



**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

June 2023

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 – Craig Sadler** and **DOCUMENTS 1 and 2** of the case study materials.

- (a) Explain to Craig Sadler the nature of the identification procedure to be undertaken, any options he may have in relation to it and your role in protecting his interests.

(7 marks)

A positive identification of Craig Sadler is made by both Hans Stein and the doorman at the Britannia Hotel. The police now propose to interview Craig Sadler.

- (b) Advise Craig Sadler as to the interview process and his options in relation to dealing with the interview.

(6 marks)

In the event (whether or not on your advice) Craig Sadler decides that he will give a no comment interview but will produce a prepared statement, which he asks you to draft for him.

- (c) Draft an appropriate statement.

(7 marks)

Craig Sadler is charged with an offence of causing grievous bodily harm with intent, contrary to s18 Offences against the Person Act 1861. The police are not minded to grant bail and he will appear in the magistrates' court the following morning. Craig Sadler advises you that he intends to plead not guilty.

- (d) Explain the nature and purpose of this hearing and the other hearings that will or may take place prior to the commencement of the trial in this case.

(8 marks)

(Total: 28 marks)

Question 2

Reference: Question relates to **CASE ONE – Craig Sadler** and **DOCUMENTS 1 and 2** of the case study materials.

You have reviewed the Initial Details of the Prosecution Case, initial disclosure and the prosecution response to the Defence Statement. You note there is no reference to the CCTV footage provided by Lily Jones, referred to in **DOCUMENT 1**. You make a specific request for disclosure of this and are then told that it can no longer be located. You consider that it might assist in the defence, having regard to the distinctive jacket that Craig Sadler was wearing, if the CCTV footage showed that the injuries to Hans Stein were inflicted by someone not wearing such a jacket, even if the quality of the imagery is not sufficient to make positive identifications. This footage also apparently showed ten members of the group, as opposed to eight in the footage from the Britannia Hotel.

- (a) Explain what application you could make and the criteria that the court would apply in dealing with such application.

(8 marks)

The court does not grant your application.

- (b) Explain how the evidence of Hans Stein can be put before the court.

(6 marks)

- (c) Explain what the issues will be at trial between prosecution and defence, how you would expect the defence to be conducted and the directions you would expect the judge to give to the jury.

(14 marks)

(Total: 28 marks)

Turn over

Question 3

Reference: Question relates to **CASE TWO – Alexa Sanchez** of the case study materials.

Having regard to the number of alleged offences, the fact that they occurred within a short period of time and the fact that the adult offender is still at liberty, the police are not prepared to grant bail.

- (a) Explain the powers of the youth court to remand Alexa Sanchez and the criteria on which those powers will be exercised.

(7 marks)

- (b) Explain in which courts Alexa Sanchez will or may be tried and/or sentenced.

(8 marks)

While you are taking instructions in relation to the detail of the allegations against her, Alexa Sanchez tells you that she did in fact commit some, but not all, of the offences alleged but wishes to continue to maintain a not guilty plea.

- (c) Explain how you will respond to this development.

(5 marks)

(Total: 20 marks)

Question 4

Reference: Question relates to **CASE THREE – Naseer Afzal** of the case study materials.

- (a) Explain the nature and purpose of the initial appearance before the magistrates' court, the criteria on which the court will make its decision and the factors that should influence Naseer Afzal in the exercise of any option he may have.

(8 marks)

The case is being sent to the Crown Court.

- (b) Explain the procedure for obtaining a representation order in this case and the criteria that must be satisfied.

(5 marks)

Naseer Afzal instructs you that he is aware that the allegation of racing is a significant aggravating feature. He denies that he was racing and asks whether, if he pleads guilty on the basis that his response when the vehicle ahead of him accelerated unexpectedly did constitute dangerous driving, this can be officially taken into account.

- (c) Advise Naseer Afzal accordingly.

(6 marks)

Naseer Afzal eventually pleads guilty. He is sentenced to a term of immediate imprisonment and a lengthy disqualification from driving. You consider that in accordance with the sentencing guidelines, the sentence of imprisonment should have been suspended and the disqualification significantly shorter.

- (d) Explain the procedure for appeal against sentence and the criteria on which such an appeal will be determined.

(5 marks)

(Total: 24 marks)

End of the examination

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