



**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 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 a trainee lawyer with the firm of Kempstons LLP. You work in the criminal litigation department. Kempstons has a standard criminal contract and participates in a number of local duty solicitor rotas. Among the cases being handled in the department at present are the following:

#### **CASE ONE – TONY FRENCH**

This client, aged 22, was arrested some days ago on a charge of wounding, contrary to s20 Offences Against the Person Act 1861. As he disputed involvement but there were apparently eyewitnesses, he was then released under investigation pending completion of an identification procedure. A summary of the information you currently hold in relation to the matter is contained in **DOCUMENT 1**.

#### **CASE TWO – GRANT SHAW**

This client, aged 38, is the owner of the Woolpack Inn, a village pub and restaurant. He has been charged with a number of offences of handling stolen property. There are several co-accused, some also charged with handling, while others are the alleged thieves. Following a recent hearing, the cases have been allocated to the Crown Court. Grant Shaw is currently on unconditional bail. An outline of the prosecution case is contained in **DOCUMENT 2** and an outline of your instructions from the client in **DOCUMENT 3**.

#### **CASE THREE – JANIS POGA**

This client, aged 16, has been charged with three offences of robbery and one offence of police obstruction. He is currently in police custody awaiting his initial appearance before the court. A summary of what is known about the case is set out in **DOCUMENT 4**.

**DOCUMENT 1**

Outline of the circumstances of the offence as provided by the officer in the case

The origin of the incident appears to be an altercation, which took place between two groups of patrons in the Hearty Goodfellow public house. At this point it was merely a verbal disagreement which died down quickly and did not result in any action on behalf of the pub management. Good quality images of the members of the two groups concerned were captured on the pub CCTV and the police now have possession of these.

Subsequently, it is said that some members went to a nearby takeaway. As they were leaving with the kebabs they had purchased, they were set upon by three individuals. They say they recognised them as members of the other group from the public house. There were also other members of the public in the area at the time. While it was dark, there was good illumination from the windows of the takeaway and street lighting in the area.

Initially the assailants pushed and shoved their victims, causing one of them to spill his kebab onto the ground and pushing a second, quite violently, into the wall. One of the assailants then produced what appeared to be a knife and slashed at one of the victims. The slash cut through the sleeve of the jacket the victim was wearing and caused a significant cut to his forearm. The perpetrators then ran away.

A comparison of the descriptions given by the victims and witnesses to the incident and the CCTV footage from the pub, undertaken by officers who have previously dealt with Tony French, resulted in him being identified as the principal suspect in relation to the wounding.

French was arrested. He received advice from a duty solicitor and consented to cooperate with a VIPER identification procedure.

Summary of comments from Tony French

I was not involved with this offence. I agree that I was in the Hearty Goodfellow during the evening with a group of friends. I would also accept that during that evening there was something of an argument between us and another group. We are supporters of rival football teams, and the argument arose out of that. The other group were still annoyed that their team had not been awarded a penalty in the recent local derby match, which they lost one nil. It wasn't a terribly serious argument, but a couple of people on both sides did seem to get more annoyed and louder than they needed to. At closing time, we left the pub and went our separate ways. I did hear a couple of my friends discussing whether they would hang around to see if they could make contact with the other group again.

I'm not sure quite what they had in mind, but I wasn't paying attention because I was going to have no part in it and went home. I was therefore not one of the people involved in the fracas outside the takeaway. I am concerned that I have been identified, but I'm sure it is a case of mistaken identity. One of my friends does look a lot like me, and we have sometimes been confused for each other. He was one of those who was talking about taking matters further, but I don't want to get him into any trouble because his girlfriend has just had a baby and he has a lot on his plate anyway.

**Turn over**

## **CASE STUDY MATERIALS**

You know from your previous dealings with him, that Tony French has a number of convictions dating back to his mid-teens. While most of them are property-related offences, there is one conviction for affray and one for possession of a bladed article. He is not subject to any outstanding court orders. He is the principal carer for his grandmother and also works part time at a local supermarket. His total annual earnings are approximately £10,000. He has no savings.

