



**CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma**

**Unit 18 – Criminal Litigation**

**Case study materials**

**June 2023**

**Information for candidates**

- You should familiarise yourself with these case study materials before the examination, taking time to consider the themes raised in the materials.
- You should consider the way in which your knowledge and understanding relate to these materials.
- In the examination, you will be presented with a set of questions which will relate to these materials.
- You may discuss these materials with your tutor(s).

**Instructions and information to candidates during the examination**

- You are allowed to take your own clean/unannotated copy of this document into the examination. Alternatively, you can access the electronic version of this document in the examination.
- You are allowed to take your own unmarked copy of the following designated statute book into the examination – **Blackstone’s Statutes on Criminal Justice and Sentencing, 6th edition, Nicola Padfield, Oxford University Press, 2016.**
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

***Turn over***

**CASE STUDY MATERIALS**  
**ADVANCE INSTRUCTIONS TO CANDIDATES**

You are employed as a trainee lawyer by Kempstons LLP. You are currently working in the criminal litigation department. Kempstons holds a standard criminal legal aid contract with the Legal Aid Agency and participates in several local duty solicitor schemes. The following cases are among those being dealt with in the department.

**CASE ONE – Craig Sadler**

This client, aged 24, has been arrested in connection with public order offences and an alleged wounding. Kempstons has been contacted as duty solicitor by the Duty Solicitor Call Centre. A summary of the information currently available from the police is contained in **DOCUMENT 1**. A summary of your initial instructions from Craig Sadler is contained in **DOCUMENT 2**.

**CASE TWO – Alexa Sanchez**

This client, aged 16, has been charged with a series of distraction burglaries. The method of operation is that an adult, accompanied by a child (alleged to be Alexa Sanchez, who looks much younger than her age), knocks at the door of a house and asks if her daughter can use the lavatory. The adult then engages the householder in conversation while the child searches for easily portable valuables. They leave before the householder suspects anything is amiss.

Well over 100 such offences have been reported from two small towns in the local area. A number of descriptions have been provided and officers on uniformed patrol saw two individuals matching these descriptions on the high street of a third small town. Alexa Sanchez was apprehended and was subsequently arrested on suspicion of burglary. The adult evaded arrest. The adult is not Alexa Sanchez's mother, as she has had no contact with her mother for 12 years and is being looked after by the local authority.

This is the third occasion on which Alexa Sanchez has come to the notice of the police for similar offences. On the first occasion, when she was 12, she was made the subject of a youth referral order, which she completed. On the second occasion, when she was 14, she was made the subject of a youth rehabilitation order, which she completed 12 months ago.

**CASE THREE – Naseer Afzal**

This client, aged 24, has been charged with an offence of dangerous driving contrary to s2 Road Traffic Act 1988. He is currently on unconditional bail awaiting his initial appearance in the magistrates' court.

The allegation is that Naseer Afzal and another driver (who has not been arrested or identified) were racing each other for at least a mile on a stretch of road that links a local housing estate to the Bedford bypass. It is alleged that Naseer Afzal drove on the wrong side of the road in an attempt to overtake the car he was racing and pass on the wrong side of a central refuge. As he did so, he narrowly missed a pedestrian who was crossing the road. The incident was observed by an off-duty police officer who recorded it on his dashcam. He immediately informed his colleagues in the road traffic division, providing details of the registration number. Officers subsequently attended at Naseer Afzal's address. Naseer Afzal subsequently tested negative for alcohol and controlled drugs. He was interviewed but made no comment.

## **CASE STUDY MATERIALS**

In his instructions to you, Naseer Afzal states that he was not racing any other driver. He was following a relatively slow-moving vehicle and decided to overtake. As he started to do so, the vehicle ahead started to accelerate, and he realised that he would not be able to complete the overtaking manoeuvre before he reached the central refuge. There was another vehicle close behind him, so he considered that it was not safe to brake and as there was no oncoming traffic in the opposite carriageway he decided to pass on the wrong side of the central refuge. He considers that he was reacting in an appropriate way to a situation created by the other driver and does not accept that he was driving dangerously. He intends to plead not guilty.

Naseer Afzal is working part time and his earnings are £11,000 per annum. He is also studying for a diploma in catering and food safety. He has one conviction for shoplifting.

***Turn over***

## CASE STUDY MATERIALS

### DOCUMENT 1

A football match in the Europa League took place yesterday in London between a local team and a German opponent. The kick off was at 6.00 pm.

In the evening after the match, the police were aware that a substantial number of football supporters had gathered on North Quay. At approximately 9.30 pm, information was received from the manager of a local restaurant that disorder was beginning to develop in the area near Ridgeway Street, in particular between two groups of supporters who appeared to have some form of a grievance or dispute. Officers were despatched and arrived after about five minutes.

On arrival they witnessed the immediate aftermath of what appeared to have been a fight involving a number of members of two groups of rival supporters. One adult male, now known to be Hans Stein, aged 25 and resident in Frankfurt, Germany, was complaining that he had been headbutted, punched and kicked in an unprovoked assault. He had abrasions and bruising to the face consistent with such an attack. A second adult male, now known to be Fritz Neumann aged 27 and also resident in Frankfurt, Germany, had sustained what appeared to be a stab wound to the abdomen. The ambulance service arrived almost immediately, and paramedics proceeded to treat the two victims, in particular in the case of Fritz Neumann, ensuring that bleeding was minimised.

