

**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 2026**

**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.
- A basic calculator is provided should you require the use of one.
- You can use your own unmarked copy of the following designated statute book- ***Blackstone's Statutes on Criminal Justice and Sentencing, 6<sup>th</sup> 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 – James Anderson and Document 1** of the case study materials.

(a) Advise James Anderson whether the search of his parents' house that took place at the time of his arrest was lawful and whether any evidence resulting from it would be admissible.

**(6 marks)**

(b) Advise James Anderson what identification procedure is likely to be undertaken, whether his consent is required, the consequences if he does not consent and your role in representing his interests in relation to the identification procedure.

**(8 marks)**

(c) Advise James Anderson as to the circumstances in which he could be recalled to custody pursuant to the Detention and Training Order.

**(5 marks)**

In the event, James Anderson is bailed to return to the police station once the various investigations have been completed. You attend with him when he answers his bail. The police inform you that two of the eyewitnesses made positive identifications, one failed to make an identification and the fourth picked out one of the comparators. A forensic analysis of the machete did not identify any usable DNA but did identify minute traces of blood which have been matched with Evan Flanders. DNA from various individuals, including James Anderson, has been found on the towel. When the towel is produced, James Anderson tells you that it is an old kitchen towel which all members of the family would have used. The police are now ready to proceed to an interview. They arranged for James Anderson's mother to be in attendance.

(d) Advise James Anderson as to his options in relation to the interview.

**(8 marks)**

**(Total: 27 marks)**

## Question 2

Reference: Question relates to **Case One – James Anderson and Document 1** of the case study materials.

In the event, James Anderson gave a no-comment interview together with a brief statement denying any involvement in the incident or indeed presence at the scene. The statement indicated that he was at home at the relevant time.

In due course, James Anderson is charged with one count of wounding Evan Flanders with intent contrary to Section 18 of the Offences Against the Person Act 1861. The police advise you that while their enquiries are continuing, they have not yet managed to identify any of the others involved in the incident and so no additional charges are imminent.

James Anderson continues to deny any involvement and indicates that he intends to plead not guilty. He asserts that the witnesses who identified him must be mistaken.

(a) Explain in which court or courts James Anderson will make his initial appearance, the trial will take place and, if convicted, he will be sentenced.

**(10 marks)**

James Anderson is bailed to his trial date at Bedford Magistrates and Youth Court. Sometime later, he contacts you and informs you that he has now recalled that there was, in fact, someone who visited him at home on the night of the interview and can provide an alibi. You arrange to interview this potential witness, Faisal Imtiaz. Although initially confident in asserting that he was with James Anderson at his home from 8.30 p.m. to 9.30 p.m. on the evening in question, he becomes progressively more uncertain as you ask for more detailed information. Eventually he tells you that although he and James Anderson are friends and do hang out together a lot, he cannot actually remember whether they were together on this particular night but has agreed to say so because James Anderson asked him to.

(b) Explain what action you should take in response to this development.

**(6 marks)**

The case is proceeding to a contested trial.

(c) Explain what the legal, evidential and procedural issues between the parties at trial will be.

**(14 marks)**

**(Total: 30 marks)**

**Turn over**

### Question 3

Reference: Question relates to **Case Two – Sophie Grainger** of the case study materials.

Sophie Grainger is due to appear in court for the first time. Initial Details of the Prosecution Case have been served in good time and it appears that the hearing will be effective.

(a) Advise Sophie Grainger on what matters will be dealt with at the hearing, what criteria the court will apply and what, if any, options she may have.

**(11 marks)**

In the event, the case is going to be tried in the Crown Court.

(b) Explain how the evidence of Victor Mackay can be put before the court.

**(6 marks)**

On the date of the trial, Sophie Grainger does not appear to answer her bail. You contact her by telephone and ascertain that her two-year-old daughter has been taken into the local hospital suffering from a severe case of meningitis.

(c) Explain the implications of this for the future conduct of the case and the advice you would give to Sophie Grainger.

**(6 marks)**

**(Total: 23 marks)**

#### Question 4

Reference: Question relates to **Case Two – Sophie Grainger** of the case study materials.

(a) Explain what direction in relation to character the trial judge should give in relation to Sophie Grainger.

**(6 marks)**

(b) Explain what direction the trial judge should give in relation to dishonesty.

**(8 marks)**

Following the trial, Sophie Grainger is convicted. Counsel presents a plea in mitigation which focuses on the fact that Sophie Grainger is the sole carer for her daughter who, following the meningitis episode, has serious health issues. Nevertheless, the recorder imposes a sentence of immediate imprisonment.

(c) Advise Sophie Grainger as to the procedure for appeal against sentence and the criteria that will be applied to the appeal.

**(6 marks)**

**(Total: 20 marks)**

**End of the examination**

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