



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 2025

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 – Martin Harrison and DOCUMENTS 1 and 2** of the case study materials.

The police indicate that they propose to organise an identification procedure to establish whether Alistair Reynolds can identify Martin Harrison as the person previously known to him as Michael Hayes.

- (a) Explain to Martin Harrison the basis for conducting an identification procedure, the nature of the procedure that is likely to be adopted, his options in respect of compliance with the procedure, and your role as his legal adviser in protecting his interests.

(7 marks)

The police are now proposing to conduct an interview under caution. You have discussed with Martin Harrison the options he has for dealing with this interview.

- (b) Explain the arguments for and against adopting the approach that Martin Harrison favours, which is to give a no comment interview while providing a written statement.

(7 marks)

Following the interview, which was a no comment one with a written statement, Martin Harrison is initially released on police bail to return to the police station when the investigation is complete. When he answers to that bail, he is informed that Alistair Reynolds has made a positive identification. Martin Harrison is then charged with an offence of production of cannabis contrary to s 4 Misuse of Drugs Act 1971. He is then released on bail with a condition of residence pending his initial appearance in court.

Martin Harrison again confirms to you that he is not guilty of the charge and proposes to plead not guilty. In the Initial Disclosure of the Prosecution Case documentation the scale of the cannabis grow is described as being on a substantial commercial scale with over 400 plants with a potential street value in excess of £100,000. The prosecution case is that Martin Harrison is the prime mover behind the operation.

- (c) Explain the procedure for obtaining a representation order for Martin Harrison and the criteria which will be utilised when determining whether he qualifies for one.

(5 marks)

(Question continues on the following page)

Question 1 continued

(d) Explain:

- the procedure at the initial hearing;
- the likely decisions which will be made; and
- the criteria on which these decisions will be made.

(8 marks)

(Total: 27 marks)

Turn over

Question 2

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

In the event, the case is sent for trial at the Crown Court. Martin Harrison is re-bailed with a condition of residence. A few days before the first appearance at the Crown Court, Martin Harrison informs you that he has been offered the opportunity of several months' work on a project in Scotland, which will involve living away from home.

- (a) Explain to Martin Harrison the purpose of the initial hearing before the Crown Court and what steps must be taken to facilitate his undertaking the work in Scotland.
(6 marks)

Some weeks before the trial date, the prosecution informs you that Alistair Reynolds has suffered a catastrophic stroke, which has left him unable to speak and heavily paralysed, and he will therefore not be able to give oral evidence at trial.

- (b) Explain whether, and if so by what procedure, the evidence of Alistair Reynolds can be put before the court.
(5 marks)

Shortly before the trial date, Martin Harrison informs you that Ewan Gregory, the cousin he was previously unwilling to name, has been charged with a number of counts of possession of drugs with intent to supply and production of cannabis in relation to other cannabis-growing activities and is proposing to plead guilty. Martin Harrison says that his cousin is willing to give evidence that he was responsible for the cannabis grow and to confirm that Martin Harrison himself was simply supplying him with electrical equipment with no knowledge that it was to be used for the production of cannabis.

You agree to take a statement from Ewan Gregory. He tells you that he used the name Michael Hayes when renting the barn from Alistair Reynolds and was responsible for the cannabis grow. He also confirms that Martin Harrison was not involved in the cannabis grow and had no knowledge of it. You have significant reservations about whether Ewan Gregory is telling you the truth but he insists that he is doing so. He rejects the suggestion from you that he is taking the blame for Martin Harrison.

- (c) Explain whether there is any reason why you should not put the evidence of Ewan Gregory before the court.
(5 marks)

(Question continues on the following page)

Question 2 continued

The prosecution informs you that they propose to adduce evidence of the bad character of Martin Harrison. Martin Harrison confirms his not guilty plea.

- (d) Explain what the issues are between the prosecution and defence, and how you would expect defence counsel to deal with these, including the admissibility and weight of evidence.

(14 marks)

(Total: 30 marks)

Turn over

Question 3

Reference: Question relates to **CASE TWO – Rose Gilchrist** of the case study materials.

- (a) Explain what the consequences of the failure to arrange for an appropriate adult in this case may be.

(5 marks)

- (b) Advise the client whether she has a defence to the charge of assault and battery of an emergency worker if the evidence of herself and her friend in relation to this is accepted.

(7 marks)

At the first appearance before the magistrates, the client indicates a guilty plea in relation to all except one of the charges of theft by shoplifting and the prosecution indicates that it will not pursue the other such matter. She indicates a not guilty plea in relation to the offence of assault and battery of an emergency worker. The magistrates accept jurisdiction and the client consents to summary trial. The case is adjourned for trial and the client is rebailed on the same conditions. After a trial, the magistrates find the case proved. A presentence report and a medical report have already been prepared. These are consistent with the information you received from the mental health caseworker.

- (c) Outline the matters you would expect to see covered in a plea in mitigation.

(8 marks)

(Total: 20 marks)

Question 4

Reference: Question relates to **CASE THREE – Rajeev Rahul** of the case study materials.

At the first appearance before the magistrates court, the client indicates pleas of guilty. The magistrates hear from the prosecutor as to the prosecution version of events for the offence of causing serious injury by dangerous driving and determine that they do not have sufficient power to deal with the case.

- (a) Explain the powers of the magistrates court in relation to both offences.

(6 marks)

Although accepting his guilt, the client is anxious to be dealt with for the offence of causing serious injury by dangerous driving on the basis of his own version of events.

- (b) Explain how you could seek to achieve this and any matters which might adversely affect the client if this is unsuccessful.

(6 marks)

- (c) Explain the orders which the Crown Court will or may make in relation to the client's driving licence.

(6 marks)

In the event, the client is sentenced on the basis of his account of the events. He is sentenced to an immediate term of imprisonment and counsel advises that the sentence is very significantly out of line with the relevant guidelines.

- (d) Advise the client as to the procedure for appeal and the criteria that will be applied.

(5 marks)

(Total: 23 marks)

End of the examination