



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 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 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 **Documents 1 and 2** of the case study materials.

(a) Explain the initial requirements with which the police should comply in respect of Robert's voluntary attendance at the police station.

(5 marks)

(b) Explain how Robert's confession may be excluded from the evidence at trial in the light of the number of officers present at his interview and the refusal to have legal advice.

(7 marks)

(c) Explain to Robert the rules regarding fingerprints and the effect of his refusal not to provide his prints.

(6 marks)

(d) Explain the grounds and procedure which apply with regard to Judith claiming her legal fees for the attendance.

(4 marks)

(Total: 22 marks)

Question 2

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

Abdul has asked for advice on the following matters:

- (a) What is the purpose of a mode of trial hearing?
(2 marks)
- (b) What is the procedure at a mode of trial hearing?
(8 marks)
- (c) What are the advantages and disadvantages to Abdul in having his case heard in the magistrates' court?
(8 marks)
- (d) If the matter were to be heard in the magistrates' court what requirements would the Crown Prosecution Service have in relation to disclosure?
(2 marks)
- (e) If Abdul is convicted of this offence which sentences might the court consider? Give any **two** relevant examples.
(2 marks)

(Total: 22 marks)

Question 3

Reference: Question relates to **Documents 4 and 5** of the case materials.

Angharad has elected trial by jury and has asked for advice on the following matters:

- (a) The starting point for the consideration of any bail application. **(2 marks)**
- (b) What the court may take into account when considering her application for bail. **(7 marks)**
- (c) The grounds upon which bail may be denied. **(4 marks)**
- (d) The procedure at trial of an indictable offence up until the jury retires to consider its verdict. **(8 marks)**
- (e) The role of the judge and jury in her hearing. **(5 marks)**

(Total: 26 marks)

End of Examination Paper