

## CASE STUDY MATERIALS

June 2011  
Level 3  
CRIMINAL LITIGATION  
Subject Code L3-11

The logo for ILEX, consisting of the word "ilex" in a blue, lowercase, sans-serif font.A diagonal banner in the top right corner with the text "StudentBounty.com" in a white, sans-serif font on a dark background. A small crest is visible above the text.

## INSTITUTE OF LEGAL EXECUTIVES

### UNIT 11 – CRIMINAL LITIGATION\*

### CASE STUDY MATERIALS

#### Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to the case study materials. You will be required to answer all the questions on the examination paper.
- You should familiarise yourself with the case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss the materials with your tutor/s either face to face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relates to the case study materials.

#### Instructions to Candidates Before the Examination

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or text books into the examination.
- In the examination, candidates must comply with the ILEX Examination Regulations.

*Turn over*

\* This unit is a component of the following ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

**CASE STUDY MATERIALS**

**ADVANCE INSTRUCTIONS TO STUDENTS**

You are a trainee Legal Executive working for Amira Hussain, the solicitor in charge of the Criminal Litigation Department, of Messrs Kempstons Solicitors, Manor House, Bedford, MK42 7AB.

You have been asked to review the attached documents from the files of three of your firm's clients: Jordan Rush, Daniel Steers and Daya Singh.

The documents are:

- Document 1**      Attendance note – Jordan Rush
- Document 2**      Copy of transcribed police interview
- Document 3**      Attendance note – Daniel Steers
- Document 4**      Witness statement – Leanne Lightfoot
- Document 5**      Attendance note – Daya Singh

**DOCUMENT 1**

**Attendance note**

Date: 10 June 2011  
Client: Jordan Rush  
Matter: Attempted Murder  
Attended by: Amira Hussain – duty solicitor  
Engaged: Travel 18 minutes and waiting 24 minutes

**Attending Custody Officer**

Jordan Rush was arrested at 10.00am on 9 June, in respect of the attempted murder of the MP for Kempston East, Fiona Shields. Yesterday there was a high profile ministerial visit to open a new wing of the East Kempston Hospital. Jordan Rush, a member of a protest group lobbying for the protection of the National Health Service, is accused of firing a shot at the car of Fiona Shields which led to her sustaining injuries to her head and requiring emergency surgery. The custody officer pointed out that Fiona Shields is very lucky to be alive. There is public outrage about the incident which is attracting high level media coverage. Many people are asking why the protest group (of which Jordan is a member) would resort to committing a serious offence. Fiona Shields is a popular local MP.

Jordan Rush was amongst a group of demonstrators and a gun was found on the ground near to him. The incident was filmed by a local television station and the shot was fired by a white male stood amongst the protest group wearing a navy blue beanie hat and black padded jacket.

The custody officer confirmed that an interview had taken place and that Jordan would be charged with attempted murder shortly.

**Attending Client in cells**

Attending Jordan Rush of 97a Albert Way, East Kempston, who will say as follows:

My date of birth is 14 March 1962. I am unemployed. My wife died fifteen months ago and I am the sole carer of our two children: Alicia, aged four, and Samuel, aged seven years.

I was aware that there was going to be a ministerial visit to the East Kempston Hospital yesterday to open the new wing of the hospital. I am a member of a pressure group that seeks to protect the National Health Service. We are not politically affiliated in any way and have been organising demonstrations for the past four years. My interest in the organisation is a result of my wife's death and the negligent care I believe she received as a result of stresses placed on the public healthcare system. I was part of the protest group which was demonstrating outside the hospital. We were holding placards stating 'too little, too late'.

When the ministerial car arrived I heard a shot come from the crowd, but I did not see the incident in full as I was talking to my sister on my mobile phone. The next thing I knew was that I was being pushed to the ground and kicked by five or six police officers.

## CASE STUDY MATERIALS

At no time did I struggle, as I was not expecting to be arrested and I was therefore in shock when the officers started to beat me up and continued to do so. I was handcuffed and pushed into a police vehicle. When I arrived at the police station I was told by the custody officer that I had been arrested for attempted murder.

I was searched at the police station and my clothes were removed. I told the custody officer that I could not move my arm and I was in pain to which he replied, 'Don't expect any sympathy from me mate, your injuries are nothing compared to that of Fiona Shields, who is fighting for her life'. I was unable to move my arm, I am in total agony and I think my arm might be broken. I mentioned it to the police three or four times in the last 24 hours but they ignored me.

I asked for a solicitor when I arrived at the police station but the police said I could not have one. I asked if I could ring my sister to make arrangements for the care of my children, but the police would not allow me to do this. I was interviewed last night. They told me that Fiona was still alive and that if I admitted the incident I would probably just get a 'slap on the wrist'. I was desperate to get home to my children and I was in agony with the pain in my arm. The police bullied me and I confessed to the shooting.

I did not shoot Fiona Shields. I was on my mobile phone when the shot was fired. I confirm that I was wearing a beanie hat, black jacket and gloves at the protest. This is not unusual for many men as it was a rainy day.

