

Unit 3 Controlled Assessment Booklet

AC2

AC2.1 AC2.2 AC2.3 AC2.4 AC2.5

Name:

Group:

Teacher:

AC2.1 Explain the requirements of the Crown Prosecution Service (CPS) for prosecuting suspects (4)

- ✓ Brief description of CPS. Shouldn't have written too much here as it is not a task on the 'role of the CPS' like in AC1.1. Just a brief introduction will suffice
- ✓ Relevant case studies to illustrate Full Code test required for top mark band
- ✓ Relevant legislation required for top mark band – **CJA, 2003** and **Prosecution of Offences Act, 1985**
- ✓ Mark band 1 may not have the legislation included

AC2.1

Requirements of CPS for prosecuting suspects discussed with reference to charging role, legislation, Full Code Test and Threshold Test. Cases used to support.

A simple/basic explanation of the CPS with little or no reference to the prosecution of suspects. **(1-2)**

Detailed explanation including clear and relevant examples of the requirements (tests) of the CPS in prosecuting suspects. **(3-4)**

Charging role- Criminal and Justice Act, 2003

Prosecution of Offences Act, 1985

Full code test (evidential and public interest)

Threshold test

Introduction

- ✓ Describe the role of the CPS
- ✓ Charging role- Criminal and Justice Act 2003
- ✓ Prosecution of offences Act 1985

BRIEFLY OUTLINE THE CPS AND IT'S CHARGING ROLE (IT CONSIDERS THE EVIDENCE AND THEN MAKES THE DECISION TO PROSECUTE.

YOU CAN EXPLAIN HOW THIS CAME ABOUT (THE POLICE USED TO DO THIS – INVESTIGATING AND PROSECTING CASES WERE SEPARATED BY THE PROSECUTION OF OFFENCES ACT (1985) AND THE CRIMINAL JUSTICE ACT 2003.

Explain each of the following, use a case study to support

- ✓ Full code test
- ✓ Evidential test and case study
- ✓ Public interest test & case study
- ✓ Threshold test & case study
- ✓ 2 cases that did not result in a prosecution and why?

YOU NEED TO OUTLINE THE VARIOUS PARTS OF THE FULL CODE TEST. – THIS HAS TWO PARTS
THE EVIDENTIAL TEST AND THE PUBLIC INTEREST TEST

CASE STUDIES

- ✓ FOR THE EVIDENTIAL TEST – JOAN FRANCISCO IS A CASE WHERE THE CPS DID NOT FEEL THE CASE HAD SUFFICIENT MERIT (DID NOT MEET THE 'THRESHOLD' TO PROSECUTE).
- ✓ FOR PUBLIC INTEREST – CHRISTOPHER KAPESSA IS A CASE WHERE THE CPS FELT IT WOULD NOT BE IN THE PUBLIC INTEREST TO PROSECUTE

AC2.2 Describe trial process (4)

- ✓ Must cover everything here for 4 marks.
 - ✓ Each of the stages of the trial process must be included and reference made to the personnel involved to reach top mark band –*not going into detail about their role, merely touching on the role and who they are and what their role in the trial is.*
 - ✓ Refer to **Magistrates** and **Crown Courts** and mention the **personnel** involved in
 - ✓ Case studies must be based on court case not the investigation
-
- Pre- trial
 - Bail
 - Roles
 - Courts
 - Plea bargaining
 - Appeals

Link to brief not required but can be seen as good practice

AC2.2

Trial process described in detail. All 6 areas covered. Magistrates and crown included. Cases to support.

A simple/basic description of trial processes and/or personnel involved. May only be a list.

(1-2)

Describes in some detail the stages of the trial process, including the personnel involved.

(3-4)

Pre- trial

Bail

Roles

Courts

Plea bargaining

Appeals

GIVE DETAILS THE THREE TYPES OF OFFENCES AND THE COURTS THAT CAN TRY THEM:

- SUMMARY OFFENCES
- TRIABLE EITHER WAY OFFENCES
- INDICTABLE OFFENCES

REFER TO THESE IN SUBSEQUENT PLACES OF YOUR SUPPORT BOOKLET

Pre-trial

- ✓ What occurs at pre-trial
- ✓ Outcomes of guilty vs not guilty pleas
- ✓ What is plea bargaining
- ✓ Differences between charge, court and sentence bargaining
- ✓ Generic examples applied

