. LIST OF TOPICS

<table>
<thead>
<tr>
<th>Week No.</th>
<th>Topic(s)</th>
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| 1 (19 Aug) | **A. Overview of the Singapore criminal justice system**  
• Primary Players in criminal justice process:  
• Overview of Process  
**B. Sources of the rules of criminal procedure and criminal evidence**  
• *Supreme Court of Judicature Act*, Chapter 332 (2007 Rev. Ed.) (“SCJA”)  
**C. Classification of criminal cases**  
• Magistrate, District, High Court cases  
• Summons and Private Prosecutions  

1 The Course Outline is subject to change. Students will informed of any changes *via* email. Certain topics may not
be completed within a stipulated week and these topics may be rolled over to the following week(s).
<table>
<thead>
<tr>
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<tbody>
<tr>
<td><strong>D. Classification of courts</strong></td>
<td>- State Courts and the Supreme Court</td>
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| **2 (26 Aug)** | **A. Arrest** | - Arrestable and Non-arrestable offences under CPC 2012  
- What amounts to an arrest?  
**B. Access to counsel** | - Constitutional Right – Scope and limits  
**C. Bail, bonds, and remand** | - Grant of Bail  
- Conditions of bail  
- Revocation of bail  
- Reviewing bail decisions  
- Bail Bond Sureties  
- Forfeiture of Bail Bond  
**D. Police powers of investigation and seizures** | - Commencement of police investigations  
- General Powers of Investigation  
- Special Powers of Investigation |
| **3 (2 Sep)** | **A. The charge (including a practical exercise on drafting of charges)** | - Power to charge  
- Form of charge  
- Amendment of charges  
- Defective charges  
- Joinder of charges  
**B. Types of punishment and criminal jurisdiction of courts** | - Punishments under the CPC  
  - Community-based sentences – the new kid on the block  
- Special punishments under different statutes  
- Sentencing Jurisdictions of criminal courts |
| **4 (9 Sep)** | **Prosecutorial discretion** | - The Attorney-General as the Public Prosecutor  
- Exercise of Prosecutorial Discretion |
<p>| <strong>5 (16 Sep)</strong> | <strong>A. Duties of defence counsel</strong> | - Professional Ethics |</p>
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<tr>
<td>6 (23 Sep)</td>
<td><strong>Disclosure in Criminal Trials</strong></td>
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<tr>
<td>7 (30 Sep)</td>
<td><strong>A. Guilty plea hearings</strong></td>
</tr>
<tr>
<td>8 (7 Oct)</td>
<td>Mid-term break</td>
</tr>
<tr>
<td>9 (14 Oct)</td>
<td><strong>A. The trial process</strong></td>
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### 6 (23 Sep) Disclosure in Criminal Trials
- Criminal Discovery v Civil Discovery
- Statutory Regime for Criminal Discovery
- Common Law Criminal Discovery

### 7 (30 Sep) A. Guilty plea hearings
- Procedure
- Validity of Plea
- Statement of Facts
- Charges taken into consideration
- Offender’s Antecedents
- Prosecution’s Address on Sentence
- Retraction of Guilty Plea

### 8 (7 Oct) Mid-term break

### 9 (14 Oct) A. The trial process
- Preparing for trial
- Case for the Prosecution
- No Case to Answer
- Case for the Defence
- Recalling Witnesses
- Closing Submissions & Judgment

**B. Rebuttal evidence**

**C. Improperly obtained evidence**

**D. Expert evidence**
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<th>Week No.</th>
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<tbody>
<tr>
<td></td>
<td>• Dealing with expert witnesses in court</td>
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| 10 (21 Oct) | **A. Judgment**  
• Mode and Mechanics of Delivering Judgment  
**B. Sentencing**  
• Sentencing Philosophy and Principles  
**C. Ancillary Orders/Proceedings**  
• Disposal of Property  
• Costs in Criminal Proceedings |
| 11 (28 Oct) | **The appeal process**  
• Types of Criminal Appeals  
• Procedure for appeals  
• Powers of an Appellate Court  
• Points Reserved  
• Criminal Revisions  
• Criminal Motions |
| 12 (4 Nov) | Class Presentations on Research Paper |
| 13 (11 Nov) | Class Presentations on Research Paper |
| 14 (18 Nov) | Class Presentations on Research Paper |
| 15 (25 Nov) | Submission of Research Paper |

**XI. READING LIST**

A detailed reading list of the relevant readings (legislation, cases, book chapters, and articles) for each topic will be available on SMU eLearn and should be regularly consulted in preparation for seminar discussions each week. In addition, the Instructor will put out a guide to the reading of these materials for class preparation each week.