



## 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 **Documents 1 and 4** of the case study materials.

(a) (i) Identify and describe the correct procedure on arrest by a police officer.

**(4 marks)**

(ii) Explain whether the correct procedure was followed during Bobby's arrest, assuming that Bobby's account is correct.

**(4 marks)**

(b) (i) Identify and describe the law regarding the use of force during an arrest.

**(4 marks)**

(ii) Explain whether the use of force was lawful when arresting Bobby, assuming that Bobby's account is correct.

**(2 marks)**

(c) Identify **four** legal requirements which have **not** been met by the police when interviewing Bobby.

**(4 marks)**

**(Total: 18 marks)**

## Question 2

Reference: Question relates to **Documents 1, 2, 3 and 4** of the case study materials.

**Summary only offences are one classification of criminal offence.**

- (a) Identify **one** other category of offence and give an example. **(2 marks)**

**Bobby's case will be heard in the magistrates' court.**

- (b) Identify and provide an outline of the main functions of the magistrates' court in criminal matters. **(4 marks)**

- (c) Explain the role of the legal adviser in the magistrates' court. **(2 marks)**

**Bobby has pleaded 'not guilty' and the matter is adjourned for trial.**

- (d) Explain, with reference to s.4 Bail Act 1976, the likelihood of Bobby being granted bail. **(4 marks)**

- (e) Explain the duty on the prosecution to disclose 'unused' material. **(3 marks)**

**Bobby serves a defence statement, in which he outlines the encounter with the female in the school grounds.**

- (f) Explain the duty on the prosecution in relation to the defence statement, with specific reference to Martha Leech's witness statement. **(4 marks)**

- (g) Identify and explain **two** provisions under which the court could exclude Bobby's confession. **(4 marks)**

**At trial, the prosecution produce forensic evidence linking Bobby to the glove, but they are unable to show evidence linking him to the spray paint canister.**

- (h) Explain what submission the defence may make at the end of the presentation of the prosecution's case and the effect of this in Bobby's case, if successful. **(2 marks)**

**(Total: 25 marks)**

**Turn over**

### Question 3

Reference: Question relates to **Documents 5 and 6** of the case study materials.

(a) (i) Identify the possible grounds for a lawful arrest by Kelly Jacklin.  
**(3 marks)**

(ii) Explain whether Kelly Jacklin had lawful grounds to arrest Paulina.  
**(3 marks)**

(b) Identify the requirements that must be met before the police can take a hair sample from Paulina.  
**(4 marks)**

(c) Identify the **purpose** of an allocation hearing.  
**(1 mark)**

(d) Identify **two** factors that Paulina should take into account, if she wishes to consider trial by jury.  
**(2 marks)**

**Paulina elects Crown Court trial. She is refused bail.**

(e) Explain the procedure for the defence to appeal the bail decision.  
**(4 marks)**

**(Total: 17 marks)**

### Question 4

Reference: Question relates to **Documents 5 and 6** of the case study materials.

**The forensic report shows a match for the hair sample and Paulina is found guilty of theft.**

(a) (i) Explain the purpose of a plea in mitigation.  
**(2 marks)**

(ii) Identify **two** aggravating factors and **two** mitigating factors which the court could take into account, when determining the seriousness of Paulina's offence for sentencing purposes.  
**(4 marks)**

(b) Outline the criteria that Paulina will need to meet, to obtain a representation order in the Crown Court.  
**(4 marks)**

**(Total: 10 marks)**

**End of Examination Paper**