

## 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 the designated statute book: Blackstone's Statutes on Criminal Justice & Sentencing, 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 – Dariusz Leszek

- (a) What matters should be considered in this case in relation to representing Leszek and dealing with any interview?

**(7 marks)**

- (b) On the assumption that the police will wish to carry out an identification procedure, explain which procedures are available, what steps you should take to protect Leszek's interests and how you will advise Leszek in relation to these procedures.

**(9 marks)**

- (c) Leszek gives a full interview in which he denies all the allegations. Following the completion of identification procedures one eye-witness has made a positive identification, but three others have failed to do so. A police expert asserts that CCTV images in respect of two other offences are of Leszek.

Leszek is charged with three offences, one on the basis of the positive identification and the other two on the basis of the CCTV evidence. Leszek tells you that he did not commit the offences but wants to plead guilty because he does not believe he will receive a fair trial due to his nationality. How should you respond?

**(9 marks)**

**(Total: 25 marks)**

## Question 2

### CASE 2 – Mark Jones

- (a) Jones wishes to apply for bail. Outline the criteria and factors which are relevant to the bail application, including likely prosecution objections and the content of the submissions to be made on behalf of Jones at court.

**(10 marks)**

- (b) Explain the procedures and criteria relevant to the grant of publicly funded representation for Jones in relation to these proceedings.

**(6 marks)**

- (c) Jones will plead not guilty. Explain the procedures and criteria which will apply to determine where his case is to be tried, including any factors relevant to the exercise of any options which the court, the prosecution or Jones may have.

**(9 marks)**

**(Total: 25 marks)**

### Question 3

#### CASE 2 – Mark Jones

The case is to be tried on indictment.

- (a) What steps must be taken by the court, the prosecution and the defence from the point when mode of trial has been determined to the conclusion of the initial appearance in the Crown Court.

**(8 marks)**

- (b) What are the issues in the case of Jones which will arise at the trial, and how do you expect the defence case to be presented?

**(10 marks)**

- (c) Jones tells you that Stacey Golding has now split up with Frank Todd, and he believes that she may make a statement favourable to him. He asks you to contact her. How should you deal with this request?

**(7 marks)**

**(Total: 25 marks)**

### Question 4

#### CASE 3 – Wing Hee Lok

- (a) What options does Wing have to appeal against his conviction, and what factors would influence your advice as to which of them to exercise?

**(10 marks)**

#### CASE 4 – Zane Smith

- (b) In which courts may Smith appear, be tried and be sentenced in relation to each of the matters he faces and on what basis will this be determined?

**(15 marks)**

**(Total: 25 marks)**

**End of Examination Paper**

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