

CASE STUDY MATERIALS

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Level 3
CRIMINAL LITIGATION
Subject Code L3-11



CHARTERED INSTITUTE
OF LEGAL EXECUTIVES

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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 CILEX Examination Regulations.

Turn over

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

CASE STUDY MATERIALS

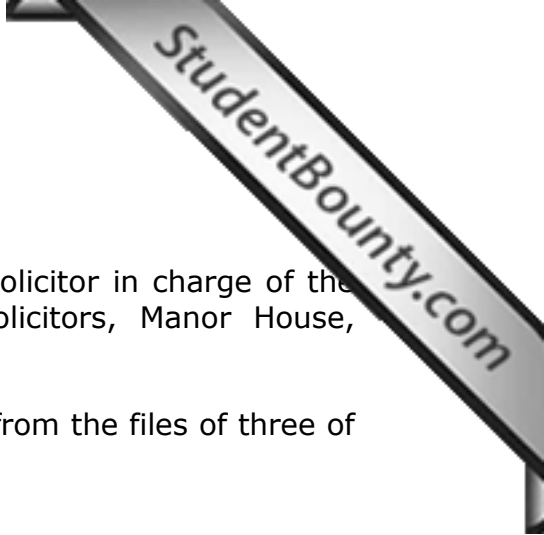
ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer working for Judith Shaw, the solicitor in charge of the Criminal Litigation Department of Messrs Bedfords Solicitors, Manor House, Kempston, 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** Attendance note in Kempston Magistrates' cells - client Robert Bird
- Document 2** Transcribed interview – client Robert Bird
- Document 3** Attendance note in the office - client Abdul Hussain
- Document 4** Attendance note at first hearing - client Angharad Jones
- Document 5** Attendance note in police station - client Angharad Jones



DOCUMENT 1

Attendance note

Date: 8 January 2013

Client: Robert Bird

Matter: ABH contrary to s47 Offences Against the Person Act 1861

Attended by: Judith Shaw (duty solicitor) and you, as a trainee lawyer

Engaged as follows:

Attendance with client: 5 units

Attending in the cells of Kempston Magistrates' Court Robert Bird of 17 Manor Road West, Kempston born on 1 May 1969.

Robert Bird confirmed as follows:

Robert explained that he is married to June Bird and they have two children, Steven and Tracey, who are twins aged 13 years old. Robert is a self-employed builder. The past 18 months have been a financial struggle as a result of the downturn in the economy and the housing market. Financial pressures had put a strain on Robert's relationship with his wife and recently there have been more and more arguments.

Robert admitted that, as a result of spiralling financial worries and boredom, he had become increasingly dependent on alcohol.

However, last week Robert managed to get a week's work and with the money he earned he gave June enough to buy herself and the twins some new clothes. He decided that he would treat himself to a ticket to go and see the local football match between Kempston Rovers and Bromham Wanderers. Before leaving the house he drank half a bottle of whisky and went to the supporters' club where he had several beers.

The football game was very exciting but Bromham Wanderers scored the winning goal in the last minute, which upset Robert. As he left the ground he saw one of the Bromham Wanderers supporters who he knew to be Charley Slain, whom he suspected of having an affair with his wife, June.

Without thinking what he was doing he ran across the road and punched Charley in the face, causing his nose to split and blood pour from it. He also kicked Charley in the groin and ran off.

Robert then went to a bar and had a few more drinks. He was worried that Charley would report him to the police who would then come to his house and cause distress to June and the twins. Robert decided to go to the local police station and tell them what had happened.

CASE STUDY MATERIALS

At the police station Robert was seen by PC J Parker who interviewed Robert. Robert was arrested and charged with ABH contrary to s47 Offences Against Person Act 1861.

After he was charged Robert refused to give his fingerprints until he had consulted a solicitor.

The police refused bail because they were concerned that Robert might try and find Charley and cause further injuries.

Robert regrets what he has done, realises he has been totally irresponsible and is genuinely sorry for his actions. He is further concerned that if the matter proceeds to a hearing the newspapers will report it. He is worried that if he is found guilty this could affect his ability to obtain work in the future.

I advised that I would get a copy of the custody record and taped interview to make a transcription for our purposes.

I was instructed to apply for bail at today's hearing.

