

CASE STUDY MATERIALS

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Level 6
CRIMINAL LITIGATION
Subject Code L6-18



CHARTERED INSTITUTE
OF LEGAL EXECUTIVES

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THE CHARTERED 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 CILEx Examination Regulations.

Turn over

* This unit is a component of the following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

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ADVANCE INSTRUCTIONS TO STUDENTS

You are a trainee lawyer with Kempstons. The firm has a 2010 Standard Crime Contract. Among the cases the firm is dealing with at present are the following:

Document 1: Advance disclosure

Document 2: Miranda Froggatt's statement

CASE 1 – JASON GREY

Kempstons has been called by the Defence Solicitor Call Centre in relation to Jason Grey. Grey is in custody and has requested that Kempstons act for him. Kempstons has acted for Grey previously and the records relating to this indicate that Grey, who is 26 years old, has a history of bi-polar disorder. He has a record of convictions for violence, usually in relation to his partners. He has apparently been arrested on suspicion of wounding his current live-in girlfriend.

CASE 2 – MIRANDA FROGGATT

Kempstons is acting for Miranda Froggatt, who has been charged with handling stolen property. She has been bailed to appear at Bedford Magistrates Court. There is a co-accused, Sam Cox, for whom Kempstons do not act, who is charged with theft of the property in question, a quantity of cosmetics. A summary of the prosecution file provided by way of advance disclosure is provided as **DOCUMENT 1** and a copy of Froggatt's statement as **DOCUMENT 2**. You may assume that all formal matters such as signatures, dates and continuity are correct.

CASE 3 – SACHIN KUMAR

This 16 year old client has been charged with robbery. Kempstons was not representing him prior to him being charged, and he was not legally represented at that time. The prosecution case is that he, together with another youth who has not been traced, confronted two younger teenagers in a park. The youth who has not been traced threatened them with some sort of knife and demanded they hand over their mobile phones and mountain bikes, which they did. Kumar took one of the bikes and they rode off together. Kumar was identified from photographs and subsequently in a VIPER identification procedure. Kumar claims it is a case of mistaken identity, but has not given any specific account of his movements at the time of the offence. The prosecution have obtained the records of a phone registered to Kumar which indicate that the phone was used twice within a radius of 800 metres of the location of the offence during the time period the offence took place.

DOCUMENT 1

- a. Extract from charge sheet: Between 1st October 2012 and 14th November 2012 at Kettering in the County of Northamptonshire Miranda Froggatt dishonestly received 120 cartons of Clairol Hair Colour to a value of £4,800 and 25 cartons of Rimmel lipgloss to a value of £5,000 knowing or believing the same to be stolen, contrary to s22 Theft Act 1968.
- b. Statement of Joginder Singh, director of Discount Beauty Warehouse, confirming that the goods in question had been purchased by, and delivered to the company, and were found to be missing. The items recovered from Miranda Froggatt are positively identified because of unique barcodes on the packaging. Produces invoices and warehouse records confirming the receipt and subsequent disappearance of the goods. Confirms that no-one had authority to remove these items without permission.
- c. Statement of Leroy Henriques, warehouse foreman of Discount Beauty Warehouse. Describes an incident on 1st October when Sam Cox, a temporary driver for the company, having made one series of deliveries, was seen back at the warehouse, loading his own van (which he usually used) with various items. This aroused Henriques' suspicions, because he was not aware that there was another delivery scheduled for Cox. While Henriques was in the office checking what was happening, Cox left, and did not return to work subsequently.
- d. Statement of DS Wendy Potter, officer in the case. Describes the complaint from Mr Singh, and the arrest and questioning of Cox. Produces Cox's statement under caution. Then describes the officer's visit to Froggatt's shop and the discovery of the items in question, Froggatt's arrest and no-comment interview.
- e. Transcript of statement under caution of Sam Cox. He had been working for Discount Beauty Warehouse for some time doing delivery work on a casual basis. He had studied the systems and thought it would be easy enough to take items. He experimented with taking odd boxes initially, but on 1st October decided to take a van load. However, after he had left with it, he got a message which made him suspect that someone was onto him, so he did not go back. He had started to sell the stolen items to various customers. This was cash in hand, not payment on invoice like the goods he was employed to deliver.

Turn over

DOCUMENT 2

Statement of Miranda Froggatt, aged 44 and of good character. Owner of a shop in Kettering selling, among other things, beauty products and cosmetics.

One of my regular suppliers was Discount Beauty Warehouse. In September a new delivery driver started delivering my orders from them. His name is Sam Cox. Unlike the previous delivery arrangements, Sam used his own vehicle. He made it clear he had his own business interests, as well as working for Discount Beauty Warehouse, and could sometimes get hold of bargains.

The first thing he offered me was a carton of deodorant. It was about 10% cheaper than I would usually pay, but he explained that it was from a shop that was ceasing trading. I did not suspect that there was anything wrong. He then phoned and asked if I wanted quite a large quantity of hair colour and lip gloss. He said he had picked them up at an auction of bankrupt stock. This price was a good one, and while it was more of these products than I wanted, I thought I could sell some on to friends in the trade.

It did not occur to me that these items were stolen. The explanation of where they had had come from made sense to me, and the price, while attractive, was not ridiculously low. Although I had not known Cox long, we had talked quite a lot about the beauty products business, and he seemed to know a lot about it, so I naturally believed that he was in business for himself. I absolutely believed that this was a legitimate piece of business and I would definitely never have agreed to buy these items if I had had any idea that they might have been stolen.

On several occasions my then assistant, Grace Gieves, was present while I was talking to Sam. I am sure that she can confirm what I have said. Unfortunately, she has recently moved to Hong Kong, as her husband has got a job there.

I am active in my local community. I am the treasurer of the local community centre, and also active in my church, organising social activities for elderly members of the congregation.

End of Case Study Materials