



**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 2025**

**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, 6<sup>th</sup> 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 – Martin Harrison**

This client, aged 32, has been arrested on suspicion of producing a controlled drug of class B, namely cannabis, contrary to s 4 Misuse of Drugs Act 1971. He is currently detained in the custody suite at Luton police station. Kempstons has been contacted by the Duty Solicitor Call Centre and informed that the client has requested advice at the police station as his own solicitor.

You contact the police and DS Sahota, one of the officers investigating this case, gives you an outline of the situation so far as the police are concerned. You make a note of this (**Document 1**). You make arrangements to attend at the police station and obtain instructions from your client (**Document 2**).

#### **CASE TWO – Rose Gilchrist**

This client, aged 45, has been charged with a number of offences of theft by shoplifting, involving a range of items, including alcohol, perfume and clothing, from a number of stores in the centre of Luton. The total value of the goods is in excess of £1,300. She has also been charged with an offence of common assault and battery of an emergency worker, namely PC 3249 Janice Osborne, acting in the exercise of the functions of such a worker contrary to s 39 Criminal Justice Act 1988 and s 1 Assaults on Emergency Workers (Offences) Act 2018.

You have obtained advanced disclosure (Initial Disclosure of the Prosecution Case), which confirms your understanding that although there was evidence from CCTV footage and/or from store employees of the circumstances of the various thefts and a description of the suspect, it was not until the final theft that the client was positively linked to the various offences. It was in the course of her apprehension for that offence that the alleged assault occurred.

You have examined the custody record, which shows that no attempt was made to contact an appropriate adult, even though the address given by the client was that of a halfway house for persons who have recently been discharged from inpatient treatment at the local psychiatric facility, and the possessions recorded include a bottle containing strong antidepressants, clearly labelled as such. The client did not request legal advice and was therefore interviewed without a legal adviser or appropriate adult present.

The client has indicated that she is guilty of the shoplifting offences, with the exception of one where she says that she did not actually take anything. However, she wishes to dispute the assault charge. The evidence of PC Osborne is that she received the report of an offence of shoplifting from a store very close to where she was on patrol and a detailed description of the suspect. A minute or so later, she saw the client in the street, realised she matched the description, and approached her and asked her to stop. PC Osborne was in uniform and states that she informed the client that she wished to search her because she had grounds to believe she was in possession of stolen property as she answered the description of someone who had stolen property in the locality in the very recent past. PC Osborne also informed the client of her name and station, and that the client would be entitled to a copy of the written record of the search, which would be produced in due course. However, rather than allowing herself to be searched, the client pushed the officer, causing her to stumble and catch her knee on a nearby bench causing bruising, and then tried to run away, together with another individual. The officer did, however, manage to pursue the client and arrest her on suspicion of theft and assault.

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The account of this incident given by the client, and corroborated by a friend who was with her, is that the officer did approach the client and told her that she would have to turn out her pockets because she had been stealing but did not provide any information as to her name and station. The client felt threatened and thought that the officer was misusing her powers so tried to run away.

In interview, the client made full admissions to the various charges of theft, with the one exception mentioned above, and admitted pushing the officer. She did not mention anything about what the officer said when initiating the search.

The client has a lengthy list of convictions for shoplifting going back 20 years, and a number of short prison sentences.

The client is currently on bail with a condition of residence at the halfway house and a condition not to enter Luton city centre except to attend court or to consult her solicitors.

You have had discussions with her mental health caseworker who informs you that over the past two or three years there have been a number of interventions aimed at addressing the chronic severe depression with suicidal ideation from which the client is suffering and also her excessive drinking. This support will continue to be available. There is no medical indication that the client currently needs inpatient treatment as she appears to be following the advice given and taking her medication as required.

### **CASE THREE – Rajeev Rahul**

This client, aged 39, has been charged with one offence of causing serious injury by dangerous driving contrary to s 1 Road Traffic Act 1988 and one count of driving with excess alcohol in the breath contrary to s 5 Road Traffic Act 1988. The client has one previous conviction for a s 5 Road Traffic Act 1988 offence in 2019.

The evidence in relation to the charge of driving with excess alcohol is that the relevant breath alcohol level was 45 µg compared to the legal limit of 35 µg. The client accepts that he is guilty of that offence.

The evidence from the advanced disclosure is that the client was driving on a dual carriageway with a speed limit of 70mph and was alleged to be racing against another driver at speeds of up to 90mph, over a distance of more than five miles, including risky overtaking of other vehicles. The client then failed to negotiate a bend, his car left the road and collided with a tree. His front-seat passenger, who was not wearing a seatbelt, sustained a fractured femur, a dislocated shoulder and crush injuries to the ring- and little finger of his left hand, which required them to be amputated.

The client does not accept this account. He denies that he was racing, and asserts that his speed reached 90mph only momentarily and was generally between 75 and 80mph. He does accept that he was in his own words “showing off” to his passenger and failed to appreciate how much he needed to slow down to negotiate the bend. He does accept that his driving fell far below the standard of a competent driver and therefore reached the threshold of dangerousness.

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**DOCUMENT 1**  
**OUTLINE OF POLICE SITUATION**

The police received information a couple of weeks ago from Alistair Reynolds, the owner of a barn on a farm near Dunstable, that he believed that the tenant was using the barn to grow cannabis. His suspicions were initially aroused when there was snowfall during the winter and snow did not settle on the roof of the barn, although it had no heating system. The owner tried to gain access but the locks had been changed and he was unable to do so. He could smell something unusual but could not identify the smell.

