

CASE STUDY MATERIALS

January 2011  
Level 6  
CRIMINAL LITIGATION  
Subject Code L6-18

The logo for ILEX, consisting of the word "ilex" in a blue, lowercase, sans-serif font.A diagonal banner in the top right corner with the text "StudentBounty.com" in a white, sans-serif font on a dark background.

**INSTITUTE OF LEGAL EXECUTIVES**  
**UNIT 18 – 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 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE**, and the **LEVEL 6 DIPLOMA IN LEGAL**

## ADVANCE INSTRUCTIONS TO STUDENTS

You work for Kempstons, a leading local Criminal Law practice. You have a very busy workload at the moment. The following is a summary of some of the cases in which you are involved:

### CASE 1

JoAnne Vickers has telephoned to say that her stepson Darren Briggs has been arrested. Kempstons acts for many members of the extended family to which Darren and JoAnne belong. You are aware that Darren is aged 16 and attends a special school for children with emotional and behavioural disorders, but you have never actually acted for him. You are aware that Darren's father is presently serving a prison sentence. Darren has had a volatile relationship with his stepmother and has spent some time in foster care.

A call to the police elicits the information that Darren has been arrested on charges of theft by shoplifting and wounding with intent to resist arrest. Another suspect, Keshawn Rothery, aged 20, is also in custody in respect of the same matters. According to the police Darren has a caution for theft dating from 2009, but is not otherwise known to them.

### CASE 2

Kempstons acts for Freddie Fraser, who has been charged with burglary of commercial premises and theft of a quantity of scrap metal and a Ford Transit van. He has been bailed to appear in court in a few days time, as enquiries in relation to a potential co-accused are ongoing. You have an appointment with him to discuss the case. You have the notes of your colleague who dealt with the matter at the police station (**Document 1**) and the advance disclosure (**Document 2**).

Fraser gave a 'no comment' interview.

### CASE 3

Kempstons also act for Helena Balavaite. She is a Lithuanian, who has been working in the United Kingdom as an agricultural worker. She speaks very little English. She has been arrested and released on police bail following an incident at a house occupied by a number of Lithuanian workers. The arrest was for assault occasioning actual bodily harm on Romualdas Daukintis, who the police say is her boyfriend. There was a party at the house and it is alleged that Helena attacked Romualdas with a vodka bottle after finding him in one of the bedrooms with another woman. Helena denies that Romualdas is her boyfriend, and has told you, through an interpreter, that the woman who actually attacked Romualdas is the woman who unofficially acts as their gangmaster, and that all the other members of her group are frightened of her.

### CASE 4

Kempstons also act for Nadir Ahmed who has been convicted of driving with excess alcohol at Bedford Magistrates Court. The client claimed that he was not the driver, but a passenger. In addition, when Kempstons investigated the case, it appeared to be the case that the breath testing equipment had been modified

**DOCUMENT 1**

Attendance note

DT-C at Milton Keynes Police Station re Freddie Fraser 20<sup>th</sup> October.

DS Carr advised that Fraser is under arrest for burglary and theft. McEvoy's Scrap Metal depot was entered in the night of 8<sup>th</sup> October. About four tons of copper wire, valued at £30,000 was stolen, together with a Transit van, which it is assumed was used to transport the copper. The van has been recovered and DNA analysis of paper tissues in the van is a match for Fraser. There is CCTV footage showing the burglary taking place, and it is clear that there are three persons involved, although none can be seen clearly, as they are wearing hooded tops. The alarm system was disabled, and the guard dogs were fed meat spiked with tranquillisers.

Fraser has a number of convictions for dishonesty, several involving scrap metal, and three of which involved drugging guard dogs with the same tranquilliser as was used on this occasion.

The police wish to ask him about a sum of £7,000 cash found in his possession on arrest. Fraser is presently unemployed and claiming job seeker's allowance.

Fraser denies involvement in the burglary. The cash is betting winnings – a six horse accumulator came up. He no longer has the betting slip. While he cannot be sure, he may be able to account for the paper tissues. On the night of the 8<sup>th</sup> October he was out in town drinking, ending up in the Dark End Club. He left at 3.00am, intending to get a taxi, but as he was walking to the taxi rank, a van pulled up. It was being driven by a friend of Fraser's, who offered him a lift. Fraser had a cold, so was using the paper tissues to blow his nose and dropped them by accident. Fraser does not want to identify the friend, as he may be involved in the burglary.

## DOCUMENT 2

Advance disclosure (summary only – candidates may assume that all procedural requirements have been met and all documents are in the proper form)

**Harry Jones – statement:** Manager of the scrap yard; that the yard was left secure, his CCTV and alarm were on and guard dogs deployed, at 18.00 on 8<sup>th</sup> October. At 08.00 on 9<sup>th</sup> October it was found that the premises had been entered. A Transit van FA51RRW was missing, and after a check, it was established that approximately 4 tons of copper had been stolen. The dogs were comatose, and the connections of the alarm system had been cut. The CCTV record was handed to the police for analysis.

**PC Figgis – statement:** That on 12<sup>th</sup> October as a result of information received he attended waste land near the Millennium Industrial Estate. He found a partly dismantled Transit van. The number plates were missing, but a VIN check showed it to be FA51RRW. The engine and transmission, seats and doors were also missing.

**Eva Dunne – statement:** Scenes of Crime Officer describing the examination of Transit van FA51RRW on 12<sup>th</sup> October. No fingerprints could be identified but two paper tissues were found in the passenger side foot well and these were sent for DNA analysis

**Virender Dalwani – statement:** Eastern Forensic Science Services. DNA recovered from the paper tissues showed a match to samples for Freddie Fraser held on the national DNA database with a possibility of error of one in five million.

**DS Carr – statement:** Fraser arrested at his home address on 20<sup>th</sup> October, and conveyed to Milton Keynes police station. When searched cash amounting to £7,000 was found in an envelope in an inside pocket of his jacket. No comment interview, including questions on the cash.

**End of Case Study Materials**

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