



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: Blackstone's Statutes on Criminal Justice and Sentencing 2008, 4th Edition, B Mitchell & S Farrar, Oxford University Press.**
- 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** of the case study materials.

- (a) What matters need to be resolved with the client and the police before you can properly and effectively represent Lembergs?

(6 marks)

- (b) How will you be remunerated for representing Lembergs in relation to the investigation, and any prosecution which may result?

(6 marks)

- (c) Just before you set off for the police station, Anna German telephones. She tells you the police are at her flat, and want to search it.

Advise her as to the powers the police have, and how she should respond to them.

(8 marks)

- (d) While you are at the police station, the police advise you that there is a witness who states Lembergs was involved with the assault. Lembergs denies being involved.

Advise Lembergs as to the identification procedures which will or may be used, what options he has in relation to them and how you would advise these should be exercised.

(8 marks)

(Total: 28 marks)

Question 2

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

- (a) How will this case be allocated for trial?

The answer should explain the role played by the court, the prosecution and the defence, and the criteria which will be applied.

(8 marks)

- (b) On the assumption that the case is allocated to the Crown Court, how will issues of the admissibility of the evidence of Natasha's grandmother be resolved? If the evidence is admissible, what, if any, special arrangements may be required?

(7 marks)

- (c) On the same assumption, explain the procedure for disclosure, including the defence statement.

Your answer should outline the matters to be covered in any defence statement served in this case.

(7 marks)

(Total: 22 marks)

Question 3

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

- (a) How can the prosecution seek to preserve the anonymity of their witnesses and what criteria will the court apply when considering this issue?

(8 marks)

- (b) Assume that the court has ruled against the prosecution on the anonymity issue, and that the CPS considers this to be fatal to their case.

What steps could the CPS take, and on what criteria would the issue be dealt with?

(6 marks)

- (c) Assume now that the anonymity issue has been successfully resolved. What other evidential and tactical issues arise in this case?

(9 marks)

- (d) Robert Fox is convicted. Trial counsel advises that there was a misdirection as to the effect of certain lies which Fox told while giving evidence, and also that the sentence is out of line with the relevant guidelines as the judge wrongly identified certain aggravating factors as applying when they do not.

Explain the procedure for appeal and the criteria on which any appeal will be dealt with.

(7 marks)

(Total: 30 marks)

Question 4

Reference: Question relates to **CASE FOUR** of the case study materials.

- (a) Henry Paulson appears in the Youth Court. The case is to be adjourned.

What options does the court have in relation to remand, and on what criteria can they be exercised?

(8 marks)

- (b) The police have now completed their enquiries into the Ampthill allegations and have charged Paulson and an accomplice.

In which court or courts will or may the Ampthill matters be dealt with if the co-accused is (i) a juvenile, or (ii) an adult?

(7 marks)

- (c) Paulson has been served with a document listing a substantial number of distraction burglaries to be taken into consideration.

Explain how these will be dealt with and the effect they will have if he accepts them.

(5 marks)

(Total: 20 marks)

End of Examination Paper

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