



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 18 – CRIMINAL LITIGATION*

Time allowed: 3 hours 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 may use in the examination their own unmarked copy of the designated statute book: Blackstone's Statutes on Criminal Justice and Sentencing, 6th edition, Nicola Padfield, Oxford University Press, 2016.**
- 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 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

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Question 1

Reference: Question relates to **CASE ONE – JOE BASSETT and Document 1** of the case study materials.

You are aware that it will be sometime before you can attend the police station. You therefore decide to speak to the client on the telephone.

- (a) Explain, with reasons, the matters that you can, and cannot, safely discuss with Joe Bassett in the course of this telephone conversation.

(6 marks)

In due course, you attend at the police station. The officer in the case indicates that he wishes to interview your client and also carry out further identification procedures. You speak to your client, who tells you that he was indeed part of the group involved in the incident, but firmly denies being the person who punched the victim. He tells you that he does know who did commit the offence, but is not prepared to identify him to the police.

You observe that: first, your client has a distinct squint or cast in one eye, which gives him a distinctive appearance; and second, that he has what appear to be relatively fresh abrasions on the knuckles of his right hand. He tells you that he sustained these when he tripped and put his hand out to stop himself falling, catching it on a wall as he did so.

- (b) Advise Joe Bassett as to his options in relation to the proposed interview, indicating the implications of adopting each of them.

(7 marks)

- (c) Advise Joe Bassett as to the likely identification procedures that the police will adopt, his options in relation to these, and your role in protecting his interests.

(6 marks)

In due course, following positive identifications by the two door supervisors, Joe Bassett is charged with an offence of causing grievous bodily harm with intent contrary to s.18 Offences Against the Person Act 1861.

- (d) Explain the procedure for allocation in relation to this charge.

(5 marks)

(Total: 24 marks)

Turn over

Question 2

Reference: Question relates to **CASE TWO – CHRISTINE SHEFFIELD** and **Document 2** of the case study materials.

Christine Sheffield asks whether she is entitled to legal aid.

- (a) Explain the criteria for grant of a representation order and whether they are satisfied in this case.

(5 marks)

- (b) Advise Christine Sheffield as to the allocation procedure applicable in this case. Your advice should include: consideration of the roles and responsibilities of the court, the prosecution and the defence; the criteria to be applied; and the implications of any options your client may be able to exercise.

(12 marks)

In the event, the case is allocated to the Crown Court.

- (c) Explain the nature and purpose of the first appearance before the Crown Court.

(6 marks)

(Total: 23 marks)

Question 3

Reference: Question relates to **CASE TWO – CHRISTINE SHEFFIELD** and **Document 2** of the case study materials.

Christine Sheffield continues to maintain a plea of not guilty to both charges. She informs you that a neighbour has come forward as a potential witness. You interview this person, Roger Jones, who states that he resides at an address directly across the road from Christine Sheffield and that at the relevant time he heard an altercation in the street.

He looked out of his window and could see and hear Melissa Fogarty at Christine Sheffield's front door. Miss Fogarty was shouting and gesticulating. She appeared to attempt to get into Mrs Sheffield's house but then stopped, turned round and ran back to her own house. He also states that he knows both Melissa Fogarty and Christine Sheffield only by sight as neighbours and has had no dealings with either of them.

You have also arranged to have the note that Melissa Fogarty claimed to have found on her windscreen subjected to analysis by a handwriting expert. You now have a report from the expert, who states that the note is very unlikely to have been written by Christine Sheffield.

(a) Draft the defence statement in this case.

(8 marks)

You are in a restaurant one evening, and you happen to see Christine Sheffield together with Roger Jones. It is clear that they are on intimate terms, as you observe them holding hands, and on two occasions Christine Sheffield kisses Roger Jones. When you carry out further investigations, you ascertain that the occupants of the address given by Roger Jones are an Indian family.

(b) What action should you now take?

(6 marks)

(c) Explain the legal and evidential issues which arise at trial, indicating how you would expect counsel to present and argue the defence case.

(9 marks)

In the event, Christine Sheffield is convicted of both charges. A pre-sentence report has been prepared, and this indicates that a Community Sentence would be appropriate.

(d) Outline the plea in mitigation that you would put forward on behalf of Christine Sheffield.

(7 marks)

(Total: 30 marks)

Turn over

Question 4

Reference: Question relates to **CASE THREE – JENA MALLORY**

Jena Mallory is further charged with an offence of arson. The custody officer indicates that she is not minded to re-bail Jena Mallory.

(a) Explain which court Jena Mallory will make her first appearance in, and in what circumstances her case may be transferred to a different court.
(10 marks)

(b) Explain the power of the court to remand Jena Mallory and the criteria on which a remand will be made
(8 marks)

Eventually, Jena Mallory admits all the matters. The Youth Court imposes a detention and training order of 18 months. You consider that this sentence is excessive, fails to take account of Jena's mitigation, and is inconsistent with the sentencing guidelines.

(c) Explain the procedure for appeal, and the criteria on which an appeal will be decided.
(5 marks)
(Total: 23 marks)

End of Examination Paper

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