



## THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

### UNIT 11 – CRIMINAL LITIGATION\*

**Time allowed: 1 hour and 30 minutes plus 15 minutes' reading time**

#### **Instructions to Candidates**

- You have been provided with a clean copy of the case study materials for you to use in this examination.
- You have **FIFTEEN** minutes to read through this question paper and the case study materials before the start of the examination.
- **It is strongly recommended that you use the reading time to read this question paper fully.** However, you may make notes on this question paper or in your answer booklet during this time, if you wish.
- **All questions are compulsory. You must answer ALL the questions.**
- Write in full sentences – a yes or no answer will earn no marks.
- Candidates must comply with the CILEx Examination Regulations.
- Full reasoning must be shown in answers. Statutory authorities, decided cases and examples should be used where appropriate.

#### **Information for Candidates**

- The mark allocation for each question and part-question is given and you are advised to take this into account in planning your work.
- Write in blue or black ink or ballpoint pen.
- Attention should be paid to clear, neat handwriting and tidy alterations.
- Complete all rough work in your answer booklet. Cross through any work you do not want marked.

**Do not turn over this page until instructed by the Invigilator.**

\* This unit is a component of the following CILEx qualifications **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

## Question 1

Reference: Question relates to **Document 1** of the case study materials.

- (a) (i) In relation to the search of Trevor, explain whether the police had grounds to carry out the search and whether it was conducted in a lawful manner;  
**(6 marks)**
- (ii) Identify any **one** article of the European Convention on Human Rights (ECHR) that may apply to the search of Trevor and state which right it covers.  
**(2 marks)**
- (b) (i) Identify any **three** breaches of the Police and Criminal Evidence Act 1984 that have occurred during Trevor's detention at the police station, assuming that Trevor's account to Connie is true;  
**(3 marks)**
- (ii) Explain the requirement to review Trevor's detention before he was charged and whether the proper procedures were followed;  
**(4 marks)**
- (c) Give **one** possible reason for the police's refusal to grant Trevor bail pending his first appearance before a magistrates' court, supporting your answer with facts drawn from the case study.  
**(3 marks)**

**(Total:18 marks)**

## Question 2

Reference: Question relates to **Document 1** of the case study materials.

- (a) Explain the legal requirements governing when Trevor must be brought before a magistrates' court.  
**(3 marks)**
- (b) Explain how Connie's attendance on Trevor at the magistrates' court would be funded.  
**(3 marks)**
- (c) Identify any **three** matters that will be dealt with at Trevor's initial appearance in the magistrates' court.  
**(3 marks)**

**Trevor is charged with robbery which is an indictable only offence.**

- (d) Identify the earliest stage in the criminal proceedings when Trevor can enter his guilty plea and state in which court this will take place.  
**(2 marks)**
  - (e) Identify any **two** types of Crown Court matter for which a Chartered Legal Executive Advocate has rights of audience.  
**(2 marks)**
- (Total: 13 marks)**

## Question 3

Reference: Question relates to **Documents 1 and 2** of the case study materials.

- (a) Explain the contents of a plea in mitigation in Trevor's case.  
**(8 marks)**
  - (b) Using the extract from the Sentencing Guidelines in **Document 2**, explain how the court is likely to determine Trevor's sentence and what that sentence is likely to be.  
**(5 marks)**
- (Total: 13 marks)**

#### Question 4

Reference: Question relates to **Documents 3 and 4** of the case study materials.

- (a) Explain, with reference to **one** statutory provision, whether Rupert's confession made in the police car was obtained lawfully **and** whether it could be excluded from any trial.  
**(4 marks)**
- (b) Explain what the IDPC (formerly known as advance information) is and identify **two** pieces of information which it may contain.  
**(4 marks)**

#### Rupert pleads not guilty.

- (c) Explain the purpose and procedure of the allocation hearing in Rupert's case.  
**(6 marks)**
- (Total: 14 marks)**

#### Question 5

Reference: Question relates to **Documents 3 and 4** of the case study materials.

- (a) (i) Describe the procedure at Rupert's bail hearing, if the CPS decides to oppose bail.  
**(3 marks)**
- (ii) Explain what is meant by a *prima facie* right to bail.  
**(2 marks)**

#### The outcome of the allocation hearing may be that Rupert's case is to be heard in the Crown Court.

- (b) Identify any **three** features of a Crown Court trial.  
**(3 marks)**
- (c) Identify any **four** requirements in terms of the contents of a defence statement for Rupert, as stipulated by the governing legislation.  
**(4 marks)**
- (Total: 12 marks)**

**End of Examination Paper**