



**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**

**January 2024**

**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 – Jayson Ferreira**

This client, aged 19, has very recently been arrested on suspicion of occasioning grievous bodily harm. He is currently being detained in the custody suite at a local police station. You attend the police station and have a conversation with the officer in the case and also with your client. Your notes of these conversations are reproduced as **DOCUMENT 1**.

#### **CASE TWO – Maxim West**

This client, aged 30, has been charged with a number of offences of fraud by abuse of position. He had been employed since 2017 in the accounts department of a construction company. He is currently suspended. The allegations are that he generated a number of fictitious invoices purporting to be from a company supplying his employers with materials and arranged for these invoices to be paid by transfers into a bank account which was, in fact, controlled by him. This occurred over a period of 18 months and involved approximately 20 transactions involving a total value of £50,000. It is accepted that Maxim West owns a car that he bought for £15,000 in cash about nine months ago.

The magistrates court allocated the case to the Crown Court and remanded Maxim West on unconditional bail pending his first appearance before the Crown Court.

Maxim West is of previous good character and this has been confirmed by the prosecution. He is married and he and his husband, Paul, recently adopted a two-year-old son. Paul is currently employed as an HGV driver, working for a company engaged in international transport operations from the UK across the EU, which results in him spending substantial amounts of time away from home. Paul earns significantly more doing this work than he would be likely to earn in a driving job in the UK (which would enable him to spend more time at home).

#### **CASE THREE – Shahid Masood**

This client, aged 24, has been remanded in custody awaiting trial in the Crown Court on charges of possession of a Class A drug, namely cocaine, with intent to supply, aggravated vehicle taking and dangerous driving. He is jointly charged with Delbert Haynes (for whom Kempstons do not act) in relation to the drugs offence and the aggravated vehicle taking. Both have entered not guilty pleas. Both have a number of previous convictions for street-level drug dealing and public order offences.

The prosecution case is that the two accused went to the home of a known drug dealer. He invited them into the house and they had a discussion. The two accused then left and a moment later, the drug dealer heard his car being driven away. He then noticed that the car keys, which he had left in the hallway, were missing. He did not report the taking of the car as he was aware that it contained a quantity of approximately 1 kg of cocaine.

About 15 minutes later, two uniformed officers on mobile patrol were alerted that the registration number of this car was linked to drug dealing. They caused the car to stop and approached it. PC Magnitsky informed the driver that he intended to carry out a search pursuant to s23 Misuse of Drugs Act 1971. The driver then restarted the vehicle, reversed and drove away. The police car pursued him and the officers called for further assistance. The car was chased for about five miles and at times reached 90 mph in a 30 mph speed limit area. The driver drove on the wrong side of the

## **CASE STUDY MATERIALS**

Road, causing oncoming traffic to swerve. The occupants of the car then abandoned it on the edge of a housing estate.

Two small children, aged three and four, who were playing in the garden of a house saw them running from the car down an alleyway and then entering a shed in the garden of another property. When the police arrived, the children directed them towards the shed. The two accused were found in the shed, which had been fitted out as a home office, and claimed to be friends of the homeowner. The two police officers have made positive identifications of both of the two accused; they were arrested and gave no-comment interviews, accompanied by statements denying any involvement with the offence.

The vehicle owner has himself been charged with drugs offences and has not cooperated in any way with the prosecution. The owner of the shed, Caleb Watson, has given a statement confirming that he knows the two accused and that they were in the shed with his knowledge and permission, having visited him to discuss a business proposition of which he has not given any details. He states that they arrived about an hour before the police visited the property and he had been with them apart from the last 10 minutes, when he had to leave to collect his child from school so was not present when the police arrived. This statement has been disclosed by the prosecution as unused evidence.

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## CASE STUDY MATERIALS

### DOCUMENT 1

Jayson Ferreira is an established client of the firm. He has several previous convictions in the youth court as well as an earlier history dating back to his early teens of offending, which resulted in a range of disposals including a Youth Referral Order and subsequently a Youth Rehabilitation Order. The most recent court appearance resulted in a Detention and Training Order for 18 months, which was completed about six months ago. This was for an offence of street robbery.

According to the officer in the case, an incident took place at a small local recreation ground that has recently seen a number of incidents of antisocial behaviour involving groups of local youths with affiliations to two or three gangs. The police have interviewed the complainant, Lebron Renton, and several witnesses, including members of the complainant's gang, and members of the public who happened to be present and have no known connection to any of the gangs or gang members.

The complainant stated that he was with several friends (who the police believed to be members of the same gang) who were hanging out in the recreation ground vaping, playing music and drinking. Jayson Ferreira, together with several of his associates, came into the recreation ground and they started to verbally harass Lebron Renton and his group. This was based on allegations that members of Lebron Renton's group had 'disrespected' the sister of one of them. An argument developed, with Lebron Renton and his group denying that anything had occurred in relation to this girl.

Lebron Renton then alleges that Jayson Ferreira pulled something out of his pocket, stepped up to him and struck him very hard in the face with something that felt cold and metallic, rather than it feeling like a fist. Lebron Renton fell to the ground and Jayson Ferreira and those with him ran away.

Three of Lebron Renton's associates have made statements to similar effect. Two statements from members of the public, who witnessed the event from about 50 yards away, describe the two groups coming together, although they do not deal with what, if anything, was being discussed between them. They do refer to one member of the group who had been in the recreation ground for some time (group 1) stepping out from the others towards the new group (group 2) in a somewhat aggressive manner and then being struck by a member of group 2 and falling to the ground. They then describe group 2 as leaving.

Lebron Renton and his associates have named Jayson Ferreira as the alleged assailant. The independent witnesses have given descriptions of the assailant as a mixed-race or light-skinned Afro-Caribbean male, aged in his late teens, approximately 6 feet tall, of medium build and wearing a white T-shirt and blue jogging bottoms.

An ambulance was called and Lebron Renton was taken to the A&E department of the local hospital. He has sustained a depressed fracture of his right cheekbone and eye socket, and heavy bruising to his right eye which may result in permanent damage to the sight in that eye.

Some hours later officers arrested Jayson Ferreira at his place of work. On being cautioned, he replied 'It was not me.'. In the insulated box on the bicycle he was using, an officer discovered a nine-inch piece of heavy gauge steel pipe. This has been seized as possible evidence.

On speaking to Jayson Ferreira, he tells you that he is a member of a gang (group 2) which has, over the past months, had various problems and disagreements with another gang (group 1) of which he knows Lebron Renton to be a prominent member. He says he was aware that a number of members of group 2 planned to confront group 1 as a result of a complaint made by the sister of one of them that she had been verbally abused by members of the other gang in front of a number of girls at college. Jayson Ferreira did not get involved in this because he was supposed to be working at his job as a delivery rider for his uncle's takeaway food business. Jayson Ferreira states that he believes that members of group 1 will have identified him maliciously in an attempt to get him into trouble. He believes that the members of the public would not be able to recognise him, as the descriptions they

**CASE STUDY MATERIALS**

give are quite general and would fit many members of the gang. He informs you that the steel pipe in the insulated box on the bicycle is something he takes with him for self-protection in the event of there being any trouble while making deliveries late at night.

As stated, Jayson Ferreira is working as a delivery rider. His earnings fluctuate between £150 and £200 per week net, of which he gives £50 to his mother for board. He has no other income or assets.

**End of the case study materials**

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