CILEx CHARTERED INST
OF LEGAL EXECUTI

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 <u>read</u> the question paper fully**. However, you may make notes on the 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 ball point 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 **Document 1 and 2** of the case study mate

(a)   Advise Jordan on the role and duties of the custody officer.

(8 marks)

(b)   Advise Jordan of her rights after her arrest and detention at the police station.

(5 marks)

(c)   Explain to Jordan what action may follow if her rights were not complied with during her detention at the police station. Give the full statutory authority for your answer.

(2 marks)

(Total: 15 marks)

Question 2

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

(a)   Explain to Jordan the requirements for the proper conduct of a police interview.

(8 marks)

(b)   Explain in Jordan's case how the police failed to comply with the interview requirements.

(3 marks)

(c)   Explain how Jordan's lawyer will be able to challenge the evidence obtained at the police interview.

(5 marks)

(d)   Jordan was released on conditional police bail. List **three** of the possible conditions which may be attached to her bail.

(3 marks)

(Total: 19 marks)

Question 3

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

(a) Jordan has decided to plead not guilty. She has been told her case might be heard in the Magistrates' Court or Crown Court. She requires your advice on the role of magistrates and their sentencing powers.

(6 marks)

(b) Advise Jordan whether her police bail is likely to be continued by the magistrates.

(2 marks)

(c) Advise Jordan on the purpose of the allocation hearing (mode of trial hearing).

(2 marks)

(d) In relation to the security guard's statement, explain the nature of advance information with regard to either-way offences.

(6 marks)

(Total: 16 marks)

Question 4

Reference: Question relates to **Document 4** of the case study materials.

(a) Advise Tony how his sentence might be affected if he pleads guilty at the earliest opportunity.

(5 marks)

(b) Assuming Tony pleads guilty at the earliest opportunity, explain the procedure from his first appearance in court to being sentenced.

(7 marks)

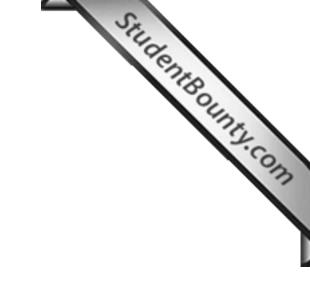(c) Advise Tony whether public funding will be available for him.

(2 marks)

(d) Tony has been sentenced but believes that the sentence is too harsh and does **not** take into account his early plea. Explain the procedure for appealing his sentence.

(6 marks)

(Total: 20 marks)

End of Examination Paper

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