GIVE DETAILS OF KEY EVENTS PRE-TRIAL:

- GUILTY vs NOT GUILTY PLEAS
- PLEA BARGAINING (CHARGE BARGAINING, COUNT BARGAINING & SENTENCE BARGAINING)

CASE STUDIES

- JERIMIAH TAYLOR – A STUDENT WHO PLEADED GUILTY AT NEWCASTLE MAGISTRATES COURT TO POSSESSION OF A KNIFE. CASE SHOWS HOW THE PLEA AFFECTS SENTENCING AND WHETHER THE DEFENDANT IS TRIED AT THE MAGISTRATE'S COURT OF THE CROWN COURT ([LINK](#))
- NOTE WE DO NOT NORMALLY GET TO SEE PLEA BARGAINING AS IT HAPPENS, IT IS A CONFIDENTIAL PART OF THE JUSTICE SYSTEM (NOT FOR THE PUBLIC), SO YOU CAN USE

Bail

- ✓ What is bail
- ✓ What is the different between conditional and unconditional bail
- ✓ Why might an individual be remanded in custody?
- ✓ Case study where someone got bail?
- ✓ When may a court refuse to give bail?

ANSWER THE QUESTIONS ABOVE, AND THEN:

CASE STUDY(S)

A CASE WHERE BAIL WAS REFUSED - GHISLAINE MAXWELL (FLIGHT RISK)

CASE(S) WHERE BAIL SHOULD HAVE BEEN REFUSED - [LINK](#)

Criminal Court System – magistrates

- ✓ What types of offences exist?
Indicatable/summary/triable & where do they take place
- ✓ Who are the magistrates? Describe their roles and features
- ✓ Real case that has been heard in the M court describe

GIVE DETAILS THE THREE TYPES OF OFFENCES AND THE COURTS THAT CAN TRY THEM:

WHO ARE MAGISTRATES?

- WHAT DO THEY DO? (ROLES)
- WHAT KIND OF CRIME DO THEY TRY, SUMMARY OFFENCES OR TRIABLE EITHER WAY (EXPLAIN)
- HOW DOES SOMEONE BECOME A MAGISTRATE?
- DO THEY GET PAID?
- WHO WORK ALONGSIDE THEM; WHAT TIME OF TRAINING DO THEY HAVE?
- SOCIAL CHARACTERISTICS (AGE, ETHNICITY AND SO ON)

CASE STUDY

RESEARCH ANY CASE – HERE ARE SOME TYPICAL ONES – [LINK](#)

Criminal Court System – crown & supreme court

- ✓ Who are the crown court? Describe their roles and features
- ✓ Real case that has been heard in the crown court- describe
- ✓ What is the role of the supreme court?

RELATE BACK TO OFFENCES AND PLEAS:

- TRIABLE EITHER WAY OFFENCES
- INDICTABLE OFFENCES

CASE STUDY(S)

MOST OF THE CASES FROM YOUR BOOKLET WERE ORIGINALLY HEARD AT CROWN COURT – GIVE DETAILS OF THE OFFENCES AND ANY SENTENCE PASSED – GOOD EXAMPLES BECAUSE THEY DIDN'T INVOLVE APPEALS INCLUDE **KAY GILDERDALE** (ASSISTED SUICIDE) AND **CLIVE PONTING** (BREAKING OFFICIAL SECRETS)

NOTES ON THE SUPREME COURT –

THE SUPREME COURT IS THE FINAL COURT OF APPEAL IN THE UK FOR CIVIL CASES, AND FOR CRIMINAL CASES FROM ENGLAND, WALES AND NORTHERN IRELAND. THE SUPREME COURT HEARS CASES OF THE GREATEST PUBLIC OR CONSTITUTIONAL IMPORTANCE AFFECTING THE WHOLE POPULATION.

Criminal Court System – roles

- ✓ Who are the jury and what is their role?
- ✓ Who is the judge and what is their role?
- ✓ What is the role of the prosecutor and oppositions
- ✓ Knowledge of any other personnel

ANSWER THE QUESTIONS ABOVE (IS WELL COVERED BY THE BOOKLET)

CASE STUDY

CASE STUDIES WHICH SHOW THE POWER OF JURY'S INCLUDE KAY GILDERDALE AND CLIVE PONTING.

