

CASE STUDY MATERIALS

June 2013
Level 3
CRIMINAL LITIGATION
Subject Code L3-11



CHARTERED INSTITUTE
OF LEGAL EXECUTIVES

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THE CHARTERED 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 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 Paul Hatton, 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: Ken Adhene, Peter Knockle and Mark Morris.

The documents are:

- Document 1** Attendance note in the office – Ken Adhene
- Document 2** Copy extract from recorded police interview – Peter Knockle
- Document 3** Attendance note in the office – Peter Knockle
- Document 4** Attendance note in the police station – Mark Morris

ATTENDANCE NOTE

Date: Wednesday 5 June 2013

Client: Ken Adhene

Matter: Theft

Attended by: You

Engaged as follows: Attendance with client: 10 Units

Attending in the office Ken Adhene of 42, University Road East, Kempston, born on 1 June 1970. Ken explained that earlier today he had been arrested for fighting at the local gym where he worked and he had been charged with causing actual bodily harm. The gym member involved did not sustain any major injuries, only some bruising around both eyes after Ken had hit him on the nose.

Ken made the following statement:

I am 43 years old. I am married and have a son aged 14 and a daughter aged 15. My wife does not work due to a long term illness and I am paid a relatively low income by the gym. I have always managed to stay out of debt, but what with the economy and ever increasing demands of teenage children I have found my finances difficult to manage. This has made me short tempered and irritable, both at home and at work.

Today I went to the gym, having had a row with my wife about buying the children new shoes, which we can't afford. When I got to the gym, the manager told me that if I wanted to keep my job I was going to have to put in more hours but for no extra pay.

I changed into my gym kit and went into the weights room. Two of the regulars were there and as I entered the room, one of them whispered to the other and then they both looked at me and started laughing. I don't know what came over me, but I just walked over to one of them and punched him on the nose.

Someone called the manager and he decided that it was a police matter and the police were called.

I was arrested and taken to the police station where I was treated very well. I was interviewed and I told the police officers how sorry I was.

I have one previous conviction for careless driving for which I received a five point penalty and a fine, which I have paid. I also have another conviction for an assault which took place two months ago, for which I received a conditional discharge for 12 months.

I wish to plead guilty at the first hearing before the magistrates.

DOCUMENT 2

EXTRACT FROM AUDIBLY RECORDED INTERVIEW

KEMPSTONSHIRE POLICE
RECORD OF AUDIBLY RECORDED INTERVIEW

INTERVIEW OF: Peter Knockle

DATE OF BIRTH: 14 May 1989

ADDRESS: 53 Canterbury Road, Kempston

DATE: 6 June 2013

INTERVIEW AT: Kempston Police Station

TIME COMMENCED: 16.50

TIME CONCLUDED: 17.00

DURATION OF INTERVIEW: 10 minutes

TAPE REFERENCE NO: 12345

INTERVIEWING OFFICER: DS Sharpe

OTHER PERSONS PRESENT: DC Blunt

Signature of officer preparing record: *R. W Sharpe*

Tape times	PARTICULARS OF INTERVIEW
16.50	In the room are DS Sharpe and DC Blunt, together with Peter Knockle. All introduce themselves. Caution is given.
16.52 DS Sharpe	Peter, you are here because we believe at 1.30pm today, you pushed an old lady in Kempston Park and stole her purse. Do you understand?
16.53 Peter Knockle	Yes, I understand, I was out in Kempston Park but it wasn't me. I can't believe you have arrested me. I am not a criminal. I can't stand being in this police station – I hate locked doors. I have to get out of here. I have got to see my mother, she has been involved in a car crash and is very upset.
16.55 DS Sharpe	Peter, you can get out of here as soon as you have told us the truth. We have a witness who says they saw a white male person in his twenties wearing jeans, trainers and a hoody. You have to admit the description matches you and when you were arrested you were running away from the scene of the crime.
16.57 Peter Knockle	I can't bear this any longer. I can't bear being here... Okay I am prepared to admit it. Will I get a caution? I haven't got any previous convictions.
17.00	Interview concluded. Time engaged transcribing taped interview 5 minutes

ATTENDANCE NOTE

Date: Friday 7 June 2013

Client: Peter Knockle

Matter: Robbery

Attended by: You

Engaged as follows: Attendance with client: 10 Units

Attending in the office Peter Knockle of 53 Canterbury Road, Kempston, born on 14 May 1989.

Peter Knockle has been charged with robbery of a purse in Kempston Park.

Peter made the following statement:

I was walking through Kempston Park when I received a phone call from my mother, who was very emotional as she had just been involved in a car crash. I started to run back to my home to collect my car and drive to my mother's house.

I was nearing the gates to the park when I saw an elderly woman drop a purse. I ran over, picked up the purse and then ran in front of her with it. She immediately started shouting and accusing me of robbing her. The next thing that I can remember was having my arm twisted up behind my back by someone who told me he was an off duty police officer and was arresting me on suspicion of robbery. He then said he was cautioning me.

I panicked when I got to the police station as I was in a state of shock. I had never had any dealings with the police before. I confessed to pushing the old lady and taking her purse. I just wanted to get out of the police station quickly and hoped that the police would caution me and allow me to leave the police station. I was worried about my mother and I wanted to see that she was okay. I was not offered any legal advice. I represented myself in the interview. I deny any allegation that I was involved in this offence. I am employed as a part-time lecturer in a local college.

Turn over

ATTENDANCE NOTE

Date: Sunday 9 June 2013

Client: Mark Morris

Matter: Sexual attack

Attended by: You

Engaged as follows:

Travel: 3 units

Waiting: 2 units

Attendance with the investigating officer: 1 unit

Attendance with the client in cell: 10 units

Client: Mark Morris of 33, Redhorn Lane, Kempston, born 4 July 1966. Doorman at the Chemistry Night Club.

Attending the investigating officer:

Mark was arrested at 5am this morning. At 3am a female who had been at the Chemistry Night Club, where Mark works, was walking across Kempston Park on her way home when she heard a man running behind her. She states that she was pushed to the ground and dragged behind a nearby tree and attacked. After the attack she phoned the police on her mobile phone. The police were at the scene very quickly and found Mark at the far side of the park.

Mark was arrested on the basis that he left the club shortly after the victim and was the only other person in the vicinity when the police arrived. In addition the description of the attacker was that he was a middle-aged man who was bald and wearing a black leather coat and black jeans.

Upon attending Mark Morris in the police cells he confirmed as follows:

I am a doorman at the Chemistry Night Club in Kempston.

I have been married for 20 years and have two teenage children. I am currently separated from my wife. My wife has made allegations of domestic violence against me and a non-molestation order was made against me a few months ago. I am prohibited from going within a 200 metre radius of where my wife now lives.

I confirm I was working last night and left the nightclub at approximately 2.30am. I always walk through Kempston Park on my way home as it is the quickest way.

I deny any allegation of sexual attack. I can confirm that I was wearing a black leather coat and black jeans. I am a middle aged man and I am bald.

End of Case Study Materials

