



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, 2 and 3** of the case study materials.

- (a) Identify the classification of the offence that
- (i) Kelly has been arrested for;
(1 mark)
 - (ii) Desmond has been arrested for.
(1 mark)
- (b) Identify one other classification of offence and give an example.
(2 marks)

IN RELATION TO KELLY:

- (c) Explain whether the requirements for a lawful arrest were followed when Kelly was arrested.
(10 marks)
- (d) Identify one article of the European Convention on Human Rights (ECHR) which may apply to Kelly's arrest and state which right it covers.
(2 marks)
- (e) Describe the detention time limits which apply to Kelly before the police have to make a decision whether or not to charge her.
(6 marks)

The time limit for detaining Kelly without charge has now expired but she remains at the police station and is interviewed further.

- (f) Explain the effect of obtaining evidence from Kelly at this interview.
(2 marks)

IN RELATION TO DESMOND:

- (g) Explain the rights Desmond would have had if he had been allowed to attend the police station voluntarily, without being arrested.
(5 marks)

(Total: 29 marks)

Question 2

Reference: Question relates to **Document 3** of the case study materials.

Desmond intends to plead not guilty.

- (a) Identify any **two** functions of the Magistrates' Court. **(2 marks)**
- (b) Describe the guidelines which the magistrates must use at an allocation hearing in deciding where Desmond's case should be heard. **(7 marks)**
- (c) Identify **two** factors in favour of, and **two** factors against, Desmond having his case tried in the Crown Court. **(4 marks)**

(Total: 13 marks)

Question 3

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

Kelly wishes to make a bail application.

- (a) Explain the grounds on which the prosecution might object to bail in Kelly's case and how the defence might respond to those objections. **(6 marks)**
- (b) Explain the requirements for publicly funded representation for Kelly in the Crown Court. **(5 marks)**
- (c) Identify the statute and section which contains the requirements of a defence statement and state any **four** types of information that a defence statement must contain. **(5 marks)**

Kelly pleads guilty.

- (d) Explain the content of a plea in mitigation in Kelly's case. **(10 marks)**

Kelly wishes to appeal her sentence and requires leave to appeal.

- (e) Identify which court Kelly needs to apply to and within which timeframe. **(2 marks)**

(Total: 28 marks)

End of Examination Paper

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