



Student Name: _____

LEGAL STUDIES UNITS 3&4 2021 Written Trial Examination

Reading time: 15 minutes

Writing time: 2 hours

QUESTION AND ANSWER BOOK

Structure of book

<i>Section</i>	<i>Number of questions</i>	<i>Number of questions to be answered</i>	<i>Number of marks</i>
A	7	7	40
B	3	3	40
			Total 80

- Students are to write in blue or black pen.
- Students are permitted to bring into the examination room: pens, pencils, highlighters, erasers, sharpeners and rulers.
- Students are NOT permitted to bring into the examination room: blank sheets of paper and/or correction fluid/tape.
- No calculator is allowed in this examination.

Materials supplied

- Question and answer book of 30 pages
- Additional space is available at the end of the book if you need extra paper to complete an answer.

Instructions

- Write your **student name** in the space provided above on this page.
- All written responses must be in English.

Students are NOT permitted to bring mobile phones and/or any other unauthorized electronic devices into the examination room.

SECTION B**Instructions for Section B**

Use stimulus material, where provided, to answer the questions in this section. It is not intended that this material will provide you with all the information to fully answer the questions.

Answer **all** questions in the spaces provided.

Source 1

The following are extracts of Judge Wright's sentencing remarks in the County Court case *DPP v LEES 2020* (VCC 375).

In January 2019, unlicensed driver, Robert Lees was speeding in a stolen car, when he veered onto the wrong side of the road, seriously injuring two people. In April 2020, after a plea negotiation, Lees entered a plea of guilty, to seven charges. Judge Wright sentenced Lees to a "maximum of 7 years and 9 months imprisonment".

- a) Prosecutor Ms D Piekusis QC, submitted "rather than offer assistance to the victims, Lees grabbed a bag from the boot and fled, shouting "My DNA is all over the car".
- b) Mr James Anderson, who was appointed as Lees' Victoria Legal Aid barrister, submitted his client's conduct was "callous", but the offending was "mid-range".
- c) Judge Wright considered matters in mitigation. Lees apologised to the victims reflecting "remorse" and "acceptance of responsibility". Lees' guilty plea "avoided the need for the victims to relive the trauma at trial and has facilitated the course of justice".
- d) Judge Wright remarked, "I have considered 7 victim impact statement detailing ongoing pain and mental anguish. Lees' dysfunctional upbringing "where alcoholism, violence and addiction to drugs since the age of 12, were also considered".
- e) Judge Wright remarked, "I commend the defendant's plea and your commitment during remand to rehabilitate yourself. At the same time, denunciation of your conduct also weighs heavily in my sentencing. You had no regard for the law and put the community at great risk because of your serious offending. Your actions and their consequences are a very important component of the overall assessment of the seriousness of your offending."

Question 1 (19 marks)

a. Identify the two parties in this case.

2 marks

b. Explain how the purpose of denunciation is achieved in this case.

2 marks

c. Outline the impact of **one** aggravating **or one** mitigating factor in the sentencing of Lees.

3 marks
