



**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 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.
- 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, 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 – Levi Carter and DOCUMENT 1** of the case study materials.

- (a) Explain the various schemes and procedures whereby Levi Carter can receive legal advice and representation at public expense.

**(8 marks)**

- (b) Explain the identification procedure the police are likely to wish to undertake, the options that Levi Carter has in relation to that procedure, your role in relation to it and any alternative procedures the police might seek to undertake.

**(7 marks)**

The witness from the filling station has made a positive identification of Levi Carter. Levi Carter tells you that she must be mistaken.

- (c) Explain the form of the interview that the police propose to undertake and the options available to Levi Carter at interview.

**(7 marks)**

Whether or not on your advice, Levi Carter gives a 'no comment' interview. He is subsequently charged with one count of burglary relating to the most recent incident. He is bailed to appear at court with a condition of residence at his current address. Initial Disclosure of the Prosecution Case has taken place.

- (d) Explain the nature and purpose of the first hearing at court and the criteria on which any decisions to be made by the court or any other party to the proceedings will be made.

**(8 marks)**

**(Total: 30 marks)**

## Question 2

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

Levi Carter fails to appear in court at the date and time appointed. You manage to contact him and he tells you that he has moved to another town to live with a new girlfriend. He mistakenly believed that his court date was the day after the correct one.

- (a) Advise Levi Carter as to the consequences of these developments, the action he should now take and how the court will deal with the present situation.

**(8 marks)**

The case has been allocated to the Crown Court. You confirm with Levi Carter that he maintains his plea of not guilty. He continues to deny any involvement and to assert that the cashier at the filling station is mistaken. He informs you that he was with a girlfriend throughout the period when it is alleged the offence took place but that as that relationship is now broken down she is not willing to give evidence to that effect.

- (b) Explain whether it would be possible and appropriate to put the evidence of Levi's ex-girlfriend before the court.

**(5 marks)**

- (c) Draft the defence statement on the assumption that the ex-girlfriend will not be giving evidence.

**(5 marks)**

Mohammed Aslan has now pleaded guilty, as has Sean O'Rourke, and they have both been sentenced. The prosecution has served on you statements they have made. The statement of Sean O'Rourke does not implicate anyone other than Tony Primul (who has still not been traced) and Mohammed Aslan. The statement of Mohammed Aslan does implicate Levi Carter. He states that the van was made available to Levi Carter for the purposes of the burglary and that the documentation relating to it being hired was not genuine.

- (d) Outline the issues the court will have to deal with and indicate the way in which you would expect counsel to conduct the defence.

**(12 marks)**

**(Total: 30 marks)**

**Turn over**

### Question 3

Reference: Question relates to **CASE TWO – Marie Novotna** of the case study materials.

You arrange to take a statement from Jan Gnatek, Marie Novotna's brother, in relation to the payments into her bank account that she has told you came from him. Jan Gnatek confirms that the payments in question did originate from him and that the reason for them was to conceal the money from his wife. He does, however, seem very vague as to where exactly the money came from. He simply keeps repeating that it came from extra work he was doing but he is unable or unwilling to say who this work was done for. Your own view at the end of the interview is that he is not telling you the whole truth but he is insistent that the account he has given is accurate. It is also consistent with what Marie Novotna herself has told you.

- (a) Explain whether there are any implications as a result of this interview for your further conduct of the case and representation of Marie Novotna.

**(5 marks)**

Marie Novotna informs you that she is prepared to plead guilty on the basis that her involvement is only that which she referred to in her initial instructions to you.

- (b) Explain what steps you could take to give effect to these instructions and what the possible outcomes are.

**(8 marks)**

Eventually, Marie Novotna falls to be sentenced on the basis of the limited involvement she has admitted to.

- (c) Outline the plea in mitigation that you would expect counsel to present to the court.

**(7 marks)**

**(Total: 20 marks)**

#### Question 4

Reference: Question relates to **CASE THREE – Louise Thornton** of the case study materials.

Louise Thornton has indicated that she intends to plead not guilty.

- (a) Explain in which court or courts Louise Thornton will or may make her initial appearance, be tried and, if appropriate, be sentenced.

**(6 marks)**

In the event, Louise Thornton's case has been listed for trial in the Youth Court before a bench of lay justices. Following a pre-trial review, it is clear that the primary defence is self-defence and that the prosecution will wish to rely on adverse inferences from silence at interview.

- (b) Outline the advice you would expect the legal adviser to give to the bench of magistrates in relation to these two matters.

**(8 marks)**

The bench of magistrates finds the case proved. In her sentencing remarks, the chair of the bench makes a statement that leads you to consider that the magistrates have misunderstood elements of the advice.

- (c) Explain the procedure for appeal against conviction and the grounds that could be relied on.

**(6 marks)**

**(Total: 20 marks)**

**End of the examination**

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