

CASE STUDY MATERIALS

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Level 6
CRIMINAL LITIGATION
Subject Code L6-18



CHARTERED INSTITUTE
OF LEGAL EXECUTIVES

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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**

ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer with Kempstons, a law firm with a substantial criminal practice. Kempstons holds a 2010 Standard Crime Contract and participates in several police station and magistrates' court duty schemes in the local area.

Among the cases being handled in the criminal litigation department, where you are located, are the following:

CASE ONE: DEREK JONES

Kempstons has been contacted by the Defence Solicitors Call Centre in relation to Derek Jones. He has been arrested on suspicion of robbery and is in custody at a local police station. He has requested the duty solicitor, and one of Kempstons' lawyers is currently on duty. There is another person detained in relation to the same matter, but he has not requested legal advice at this stage. You have spoken to the Custody Officer and obtained some initial information (**Document 1**).

CASE TWO: MARISE DUNNE

This client is aged 16. She has been charged with an offence of arson. It is alleged that, together with others who have not yet been apprehended, she set fire to a secondary school, causing damage estimated at £135,000. Dunne intends to admit the offence and made a full confession at the first opportunity. She has already written a letter of apology to the headteacher. She states that they had gone to the school grounds to drink alcohol and smoke cannabis. The fire was started in some rubbish left outside one of the doors to the school by contractors who were doing refurbishment works. They set fire to it 'just to see what would happen', but got scared and ran away when the fire took hold.

Dunne was identified by the caretaker at the school, as she used to be a pupil there. Dunne has informed you that it was not her idea to start the fire, and she tried to persuade the others not to do it, but she accepts that she did get 'carried away' and helped to pile the rubbish up into a heap before it was lit. She has also told you that the others were older than her, and she could not resist their influence. The caretaker's statement does refer to 'two men and a young girl'.

Dunne has had an unfortunate upbringing. She never knew her father and her mother abandoned her when she was four. Dunne was then brought up by her grandmother until she died three years ago. Dunne was subsequently taken into care, and was in residential care until recently. She stopped attending school for 18 months. Recently, she has been placed with foster parents, and her situation has improved. She is attending school again and getting excellent reports. She has no previous convictions.

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CASE THREE: ZAT FOX

This client has just been charged with malicious wounding contrary to s. 20 of the Offences Against the Person Act 1861. A representative of Kempstons represented him at the police station, and has made a note of the position (**Document 2**). The police declined to bail Fox, and he is due to appear before the local Magistrates' Court shortly.

CASE FOUR: DAVID BOOT AND NEIL PECK

These clients are awaiting trial on indictment in respect of several counts of theft. In the case of David Boot, who is 21 but has significant learning difficulties, the only substantial evidence is a confession made in an interview where he did not have legal advice. The responsible adult was his father, who is a member of a small religious sect which believes in absolute obedience to the state. It appears that the father effectively told Boot to agree to accept what the police told him.

In the case of Neil Peck, aged 19, there is disputed identification evidence from eye-witnesses to the thefts, which took place at several jewellery stores. They all gave initial descriptions which match Peck, but are quite general. None of them refers to a prominent birthmark on Peck's neck, and as a result the VIPER images were not modified to hide this. Peck was represented by a duty solicitor from a different firm. He made no comment in interview, but he has since instructed Kempstons giving details of an alibi and a witness in support, who has made a statement confirming the alibi.

DOCUMENT 1

Police arrested Derek Jones following a robbery at a local petrol station. The two offenders were both masked and one of them was armed with a machete. The offender carrying the machete threatened a cashier, who handed over cash, including marked notes. The incident was captured on CCTV. The offenders made their escape in a red Subaru Impreza. The cashier has stated that the registration number started with SN09. Jones later tendered one of the marked notes in payment for goods at a local store and the marking was detected. The matter was reported to the police by the store manager, who gave Jones' name as he is well known to him as a customer. When the police attended Jones' address, they saw a red Subaru Impreza, registration SN09 HHA parked a short distance away. It has been seized for forensic examination, as the registered keeper claims to have sold it six months ago.

As far as the police are aware, Jones, who is 25 and single, is currently unemployed and in receipt of income-based Job Seeker's Allowance. He has several convictions for offences of dishonesty.

DOCUMENT 2

Attendance note, re Zat Fox

Attending Marston PS. Fox detained on suspicion of wounding/GBH. The custody record has been checked and all is in order.

The police had been called to a disturbance at the Vernon Arms pub. Reports of a fight involving two groups of men, armed with knives. The incident was over when the police arrived but, acting on information from the pub landlord, police went to Fox's home address and arrested him. A sheath knife was recovered from the scene, together with a blood-stained sweatshirt. Fox had a gash to the cheek, which was still bleeding slightly.

According to the pub landlord, Fox was one of a group of three males who had gone to the pub at about 4.45 on Saturday afternoon. All had previously used the pub from time to time. They confronted two males who had been drinking in the pub for several hours. This occurred in the outdoor area of the pub, and the landlord could hear, but not see, what was happening. Voices were raised and there was clearly a violent argument. It appeared Fox was accusing one of the other two of sexually assaulting his sister.

Then there was the sound of a scuffle and after a minute or so Fox and his companions ran out of the pub. The landlord went to the outdoor area and saw Micah Lee slumped over a table. He appeared to be bleeding from an abdominal injury. The landlord called the emergency services.

Lee and his friend Kai Voce have made statements alleging that Fox confronted Lee, swore at him and then stabbed him. Both deny that Lee provoked, threatened or attacked Fox. Other eye witnesses have yet to be traced. Medical evidence is that Lee sustained a superficial puncture wound but no significant internal injury.

Fox accepts that he was present at the scene. He agrees that he had gone to confront Lee over an alleged sexual assault by Lee on Fox's sister at a nightclub the previous evening. Fox alleges that Lee threatened him by picking up and breaking a beer bottle and thrusting the broken bottle aggressively in his direction. Fox took out the knife in self-defence, but Lee continued to advance and then seemed to slip and fall onto the knife. As he fell, the bottle caught Fox on the face, causing the gash. Fox denies the allegation.

No comment interview, but statement provided setting out the matters above.

Fox is currently on bail for an offence of aggravated vehicle taking. He is 22 and lives with his parents. He works as a team member at McDonald's. There is no history of offending on bail or failure to surrender. He has a previous conviction for wounding when he was 18, for which he received a custodial sentence of 12 months.

End of Case Study Materials