I have previous convictions for:

Criminal damage (January 2011)  
Burglary (March 2011)  
Theft committed on bail (April 2011)

**EXTRACT FROM POLICE STATION INTERVIEW****Transcribed interview**

Person interviewed: Jordan Rush  
 Place of interview: Kempston East Police Station  
 Date of interview: 9 June  
 Time commenced: 20.01  
 Time concluded: 20.10  
 Interviewing officers(s): DC Jones  
 Other persons present: DC Khan

DC Jones	<p>In the room are DC Jones and DC Khan commencing interview with Jordan Rush. Caution given.</p> <p>Right, you were arrested this morning for the attempted murder of Fiona Shields MP. We know that you are an activist who protests against changes to the National Health Service. We know that you are suing East Kempston Health Authority for the alleged negligent treatment of your wife and that you have been depressed since her death. You have the motive for the attempted murder, so let's not muck about here, and let's get on with it. A white male wearing a navy blue beanie hat and a black jacket was filmed by a local TV company pulling the trigger and the gun was found next to you. Do you agree that you were wearing clothes that match this description?</p>
Jordan Rush	Yes I was wearing clothes like that, but I was on the phone to my sister when the shot was fired.
DC Khan	I want answers not excuses. You've already said that you were wearing the clothes that have been identified as being similar to the gunman's. Do you want to see your children again? If you do, you had better start co-operating.
Jordan Rush	I want to see a solicitor. I am in pain; my arm is hurting so much. I need to speak to my children – let them know where I am and tell them not to worry.
DC Jones	You can't see a solicitor because I am in charge here. Now look, your children have lost their mum and they might lose you too. Lucky for you Fiona Shields did not die. I am sure that everyone recognises the difficult time you have had lately, so I advise you to admit the shooting and you'll be out of here in no time, with a slap on the wrist and be back with your children.
Jordan Rush	Okay. I did it.

Time engaged transcribing taped interview 30 minutes.

**DOCUMENT 3**

**Attendance note**

Date: 16 June 2011  
Client: Daniel Steers  
Matter: Wounding with intent (Section 20)  
Attended by: Amira Hussain – Duty Solicitor  
Engaged: Attendance – 54 minutes

Attending Daniel Steers in the cells of East Kempston Magistrates' Court. Daniel has been charged with grievous bodily harm in relation to an incident which occurred last night at a party.

Daniel's girlfriend, Leanne Lightfoot, was being harassed by Joshua Hope. When Daniel intervened and told Joshua to calm down, Joshua threatened him with a knife. Daniel instructs he punched Joshua in self-defence and understands from the police that Joshua has sustained a broken nose. When the police interviewed Joshua he claimed that the attack was entirely unprovoked and at no time did he threaten Daniel with a knife. Daniel represented himself in police interview, but the police say that his account is a matter for the courts to decide. Daniel instructs that there are several witnesses to the incident, including his girlfriend Leanne. He did not know any of the other people at the party as they were friends of Leanne's, but they can be traced. Daniel feels that the police do not really believe his account as he has a long list of previous convictions.

Daniel is currently unemployed; he lives in Manchester and has previous convictions for:

Arson (2003)  
Burglary (2005)  
Careless driving (2006)  
Theft (2008)  
Robbery (2009)  
Assault (2010)  
He wishes to apply for bail.

Witness Statement

WITNESS STATEMENT

(CJ Act 1967,s9; MC Act 1980, s5A(3)(a) and s5B; MC Rules 1981, r70)

Statement of: Leanne Lightfoot

Address: 463 The Avenue, Kempston East

Age/Date of Birth: over 18

Occupation: Shop Assistant

This statement (consisting of ...1...page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 16 June 2011 Signed: *Leanne Lightfoot*

On 15 June, I was invited to a party at 67 Waltham Road, East Kempston to celebrate my friend's 18<sup>th</sup> birthday. I arrived at the party with my boyfriend, Daniel Steers, at about 10.00pm. We had both been drinking as Daniel had been celebrating a win at the races.

Daniel and I were dancing on the outside veranda with about twenty people. I did not know that my former boyfriend, Joshua Hope, was at the party. Joshua has not taken the breakdown of our relationship very well. Joshua had been drinking too and started accusing me of being 'a whore'. Daniel intervened and told Joshua to 'calm down', to which Joshua replied 'I am going to have you' and pulled out a knife and pointed it at Daniel. Daniel's response, in self-defence, was to punch Joshua in the face.

As far as I am concerned Daniel acted in self-defence and had he not taken this action, he would have been stabbed by Joshua.

Signed: *Leanne Lightfoot*

**Turn over**

**DOCUMENT 5**

**Attendance note**

Date: 9 June 2011  
Client: Daya Singh  
Matter: Theft  
Attended by: Yourself  
Engaged: Attendance – 42 minutes

Attending Daya Singh of 43 Oakley Hill Close, East Kempston, in the office. Daya has been charged with theft of a bottle of cider (value of £1.95) from Petra's Value Supermarket. Daya made full confessions in police interview.

Daya instructs that, two years ago, her husband was made redundant from his post as a sales manager. The family suffered severe financial problems which led to the repossession of the family home. Two months after her husband was made redundant, Daya's mother committed suicide. Daya began to drink as a way of numbing the depression she felt as a result of her financial problems and her mother's death. However, when she was drunk her behaviour became abusive. Her husband eventually left her and has since formed another relationship.

Daya was unable to cope with the sole care of her two children, Amy aged three years, and Lawrence, aged one. She would often leave them on their own when she went out to the supermarket. Two months ago, she left the children on their own when she went to buy some milk. While Daya was out, the chip pan caught fire and when she returned to the house, the fire brigade were attending the property. Both children were rescued and were treated for smoke inhalation. The hospital contacted social services, who removed the children into care.

Daya realises that she is an alcoholic and will need to reform her behaviour if she has any chance of being reunited with her children. She is prepared to attend Alcoholics Anonymous.

Daya will plead guilty at the first hearing listed on 16 June.

She has two previous convictions for theft:

December 2010 (conditional discharge)  
April 2011 (fine)

I advised her that she is likely to receive a community sentence, with a condition that she addresses her alcohol problem.

**End of Case Study Materials**

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