The draft indictment contains nine counts. They relate to dishonestly receiving quantities of meat on various dates between January and August 2022, being the property of Helpston Meats Ltd.

A statement from the managing director of Helpston Meats Ltd contains the following information.

The company operates an abattoir, cold store and wholesale meat supply business, largely to the restaurant and catering trade.

In August 2022, during the course of the annual audit and stocktake, very serious discrepancies came to light. The quantity of various categories of high-quality cuts of meat actually present in stock was very substantially less than the amount that should have been present according to the stock records. A significant number of transactions with a customer named Meatforce Ltd had been misrecorded. The value of the consignment and the quantity of meat was stated in the invoice and other records at a low amount and quantity but packing documents showed that significantly more meat had been delivered. It had now been recognised that there was a weakness in the company's systems, whereby only the packing document needed to be produced when a vehicle left site.

The total discrepancy covered the period from January 2022 to August 2022 and amounted to £500,000 and approximately 125 tonnes of meat.

A number of businesses that had previously been regular customers ceased to purchase meat at all, starting in January 2022, or reduced their purchases very substantially. All of these were customers who had been serviced primarily by one distribution manager, Keith Lewis. One such customer was Grant Shaw.

Subsequent inquiries revealed that all the suspect transactions with Meatforce Ltd had also been processed by Keith Lewis. Lewis resigned shortly after the draft audit report was produced.

Meatforce Ltd was given quite extensive credit by Keith Lewis and to date has paid the amount invoiced for only four out of 25 transactions.

DS Wendy Wilson was responsible for the investigation and states that when she investigated Meatforce Ltd, she established that the company had been registered in November 2021 and that the directors were Keith Lewis's grandfather and grandmother. The financial records of the company were in some disarray. The company had rented a cold store, although the rent was now in arrears and the landlord was taking action to forfeit the tenancy. Such records as exist confirm the receipt of meat from Helpston Meats Ltd in accordance with the packing notes generated by Helpston Meats. There are some sales invoices that evidence the sale of substantial quantities of meat at significantly less than normal wholesale prices. Grant Shaw is recorded as having received a total of nine consignments to a total value of £35,000, although the wholesale price if he had purchased them directly from Helpston Meats Ltd would have been closer to £50,000.

DS Wilson subsequently interviewed Keith Lewis. He has admitted being responsible for establishing Meatforce Ltd and for the various transactions between that company and Helpston Meats Ltd. He also stated that his grandparents had no involvement with the operation of the company and were simply acting as nominee directors at his request.

***Turn over***

## **CASE STUDY MATERIALS**

Lewis stated that he had identified the weaknesses in his employer's financial and other recording systems and thought that he would be able to cover his tracks when creating transactions where the packing and invoicing information differed. He declined to answer questions when asked whether the customers to whom he had sold meat were aware of the fraudulent nature of his business.

A number of the customers to whom Meatforce had sold meat have been interviewed. Some of them, who had had no previous dealings with Helpston Meats, maintained in interview that they were dealing with Meatforce and Keith Lewis in good faith, and believed Lewis when he told them that he was able to offer extremely good value because he was able to acquire meat from suppliers who had surpluses and needed to get the meat off their books. Some others who had had previous dealings with Keith Lewis at Helpston Meats accepted that they had suspicions about Lewis' involvement with both companies, but turned a blind eye because the prices they were being offered were so attractive.

A search warrant was executed at the Woolpack Inn. The police took possession of a quantity of meat from the meat refrigerator, which was marked with markings that indicated that it had originally belonged to Helpston Meats, and which was also identified as having been sold by Meatforce. Invoices and other documentation relating to other consignments of meat were also seized and it became apparent that nine consignments in all had been supplied and all except the last had been paid for.

A reconciliation of the documentation of Helpston Meats, Meatforce and Grant Shaw clearly demonstrates that in relation to each of the nine consignments some or all of the meat can be shown to be part of that removed from Helpston Meats by Keith Lewis and not covered by sales invoices.

