



**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

November 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.

ADVANCE INSTRUCTIONS TO CANDIDATES

You are employed as a trainee lawyer by Kempstons LLP. 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 – Rex Smith

This client, aged 34, has recently been arrested on suspicion of committing a number of dwelling-house burglaries. He is currently in custody at Luton police station. Kempstons has received a call from the Duty Solicitor Call Centre indicating that he has requested legal advice and nominated Kempstons. You have checked the records and Kempstons has acted for this client before. There is no information suggesting any conflict of interest or other reason why Kempstons cannot act on this occasion.

You make initial contact with one of the officers in the case, DS Murray, who informs you that the police had been investigating a series of dwelling-house burglaries across a number of villages in Bedfordshire. The properties targeted were substantial and occupied by affluent individuals and families. The burglaries took place at times when the owners of the property were away on holiday or on business. All the properties had intruder alarms that were linked to a central call centre. These alarms were disabled on the occasion of the burglaries in a manner that an expert in security systems has described as showing detailed knowledge of the alarm and security system industry, and this particular type of alarm specifically. Some of the properties had CCTV systems but where these show anything, they simply show one or two apparently male figures in dark clothing and wearing balaclavas so it is not possible to establish a visual identification.

The various property owners have made statements listing the items stolen, typically jewellery and high-end consumer items such as home theatres and high-end computing equipment. None of them can give any evidence as to the circumstances of the actual burglary. The total value of the stolen items is in excess of £100,000.

Studying CCTV footage from neighbouring properties, a black BMW 3 series car can be seen on a number of occasions. However, the registration plates it was displaying had originally been issued to a white Nissan Juke, registered to an individual living in Cumbria. On one occasion the BMW was also picked up on the CCTV footage at a local filling station. An individual entered the filling station; the images from the CCTV are again of no use in identification but the filling station attendant on duty, Mary Brown, has given a statement confirming that at this time a man purchased two cans of Red Bull and a sausage roll. Ms Brown gave a description of this individual as being a white male aged between late 20s and early 40s with a sallow complexion and dark hair. He had a scar at the left corner of his mouth running down to the jawline. He was about 5 feet 10 inches tall and of average build. He was wearing a black Harrington jacket and black tracksuit trousers.

Officers put together a set of photographs of persons matching the description given by Mary Brown. These included a photograph of Rex Smith taken on the occasion of his most recent conviction.

Mary Brown was shown the photograph of Rex Smith and, in total, 36 photographs of other individuals of a similar description. She identified Rex Smith as the individual who had purchased the Red Bull and sausage roll.

During the course of routine checks with local pawnbrokers and other second-hand dealers a diamond necklace was found that could be positively identified as having been stolen in one of the burglaries. The item had been pawned by a female who identified herself with a driving licence.

It was later discovered that this driving licence had been reported lost or stolen some months earlier. Examination of the case that contained the necklace allowed the recovery of two complete and two partial fingerprints, and a quantity of DNA sufficient for analysis. Searching the Police National Computer established that the fingerprints were a match with those of Rex Smith and the DNA analysis concluded that there was a mixture of male and female DNA from a number of individuals, one of whom was a partial match with Rex Smith.

Rex Smith was arrested at his home address. He was informed that he was under arrest on suspicion of dwelling-house burglary and made no comment. The officers who carried out the arrest also searched the house and found a number of items of interest. These were three virtually new high-value home theatre appliances and a black balaclava. The police understand that Rex Smith has previously worked in the security industry as an installer of security alarms prior to an earlier conviction for conspiracy to commit burglary. On this occasion he was found to have been supplying associates with details of security systems fitted to properties, who then went on to commit the burglaries using the information from Rex Smith to isolate the security systems.

In addition to that conviction, Rex Smith has a number of other convictions for offences of dishonesty, including commercial burglaries and handling stolen property. He is currently subject to a 24-month suspended sentence for handling stolen property, imposed 18 months ago, with a suspension period of two years.

The police will shortly be in a position to interview Rex Smith. They also intend to conduct a further identification procedure.

You make arrangements to attend Luton police station and inform Rex Smith of the information provided by DS Murray.

Rex Smith informs you that he has not had any involvement with these offences or with any of the stolen property associated with them. He does deal in second-hand goods although he is now going straight and trying to avoid dealing with anything that appears to be even possibly suspect. He does recall that a woman did approach him a few weeks ago and asked whether he was interested in a diamond necklace she wished to sell. She said it had belonged to her mother and had passed to her when her mother died. Rex Smith says that he did examine the necklace and would have touched the case the necklace was in. He was not, however, prepared to offer a price for the necklace that was acceptable to the woman. He has not seen her before or since and would struggle to describe her. He thinks her name was Lorraine.

The home theatre equipment is a job lot that he purchased from one of his regular contacts who had taken them in part exchange for a car. Although it is right that they are virtually new and unused they have, in fact, been superseded by new technology and their resale value has dropped significantly. Rex Smith is not at this stage prepared to identify the contact from whom he acquired them. He says that he does not want to get him into trouble and he has always worked to the motto that you should never 'grass anyone up'. While he has no doubts about the home theatres being legitimate, he suspects that this contact does, from time to time, deal in stolen goods.

