

## 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 PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

### Question 1

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

(a) Explain to what extent the requirements relating to proper procedure on arrest have been met.

**(5 marks)**

(b) Advise Jordan of any rights he may have with regard to:

(i) legal advice whilst in the police station;

(ii) the right to contact his family.

**(9 marks)**

(c) Explain the submissions counsel may make at trial in relation to the confession.

**(5 marks)**

(d) State in what way the police did not comply with proper procedure in relation to Jordan's complaint that he had injured his arm.

**(2 marks)**

(e) Explain the criteria under the 'interests of justice test' (merits test), which Jordan has to satisfy for the court to grant a representation order, and how this will be applied in his case.

**(5 marks)**

(f) Who will decide the issue of police bail pending Jordan's first appearance at court and under which statutory provision?

**(2 marks)**

(g) Explain to Jordan when a bail application will be heard in court, who will hear it and the criteria for determining bail for the offence of attempted murder.

**(9 marks)**

**(Total: 37 marks)**

## Question 2

Reference: Question 2 relates to **Document 3** and **Document 4** of the study materials.

Amira Hussain continues to attend Daniel in the holding cells of East Kempston Magistrates' Court.

What advice should Amira give on the following issues:

- (a) The most appropriate scheme for claiming her fees in court today, and the qualifying grounds that Daniel satisfies for receiving such funding.

**(4 marks)**

### **Additional information**

Amira is instructed after the first hearing to continue to represent Daniel and prepare his case for a not guilty plea.

What advice should she give on the following issues:

- (b) The statutory factors in relation to determining mode of trial, and how they will be applied in his case.

**(6 marks)**

- (c) In the event that Daniel is given a choice as to venue for trial, explain the factors in favour of him electing a Crown Court trial in this case.

**(6 marks)**

- (d) Explain the information that the defence statement should contain in relation to his case.

**(5 marks)**

**(Total: 21 marks)**

### Question 3

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

You continue to advise Daya in the office. You are required to advise on the following issues that are of concern to her:

(a) Describe the role of the magistrates in Daya's case.

**(2 marks)**

(b) Describe the sequence of events which will take place in court after Daya has pleaded guilty in the Magistrates' Court.

**(6 marks)**

(c) Explain Daya's right of appeal if she is given a custodial sentence by the magistrates.

**(4 marks)**

**(Total: 12 marks)**

**End of Examination Paper**