

**CASE STUDY MATERIALS**

January 2012  
Level 6  
Criminal Litigation  
Subject Code L6-18



**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 with a unit on a crime contract. You have a very busy work load at the moment. The following is a summary of some of the cases in which you are involved:

### CASE 1 – Ateef Iqbal

Over the past few days there has been considerable disorder in Ashton involving clashes between members of a rightwing political group, the RWB League, and members of the local Muslim population. A number of weapons, including petrol bombs, have been seized. Several police officers have been injured and a number of arrests made. These incidents generally occurred in parts of the town where CCTV cameras have been installed for general surveillance and crime reduction purposes.

One of those arrested is Ateef Iqbal, a 15 year old school student. The information you currently have is that Ateef was stopped in the street by plain-clothed police officers a short distance away from the scene of the disorder. He refused to allow himself to be searched, but the police said they could smell petrol on his clothes and arrested him. He has been taken to a local police station and his parents have asked you to represent him. The police have informed you that there is reason to believe that Ateef was involved in at least one incident where a group of RWB League members were attacked by a group of Asian youths, some armed with baseball bats.

### CASE 2 – Lorraine Grainger

Kempstons act for Lorraine Grainger who has very recently been charged with possession of a controlled drug with intent to supply and bailed to court. The circumstances are that she was detained at Gatwick Airport on arrival. She had been on holiday in Mexico, but flew back via Barcelona. A substantial quantity of cocaine was found concealed in the lining of her suitcase. The concealment was apparently professionally done, with the cocaine moulded to fit the contours of the suitcase. In interview Grainger admitted that she had brought the suitcase back from Mexico, but denied any knowledge of the presence of the cocaine. The account she gave both to Kempstons and to the police is that the suitcase belonged to the friend with whom she went on holiday, Eliza Thomas. Eliza said she had bought a lot of clothes in Mexico, and needed a new, bigger suitcase. Her suitcase was bigger and better than Lorraine's, which was worn out, so she suggested Lorraine use her old case. Eliza has also been charged with a similar offence in relation to the case she brought back, and you understand she is blaming Lorraine and a man with whom Lorraine apparently had a relationship whilst on holiday. Both Lorraine and Eliza have been claiming Jobseekers Allowance, and the police in interview have asked how they funded the holiday. Lorraine has told Kempstons, but not the police, that she has been working unofficially in a massage parlour and paid for the holiday from her earnings.

Lorraine and Eliza are due to appear in court shortly. Lorraine has two previous convictions for theft by shop-lifting, and Eliza has a conviction for possession of cannabis and a further conviction for possession of an offensive weapon. Lorraine is adamant that she is pleading not guilty.

### CASE 3 - Greg Barnes

Greg has been sent for trial at the Crown Court on three charges of inflicting grievous bodily harm with intent on Kaspar Fowkes, the four-year old son of Greg's wife, Imelda, together with one charge of assault occasioning actual bodily harm. The evidence in the committal file includes the following items:

(a) Photographic evidence of injuries to Kaspar. The most obvious injuries are a number of bruises and cigarette burns on his arms and upper body. Some of the bruises are clearly made by a hand clenched round the boy's arm.

(b) Medical evidence confirming that the bruises and burns have been inflicted over a sustained period. This evidence also details more serious internal injuries, namely a fractured arm, four broken ribs and a depressed fracture of the left cheek. It is clear from the case papers that three charges relate to these injuries.

(c) A video recording of an interview of Kaspar conducted by specially trained officers. In the course of this interview Kaspar is asked 'Who hurt you?' He replies 'Daddy Greg.' He is then asked 'When did this happen?' and he replies 'Lots of times.' He goes on to say 'Daddy Greg gets very cross with me. Daddy Greg hates me.'

(d) A witness statement by Imelda Barnes. She describes noticing bruising on Kaspar's arms on one occasion after Greg had been looking after him. Greg told her he had to grab Kaspar by the arm to prevent him running out into the street when he was playing in the garden. A short time later, when she was bathing Kaspar, she saw more fresh bruising and cigarette burns. Kaspar said Greg had hurt him, so she called the police. The ABH charge relates to this incident.

The basis of the defence case is that the only time Greg touched Kaspar at all roughly was as described by Imelda, and was the use of reasonable force to keep Kaspar safe. Any other injuries were inflicted by others, probably a group of rather older children (aged seven to nine) who had been playing with Kaspar. Greg has told you that Kaspar is very jealous of Greg, as before Greg met Imelda, she had given Kaspar her undivided attention. There are witness statements from witnesses who describe these children treating Kaspar roughly on several occasions.

### End of Case Study Materials