DOCUMENT 2

Extract from audibly recorded interview

KEMPSTONSHIRE POLICE
RECORD OF AUDIBLY RECORDED INTERVIEW

INTERVIEW OF: Robert Bird DATE OF BIRTH: 1 May 1969
 ADDRESS: 17 Manor Road West, Kempston DATE: 7 January 2013
 INTERVIEW AT: Kempston Police Station
 TIME COMMENCED: 20.01 TIME CONCLUDED: 20.11
 DURATION OF INTERVIEW: 10 minutes TAPE REFERENCE NO:
 KPS/PC/911/7113
 INTERVIEWING OFFICER: PC J Parker OTHER PERSONS PRESENT: PC B
 Smith, PC T Rudd, PC A Patel & PC
 S Khan

Signature of officer preparing record: *Joe Parker PC 911*

Tape times	PARTICULARS OF INTERVIEW
0.00	Introductions. PC Parker: In the room present are PC Smith, PC Rudd, PC Patel, & PC Khan Commencing interview with Robert Bird. Caution given.
0.50	PC Parker: Right then Robert, you came in here earlier and confessed to assaulting Charley Slain. Can you confirm that?
1.12	Robert Bird: No comment.
1.25	PC Parker: Listen mate, you came down here and made a confession, can you confirm that for the benefit of the tape?
2.37	Robert Bird: I shouldn't have come here. I want to see my solicitor.
5.54	PC Parker: Hang on a minute, are you wasting my time? You have already made an admission, you can't retract it now or you will be in even bigger trouble.
8.22	Robert Bird: OK. Yes I did do it.
9.00	PC Parker: For the benefit of the tape what did you do?
9.29	Robert Bird: I assaulted Charley Slain. Time engaged transcribing taped interview 20 minutes.

DOCUMENT 3

Attendance note

Date: 10 January 2013

Client: Abdul Hussain

Matter: Criminal Damage

Attended by: Judith Shaw (duty solicitor) and you, as a trainee lawyer

Attending Abdul Hussain who was arrested over the weekend for criminal damage to the shop front window of Kempston West Newsagents.

Abdul Hussain asserts that the facts of the case are as follows:

He had been walking home after visiting a friend when for no reason two youths ran past him and pushed him against the glass window, which cracked. Abdul does admit that he knows the owner of the newsagents shop and that he owes him some money for an outstanding paper bill.

The police suggested to Abdul that he had caused the damage deliberately because he resented having to pay the paper bill.

He pointed out that there is CCTV installed in the area. The CCTV camera footage would clearly show that he was pushed and it was not a deliberate act of vandalism. Abdul was arrested shortly after the alarm bell at the newsagents had gone off and was taken to the police station for questioning.

He represented himself and made complete denials in interview. He was charged with criminal damage and granted police bail. Abdul's first court hearing is on 25 January which we agreed to attend and represent him.

It was explained to Abdul that we would need to apply for copies of the taped interview and a copy of the custody record to check that his rights had not been contravened. Additionally, we would apply for copies of the witness statements. We would also need to consider the question of the CCTV tapes and request copies from the prosecution.

Attendance note

Date: 10 January, 2013

Client: Angharad Jones

Matter: Burglary at private residence

Attended by: Judith Shaw (duty solicitor) and you, as a trainee lawyer

Engaged as follows:

Travel: 4 units travel

Attendance with the investigating officer: 3 units

Attendance with the client at Kempston Police Station: 15 units (before interview) and 10 units (after interview)

Attending the investigating officer

Angharad Jones was arrested on suspicion of burglary from a private residence. The investigating officer explained that there had been a number of burglaries in the area where Angharad Jones had been stopped by officers. When Angharad saw the police car coming towards her she apparently started running in the opposite direction and was seen to throw an item over a garden fence. The front gardens of several nearby houses were searched and a wallet had been retrieved.

Upon attending Angharad in the police cells she confirmed as follows:

That she was born on the 23 January 1988, she is not married and has no children. She has a part-time job working in a bar and is living in a one bedroom rented flat at 23, Highfield Way, Kempston. Angharad admitted to being in the area and said she was visiting an old school friend. She denies running away from the police and says she was running for her bus. She categorically denies throwing away the wallet or having it in her possession at any time.

Attendance in police interview

Angharad made full denials as described above. Her response to the burglary was put to her under caution and she confirmed her response, as detailed above.

Angharad was charged with burglary and police bail was refused.

Attendance note

Date: 14 January, 2013

Client: Angharad Jones

Matter: Burglary at private residence

Attended by: Judith Shaw (duty solicitor) and you, as a trainee lawyer

Engaged as follows:

Travel: 4 units

Waiting: 3 units

Attendance with client: 5 units

Hearing: 5 units

Attendance at Kempston Magistrates' Court

Attending Angharad in the holding cells.

I explained the procedure for the hearing today. Angharad instructed me to apply for bail. She has no family in the area and has previous convictions for burglary in 2009, 2010 and 2012.

A bail application was made to the magistrates' court, but they were not minded to grant bail. I am instructed to make an application for bail to the Crown Court.

The case was transferred to Bedford Crown Court and listed for 25 January 2013.

End of Case Study Materials

