



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 2026

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

You are employed as a trainee lawyer by Kempstons LLP (Kempstons). You are currently working in the criminal litigation department. You are an accredited police station representative. 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 – James Anderson

This client, aged 16, has recently been arrested and is currently in custody at Bedford police station on suspicion of wounding with intent. Kempstons has been contacted by the Duty Solicitor Call Centre and requested to act as duty solicitor. You have conducted an initial conflict search and there is nothing to indicate that you cannot act for James Anderson. You speak to the officer in the case and obtain some initial information about the circumstances. You make a note of this information (**Document 1**). You arrange to attend the police station and have an initial interview with James Anderson. You add your note of what he said and his instructions to you to **Document 1**.

Case Two – Sophie Grainger

This client, aged 29 and of previous good character, has been charged with an offence of theft. The circumstances are that Sophie Grainger was working as a carer for a company that had a contract with the local authority to provide domiciliary care for elderly and disabled clients.

The aggrieved party is Victor Mackay, an 89-year-old man for whom Sophie Grainger had been providing personal care approximately three times per week for 12 months. The allegedly stolen items are two rings which previously belonged to Victor Mackay's late wife. They are together valued at £3,500.

Victor Mackay's daughter, Elaine Briggs, has made a statement in which she alleges that on one occasion when Elaine came to visit her father while Sophie Grainger was carrying out one of her care sessions, Elaine saw Sophie Grainger looking in one of the drawers of her late mother's dressing table. Some weeks later, her father's condition started to deteriorate and it was decided that he would need to move to a care home. When dealing with the contents of the house, Elaine Briggs realised that the two rings were missing from her mother's jewel box, which was kept in the drawer that Sophie Grainger had been looking through. Elaine's father had frequently told her that while he could not bear to part with the rings, he would make sure that she got them when he died.

Victor Mackay also made a statement confirming that he had never given the rings to Sophie Grainger and would not have consented to her having them. However, his condition has now deteriorated quite rapidly and he is no longer able to give evidence.

Sophie Grainger's case is that Victor Mackay wished to show his appreciation for all that she had done for him over the preceding 12 months and told her that she could take any two items from the jewel box. While Sophie Grainger was aware that accepting gifts of this kind from clients was contrary to the company's policy, she believed that Victor Mackay was genuinely offering her this gift.

DOCUMENT 1

Notes of interview with the officer in the case.

The incident the police are investigating occurred 10 days ago. It arose out of hostilities between two local gangs, the West Side Crew and MK 19. The police have been aware of these two gangs for several years. Originally, it appeared to be simply rivalry between youths from two local housing estates but over recent months there have been reports of the two gangs getting involved in so-called county lines drug dealing. The drugs, primarily cannabis and cocaine, are being supplied in bulk from London and the two gangs are involved in local distribution.

The incident occurred at a skate park located close to the border between the territories of the two gangs. Three members of the West Side Crew went to the skate park at approximately 9.00 p.m. It was dark but the skate park has floodlighting to allow it to be used during the hours of darkness. The police are still investigating the surrounding circumstances but currently believe that they went to meet some girls, although it is not yet clear whether they were being lured into a trap or whether members of MK 19 learned of their presence by coincidence.

Between eight and 10 members of MK 19 then arrived (eyewitness accounts are inconsistent as to the exact number). They surrounded the three members of the West Side Crew and told the girls to get out if they knew what was good for them. The girls then ran off and have been neither identified nor traced.

Two members of MK 19 then produced machete-style knives and attacked the members of the West Side Crew with them. One struck Evan Flanders, aiming a blow at his head, which was warded off partly. Flanders suffered a deep cut to his left arm and a cut to his face running from the hairline at his left temple down his left cheek to the lower jaw. The police believe that James Anderson was responsible for inflicting these injuries.

The other two members of the West Side Crew also produced knives and, as a result, were able to make good their escape without suffering injury, despite attempts by the MK 19 members to restrain them so that the other machete could be used on them.

The incident was witnessed by a number of members of the public who were using the skate park or walking dogs in the vicinity. Several have given statements to the police as to what they witnessed. There are some discrepancies, particularly over the total number in the larger group, but they are consistent that the three members of the smaller group did nothing initially to provoke the incident. Four witnesses in particular have given statements that describe the assailant who injured Evan Flanders in very similar terms. They describe him as white, in his mid to late teens, athletically built with a wispy, light-brown beard and moustache. Officers familiar with the membership of MK 19 recognise this as a description of James Anderson.

Earlier today, James Anderson was arrested at his parents' home. The property was searched and a machete was found in an outhouse wrapped in a towel.

The machete and towel will be sent for forensic analysis. While James Anderson's DNA is already held on the national database following previous convictions, the police will be seeking a further sample. They also wish to undertake an identification procedure. Depending on the outcome of that they may wish to interview him at a later date.

Turn over

CASE STUDY MATERIALS

The police are aware that James Anderson has recently completed the custodial element of a 12-month Detention and Training Order. The Youth Offending Team are aware of this arrest which appears to indicate that Anderson was away from his home in contravention of the conditions of his curfew.

Initial instructions from James Anderson.

I accept that I have been a member of the MK 19 gang but I have not been involved with them since I received my Detention and Training Order.

I deny any involvement with the incident for which I have been arrested. I was nowhere near the skate park at the time. In fact, I was at home but my parents had gone out and there was no one else there who could confirm this.

I was also alone at home when the police arrested me earlier today. I did not give any permission to search the house.

I had no knowledge that there was a machete in the outhouse. What worries me is that my younger brother has also been hanging around with MK 19. I do not think he had anything to do with this actual incident but he may have been asked to look after the machete by whoever was actually responsible. I do not want to get him into any trouble.

When I was last in trouble with the police, my mother was with me for the police interview. She was also there when I talked to my solicitor but I am sure she told the police about what I had been discussing with the solicitor because when they questioned me, they seemed to know about this and I cannot think of any other way they could have found out about it.

When speaking to James Anderson, you observe that, in addition to the wispy, light-brown beard that the police have referred to as being mentioned in witness descriptions, he also has quite severe acne on his face.

You have also ascertained that the previous conviction, which resulted in the Detention and Training Order, was for possession of a substantial quantity of Class A drugs with intent to supply. There are earlier convictions for dishonesty and drug-related matters but no offences of a violent nature.

End of the case study materials

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