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**Date, place**

**Name and Surname \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Index number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**EU Criminal Law – Case Study** – 30 point. **Always provide legal grounds for your answer!**

1. Anne Kaminski is a French citizen who came for holidays to Poland with her husband. On one of the evenings the couple was heading back from the centre of Kraków to a small house they rented on the outskirts of the town. Their car was involved in a car accident. Anne was the driver. The other driver died.

Anne was arrested by the Police around 23 pm and taken to the Police station. The Police officers did not give her any information about her rights that evening. She was only orally informed about the arrestee’s rights next morning and it was done in poor English by a Police officer.

**Was Anne’s right to information satisfied? Why?**

2. On the next day Anne was transferred to the prosecutor’s office and interrogated as a suspect. Anne demanded a state appointed lawyer as she did not know anyone in Poland. However, the prosecutor responded that Anne’s motion will be heard by the court after the interrogation but she will not pass the means test anyway as she was not an indigent suspect, so the only thing the prosecutor may propose is to give Anne’s the list of attorneys and let her call one of them and establish financial terms with an attorney of choice.

**Was the prosecutor supposed to postpone the hearing in order that Anne’s motion for legal aid was heard before?**

**If what the prosecutor says about the means test is true, is it coherent with the Directive concerning legal aid to refuse a foreigner a state appointed lawyer only because she does not pass the means test?**

3. Anne agreed to the prosecutor’s proposal. The attorney of choice came and the interrogation began. A French interpreter was present. Anne received the contents of the charge in writing in Polish and it was orally interpreted. Anne asked to get a written translation of the charge but the prosecutor told her that she is only entitled to the interpretation.

**Was Anne entitled to get a written translation of the contents of the charge?**

4. The prosecutor decided to send a motion for pre-trial detention. However, Anne and her attorney were only given access to some part of the case material before the court hearing as the prosecutor claimed that sharing the whole case file would endanger the course of proceedings.

**Was the prosecutor entitled to limit Anne’s and her attorney’s right of access to the case materials just before the court hearing concerning her detention?**

5. The court refused to detain Anne and she was released from custody. A few weeks later, she was called for an interrogation at the prosecutor’s office. Her lawyer filed a motion for appointing an interpreter for the purpose of his meeting with Anne before the interrogation. The prosecutor refused, claiming that there is no such institution and they may hire an interpreter by themselves.

**Was the prosecutor right?**

6. A few months later, the trial began. Several court hearings took place. On one occasion, Anne was absent due to illness. The reason for her absence was communicated to the court. Her lawyer was not present as well . The hearing was conducted as usual regardless of Anne’s absence. At the next hearing, neither Anne nor her lawyer filed any motion due to this fact.

**Was the court right to proceed regardless of Anne’s absence? Is Anne entitled to a new trial?**