

CASE STUDY MATERIALS

January 2012
Level 3
CRIMINAL LITIGATION
Subject Code L3-11

ilex

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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 two of your firm's clients: Greg Humphrey and Raj Kapoor.

The documents are:

- Document 1** Attendance note – Greg Humphrey
- Document 2** Extract from transcribed police interview
- Document 3** Witness statement – Meredith La Mont
- Document 4** Attendance note – Raj Kapoor

DOCUMENT 1

ATTENDANCE NOTE

Date: 2 January 2012
Client: Greg Humphrey
Matter: Actual Bodily Harm (ABH)
Attended by: Amira Hussain – duty solicitor

Travel: 3 units
Waiting: 5 units
Attendance with client: 10 units

Attending Greg Humphrey
Date of birth 28 February 1977

Attending the investigating officer who confirmed as follows:

About 12.15 am yesterday morning we were called to The Crown pub, Kempston, as a mass fight had broken out. Just after we got there, we cautioned and arrested two people, one of them being Greg Humphrey.

Greg was in the pub with his friends on New Year's Eve, wearing dark blue jeans, a black jumper and white trainers. He had recently split up from his long-term girlfriend Mel, who was also celebrating in the pub with her new boyfriend, Lee. At midnight, Lee kissed Mel to wish her a 'Happy New Year', which Greg saw. Greg then allegedly went up to Lee and punched him in the face several times, breaking his nose, giving him a black eye and a broken tooth. When we got to the pub, we arrested Greg for Actual Bodily Harm (ABH).

Attending Greg Humphrey in the cells on a matter of ABH; Greg stated the following:

I am 34 years old and currently work in a DVD rental shop. I have recently split up from my girlfriend, Mel, with whom I have a five year old son. He lives at her house and I have him every other weekend. Since splitting up with Mel I have been sleeping at mates' houses and occasionally in my car, as I haven't found anywhere permanent yet. When I have my son I have him at my mum's house. I have told Mel I live there as she would otherwise not let me see him. She left me because we were always arguing but I still love her and we get on ok now.

On New Year's Eve, my friends and I decided to go to The Crown pub in Kempston for a few drinks. Just before midnight, I went outside the pub so I could call a girl whom I am dating, Sophia, to wish her a 'Happy New Year'. I have not told Mel about Sophia as it is early days and Sophia used to be Mel's best friend. I could not get through as the telephone lines were busy so I kept trying and finally got through about 12.10 am. After I came off the phone, I went back inside the pub and realised that a couple of fights had started. I noticed that one of them involved Mel, as she was crying and screaming. I went over to calm her down and check she was ok and the next minute, the police arrested me.

I was interviewed when we got to the police station and the police officers were

CASE STUDY MATERIALS

rude. They said that witnesses had told them I attacked Lee but I did not. I was Lee and his friends who told the police it was me. Lee hates me as I have a child with Mel. When I get out of here, I am having it out with him and his friends as I do not understand why they're trying to set me up – I have a son to think about now!

I have been here ever since the police arrested me. I have told them I did not do it but haven't told them that I was outside speaking to Sophia as I do not want Mel to find out about Sophia yet. I want to get this over and done with as Sophia and I want to book a holiday to the Caribbean in the next few months.

Previous convictions

Greg has three previous convictions for ABH

ABH	-	14.07.09
ABH	-	12.10.10
ABH	-	29.11.10
GBH	-	20.12.07
GBH	-	01.01.09

When I was on bail for my ABH convictions I failed to surrender twice because I forgot.

EXTRACT FROM POLICE STATION INTERVIEW

Transcribed interview extract

Person interviewed: Greg Humphrey (GH)
 Place of interview: Kempston East Police Station
 Date of interview: 1 January 2012
 Time commenced: 9.03 am
 Time concluded: 9.22 am
 Interviewing officers(s): DC Dale
 Other persons present: DC McKennington

Please note that all people present have formally introduced themselves on tape and a formal caution has been given properly.

