

## INSTITUTE OF LEGAL EXECUTIVES

### UNIT 18 – CRIMINAL LITIGATION

**Time allowed: 3 hours 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 may use in the examination their own unmarked copy of designated statute book: Blackstone's Statutes on Criminal Justice and Sentencing 2008, 4<sup>th</sup> Edition, B Mitchell & S Farrar, Oxford University Press.**
- 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 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL**

## Question 1

### CASE 1

The police are now ready to interview Darren Briggs.

- (a) What matters will you have to address in relation to your ability to represent Darren, and in relation to the arrangements for the interview?

**(8 marks)**

You resolve these matters and take instructions. Darren tells you that he was with Keshawn and they jointly decided to steal two pairs of expensive trainers from a sports goods store. They were spotted and Keshawn produced a knife and waved it at one of the store staff. She fell over and Darren saw some blood. They were then overpowered by other members of staff and held until the police arrived. Darren had no idea that Keshawn had the knife.

- (b) What advice will you give Darren as to how to deal with the interview?

**(10 marks)**

- (c) Eventually Darren and Keshawn are each charged with theft of a pair of trainers and with wounding with intent to resist lawful apprehension contrary to s 18 Offences Against the Person Act 1861. The police initially indicate that they are prepared to bail Darren, but JoAnne indicates that he cannot live with her. Darren's grandmother does live locally, and he has stayed with her in the past. Explain how the issue of bail will be dealt with.

**(7 marks)**

**(Total: 25 marks)**

## Question 2

### CASE 1

- (a) Darren will plead guilty to theft but not guilty to the s 18 offence. It is not clear how Keshawn intends to plead. Explain the course of events which will take place in the proceedings in respect of Darren, including which courts may or will try and sentence him.

**(10 marks)**

At trial Darren is convicted of the denied offence. The pre sentence report indicates that he shows genuine remorse in relation to the theft, but still cannot comprehend why he is being blamed for Keshawn's actions in relation to the wounding. The report indicates that Darren was clearly hero-worshipping Keshawn, because in the past no older person had taken an interest in him. He is assessed as being at a low risk of re-offending, but in need of continuing support to deal with the impulsive and unpredictable behaviour which has led to his placement in a special school. His relationship with his step-mother has improved and he can live at home. The report includes details of available programmes and activities.

- (b) Outline the plea in mitigation that should be made for Darren.

**(15 marks)**

**(Total: 25 marks)**

## Question 3

### CASE 2

Fraser has been charged with burglary.

- (a) You are asked to review the Freddie Fraser file prior to the mode of trial hearing. Advise Fraser as to his options in relation to trial, on the assumption that he is pleading not guilty, and the considerations which you consider should influence him in exercising any choice he may have at all stages up to the commencement of the trial.

**(10 marks)**

- (b) Eventually, Fraser is committed to stand trial at the Crown Court. Explain what will need to be included in the defence statement, and also what evidential and tactical issues counsel will have to deal with in presenting the defence.

**(15 marks)**

**(Total: 25 marks)**

#### Question 4

#### CASES 3 and 4

- (a) In relation to CASE 3 you ascertain that the police are not planning to hold any form of identification procedure. Romualdas Daukintis is unable to identify his assailant as he was struck from behind. Several of the occupants of the house have made statements identifying Helena as the assailant, but the incident was also witnessed by two English neighbours who have given statements to the police giving a description of the assailant which is not a particularly good description of Helena.

Explain what identification procedures are available, the criteria for utilising them and any advice you would give Helena as to the methods that she should opt for if she has a choice.

**(12 marks)**

- (b) In relation to CASE 4 explain what procedures are available for an appeal against conviction in this case, and how Nadir Ahmed should be advised to proceed in relation to an appeal.

**(13 marks)**

**(Total: 25 marks)**

**End of Examination Paper**

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