

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.

Question 1

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

- (a) (i) Explain, with statutory reference, the relevant aspects of the two key conditions which must be met for PC Alton to lawfully arrest Jonty Adams. **(3 marks)**
- (ii) Explain whether PC Alton's arrest of Jonty Adams was lawful, applying the above two key conditions and giving statutory references. **(6 marks)**
- (b) Explain the implications for Jonty of giving the 'no comment' interview. **(4 marks)**
- (c) (i) Describe the rules which the police must follow when taking a suspect's fingerprints. **(4 marks)**
- (ii) Explain whether the police acted lawfully when taking Jonty's fingerprints. **(3 marks)**

(Total: 20 marks)

Question 2

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

(a) Describe the key events at Jonty's first hearing in the Magistrates' Court.
(4 marks)

(b) (i) Identify any **three** factors which the court will have regard to in determining whether to retain jurisdiction for Jonty's case and cite the statutory authority.
(4 marks)

(ii) Explain whether the magistrates are likely to retain jurisdiction, giving the most persuasive reason.
(3 marks)

(c) (i) Explain the legal requirements on the Prosecution in respect of providing and serving the Initial Details of the Prosecution Case (IDPC).

Note: Do NOT explain the specific contents of the IDPC e.g. defendant's previous convictions

(4 marks)

(ii) Explain why timely disclosure of the IDPC is essential in either way cases such as Jonty's.
(2 marks)

(Total: 17 marks)

Turn over

Question 3

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

(a) Identify who decides whether a suspect is released subject to police bail and which statutory reference provides for this.

(2 marks)

(b) Explain the difference between police bail and court bail.

(4 marks)

Maria Wu is ultimately charged with causing grievous bodily harm (GBH) with intent contrary to section 18 Offences Against the Person Act 1861.

(c) Explain the requirements for publicly funded representation for Maria Wu in the Crown Court.

(5 marks)

(d) Describe the key stages in the defence case in a Crown Court Trial.

(5 marks)

(e) State the purpose of the judge's summing up and describe one point which it should contain.

(2 marks)

(Total: 18 marks)

Question 4

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

Maria Wu is found guilty in the Crown Court.

- (a) (i) Explain the purpose and the content of a plea in mitigation. **(4 marks)**
- (ii) Describe any **four** points which the defence could include in the plea in mitigation for Maria Wu. **(4 marks)**
- (b) Describe any **four** aims of sentencing in adult cases, giving the relevant statutory authority. **(5 marks)**

Maria wishes to appeal.

- (c) Identify which court would hear the appeal, giving the relevant statutory authority. **(2 marks)**

(Total: 15 marks)

End of Examination Paper