DC Dale	...and that is when we came into the pub. We saw Lee with blood pouring from his face and, when we asked people what happened, they said you went for him. So what do you have to say for yourself about that?
GH	How many more times? I have <i>nothing</i> to say about that because I did not do it! Look, can I see a duty solicitor?
DC Dale	Not at the moment, Greg. The duty solicitor is in another interview at the moment so you will have to do without him for the time being. Anyway, I am going to tell you again. People saw you do it. So did you?
GH	No comment.
DC Dale	So if you did not do it, then who did?
GH	I do not know, I wasn't there.
DC Dale	What do you mean 'you were not there'? You were in the pub when we arrested you.
GH	No comment.
DC Dale	Do not waste our time. We arrested you at the pub, so we know you were there.
GH	No comment.
DC Dale	Ok we're not getting anywhere with you. Interview suspended at 9.22 am.

DOCUMENT 3

WITNESS STATEMENT

WITNESS STATEMENT

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

Statement of: Meredith la Mont
Address: 27 Larch Road, Kempston, MK1 1TT
Age/Date of Birth: over 18
Occupation: Cinema Attendant

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: 8 January 2012 Signed: Meredith la Mont

I was at The Crown pub on New Year's Eve with my sister and both of our partners celebrating. Just before midnight, my partner, Sean, and I went outside to have a cigarette. We stayed outside for a while as a load of people came outside just after midnight and everyone started wishing everybody else a 'happy New Year'.

I remember seeing a guy outside who seemed to be getting really cross with his phone. I remember he was wearing a black jumper, dark blue jeans and white trainers as I was telling Sean that the guy must be freezing as he only had a jumper on. He was also noticeable because he was not with anybody at midnight.

ATTENDANCE NOTE

Date: 2 January 2012
Client: Raj Kapoor
Matter: Murder
Attended by: Amira Hussain – duty solicitor

Attendance with client: 20 units

Attending Raj Kapoor
Date of birth 12 August 1992
Address: Flat 3, 91 Park Avenue, Kempston, MK12 2TD

Attending the investigating officer who confirmed as follows:

Raj was arrested for murder yesterday at about 12.20am.

Members of the well known Yewtree Estate Gang were in The Crown pub in Kempston on New Year's Eve. Witnesses say that Raj was at the bar getting a beer when Matt, who is the 25 year old leader of the gang, went up to him and said 'give me the money or you know what will happen'. They started arguing and, all of a sudden, Matt stumbled away, holding his stomach. Apparently, he collapsed outside of the pub in a pool of blood and the ambulance arrived at the same time as we did. Matt had died of a stab wound by the time he arrived at hospital.

Attending Raj Kapoor in the cells; Raj stated the following:

I didn't mean for him to die. I cannot believe he is dead. Yes, I stabbed him but only because I snapped.

I was back home from university and decided to spend New Year's Eve with my family at The Crown pub. I have known Matt for years as we went to school together. Matt is the leader of a gang that I used to hang out with for a short while when I was about 14 years old. I thought it was cool to be in a gang where all the lads were older than me and looked out for me. They used to give me money and said that we were all like brothers and looked out for each other. I soon realised that they were trouble so decided to have nothing more to do with them. In many ways, that was the biggest mistake of my life as Matt and the gang made my life hell from then, all throughout the rest of my school years. Matt started saying that leaving the gang meant I had to pay him back all the money they used to give to me. I refused and that's when everything started. They used to attack me when walking home from school and I've had my nose and bones broken. I was always too scared to go to the police. Just before I went to university, Matt started threatening me with a knife and said he would sort me out one day. When I went to The Crown pub that night I knew Matt would be there and I decided to take a knife with me. I did not mean to ever hurt anybody with it, but I thought I could maybe threaten him with it if he started on me again.

CASE STUDY MATERIALS

He was taunting me all night, making gestures across the pub that suggested he would cut my throat. So when he came up to me at the bar, going on again saying I still owed him that money, I just saw red, pulled out my knife and stabbed him. I don't know why I did it, I never meant to.

What is going to happen now? I'm in my final year at university studying law and my family is going to be so upset. My dad is a director of a big company and my mum is a surgeon at the local hospital. I have never been in trouble before - I've never even smoked a cigarette.

End of Case Study Materials

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