

2230737 Rafique Sarah

Criminal litigation test

Question 1's Answers

Pc Roberts arrested Rachel Jones as he suspected she had assaulted Mary Thomas after hearing Mary shout and Rachel and Mary shouting at each other and seen Mary had a mark and laceration on her face. Under pace code section 24 subsection 3b Pc Roberts had reasonable grounds to arrest Rachel on the grounds of suspecting an assault had taken place and was a common law offence that breached the peace. Under pace code G the arrest is lawful even though PC Roberts did not read out the full caution but did have his body cam on because Rachel and Mary were still shouting at each other and suspecting if any further physical altercations would occur. The body cam footage is evidence of recording of the arrest and the full caution can be read at the station or as soon as possible after the arrest.

Question 2 Answers

Under the full code test

Threshold test

1st element is there is reasonable grounds to suspect Rachel committed an offence, Mary's injuries and her comment she de

2nd element further evidence could be obtained. Mary's statement and cctv.

3rd element the seriousness is Mary received an injury that was superficial and could leave a permanent scar.

4th element is that there is a risk of bail as Rachel and Mary reside at the same property.

5th it is in the public's interest as it disturbed the peace and an injury to Mary's face has occurred. Which poses a risk.

Under the evidential test there is no witness statements or CCTV to show that an assault has occurred only the fact that Mary had a mark and laceration on her face and Rachel made a comment that she deserved it which was recorded on Pc Roberts bodycam footage. Under the public interest test the peace was disturbed by arguing and an assault has taken place by the indication of the comment Rachel made and was caught and recorded on body cam footage and the injuries that Mary sustained. The case should be proceeded as Rachel gave a no comment interview but indicated her guilt when she said to Mary, she deserved it which was caught on pc Robert's bodycam footage and is evidence. Mary also had a mark and laceration that could cause a permanent scar

Question 3 Answers

In defence against the prosecution's request to remand Rachel, she is of clean character, has a job, she is the named tenant of the property and so she has the legal right to reside there and Mary not

to stay there. She has never absconded, being in trouble, been remanded or breached any previous bail conditions.

Question 4 Answers

Due to the level of harm being category 3 and level b or c the case can be heard and dealt with in the magistrate's court and the fact that Rachel pleaded guilty so does not need to be put onto trial.

Due to Rachel pleading guilty she would be given a third of her sentence or could be given a high-level community order. Due to the fact that she was angry and upset about what was found in her property during the search and Mary provoking her by saying peter and Benjamin hated her and found her controlling she reacted in the heat of the moment. Considering all the facts I propose Rachel to have a suspended sentence of 9 months imprisonment or a medium level community order of 6 months.