Rex Smith states that he uses the balaclava when he is working as a painter and decorator during the winter.

CASE STUDY MATERIALS

Rex Smith informs you that he is currently unemployed although he is doing a certain amount of freelance painting and decorating work. His earnings fluctuate but the average is approximately £200 a week. He is paid without any deduction of taxes.

Rex Smith also asks whether the police were allowed to show his photograph to a witness and whether this will have any impact on the case.

You have noted that the description given by Mary Brown is quite similar to the appearance of Rex Smith.

Case Two – Simon Little

This client, aged 19 and of previous good character, has been charged with an offence of occasioning actual bodily harm. He is currently on conditional bail pending his first appearance in the magistrates' court. The bail conditions are a condition of residence at his mother's house, a condition excluding him from an area of 400 metres centred on the Duke of York public house where the alleged incident occurred and a condition not to contact the alleged victim or any witnesses. Kempstons has been instructed following his release on bail. He did receive advice from a duty solicitor in connection with the investigations at the police station but he was unhappy with the advice received.

The prosecution has served initial disclosure and the issues as far as the prosecution assert them to be can be summarised as follows.

On Friday 28 August at around 9 p.m. an incident occurred at the Duke of York public house in Goldington, a suburb of Bedford. The pub has a pool room and a number of young men and a couple of young women were playing pool and socialising. An argument then developed, which witnesses have described as arising from an allegation of cheating. The attention of the manager on duty, Olivia Parnell, was attracted by the sound of raised voices and swearing. She opened the hatch that can be used to serve drinks to the pool room but which is not normally in use. She saw one of the patrons, who she knows to be Simon Little, in the act of striking another patron, who she knows to be Marcus Ebanks, over the head with a pool cue. The blow was deflected by the baseball cap that Ebanks was wearing. Ebanks then tried to grab Little but Little responded by punching Ebanks in the face, causing a nosebleed. Another patron, who she recognised as Akash Singh, then grabbed Ebanks from behind and kned him forcefully in the back. Olivia Parnell then called 999. A number of other patrons became involved but it appeared that they were trying to separate the three participants.

Olivia Parnell makes clear in her statement that she was aware that Akash Singh was only 16 years old but as he came to the pub only to play pool and did not attempt to consume alcohol, and that she was perfectly happy with that.

Olivia Parnell also states that Simon Little was drinking lime and lemonade only, as is his usual habit.

The police arrived within a matter of five minutes. By this stage, the incident had effectively petered out although several individuals were still engaged in trying to pacify Little and Ebanks. Singh had left before the police arrived. The police obtained the particulars of all the patrons in the pool room. One of the officers who attended recognised one of the patrons as a fellow member of his football team. This individual, Roger Hooper, made a statement to the effect that the incident started when Ebanks accused Little of cheating while they were playing pool. Little forcefully denied this and Ebanks started jeering and swearing at him. It was at that point that Little grabbed the pool cue and struck Ebanks with it. Roger Hooper then describes the remainder of the incident in terms very similar to those used by Olivia Parnell.

Ebanks subsequently gave a statement in which he stated that he was playing pool with Little, who he knew as a casual acquaintance at the pub. He clearly saw Little move one of the pool balls about an inch to gain a better angle for his next shot. He challenged Little about this and Little denied that he had done anything wrong. Ebanks accepts that he swore at Little but he did nothing to attack or threaten him. He confirms that he was struck over the head with a pool cue, punched in the face and then violently kned in the small of the back. It was subsequently established that he had suffered a broken nose, bruising to the top of his head and face, and bruising to his kidneys. This is all confirmed by medical evidence.

Simon Little was arrested on suspicion of occasioning actual bodily harm to Marcus Ebanks and conveyed to Bedford police station. He was subsequently interviewed in the presence of a duty solicitor representative and gave a no comment interview.

The statements of Marcus Ebanks, Olivia Parnell and Roger Hooper have been served as part of initial disclosure. Statements were taken from a number of other patrons but these have not been served at this stage.

You go through the initial disclosure with Simon Little and record the comments that he makes. He fully accepts that he was present at the Duke of York and in the pool room at the time of this incident. He confirms that he was playing a game of pool against Marcus Ebanks. He then said that quite 'out of the blue' Marcus Ebanks accused him of cheating by moving one of the pool balls. This was a complete fabrication. Marcus Ebanks had been in the pub since at least 4 p.m., which is when Simon Little arrived, and Ebanks had drunk quite a number of pints of lager in the intervening four hours.

Simon Little says that he tried to explain that Marcus Ebanks must be mistaken but he became more and more irate, and he started shouting and swearing and advanced towards Simon Little in what he considered to be an aggressive manner. Simon Little was worried that Marcus Ebanks was about to attack him so he tried to defend himself by hitting him over the head with a pool cue. That seemed to have very little effect and Ebanks was continuing to move forward threateningly so Simon Little punched him once in the face. Then someone who Simon Little vaguely recognised as a patron but could not put a name to grabbed Marcus Ebanks from behind and appeared to knee him in the back. At this point a number of other patrons intervened and Simon Little said that he was perfectly happy for them to move him away from the pool table while others separated Ebanks and his other assailant.

Simon Little instructs you that he definitely intends to plead not guilty to the charge.

End of the case study materials