

## 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 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 ILEX 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 ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

**BLANK PAGE**

StudentBounty.com

## Question 1

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

Attachment: **Document A (FORM CDS14) – pages 5 and 6 of this question paper.**

You continue to attend Ranesh in Kempston East Police Station. What advice should be given on the following issues?

- (a) Explain whether the removal of items carried out by the custody officer upon arrival at the police station was lawful.  
**(4 marks)**
- (b) Describe the requirements to review the detention **and** explain whether the custody officer has followed the proper procedure.  
**(6 marks)**
- (c) Explain the detention time limits in respect of this offence **and** the latest time by which he must be charged or released.  
**(7 marks)**
- (d) Describe the procedure the police should carry out with regard to disputed identification.  
**(6 marks)**
- (e) In relation to your answer to question (d) above, in the event that the police do not comply with the proper procedure, explain the submission that you will make to the court in respect of this evidence.  
**(2 marks)**

Assume that Ranesh has now been charged with murder.

- (f) Ranesh instructs you to apply for legal aid to represent him during court hearings. Using Form CDS14 **[Document A]** of this question paper:
  - (i) Complete section 4(a) of the form. You are to select **only** the **six** most appropriate grounds for Ranesh's claim.

**Candidates who tick more than six grounds for this part of the question will receive no marks.**

**(6 marks)**

- (ii) Justify why you have selected the criteria in section 4(a) by completing section 4(b) of the form.

**(6 marks)**

**(Total: 37 marks)**

**Important: Write your candidate number on Document A and attach it securely to your answer booklet.**

## Question 2

Reference: Question 2 relates to **Document 4** of the case study material.

You continue to attend Carla in the office. You are required to advise and undertake the following tasks:

- (a) State the maximum powers of sentence of the magistrates' court in this case.

**(3 marks)**

- (b) Explain the content of a plea in mitigation for a sentence hearing.

**(9 marks)**

**(Total: 12 marks)**

## Question 3

Reference: Question 3 relates to **Document 5** of the case study materials.

Amira Hussain continues to advise Kieron at the magistrates' court. You are required to advise on the following issues:

- (a) Explain the extent of any requirement on the Crown Prosecution Service to disclose any information about the offence prior to a mode of trial hearing.

**(5 marks)**

- (b) Explain the purpose of a mode of trial hearing.

**(2 marks)**

- (c) Describe the aggravating features that will be taken into consideration at the mode of trial hearing.

**(8 marks)**

- (d) State the grounds upon which the Crown Prosecution Service may oppose bail in this case **and** explain how you will deal with these points in your submission to the court.

**(6 marks)**

**(Total: 21 marks)**

**DOCUMENT A****Extract of form CDS14 – to be used with questions 1f(i) and 1f(ii)**

Form CDS14

legal services  
COMMUNITY**Part B - Interests of Justice****3 Outstanding matters**

If there are any other outstanding criminal charges or cases against you, give details, including the court where you are due to appear.

**4 Reasons for wanting legal aid****See Note 8****4a. Please tick the reason or reasons below which apply to your case.**

- (i) It is likely that I will lose my liberty if any matter in the proceedings is decided against me. ☐
- (ii) I have been given a sentence that is suspended or non-custodial. If I break this, the court may be able to deal with me for the original offence. ☐
- (iii) It is likely that I will lose my livelihood. ☐
- (iv) It is likely that I will suffer serious damage to my reputation. ☐
- (v) A substantial question of law may be involved (whether arising from an act, judicial authority or other source of law). ☐
- (vi) I may not be able to understand the court proceedings or present my own case. ☐
- (vii) Witnesses may need to be traced or interviewed on my behalf. ☐
- (viii) The proceedings may involve expert cross-examination of a prosecution witness (whether an expert or not). ☐
- (ix) It is in the interests of another person (such as the person making a complaint or other witness) that I am represented. ☐
- (x) Any other reasons. ☐

.....question 4 continued

See Note 8

4b Please give the details of the reason or reasons you selected in question 4a.

## 5 Legal Representation

- If you do not choose a solicitor, the court will choose one for you
- You must tell the solicitor that you have named him or her
- If you have been charged with another person or people, the court may appoint a solicitor other than the solicitor of your choice

The solicitor I want to act for me is:

\_\_\_\_\_

Give the firm's name and address if known:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Give the firm's DX number if known: \_\_\_\_\_

Give the firm's fax number if known: \_\_\_\_\_

Give the firm's telephone number if known: \_\_\_\_\_

**BLANK PAGE**

StudentBounty.com

**BLANK PAGE**

StudentBounty.com