He has informed the police that the barn was semi-derelict and had not been used for a number of years. About 12 months ago, he was approached by a man he knows as Michael Hayes who offered to rent the barn for £200 a month in cash to store materials for his building business. The owner agreed to this and Michael Hayes paid him £2,400 to cover a year's rent in advance. Alistair Reynolds has provided a description of Michael Hayes, who he states to be in his late 20s or early 30s. He has also provided the address and mobile phone number given to him by Michael Hayes. Enquiries have shown that Michael Hayes is not known at the address he gave. The phone number is linked to an anonymous SIM.

The barn is some distance from the main farm buildings and Alistair Reynolds did not regularly visit it. He was aware that a black BMW SUV parked near the barn on a fairly regular basis for up to 2 or 3 hours and he did see boxes and bags being taken into the barn and brought out from the barn and put into the SUV, but is unable to indicate what the contents might have been.

Following receipt of this information, the police visited the barn and noticed a distinct smell of cannabis. They then kept the barn under observation and were in the process of applying for a warrant to search it. Alistair Reynolds informed the police that there was no electricity supply to the barn but the officers saw that there were electric lights in use through cracks in the door. Further enquiries revealed that an illegal connection had been made to the mains electricity supply.

The officers undertaking the surveillance of the barn earlier today observed a black BMW SUV arriving and the driver going to a shed attached to the main barn, opening the door and then taking a large box from the SUV and placing it in the shed. He brought another similar box from the shed, which he then placed in the SUV. He then got back in the SUV, at which point the officers approached the driver who identified himself as Martin Harrison by producing his driving licence, and stated that they intended to search him and the vehicle pursuant to s 23 (2) Misuse of Drugs Act 1971 as they suspected him to be in possession of a controlled drug in contravention of the Misuse of Drugs Act.

The search did not result in finding any drugs or any substance that the officers considered might be drugs but the box in the rear of the SUV contained a number of broken, high-powered heat lamps. These are commonly used in the cultivation of cannabis. Martin Harrison, at the request of the officers, gave them access to the shed, which contained a similar box containing a number of new heat lamps. Martin Harrison stated that he did not have keys to the barn itself. The officers also formed the view that Martin Harrison closely matched the description of Michael Hayes provided by Alistair Reynolds.

Martin Harrison was then arrested on suspicion of being involved in the production of cannabis. The officers then entered the barn by forcing the locks. There was an overpowering smell of cannabis and there were a large number of cannabis plants in pots on the floor. The barn was heated and illuminated by a large number of heat lamps. Arrangements were made for further officers to attend and carry out a full examination and inventory.

After Martin Harrison was arrested, he made no comment. He was then conveyed to Luton police station where the custody officer authorised his detention for questioning. He has now been in custody at the police station for 2 hours and the police propose to interview him as soon as he has

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received legal advice. Martin Harrison does not appear to be under the influence of drink or drugs and has made no complaint of ill-health to the custody officer.

Subsequently, when an officer checked the antecedents of Martin Harrison, she noted that the address given by Michael Hayes to Alistair Reynolds had been occupied until 2023 by Martin Harrison's mother, although he has apparently not lived there since 2013.

Martin Harrison has previous convictions for commercial burglary and possession of cannabis with intent to supply. He was concerned with others in arranging a cannabis grow in a rented house. His most recent conviction was in December 2022, when he received a sentence of twelve months' imprisonment suspended for 2 years for an assault occasioning actual bodily harm to a former girlfriend.

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**DOCUMENT 2**  
**INSTRUCTIONS FROM CLIENT**

I discussed with Martin Harrison the information relating to the alleged offence as conveyed to me by the police and noted in Document 1. His instructions are as follows.

I had no idea whatsoever that the barn was being used for growing cannabis. I also deny that I am the same person as the individual known to the owner of the barn as Michael Hayes.

My only involvement with the barn has been that I have been supplying electrical goods on an occasional basis to an associate of mine, who I understand has been renting the barn in connection with his building business. The reason I have been doing this is that I have a very beneficial trade account with a local electrical wholesaler so I can obtain items at a significant discount and if I split this discount with my associate, I make a small profit and he still obtains these items cheaper. The way we organise this is that he will give me an order, perhaps once every 6 weeks, and I deliver this to the shed at the side of the barn using my black BMW SUV. I have a key for the shed but not for the barn. I have never been in the barn and have no idea what the barn is being used for. My assumption is that it has been used for storage of building materials. Sometimes there is electrical waste, which I dispose of in the appropriate facility, together with other waste coming from my own business as an electrician. All these transactions with my associate are cash in hand. The only information he ever gave me was the specification and number of items. He never discussed what projects they were intended for.

I do not wish to identify the associate referred to above to the police. I would never grass someone up and I certainly do not want to get him into trouble, as I know he has a previous record. He is in fact a cousin of mine, and has quite a close resemblance to me, to the extent that we have been mistaken for each other on a number of occasions. I do not know whether he was the person responsible for the cannabis growing, or whether he was also someone who was being innocently used by the actual perpetrator but I am not prepared to run the risk by identifying him.

I have no idea why the person who rented the barn would have used my mother's former address. Obviously, if it was my cousin as a relative he would be aware of this address.

I have no reason to dispute what the police say about the barn actually being used for growing cannabis and the unlawful installation of an electricity supply but entirely deny having anything to do with any part of this.

I am a self-employed electrician, largely working for private individuals, and my gross profits before tax and NIC for the most recent tax year were £26,500. I am living with my partner, who does not work and has no income, and two children aged three and four.

I noticed that Martin Harrison's face and hands were extremely dirty. His hair was dusty and full of cobwebs. He explained that he had been doing some work in the roof space of an office building and had not had an opportunity to clean himself up before making his delivery to the barn.

**End of the case study materials**

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