



Quiz

Fitness / Unfitness for Trial

1. There is an ethical obligation on a legal practitioner to raise the issue of fitness, if they believe there is one:
 - a. prior to sentencing
 - b. during the course of the trial in the Supreme Court
 - c. in their final submissions
 - d. prior to arraignment
2. Which of the following statements is most true? Should there be a fitness issue prior to a bail application:
 - a. the DPP will likely force the accused to remain in custody until the issue of fitness is resolved
 - b. a fitness assessment is unlikely to occur in custody and therefore there is a strong argument that the accused should be granted bail
 - c. a forensic psychiatrist or psychologist is likely to visit the accused in custody to make an assessment as to fitness
 - d. bail will generally be granted
3. Which of the following statements is NOT true? The Presser Criteria...
 - a. as applied to an accused are decided on a balance of probabilities
 - b. are a non-exhaustive list
 - c. are considered by the jury in determining a person's fitness

d. are not used to determine a person's capacity in civil law

4. Who bears the onus of proving that the accused is unfit?

- a. It's debatable whether it is the prosecution or the defence
- b. The prosecution
- c. The defence
- d. Neither the prosecution nor the defence

5. In terms of sentencing which of the following does a limiting term NOT involve?

- a. a parole and non-parole period
- b. compulsory treatment and hospitalisation
- c. the maximum period of time that the convicted person can be held before their sentence expires
- d. prior to setting a limiting term the judge must be satisfied that if he were sentencing in the normal way the unfit person would have received a prison sentence

Answers:

1. d 2. b 3. c 4. a 5. a