

## 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 relates to **Documents 1, 2 and 3** of the case study materials.

You attend Hannah in the police station.

- (a) Advise Hannah of the **grounds** that the police were likely to have used in her arrest and give reasons for your answer. **(4 marks)**
- (b) Advise Hannah whether or not the correct **procedure** was followed on her arrest. **(4 marks)**
- (c) Explain to Hannah whether or not the police had grounds to search her and if the search was lawful. **(4 marks)**
- (d) State any **two** legal rights that Hannah has when she attends the police station. **(2 marks)**
- (e) Explain to Hannah if she is under an obligation to let the police take her fingerprints. **(5 marks)**
- (f) Explain to Hannah the **two** options available to the police once they have charged her with theft. **(4 marks)**

**(Total: 23 marks)**

## Question 2

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

- (a) Before the hearing Nathan asks you to advise him whether or not he is likely to be granted bail. Explain if he is likely to be granted bail and if you consider any of the grounds for refusal of bail apply to Nathan.  
**(4 marks)**
- (b) Explain the role of the Magistrates' Clerk.  
**(2 marks)**
- (c) (i) Explain the sequence of events at a mode of trial hearing.  
**(6 marks)**
- (ii) When deciding whether the case is more suitable for summary trial or trial on indictment, state **three** factors that s.19 of the Magistrates' Court Act 1980 says the Magistrates should consider.  
**(3 marks)**
- (iii) In determining whether the case is suitable for summary trial or trial on indictment, the Magistrates will also have to take into account the National Mode of Trial Guidelines 1995 (NMoT Guidelines). State any **three** of these guidelines.  
**(3 marks)**
- (d) Following the mode of trial hearing Nathan's case is committed to the Crown Court and there is initial disclosure by the prosecution. Nathan is now required to serve a defence statement. List **four** matters that it must contain.  
**(4 marks)**
- (e) Nathan is found guilty of ABH in the Crown Court. Discuss any **two** likely sentences the court may impose giving reasons for your answer.  
**(4 marks)**

**(Total: 26 marks)**

### Question 3

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

Mr Wong has been committed to the Crown Court for trial and seeks advice on the following matters.

- (a) Explain whether or not he will be entitled to public funding;  
**(2 marks)**
- (b) Explain what will be decided at the preliminary hearing held at the Crown Court;  
**(3 marks)**
- (c) Explain the procedure at the plea and case management hearing;  
**(5 marks)**
- (d) Explain the procedure in the Crown Court from the start of his formal trial up until the jury retire to consider their verdict;  
**(8 marks)**
- (e) State any **three** decisions that the Court of Appeal may make, should he be found guilty and appeal to the Court of Appeal.  
**(3 marks)**

**(Total: 21 marks)**

**End of Examination Paper**