Appeals

- ✓ What is an appeal and who can you appeal to?
- ✓ How to appeal a magistrate's court
- ✓ Who is the court of appeal? How long do you have to appeal? What is the appeal process?
- ✓ Appeals to the supreme court

MAKE SURE YOU HAVE NOTES ON WHEN APPEALS ARE ALLOWED FROM

- MAGISTRATES COURT (AUTOMATIC RIGHT TO HAVE CASE HEARD IN CROWN COURT)
- CROWN COURT (NEW EVIDENCE MAKING THE VERDICT 'UNSAFE')
- APPEALS BY THE PROSECUTION (SENTENCES BUT ALSO APPEALS ALLOWED UNDER NEW DOUBLE JEOPARDY LAW)
- SUPREME COURT IS THE LAST COURT OF APPEAL AND SO IS THE HIGHEST COURT FOR CRIMINAL CASES:

THE SUPREME COURT REPLACED THE HOUSE OF LORDS AS THE FINAL COURT OF APPEAL FOR CRIMINAL CASES BUT DOES NOT NORMALLY MAKE DECISIONS ON GUILT OR INNOCENCE BUT MAKES JUDGEMENTS ABOUT ISSUES SUCH AS THE HUMAN RIGHTS, ADMISSIBILITY OF EVIDENCE AND THE LEGALITY OF TAX AVOIDANCE SCHEMES.

AC2.3 Understand rules in relation to the use of evidence in criminal cases (4)

- ✓ Discuss all dark bullet points for top mark band
- ✓ Legislation and case law required for top mark band
- ✓ Case studies that you use must be based on their court case not the investigation
- ✓ Don't need to **explain** the different types of evidence in detail as already covered this in AC1.3.
- ✓ Mark band 1 may not include legislation

- **Relevance and admissibility**
 - Improperly obtained evidence (admissibility)
 - Pre-trial silence (admissibility)
 - Character evidence and past convictions
- **Disclosure of evidence**
 - **Hearsay rule and exceptions**
 - **Disclosure in criminal cases**
- **Legislation and case law** e.g. Article 6 ECHR, s.78 PACE, CJA, 2003

Link to brief not required but can be seen as good practice.

AC2.3

Assess key influences and their impact in relation to evidence. Looks at relevance and admissibility and disclosure. Cases used to support. Legislation discussed.

A simple/basic understanding of the rules in relation to the use of evidence in criminal cases.

(1-2)

Detailed understanding of the rules in relation to the use of evidence in criminal cases.

(3-4)

Relevance and admissibility – reliability and relevance

Improperly obtained evidence (admissibility)

Pre-trial silence (admissibility)

Character evidence and past convictions

Disclosure of evidence

Hearsay rule and exceptions

Disclosure in criminal cases

Legislation and case law e.g.

Article 6 ECHR

s.78 PACE

CJA, 2003

Criminal Justice and Public Order Act, 1994

Cases

Links to brief

Relevancy and admissibility

- ✓ Introduction: why is it important when at trial to establish reliability, authenticity & creditability.
- ✓ What do we mean my reasonable person
- ✓ What is relevancy? Why is this needed in a court case?
- ✓ Facts in issue vs 'relevant facts'
- ✓ What does admissibility mean?
- ✓ Improperly obtained and illegally obtained evidence
- ✓ Case study to support inadmissibility?

FACTS IN ISSUE:

(AKA 'PRINCIPAL FACTS')
- ARE MATTERS WHICH
ARE IN DISPUTE IN THE
TRIAL.

RELEVANT FACTS:

THESE ARE THE FACTS
THAT THE COURT
CONSIDERS IN ORDER TO
PROVE OR DISPROVE THE
'FACTS IN ISSUE'.

Make sure you
can explain these

ANSWER THE QUESTIONS ABOVE, AND THEN:

CASE STUDY: - EVIDENCE WAS GAINED IN 'HONEY TRAP' OPERATION WAS DEEMED
INADMISSIBLE BY JUDGE WAS THE TRIAL OF COLIN STAGG.

Relevancy and admissibility- Pre-trial

- ✓ What is pre-trial silence?
- ✓ Affects on outcome?
- ✓ Jury- conclusions – apply law
- ✓ Any cases where defendant exerting their right to silence?

