



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 2** of the case study materials.

- (a) Edna has been charged with summary only offences. Identify **one** other classification of criminal offence and give an example of it.

(2 marks)

At the first hearing, Edna enters pleas to the charges. She pleads guilty to the wilful obstruction charge and not guilty to the assault charge.

- (b) Identify **two** further matters which will be dealt with at that first hearing.

(2 marks)

- (c) (i) Explain **two** grounds that the prosecution could use to oppose bail in Edna's case.

(3 marks)

- (ii) Which **three** conditions would be the most appropriate to use in favour of Edna being granted bail?

(3 marks)

- (d) Explain the procedure from the start of the trial for assault, up until the point at which the magistrates retire to consider their verdict.

(6 marks)

(Total: 16 marks)

Question 2

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

- (a) Draft the **contents only** of a letter to Edna, explaining the provisions for publicly funded advice and assistance that she received at the police station **and** the requirements for publicly funded representation at her forthcoming trial.

(8 marks)

Edna is found guilty of assaulting PC Moran. The court proceeds to sentence Edna for both the wilful obstruction of the highway and the assault on the PC. The two offences are dealt with together for sentencing at the end of the trial.

- (b) Explain what relevant factors the court will consider, when deciding the appropriate sentence in Edna's case.

(4 marks)

- (c) Explain the purpose of a plea in mitigation.

(1 mark)

- (d) Identify **three** factors from the case study materials which could form the basis of Edna's plea in mitigation for the assault charge.

(3 marks)

(Total: 16 marks)

Question 3

Reference: Question relates to **Documents 4 and 5** of the case study materials.

- (a) Identify which police officer can authorise Keanu's detention, without charge, at the police station for the purposes of obtaining evidence by questioning.
(1 mark)
- (b) Describe the rules regarding the initial time limit for detention of a suspect at the police station following arrest.
(3 marks)
- (c) (i) Explain, giving reasons, whether the police may seek authorisation to detain Keanu for a further period after the initial detention time limit has expired.
(3 marks)
- (ii) If further detention was to be permitted, state the number of additional hours for which Keanu can be detained.
(1 mark)
- (d) Keanu was interviewed under caution and he gave a 'no comment' interview. Explain the implications of this for Keanu.
(3 marks)
(Total: 11 marks)

Question 4

Reference: Question relates to **Documents 4 and 5** of the case study materials.

Keanu has been told that if he enters a plea of not guilty to the charges, then his case will proceed to an allocation hearing.

- (a) Explain both the purpose of an allocation hearing and the procedure at such a hearing.
(5 marks)
- (b) Explain **four** factors that the magistrates will take into account, in deciding on the trial venue.
(4 marks)
- (c) (i) If Keanu is tried in the magistrates' court and found guilty of both charges, explain the maximum custodial sentence which the magistrates can award.
(2 marks)
- (ii) If Keanu is found guilty of just the one charge of affray, explain the maximum custodial sentence that would be available to the magistrates and identify the relevant provision.
(2 marks)
(Total: 13 marks)

Turn over

Question 5

Reference: Question relates to **Documents 4 and 5** of the case study materials.

Keanu's case is to be tried in the Crown Court.

(a) Explain the time limit for Keanu to file a defence statement and give the statutory authority.

(3 marks)

(b) (i) Explain what needs to be included in a defence statement.

(4 marks)

(ii) Explain, using the case study materials, which matters Keanu should include in his defence statement.

(4 marks)

Keanu is worried that if he is found guilty, the judge may make an example of him when sentencing, as a deterrent to other protestors.

(c) Explain the process for appealing against an excessive sentence from the Crown Court.

(3 marks)

(Total: 14 marks)

End of Examination Paper

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