



## 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 **CILEx LEVEL 3 PROFESSIONAL QUALIFICATIONS** and **LEVEL 3 LEGAL SERVICES KNOWLEDGE QUALIFICATIONS**

## Question 1

Reference: Question relates to **Documents 1 and 3** of the case study materials.

- (a) Identify any **three** details of Marcia's detention which should be recorded in the custody record.

**(3 marks)**

Kayleigh and Jessie attended the police station voluntarily.

- (b) Explain their rights, including what safeguards exist if the police wish to question them for the purpose of obtaining evidence.

**(4 marks)**

- (c) (i) State which Code of Practice regulates video identification procedures and the aim of that Code.

**(2 marks)**

- (ii) Identify any **two** requirements of those procedures.

**(2 marks)**

- (d) (i) Explain the implications for Elisha of exercising her right to silence in the police interview.

**(4 marks)**

- (ii) Explain how Elisha's right to silence would be affected if the police lawfully delayed her access to legal advice in the interview.

**(2 marks)**

**(Total: 17 marks)**

## Question 2

Reference: Question relates to **Documents 1, 3 and 4** of the case study materials.

### In relation to Marcia only:

(a) In the event that Marcia had been the **only** person charged with any offence arising out of the Old Red Lion pub incident:

(i) explain which procedures would have applied at Marcia's first hearing in the Magistrates' Court;

**(3 marks)**

(ii) explain the two ways Marcia's case could have resulted in a Crown Court trial.

**(3 marks)**

### In relation to Elisha only:

(b) Explain the arguments the defence could make to show why Elisha's confession was obtained unlawfully.

**(3 marks)**

**When Marcia and Elisha both appear in Kempston Magistrates' Court on 7 June 2021, their cases are joined together.**

(c) (i) State, with statutory reference, why their cases have been joined.

**(2 Marks)**

(ii) Describe the procedure which will now apply at the first hearing in the Magistrates' Court for Marcia and Elisha.

**(3 marks)**

(d) At this hearing Marcia is granted conditional bail. Identify the consequences if Marcia breaches her bail conditions.

**(2 marks)**

(e) In Elisha's case the prosecution opposes bail due to the risks that she may fail to surrender to custody and may interfere with witnesses.

(i) Identify the most relevant condition of bail to address each of those risks.

**(2 marks)**

(ii) Explain whether Elisha can make any further applications if bail is refused at this Magistrates' Court hearing.

**(2 marks)**

**(20 marks)**

### Question 3

Reference: Question relates to **Documents 1, 3 and 4** of the case study materials.

- (a) Describe any **three** ways in which a Crown Court trial can be distinguished from a Magistrates' Court trial.

**(6 marks)**

**Marcia and Elisha wish to apply for representation orders for their Crown Court trial.**

- (b) Identify the form used to make the applications for representation orders **and** the body to whom the application is made.

**(2 marks)**

- (c) Identify the tests to be satisfied in those funding applications and explain what is needed to satisfy them.

**(5 marks)**

- (d) Describe how **one** of those tests differs in an application for representation in the Crown Court to an application for representation in the Magistrates' Court.

**(2 marks)**

**(Total: 15 marks)**

#### Question 4

Reference: Question relates to **Documents 1, 2 and 3** of the case study materials.

(a) Define what is meant by:

(i) 'disclosure';

**(1 mark)**

(ii) 'unused material'

**(2 marks)**

(b) Describe the rules for filing a defence case statement in a Crown Court case.

**(2 marks)**

(c) Describe what information could be used in Marcia's defence statement when outlining the nature of her defence.

**(4 marks)**

**Elisha and Marcia are tried in the Crown Court and found guilty.**

The Court adjourns for the preparation of a Pre-Sentence Report.

(d) Identify who prepares this Report and state any **two** issues dealt with in the Report.

**(3 marks)**

(e) (i) Explain how a defendant may appeal a Crown Court decision.

**(4 marks)**

(ii) Identify any **two** options available to the Court of Appeal in determining an appeal.

**(2 marks)**

**(Total: 18 marks)**

**Total: 70 marks**

**End of Examination Paper**