ANSWER THE QUESTIONS ABOVE:

- PRETRIAL SILENCE = THE RIGHT TO SILENCE
- EFFECTS ON THE OUTCOME = INFERENCES THAT CAN BE DRAWN BY THE JURY

CASE STUDY

A CASE WHERE A DEFENDANT EXERCISED THEIR RIGHT TO REMAIN SILENT WAS **DEREK CHAUVIN** – THE COP WHO KILLED **GEORGE FLOYD**

Relevancy and admissibility- character evidence and 'bad' evidence

- ✓ What do we mean by bad 'character'
- ✓ How can 'bad character' & 'past convictions' relate.
- ✗ ~~Look at 'rape trail' article and use it to apply to this~~

BAD CHARACTER/PREVIOUS CONVICTIONS

A CASE INVOLVING EVIDENCE OF BAD CHARACTER - DAMIEN HANSEN - [LINK](#)

L5FC

Disclosure of evidence

- ✓ What do we mean by disclosure in criminal cases?
- ✓ Why is this important
- ✓ Article 6 ECHR, S.78 pace, CJA 2003, s41
- ✓ Apply to a criminal court case where disclosure was/wasn't followed

Hearsay

- ✓ What is the hearsay rule?
- ✓ What can this mean for some trials where individuals cant be in the courtroom in person to testify
- ✓ Are there any exceptions? Look and apply the case of domestic abuse.
- ✓ Apply a case study

ANSWER THE QUESTIONS ABOVE, MAKE SURE YOU COVER:

- ECHR
- S78 (PACE)
- CJA 2003
- HEARSAY

CASE STUDY(s) -

- ✓ **SALLY CLARK (DISCLOSURE)** - Dr Williams' failed to disclose test results which showed the presence of Staphylococcus aurea in tissue samples from one of Sally's babies, raising the possibility that he had died from natural causes, was the main ground for allowing her appeal
- ✓ **STEVEN SAUNDERS (HEARSAY)** - First person convicted of coercive control - case against him was largely based on hearsay evidence - [LINK](#)

AC2.4 Assess key influences affecting the outcomes of criminal cases (10)

- ✓ Cases must be based on the court case and outcome only
 - ✓ The **impact on the outcome** and **NOT** the investigation part.
 - ✓ Not all bullet points needed in equal measure.
 - ✓ **ASSESSING the IMPACT** and need case studies to support the assessments
 - ✓ All bullet points needed
 - ✓ **Impact** and **cases** needed for top mark band and **all** bullet points
 - ✓ Mark band 2 – largely descriptive, limited evaluation or lack of cases
-
- Evidence presented to court
 - media
 - witnesses – including experts
 - political factors
 - judiciary (judges and magistrates)
 - barristers and legal terms

Link to brief not required but can be seen as good practice.

AC2.4

Range (4 or more) of key influences affecting outcome of criminal cases assessed. Strengths and Weaknesses discussed.

Key influences affecting the outcomes of criminal cases are largely described.

(1-3)

Understanding of the key factors affecting the outcomes of criminal cases is shown and some assessment made of their impact.

(4-7)

Assesses key influences affecting the outcomes of criminal cases. There is clear and detailed understanding of their impact.

(8-10)

evidence presented to court

media

witnesses – including experts

political factors

judiciary (judges and magistrates)

barristers and legal terms

Theory

Statistics

Cases

Links to brief

Evidence presented at court

- ✓ Role / explanation
- ✓ How it can influence/ impact a case
- ✓ Application of criminal courtroom case study & impact

CASE STUDY(S)

- **BARRY GEORGE** IS A STRONG ONE AS THE COURT OF APPEAL DECIDED THE FORENSIC EVIDENCE WAS LIKELY TO HAVE INFLUENCED THE JURY AND JUDGE THE CONVICTION UNSAFE - COULD USE **COLIN PITCHFORK** AS WELL
- THE FORENSIC EVIDENCE BY **DR SKUSE (THE BIRMINGHAM SIX)** AND THE **DNA EVIDENCE** IN THE **AMANDA KNOX** TRIAL ARE EXAMPLES OF **DISCREDITED** EVIDENCE

Media

- ✓ Role / explanation
- ✓ How it can influence / impact a case
- ✓ Application of criminal courtroom case study & impact

CASE STUDIES:

