

CASE STUDY MATERIALS

January 2014
Level 3
CRIMINAL LITIGATION
Subject Code L3-11



CHARTERED INSTITUTE
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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 Amira Hussain, the lawyer 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: The documents are:

- Document 1** Attendance note – Jordan Becking
- Document 2** Extract from transcribed police interview – Jordan Becking
- Document 3** Witness statement – Liam Brady
- Document 4** Attendance note – Tony House

DOCUMENT 1

ATTENDANCE NOTE

Date: 3 January 2014
Client: Jordan Becking
Matter: Theft
Attended by: Amira Hussain – duty lawyer

Engaged as follows:

Travel: 3 Units
Waiting: 5 Units
Attendance with client: 10 Units
Attending Jordan Becking, of 17 Boxwell Street, Kempston, date of birth 28 January 1970

Attending the investigating officer who confirmed as follows:

About 11.15am this morning we were called to The Superstore, Kempston, as a person had been detained on suspicion of theft. Just after we got there, we cautioned and arrested Jordan Becking.

Jordan had attended the store at approximately 10.00am and was seen to be acting suspiciously by a security guard. The security guard followed her at a distance and saw her approach the perfumes section of the store. Whilst in the perfumes section of the store he said that he saw Jordan pick up objects and put them in her handbag. Jordan then headed for the store exit and as she was leaving was confronted and detained by the security guard on suspicion of theft.

Attending Jordan in the cells on a matter of theft; Jordan stated the following:

I am 43 years old and currently work in a pet shop. I have recently split up from my husband, Dan, with whom I have a ten year old son called Nathan. He lives at home with me.

I was not due to work today until the afternoon and Nathan had spent the night at a friend's house, so I decided to have a look to see if the sales had started at The Superstore. When I reached The Superstore, I saw there were no sales but decided to enter anyway. I walked round the store, but saw nothing I wanted to buy. I was leaving the store when, I was stopped by a security guard, who said he suspected me of theft and the police had been called. He took my handbag and produced two bottles of perfume, which I had never seen before. He must have put them in my handbag, as I certainly hadn't. When the police officers arrived I was arrested and taken to the police station. I was interviewed when we got to the police station and the police officers were extremely rude and aggressive. They said they had very good evidence to show I had stolen the perfume and it was in my interests to confess straight away.

All I could think about was getting home for Nathan and not being late for work. Jordan has three previous convictions:

Theft: 14.07.2009
Theft: 12.10.2010
Theft: 29.11.2010

WITNESS STATEMENT

WITNESS STATEMENT

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

Statement of: Liam Brady

Address: 23 Highfield Way, Kempston Bedford MK6 7AT

Age/Date of Birth: Over 18

Occupation: Security guard

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: 3 January 2014

Signed: *Liam Brady*

I am a security guard with The Superstore in Kempston. I was on duty this morning when I saw a lady, who I now know to be Jordan Becking, enter the store. There were not many people in the store so I was able to watch her movements.

When she was in the perfume area of the store, I saw her pick some items up and put them into her handbag. I then followed her to the exit of the store. As she was leaving I detained her and called the police.

She did not attempt to resist my detaining her.

ATTENDANCE NOTE

Date: 4 January 2014
Client: Tony House
Matter: G.B.H (s.18 Offences Against the Person Act) 1861
Attended by: Amira Hussain – duty lawyer

Engaged as follows:

Attendance with client: 20 units

Attending Tony House of The Maiden's Head, High Street Kempston, MK11 2SJ, date of birth 12 August 1956

Attending the investigating officer who confirmed as follows:

Yesterday at 13.20 Tony was arrested for causing grievous bodily harm.

Tony is the Landlord of the Maiden's Head public house. At approximately 13.00 witnesses say that a local man known as Richard Shaw entered the bar, whereupon Tony came from behind the bar with a carving knife in his hand and stabbed Richard several times in the stomach and neck. Richard collapsed to the floor in a pool of blood. An ambulance arrived at the same time as we did. Richard sustained serious injuries.

Attending Tony House in the cells; Tony stated the following:

Yes, I stabbed him but he deserved it and I would do it again if I had the chance. There had been a lot of rumours going round that Richard had been seeing my wife. At first I thought it was just pub gossip. But Richard had started coming to the pub every lunch time when he knew my wife was working and I was at the other pub we own. Last night after work I confronted my wife about the affair. At first she laughed it off and denied it. I could tell by the way she wouldn't look me in the face that she was not telling the truth and in a moment of rage I smacked her round the face. I have never hit my wife before and immediately felt very guilty and said I was sorry. I don't know whether it was due to fear or in order to get her own back, but my wife immediately confessed to the affair. I love my wife so I did not want to harm her but knew Richard had to be taught a lesson. I decided there and then that I would wait for him at lunch time the next day and sort the matter out.

End of Case Study Materials

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