

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**

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Question 1

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

- (a) Advise Greg how long the police are able to detain him without charge and how they may be able to obtain an extension.
(8 marks)
- (b) How would your advice in 1(a) above be different if Greg had not been charged with an indictable or 'either way' offence.
(2 marks)
- (c) Explain the procedure for reviewing Greg's detention.
(4 marks)
- (d) Advise Greg to what extent the police officers have complied with proper procedure during the interview.
(5 marks)
- (e) Explain to Greg the reasons why he should mention where he was when Lee was injured and any consequences for not doing so.
(6 marks)
- (f) Briefly advise Greg how your attendance at the police station would be funded.
(3 marks)

(Total: 28 marks)

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Question 2

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

- (a) Identify the initial presumption of a bail application. **(2 marks)**
- (b) Assume Greg has been granted conditional bail. State **two** conditions the Court may attach to Greg's bail and give reasons why they would be appropriate in this case. **(4 marks)**
- (c) Outline what option Greg would have if his bail application was refused and there was no change in his circumstances. **(2 marks)**
- (d) In relation to the Mode of Trial procedure:
- (i) explain why the Mode of Trial procedure applies to Greg; **(1 mark)**
 - (ii) identify the purpose of the procedure; **(2 marks)**
 - (iii) identify **two** of the National Mode of Trial Guidelines that the court might apply to Greg's case and give reasons why. **(4 marks)**
- (e) Advise Greg of **three** advantages of having his trial in the Magistrates' Court and **three** advantages of having it in the Crown Court. **(6 marks)**
- (f) In relation to initial disclosure, explain what the requirements are for the prosecution to disclose material under the Criminal Procedure and Investigations Act 1996. **(4 marks)**

(Total: 25 marks)

Question 3

Reference: Question 3 relates to **Document 4** of the case study material.

- (a) Assume Raj is convicted of manslaughter. Identify those points which defence Counsel would put forward in Raj's plea in mitigation of sentence.

(5 marks)

- (b) Explain to Raj **three** purposes of sentencing and **four** factors the Court may take into account when deciding on sentence.

(7 marks)

- (c) Following Raj's conviction he now wants to know how he can appeal against his sentence. Briefly explain the grounds for appeal in his circumstances and give a brief outline of the procedure for doing so.

(5 marks)

(Total: 17 marks)

End of Examination Paper

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