



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**

ADVANCE INSTRUCTIONS TO CANDIDATES

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

CASE ONE: AIVARS LEMBERGS

This client is a Latvian national, aged 35. The firm previously acted for him in relation to a drink driving prosecution. His girlfriend, Anna German, has just called Kempstons, using the out of office hours emergency number, and has informed you that Lembergs has been arrested at a local bar. She believes it relates to an incident at a party they both attended a few days earlier. There was a fight and someone was stabbed. She is concerned because the arrest was in the evening, and Lembergs has been drinking quite heavily.

Anna German gives you a brief account of events at the party (**DOCUMENT 1**).

From the existing file, you know that Lembergs has been living in England for three years. He runs a car wash business, earning about £25,000 a year. He lives with his girlfriend and their 18 month old daughter. His only previous conviction, so far as you are aware, is the one for drink driving. Lembergs was disqualified from driving and fined £500.00 with costs and the victim surcharge amounting to a total of £125.00. The police have confirmed that he has been arrested on suspicion of a wounding contrary to s20 of the Offences Against the Person Act 1861(OAPA).

CASE TWO: NATASHA FIELD

This client, aged 22, has been charged with theft. The charge relates to a sum of £20,000, which originally belonged to the client's grandmother. Two sums of £10,000 were withdrawn by the grandmother from her bank account. When the client accompanied her grandmother to the bank to make a third withdrawal, a bank official became suspicious. The client is adamant that the money was a gift freely given by the grandmother, who has total savings of £150,000. It was intended as an investment in a hairdressing salon which the client was negotiating to rent. The prosecution case is that the client was dishonestly taking advantage of her grandmother's ill-health and vulnerability. The grandmother has recently been diagnosed with Alzheimer's disease, and is extremely deaf.

CASE THREE: ROBERT FOX

This client, aged 19, is due to appear at the Crown Court in relation to a denial of an allegation of GBH with intent contrary to s18 OAPA 1861. **DOCUMENT 2** is a summary of the prosecution case and **DOCUMENT 3** is a summary of Fox's statement.

CASE FOUR: HENRY PAULSON

This client, aged 15, has previous convictions for distraction burglaries. He has previously received a 12 month Detention and Training Order. This is still current, although he has served the custodial element. He is currently being looked after by the Local Authority, pursuant to a care order, and has been placed with foster parents, but he has run away several times. He is at present in police custody in relation to a substantial number of new distraction burglaries, mostly committed in sheltered housing complexes in Leagrave. Having interviewed the client, it appears to be the case that he will admit most of the allegations. The police have indicated that they are investigating a number of similar matters committed in Ampthill, and are likely to be charging Paulson and an accomplice in relation to these matters. Given the volume of cases they are investigating, it is possible that not all will result in charges.

However, Paulson will shortly be put before the Youth Court in relation to the Leagrave matters. Bail will be opposed as he has a history of offending while on bail, as well as absconding.

Turn over

DOCUMENT 1

Aivars and I went to a party at a house where several of our friends were living. It was just a drinks party. Most of those there were Latvian, or friends of local Latvians. I was in the living room with several of the female guests. I saw Aivars go out into the garden, I assumed he was going for a smoke. Then, suddenly, voices were raised in the kitchen and I heard a woman scream 'He's been killed' in Latvian. Then a man I know as Viktors Kovalovs staggered into the living room, and fell onto the floor. It was clear he was bleeding from a wound to the chest or stomach. One of my friends who is a nurse started to provide first aid and I helped her. I got quite a lot of blood on my clothes. Then Aivars came in, and grabbed me, saying, 'It's best for us to go'. I'm sure he got blood on his clothes from me, because I saw it when we got home. By now an ambulance had arrived, so I agreed to go with Aivars, and we walked home to our flat. I don't think Aivars was part of the fight.

DOCUMENT 2

The prosecution case is that Fox is a mid-level member of a group of drug dealers who have established a monopoly of the street level trade in a particular estate. The allegation relates to what the prosecution say is a punishment beating inflicted on a member of the group who was believed not to have accounted for all the money received from customers and to be guilty of other breaches of group 'discipline'. Three persons were involved in the offence, but only Fox has been traced and charged.

There are statements from officers involved in operations involving drug-dealing explaining the structure of the group and the general background.

The victim has made a statement describing the assault, which occurred in a back alley late at night. He has given a very vague description of his attackers, since he said all were masked and hooded. He accepts that he owed money to the leaders of the group, but says it was a debt arising from a loan, and he was not a member of the group himself.

There are statements from two independent witnesses. At present these statements are anonymous, and the prosecution have stated that the witnesses should not be identified because they are in fear of reprisals if their identities become known.

One, witness A, describes the attack itself. Again the description of the attackers is very general. This witness then describes the attackers going into a house near the scene of the attack.

The second, witness B, is the tenant of the house. She states that three people came to the house at the relevant time. She allowed them in because one of them was Fox, who is an acquaintance. The others were unknown to her. They remained in the house for an hour or so, and then left. She gives an account of a conversation in which they discussed the victim and the fact that he has been assaulted and 'got what was coming to him'.

There is medical evidence confirming the injuries sustained – a broken eye-socket, broken jaw, three broken ribs, eye damage and extensive bruising.

There is evidence of the arrest of Fox and a 'no comment' interview.

There is a list of antecedents. Fox has several previous convictions for theft, and two for actual bodily harm, both in a domestic context.

Turn over

DOCUMENT 3

I deny any involvement. While I know the members of this drug related gang socially, and am well aware of their involvement with drugs, I am not part of the gang and I was not involved in this assault. Despite the anonymity of the witnesses, given the circumstances, I suspect I know who witness B is. If I am correct, she is a woman who is herself involved with this gang, at least in the sense that she has had relationships with at least two of its members. She has cautions for possession of drugs and shoplifting. She is also the sister of the woman I have been convicted of assaulting, and I know she does not like me. My belief is that she is well aware of the identity of the offenders, but is concealing this, and has given my details maliciously.

At the time of the offence I was actually with a girl. We spent the whole evening and night together. I did not give details of this to the police at the time because she is not my regular girlfriend. I have thought it over, and realise that it is more important to ensure I am not wrongly convicted, so I can give her details to you.

End of Case Study Materials

