



CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma

Unit 18 – Criminal Litigation

Question paper

January 2024

Time allowed: 3 hours and 15 minutes (includes 15 minutes reading time)

Instructions and information

- It is recommended that you take **fifteen** minutes to read through this question paper before you start answering the questions. However, if you wish to, you may start answering the questions immediately.
- You must answer **all** questions.
- This question paper is out of 100 marks.
- The marks for each question are shown — use this as a guide as to how much time to spend on each question.
- Write in full sentences — a yes or no answer will earn no marks.
- Full reasoning must be shown in your answers.
- Statutory authorities, decided cases and examples should be used where appropriate.
- You are allowed to use your own printed copy of the pre-release case study materials, as long as the materials are not annotated in any way. Alternatively, you can access the electronic version of the pre-release case study materials available in the examination.
- You are allowed to make notes on your scrap paper during the examination.
- You can use your own unmarked copy of the following designated statute book – ***Blackstone’s Statutes on Criminal Justice and Sentencing, 6th edition, Nicola Padfield, Oxford University Press, 2016.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

Turn over

Answer ALL questions

Question 1

Reference: Question relates to **CASE ONE – Jayson Ferreira** and **DOCUMENT 1** of the case study materials.

Jayson Ferreira continues to deny any involvement in the incident. The police indicate that they intend to undertake an identification procedure. You note that Jayson Ferreira is wearing a distinctive promotional T-shirt advertising his uncle's takeaway business.

- (a) Advise Jayson Ferreira as to the form of the identification procedure, your role in relation to it and the options he has in relation to it.

(8 marks)

Following the identification procedure, Jayson Ferreira is picked out by Lebron Renton and two of his associates. The other associate picks out one of the comparators. The independent witnesses were unable to make an identification. The police now propose to interview Jayson Ferreira. The police also inform you that the medical evidence suggests that Lebron Renton will not suffer any permanent damage to his eyesight. He has also made an uneventful recovery from the fracture to the cheekbone and there is no scarring or other cosmetic issue.

- (b) Advise Jayson Ferreira as to the form the interview will take, the options that he has in relation to it and the implications of these.

(7 marks)

In the event, Jayson Ferreira gives a no-comment interview. Jayson Ferreira is charged with inflicting grievous bodily harm on Lebron Renton contrary to s20 of the Offences against the Person Act 1861.

- (c) Explain the procedure for applying for a representation order for Jayson Ferreira and the criteria that will be used in determining whether this will be granted.

(5 marks)

Jayson Ferreira continues to maintain his plea of not guilty.

- (d) Explain the procedures that will take place at the first substantive hearing in court, any options that Jayson Ferreira may be able to exercise and the criteria on which the court will make its decision.

(10 marks)

(Total: 30 marks)

Question 2

Reference: Question relates to **CASE ONE – Jayson Ferreira** and **DOCUMENT 1** of the case study materials.

The case is allocated to the Crown Court. You invite Jayson Ferreira into the office to discuss the Defence Statement. At this meeting, Jayson Ferreira tells you that he is, in fact, responsible for the injuries to Lebron Renton but that he was acting in self-defence as Renton had approached him aggressively and was threatening to pull out a knife.

- (a) Explain the implications of this development for the future conduct of the case.

(5 marks)

Jayson Ferreira informs you that one of his associates was present at the incident and is prepared to make a statement in support of his case. You make arrangements to interview this witness and he starts by giving a confident account of the incident as it developed, which is consistent with what Jayson Ferreira has told you and also, to a large extent, with the evidence of the prosecution witnesses. However, when the witness starts to discuss the details of the confrontation between Jayson Ferreira and Lebron Renton he seems to become unsure of himself, speaking hesitantly and at times contradicting himself. Eventually you put it to him that this part of his evidence is not convincing and he informs you that while he was present at the scene, he was not close enough to actually see or hear exactly what went on between Jayson Ferreira and Lebron Renton but has been told by Jayson Ferreira what he should say on this point.

- (b) Explain the implications of this development for the future conduct of the case.

(5 marks)

The case proceeds towards a trial.

- (c) Explain what the issues are between prosecution and defence as the case currently stands, how you would expect these to be addressed and what directions you would expect the judge to give the jury.

(15 marks)

(Total: 25 marks)

Turn over

Question 3

Reference: Question relates to **CASE TWO – Maxim West** of the case study materials.

- (a) Explain the purpose of the hearing, which is due to take place in the Crown Court.

(5 marks)

On the day of the hearing in the Crown Court, Maxim West does not appear to surrender to his bail. You telephone him and he tells you that his son became seriously ill overnight and that he took him to the A&E department of the local hospital, where he is still receiving treatment. His husband is away driving in Europe and there was no other friend or family member available. The condition appears to be some form of acute gastroenteritis and his son is responding to the treatment he is receiving.

- (b) Explain the advice you will give your client and outline the steps the court is likely to take in the light of this development.

(7 marks)

Maxim West indicates that he will plead guilty when he is next put before the court.

- (c) Outline the plea in mitigation that should be put forward on behalf of Maxim West

(10 marks)

(Total: 22 marks)

Question 4

Reference: Question relates to **CASE THREE – Shahid Masood** of the case study materials.

(a) Explain how the evidence of Caleb Watson should be dealt with by the defence. **(6 marks)**

(b) Explain what criteria and procedures will apply to the reception of the evidence of the children referred to. **(6 marks)**

You are advised that Delbert Haynes has changed his pleas to guilty and has been sentenced in relation to his offences. The prosecution has served a statement in which he makes full admissions and identifies Shahid Masood as the other offender and driver of the car.

(c) Explain the consequences of this development for the conduct of the prosecution and defence. **(6 marks)**

Shahid Masood is convicted following a trial and sentenced to three years imprisonment. Trial counsel advises that this sentence is entirely proper but also advises that there was a material misdirection by the judge in relation to the identification evidence by the police officers.

(d) Explain the procedure for appeal against conviction, the grounds for appeal and the possible outcomes of the appeal. **(5 marks)**

(Total: 23 marks)

End of the examination

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