



THE COURT OF APPEAL

[270/15]

Birmingham P.

Mahon J.

Edwards J.

IN THE MATTER OF SECTION 2 OF THE CRIMINAL JUSTICE ACT 199
THE PEOPLE AT THE SUIT OF THE DIRECTOR OF PUBLIC PROSECUTIONS

RESPONDENT

v.

ALAN HANLEY

APPELLANT

JUDGMENT(Ex tempore) of the Court delivered on the 11th day of June 2018 by Birmingham P.

1. The Court has heard what is being urged by Mr. Bowman in response to the DPP's application for a retrial. The Court's view is that it is a case where a retrial is appropriate. This was a situation where the conviction has been quashed in circumstances where the Court concluded that the judge made an error in not providing a particular warning that was sought, but it remains the case that there was evidence to be considered by the jury and we feel it is a matter that should ultimately be resolved by a jury verdict.

2. The Court will order a retrial.