- ✓ **CHRISTOPHER JEFFRIES** - DECISION TO DETAIN BY POLICE WAS INFLUENCED BY POLITICS
- ✓ **OJ SIMPSON** - TRIAL WAS HEAVILY INFLUENCE BY POLITICS OF SOUTHERN CALIFORNIA

Witness / Experts

- ✓ Role / explanation
- ✓ How it can influence / impact a case
- ✓ Application of criminal courtroom case study & impact

✓ **SALLY CLARK** - EXPERT EVIDENCE FROM PROFESSOR ROY MEADOWS (LATER DISCREDITED)

✓ **ALICE SEBOLD** - EYEWITNESS EVIDENCE LED TO UNSAFE RAPE CONVICTION (RECENTLY DISCREDITED)

Politics

- ✓ Role / explanation
- ✓ How it can influence / impact a case
- ✓ Application of criminal courtroom case study & impact

✓ **THE UK RIOTS 2011** - HARSH SENTENCES HANDED OUT TO RIOTERS REFLECTED POLITICAL INTERFERENCE IN SENTENCING POLICY (RESEARCH SOME CASES)

✓ THE EVENTUAL SUCCESSFUL APPEAL BY THE **BIRMINGHAM SIX** WAS LED BY THE CAMPAIGNING MP CHRIS MULLINS, WITHOUT HIS SUPPORT THEY PROBABLY STILL BE IMPRISONED

Judiciary

- ✓ Role / explanation
- ✓ How it can influence/ impact a case
- ✓ Application of criminal courtroom case study & impact

THE CLIVE PONTING CASE IS A GOOD EXAMPLE OF WHERE A JUDGE TRIED TO INFLUENCE A JURY IN THEIR VERDICT (AND FAILED)

Barrister and legal teams

- ✓ Role / explanation
- ✓ How it can influence/ impact a case
- ✓ Application of criminal courtroom case study & impact

THE OJ SIMPSON CASE IS A GOOD EXAMPLE OF THE INFLUENCE OF LEGAL TEAMS. THE EVIDENCE AGAINST HIM WAS VERY STRONG BUT HE HAD A VERY STRONG LEGAL TEAM THE 'DREAM TEAM' – SOME ARGUE HE WAS ACQUITTED BECAUSE THIS LEGAL TEAM MANAGED TO CHANGE THE ISSUE FROM HIS INVOLVEMENT IN THE KILLINGS TO ONE OF WHETHER THE LA POLICE DEPARTMENT COULD BE TRUSTED.

AC2.5 Discuss the use of laypeople in criminal cases (6)

- ✓ Both bullet points needed for top mark band
- ✓ Do not overly describe roles of magistrates and juries here.
- ✓ An evaluation on their roles should discuss the impact of them by including **strengths and weaknesses**.
- ✓ Uses statistics and examples/case study to evidence what they have said

- Juries
- Magistrates

Link to brief not required but can be seen as good practice.

AC2.5

Laypeople discussed, including juries and magistrates, strengths and weaknesses with case to support

A basic/simple description of juries and magistrates.

(1-3)

The use of laypeople (juries and magistrates) are discussed fully in relation to their strengths and weaknesses in criminal cases.

(4-6)

Juries

Magistrates

Strengths Weaknesses

Statistics

Cases

Link to brief

Juries

- ✓ Role / explanation
- ✓ Strengths -their impact
- ✓ Weaknesses – their impact
- ✓ Case studies &/or statistics

ANSWER THE QUESTION ABOVE, AND THEN:

CASE STUDIES

KAY GILDERDALE – ACQUITTED OF ATTEMPTED MURDER DESPITE STRONG EVIDENCE OF HER GUILT BY A SYMPATHETIC JURY

CILVE PONTING – AGAIN A SYMPATHETIC JURY ACQUITTED HIM DESPITE OVERWHELMING EVIDENCE OF HIS GUILT.

Magistrates

- ✓ Role / explanation
- ✓ Strengths – their impact
- ✓ Weaknesses – their impact
- ✓ Case studies &/or statistics

ANSWER THE QUESTION ABOVE, AND THEN:

CASE STUDIES

ANT MCPARTLIN - (ANT & DEC) - FINED £86,000 AND DISQUALIFIED FROM DRIVING FOR 20 MONTHS FOLLOWING A DRINK DRIVING CONVICTION (WIMBLEDON MAGISTRATES COURT - 16/05/2018). [LINK](#)