

CASE STUDY MATERIALS

June 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 CANDIDATES

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.

The documents are:

- Document 1** Case scenario – Hannah Morgan case
- Document 2** Witness statement – Hannah Morgan case
- Document 3** Attendance note – Hannah Morgan case
- Document 4** Attendance note – Nathan Sidwell case
- Document 5** Case scenario – Wong Chen Liang case

DOCUMENT 1

Case scenario – Hannah Morgan

Hannah Morgan was arrested whilst spending a day with friends at Kempston Races, a popular event held every year in Kempston.

The investigating officer explained how the police station had received a phone call from Kempston Race Course at around 3.30pm. Complaints had been made by people, who had been attending the corporate hospitality section, saying money had been stolen out of their handbags and jackets that were left at the tables.

When the police arrived at the racecourse they spoke to a number of witnesses, including Frank Jones. It seems that Frank Jones and other witnesses had identified Hannah Morgan as the person who had allegedly stolen the money. The police questioned Hannah and arrested her on suspicion of theft after searching her and finding £2,000 in her handbag.

Frank Jones made a statement in relation to the incident. **(Document 2)**.

DOCUMENT 2

Witness Statement

WITNESS STATEMENT

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

Statement of: Frank Jones
Address: 12 St Johns Close, Kempston, MK31 6TT
Age/Date of Birth: over 18
Occupation: Company Director

Who states:

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: 5 June 2012

Signed: *Frank Jones*

On 2 June I spent the day at the races with my company in the corporate hospitality section. Around lunch time we were all seated to be served our meal and a few drinks. There were about 30 tables of 10-12 people in the section and my table was on the opposite side of the room to where bets were placed. My colleague Neil and I had been enjoying ourselves, especially as we were sat next to a table full of women drinking lots of champagne. I had been watching one woman in particular (who I now know to be Hannah Morgan) who caught my eye as she wore a bright blue dress and high heels and I found her attractive. I thought I would have a few more glasses of champagne and was then going to ask her for her telephone number.

However, as the day progressed and people started to leave the tables to use the toilets or place bets on the horses, I noticed that Hannah never seemed to leave that side of the room to place any bets. I saw how her friends would go off to place bets on the horses and how she would always stay at the table drinking champagne. I could hear her tell her friends that she's not really into gambling. However, on a couple of occasions when her friends went to place their bets at the other side of the room, I watched Hannah walking round her own table where some of her friends had left their handbags. I also noticed her walking around other tables at that side of the room looking through the tickets and racing papers that had been left on those tables. I remember someone from another table coming back from placing his bets and asking her if he could help her. Hannah replied that she was looking for a spare racing newspaper so she could look at the betting odds for the next race as she had lost her newspaper.

Later on I overheard someone who had been sitting near me, complaining that money was missing from his wallet which he had left in his jacket at the table. When I heard this I realised that Hannah's behaviour had been suspicious and mentioned what I had seen to the hospitality manager. He said that complaints had been made about money going missing and that I should stay until the police arrived. The police came and I explained what I had witnessed. I was

DOCUMENT 3

Attendance note

Date: 4 June 2012
Client: Hannah Morgan
Matter: Theft
Attended by: Amira Hussain – duty solicitor

Attendance with client: 10 units

Attending Hannah Morgan
Date of birth 15 November 1975

Attending Hannah who confirmed as follows:

Hannah was at Kempston Races on 2 June with some of her friends. They were in the corporate hospitality section as one of her friends, Letitia, who owns her own beauty salon, decided to take some of her staff and invited Hannah along as a guest.

Letitia and most of her staff were betting on the horses. Hannah said she did not gamble and stayed at the table every time her friends went off to have a bet.

She was questioned by a police officer about missing money and initially denied any knowledge of it. After questioning Hannah for 10 minutes or so the police officer then said he had witnesses who had seen her acting suspiciously. The police officer then got his handcuffs out and grabbed her arms so she pulled away and her heel buckled as she stepped backwards.

The police officer then grabbed her right arm and twisted it so far back she fell to the ground, hitting her shoulder on the table as she fell. The police officer then put his knee on her back to handcuff her. She said she was in agony and kept telling him that she had taken the money and it was in her handbag.

She told him that if he stopped hurting her she would go down to the police station and admit to the theft of the money. He took her to the police van. In the back of the van he asked her to take off her shoes and tights because he thought she had hidden some of the money in the top of her tights. She did as she was told and no other money was found.

When she got to the police station she was told that the police wanted to take fingerprints but she was not happy about this.

Attendance note

Date: 7 June 2012
Client: Nathan Sidwell (NS)
Matter: ABH
Attended by: Amira Hussain

Attendance with client: 10 units

Attendance in the office with Nathan Sidwell

Date of birth: 21 April 1990
Address: 99 The Street, Kempston East

Nathan Sidwell was arrested two days ago and charged with actual bodily harm (ABH) at Kempston Racecourse.

Nathan was at the racecourse with some friends celebrating his best friend's birthday. They were drinking heavily and Nathan was boasting that he had very good tips from an uncle of his. He used the tips to bet on the first five races and each time the horse he had the tip for came in first. After the fifth race he had £800 that he had won. He promised his friends that he would buy them all a round of drinks after the final race.

Nathan's tip for the last race was for a horse named 'Stardust'. The horse was not a favourite to win but given Nathan had won on each race already, he decided to place the whole £800 on 'Stardust'. If the horse won Nathan would win a lot of money.

Nathan and his friends decided to watch the race by the railings, near the finishing line. The horse came fifth and his friends laughed at him.

Later in the unsaddling enclosure Nathan saw 'Stardust' and his jockey. Nathan pulled the jockey off the horse and punched and kicked him. The jockey suffered cuts and bruises to his face and hands.

Advised Nathan to plead guilty due to number of witnesses but Nathan is insisting on pleading not guilty as he cannot remember the incident.

Nathan has the following previous convictions:

Theft	10.10.2006 – caution
Assault	25.12.2008 – community order
Grievous Bodily Harm	12.04.2012 – community order

DOCUMENT 5

Case scenario

Client: Wong Chen Liang (Mr Wong)
Matter: Murder

Mr Wong is currently being held in custody awaiting trial on a charge of murdering his wife, Leanne, and her lover, Tristan.

Mr Wong claims that he came home from work, could not find his wife downstairs and on entering the bedroom, he found both his wife and a man dead on the floor. He later learned the man was Tristan with whom his wife had been having an affair. Mr Wong says that he called the police right away. He told them that he found his wife and Tristan in a pool of blood and said that someone must have broken into the house and killed them.

The police case is that Mr Wong found the couple together in bed and murdered them.

Mr Wong is adamant that he did not commit this crime and is intending to plead not guilty at trial. He has been refused bail.

End of Case Study Materials

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