

MLP218 Criminal Procedure – HD Exam Notes

Topics Covered

Police Powers

- Arrest
- Search & seizure
- Search warrants
- Forensic procedures

Criminal Process

- Bail
- Committals
- DPP discretion
- Trial procedure

Trial & Appeals

- Jury directions
- Appeals
- Sentencing

Core Exam Formula

Every problem question follows:

Police Power

↓

Statutory Authority

↓

Was the Power Exercised Lawfully?

↓

Consequences

↓

Admissibility / Remedy

Most Important Statutes

Topic	Legislation
Arrest	<i>Crimes Act 1958</i> (Vic)
Search	<i>Crimes Act 1958</i> (Vic)
Evidence	<i>Evidence Act 2008</i> (Vic)
Bail	<i>Bail Act 1977</i> (Vic)
Trial	<i>Criminal Procedure Act 2009</i> (Vic)
Sentencing	<i>Sentencing Act 1991</i> (Vic)

Criminal Procedure Master Summary

Arrest

Question:

Was the arrest lawful?

Authority:

- s 459 *Crimes Act 1958* (Vic)

Requirements:

- reasonable belief
- lawful purpose
- reasonable force

Search

Question:

Did police have lawful authority to search?

Authority:

- s 459A
- s 465

Key Issue:

- reasonable grounds

Confessions

Question:

Is the confession admissible?

Authority:

- s 464H
- s 85
- s 138

Key Issues:

- recording
- voluntariness
- reliability

Bail

Question:

Which bail test applies?

Tests:

- exceptional circumstances
- show cause
- unacceptable risk

Appeals

Question:

Has there been a substantial miscarriage of justice?

Authority:

- ss 274–276

Cases:

- *Weiss*
- *Kalbasi*

Sentencing

Purposes:

- punishment
- deterrence
- rehabilitation
- denunciation
- community protection

Key Cases & Exam Triggers

Cases You Need To Know

Case	Principle
<i>Dietrich</i>	Fair trial
<i>George v Rockett</i>	Reasonable grounds
<i>DPP v Tupper</i>	Search after arrest
<i>Nguyen</i>	Disclosure
<i>McKell</i>	Jury directions

<i>Weiss</i>	Miscarriage of justice
<i>Kalbasi</i>	Proviso
<i>Barbaro</i>	Sentencing

Issue Spotting Guide

Facts Mention	Issue
Police arrest	Arrest
Search house	Search
Search warrant	Warrant
DNA sample	Forensics
Police interview	Confession
Bail application	Bail
Committal hearing	Committal
Jury directions	Trial fairness
Conviction appealed	Appeal
Guilty plea	Sentencing

Full Notes Include

- ✓ 18+ pages of topic summaries
- ✓ Full legislation table
- ✓ Case law master table
- ✓ Bail flowcharts
- ✓ Search flowcharts
- ✓ Appeal flowcharts
- ✓ Sentencing frameworks

✓ IRAC templates

✓ HD model answer structures