



THE CHARTERED 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: Blackstones Statutes on Criminal Justice and Sentencing, 4th edition 2008.**
- 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 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL**

Question 1

Reference: Question relates to **CASE ONE-DEREK JONES** of the case study materials.

When you attend at the police station you check the custody record. Derek Jones has currently been detained for 11 hours and has had one review of detention. He is recorded as having no injuries or illnesses. Jones himself tells you that he was not involved in the offence. He states that he received the note in change at a local public house. He also states that the Subaru Impreza is not his, although he has ridden in it as a passenger several times. He does not want to identify the owner, as he is a disqualified driver, and has no insurance.

- (a) What advice will you give Jones as to how to deal with the interview which is about to take place?

(10 marks)

- (b) How, and according to what criteria, will representation of Jones be funded?

(5 marks)

- (c) Jones is eventually charged with robbery. Explain the procedures which will take place from the time of charge to the commencement of the trial.

(5 marks)

- (d) You have briefly viewed the CCTV footage. Neither robber can be identified, but both appear to be tall and well-built. Jones is relatively short and slight. The police now admit they have lost the CCTV footage.

What application could you make, and on what criteria will it be considered?

(8 marks)

(Total: 28 marks)

Question 2

Reference: Question relates to **CASE TWO-MARISE DUNNE** of the case study materials.

- (a) In which courts will, or may, Marise Dunne appear and be dealt with? What criteria will determine where she is actually dealt with?
(9 marks)
- (b) How would the position differ if the other offenders (aged 19 and 21) were also before the court jointly charged with Marise at the first appearance?
(5 marks)
- (c) You may assume that the pre-sentence report confirms what you know about Marise's background and confirms that community disposals are available.

Outline the plea in mitigation that should be advanced, bearing in mind the likely disposals the court will be considering.

(12 marks)

(Total: 26 marks)

Question 3

Reference: Question relates to **CASE THREE-ZAT FOX** of the case study materials.

- (a) You are instructed to apply for bail for Zat Fox. What objections to bail do you expect will be advanced by the prosecution, and on what basis?

Outline the matters you will include in the bail application.

(8 marks)

- (b) Fox continues to plead Not Guilty. How will the mode of trial be determined, what decisions must be made or options exercised by the court, prosecution and defence respectively, and on what basis should they be effected?

(7 marks)

- (c) On the assumption that the issues in the case have not changed significantly, and that a defence statement is to be filed, indicate what information should be contained in the defence statement.

(7 marks)

(Total: 22 marks)

Question 4

Reference: Question relates to **CASE FOUR-DAVID BOOT AND NEIL PECK** in the case study materials.

- (a) In relation to David Boot, the trial judge excludes the evidence of the confession under s78 of the Police and Criminal Evidence Act 1984 and subsequently rules that there is no case for Boot to answer.

What application may the prosecution consider making, and how will the application be dealt with, if made?

(7 marks)

- (b) Shortly before the trial, Neil Peck tells you that there is a further alibi witness. This witness attends your office, and starts to make a statement, but appears ill at ease. You become concerned about whether the witness is telling the truth, and eventually she admits to you that, although she believes Peck is innocent, he has asked her to say that he was with her at a time about an hour different from the actual time. There is nothing to suggest that the first alibi witness is not telling the truth.

What actions must or should you take in the circumstances?

(6 marks)

- (c) What evidential issues are likely to arise at Peck's trial, and how do you anticipate they will be dealt with?

(11 marks)

(Total: 24 marks)

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