Grant Shaw gave a no comment interview.

Grant Shaw has no recent convictions. He had convictions as a teenager for shoplifting.

**DOCUMENT 3**

I have been buying my meat largely from Helpston Meats for about five years. The distribution manager with whom I dealt was Keith Lewis. He always looked after me very well, and would offer me discounts, and always let me know of any special offers that he thought would be of interest to me. Late in 2021, during the course of a phone call when I was ordering meat for the Christmas period, Lewis mentioned to me that Helpston Meats was setting up a subsidiary company called Meatforce, which he was going to be running. The idea was to offer some exceptional bargains, particularly for established customers, in a way that would not impact on the ordinary business of Helpston Meats. He said that these bargains would be possible because he would be offering meat that was surplus to requirements, and which probably had a shorter shelf life than usual. I was obviously interested in what seemed to be a way of saving money on my meat purchasing, particularly at a time when my business was under pressure because of the aftermath of COVID and other price increases. It never occurred to me that it was anything other than a bona fide business arrangement. I was aware of other companies that operated similar arrangements so that they could continue to sell at full price through the main business, while a subsidiary dealt with cut-price transactions.

Keith Lewis contacted me in January and offered me various, very advantageous deals. I took advantage of this, and I made a total of nine purchases from Meatforce. I did realise that the prices I was being offered were very low. Even allowing for the explanation that had been given, I sometimes thought that the prices were too good to be true, but I had seen nothing specific to suggest that there was anything untoward. I would still buy occasionally from Helpston Meats if I needed something that Keith Lewis said Meatforce could not supply, and I was dealing with him in relation to those purchases as well. It was not until I was contacted by the police that I had any suspicion as to what was actually going on.

**DOCUMENT 4**

The police have been investigating several robberies that took place over two evenings a few days ago. In each case the victims were targeted in the evening after dark, shortly after leaving a local commuter train station where the road adjoins a public park.

In each case one offender threatened the victims with what is described as a knife. The precise descriptions vary in terms of the size of the knife. This offender told the victims to hand over laptop cases, wallets and smartphones, and the second offender then collected them. Both offenders then ran off into the park.

Several victims were shown photographs of potential suspects based on their initial descriptions, and one picked out a photograph of Janis Poga, saying that he was the second offender who collected the items from the victims. PC Ajay Rathore, a uniformed officer on patrol, subsequently carried out a stop and search of Janis Poga, whose details had been circulated. Two empty wallets were found in his jacket pocket. Subsequent enquiries showed that these were the same design as two of those reported stolen but could not be positively identified as those that had been stolen. At that point, Janis Poga ran away and made good his escape.

The first offender has not yet been apprehended, but intelligence suggests he is another 16-year-old who has associated with Janis Poga in the past.

Shortly after, a shopkeeper reported finding several laptop bags and other items discarded in an alley beside his shop, which is about half a mile from the scene of the robberies on the other side of the park. Janis Poga's fingerprints were found on one bag and DNA matching his to a probability of one in one million was found on another. These matches were made from the contents of the national fingerprint and DNA databases.

Janis Poga was then arrested. Other victims failed to identify him in a VIPER identification procedure. He gave a no comment interview in the presence of an appropriate adult but did not request legal representation at that point.

Janis Poga has a significant record of convictions over the past four years. He has committed offences on bail and while remanded to local authority accommodation. He is currently being looked after by the local authority. He has been the subject of Youth Referral and Rehabilitation orders in the past and completed a 12-month Detention and Training Order about six weeks ago.

Janis Poga has instructed you that he was not involved in the robberies. He states that he saw some items apparently abandoned in an alley and looked through them to see if there was anything of interest. He took the two wallets and left everything else behind.

When the officer confronted and searched him, Janis Poga said he ran away because he was frightened by the attitude of the officer, who said to him "Stay where you are, sonny, I need to search your pockets."

**End of the case study materials**