The officers who attended conducted inquiries among those present. The two victims could not be interviewed but several members of the group of German supporters of which they were a part described how a group of English supporters, numbering about eight, approached them about 10 minutes earlier in an aggressive manner and started pushing and shoving them for no apparent reason. The Germans said that they had tried to defuse the situation and had not been aggressive themselves, but three or four members of the English group then started to set about them. It was at this point that Fritz Neumann was stabbed, and Hans Stein was set upon by two or three of the English group and knocked down and kicked several times to the head and body as he was lying on the ground. Three of the Germans gave descriptions of the members of the English group who had been actively involved and stated that they would be able to identify them later.

The members of the English group, including those who had been actively involved in the attacks on Stein and Neumann, were said to have run off towards the city centre.

The officers then spoke to Lily Jones, the restaurant manager who had initially alerted them. She described a significant confrontation between the two groups but was unable to state which group had been the initial aggressor. She made the CCTV footage, from her restaurant, available to the police but because of technical specifications, it could be viewed only on the following day.

When viewed, the footage showed two groups of supporters, one of which the officers could identify as the German group, including the two victims, as a result of their previous observation of this group and how they were dressed. The other group comprised about 10 males all in the age range 18 to 30. The first images show this second group approaching the German group who were standing talking and eating what appeared to be takeaway food. The second group were behaving aggressively, waving fists and accosting the German group and starting to push and shove them. A few seconds later, one member of this second group produced what appeared to be a knife or other bladed article and attacked Fritz Neumann. There was no indication that Neumann was behaving aggressively or threatening the second group in any way. Neumann then fell to the ground. At the same time, other members of the second group gathered round Hans Stein. One appeared to headbutt him and punch or push him to the floor, at which point two or three other members of the second group joined in to deliver a number of kicks to his head and body as he was lying on the floor. The quality of this CCTV footage was not considered adequate to identify those participating.

## **CASE STUDY MATERIALS**

Several bystanders approached the officers at the scene and offered to give statements as to what they had seen. The accounts they gave later proved to be consistent with the CCTV footage. The second group of supporters had, for some reason, taken against the German group and this resulted in some members of the second group attacking the two members of the German group as already described. Those statements that referred to anything said by the second group consistently described them as speaking with a Birmingham accent. None of these statements actually provided clear descriptions of any of the members of the second group.

Further inquiries elicited that a doorman at the Britannia Hotel, which is a short distance from the scene of the alleged offences, had refused admission to a group of supporters at about 9.35 pm on the night of the match because they seemed to be "out of order". He stated that they spoke with Birmingham accents. CCTV coverage from an external camera showed eight individuals reasonably clearly. The doorman stated that he would be able to identify these persons.

Hans Stein and Fritz Neumann were interviewed on the day following the match, after they had been treated for their injuries. Hans Stein gave a description of two of his assailants and has said that he would be able to recognise them again.

Photographs of the injuries sustained by Hans Stein show that he has been kicked on at least two occasions with considerable force by a boot with a distinctive tread pattern. There are two very clear impressions of this tread pattern on various parts of his body and another two or three, which are fragmentary but suggestive of the same tread pattern. There are also other injuries consistent with kicking with a booted foot. He sustained injuries including a depressed fracture of the skull, four broken ribs and a bruised kidney.

On the evening of the match, the police subsequently requested assistance from a number of local football supporters. They reported that the group responsible for the attack on Stein and Neumann were believed to be a party of supporters of the local team from Cradley Heath, near Birmingham, who were staying at a particular B & B overnight after the match. The police then contacted the proprietor of this B & B, who confirmed that this was the case.

The police immediately attended, arriving at 2.10 a.m. All eight members of the group were arrested on suspicion of inflicting grievous bodily harm on Hans Stein, and/or wounding Fritz Neumann, and conveyed to a local police station. It was ascertained that they were all significantly under the influence of alcohol so a decision was made to defer any further action involving the suspects until the afternoon. In the meantime, the boots that the suspects had been wearing on arrest were examined. The boots that Craig Sadler was wearing were found to have the distinctive tread pattern, which had been noted in relation to the injuries to Hans Stein. None of the other boots worn by the other members of the group was of this pattern.

Initially, the police intend to seek the consent of Craig Sadler to participate in an identification procedure. The witnesses are available, and this can be undertaken within a few hours. Dependent upon the outcome of that procedure, the police will wish to interview Craig Sadler.

Craig Sadler has no relevant convictions.

***Turn over***

## **CASE STUDY MATERIALS**

### **DOCUMENT 2**

Craig Sadler states:

I accept that I attended the football match yesterday as part of a group from my home town of Cradley Heath. I also accept that this is the group involved in the incident in which the two German guys were injured.

I personally was not involved in the incident. There were ten of us and five got actively involved. The others, including me, just stood there. I didn't approve of what was going on, and certainly didn't encourage the attacks or assist them in any way.

If I could, I would have walked away but I needed to stay with the group as most of us were staying over at a B & B, and I didn't have the address for it, and had no real idea how to get to it.

What I can say, is that I had noticed earlier in the day that another member of the group was wearing exactly the same model of boots that I was wearing. He was one of the two members of the group who was not staying over as he had to get back home for an early start for work.

I am told that the injuries sustained by one victim involve kicking with boots with the same tread pattern as mine. It was not me, so it must have been the other guy who went home. I am not prepared at this stage to name him to the police as I do not believe in grassing up my mates.

You note that Craig Sadler is wearing a distinctive jacket with two lightning bolts on the back and one on each side of the front.

**End of the case study materials**