



THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES

UNIT 11 – CRIMINAL LITIGATION*

CASE STUDY MATERIALS

Information for Candidates on Using the Case Study Materials

- This document contains the case study materials for your examination.
- In the examination, you will be presented with a set of questions which will relate to these case study materials. You will be required to answer **all** the questions on the examination paper.
- You should familiarise yourself with these case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss these materials with your tutor/s either face-to-face or electronically.
- It is recommended that you consider the way in which your knowledge and understanding relate to these case study materials.

Instructions to Candidates Before the Examination

- A clean/unannotated copy of the case study materials is attached to this examination.
- You are permitted to take your own clean/unannotated copy of the case study materials into the examination. You are **NOT** permitted to take any other materials including notes or textbooks.
- In the examination, candidates must comply with the CILEx Examination Regulations – Online Examinations or with the CILEx Examination Regulations – Online Examinations with Remote Invigilation.

Turn over

* This unit is a component of the following CILEx qualifications **LEVEL 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

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ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer working for Jason Bond, the lawyer in charge of the Criminal Litigation Department of Kempstons Solicitors, Manor House, Kempston, Bedford, MK42 7AB.

You have been asked to review the attached documents from the files of Marcia Henry and Elisha Adebayo:

- Document 1** Police Report (MG 5) Summary of Evidence – clients Marcia Henry and Elisha Adebayo
- Document 2** Witness Statement of Luis Felipez
- Document 3** Police Station Attendance Note – Marcia Henry
- Document 4** Court Attendance Note and Proof of Evidence – Elisha Adebayo

DOCUMENT 1

POLICE REPORT (MG 5) SUMMARY OF EVIDENCE

Defendant 1: Marcia Henry

Defendant 2: Elisha Adebayo

1. SUMMARY OF KEY EVIDENCE

Defendant 1, Marcia Henry: offence alleged is a section 47 OAPA 1861 assault occasioning actual bodily harm committed against the victim, Mr Graham Stocks, at the Old Red Lion Public House, High Street, Kempston on 5 June 2021 at approximately 9.30pm.

Defendant 2, Elisha Adebayo: offence alleged is a section 18 OAPA 1861 assault – wounding with intent committed against the victim, Mr Graham Stocks, at the Old Red Lion Public House, High Street, Kempston on 5 June 2021 at approximately 9.30pm.

Key witnesses and their role

Graham Stocks(victim of the section 47 OAPA 1861 assault and the s.18 OAPA 1861 assault)

The victim was in the Old Red Lion pub, having a drink with his fiancée, Elisha Adebayo. They had visited two other bars before arriving at the Old Red Lion at approximately 7.30pm. Stocks states that after about an hour Adebayo started arguing with him, spoiling for a fight. She followed him to the toilet and she began shouting in the corridor. Stocks managed to calm her down and they went back to the lounge area to continue their drinks.

Shortly after that, Stocks will state that three females came into the pub. Two of the females were black and one was white. All were in their twenties. He recognised one of the black females as a friend of Adebayo's, but did not know her name. He described her as tall, with very short hair. He does not know the identities of the other two females and was not able to provide a description of them beyond ethnicity and age. Stocks will state that the three females were all staring aggressively at him and whispering and pointing. He states that he walked past them to go to the bar. The black female, who he knew to be a friend of Adebayo, said: 'She can do so much better than you. She will leave you for a real man one of these days.'

Stocks states that he returned to the table with the drinks, to find Adebayo with her coat on heading towards the door. Stocks says he took her by the arm to ask her to stay to finish their drinks. As he took Adebayo by the arm, he felt a heavy blow to the side of his face. Stocks did not see who struck him, but it must have been one of the three females, as they were the only ones close enough to him. He did not see what struck him, but he thinks it was a large bag, as he heard a thud and saw a black bag on the floor near to where he hit the ground.

Stocks suffered bruising to the left side of the face and two chipped teeth. Stocks will state that he then tried to speak with his fiancée, but she lunged at him with a broken glass, stabbing him in the abdomen.

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Robert ADAMS (arresting officer)

Will say that he attended the Old Red Lion pub at 9.40pm on 5 June 2021 with PC Tomkins. PC Adams took statements from Luis Felipez and Graham Stocks. The officer will state that he arrived to find Graham Stocks lying on the floor, bleeding from his abdomen, and glass all over the floor. Stocks was shouting, 'She stabbed me. My fiancée stabbed me.' The officer will state that he witnessed a female, known to be Elisha Adebayo, holding a broken glass. The officer will state that he interviewed Adebayo in the pub and she repeated: 'I stabbed him. I stabbed him. I can't believe I stabbed him.' The officer then cautioned Adebayo and placed her under arrest.

Billy McGEE (Eyewitness)

Will state that he was on duty as doorman at the Old Red Lion pub on the evening of 5 June 2021. Will state that he permitted entry to a group of three females in their twenties, two black and one white. Will state that he witnessed the females run out of the pub as soon as the police had been called. The females ran in different directions. He chased a single black female in the direction of the bus station, but was unable to catch her. The other two females ran in the opposite direction. McGee provided a description of the person he chased as tall, between 5 foot 10 and 6 foot, with very short, cropped hair and wearing a blue jacket and jeans. He was unable to describe the other females, other than that one was white and one black. They were both in their twenties and both were short to average height. PC Tomkins took McGee on a tour of the immediate area in the patrol car. During that tour, McGee identified the defendant, Marcia Henry, as the black female who he had seen fleeing the scene of the assault earlier. McGee identified the defendant, Marcia Henry, again at a Video Identification Parade the following morning. McGee did not witness either assault.

Jennifer TOMKINS (arresting officer)

PC Tomkins will state that she took Billy McGee in the patrol car to tour the immediate area. At Kempston bus station, McGee identified the defendant, now known as Marcia Henry, as one of the females who had fled from the Old Red Lion pub earlier that evening. She was arrested and taken to Kempston police station.

No other arrests have been made.

CCTV footage of the immediate area revealed two females, one mixed race and one white, walking towards the town centre, three streets away from the Old Red Lion pub, shortly after the call was made to attend the incident. These females have been traced to their home address and identified as flatmates, Kayleigh Bennett and Jessie Fresson, aged 26 and 28 respectively. They are currently helping the police with their enquiries.

2. DEFENDANT INTERVIEWS

Defendant: Marcia Henry

Date and time of interview: 06/06/2021 at 3.45am

Interviewing officers: DS Steve Brookes and PC Jennifer Tomkins

Other persons present: Jason Bond, Duty Solicitor

Questions put to Henry about the incident in the Old Red Lion pub on the evening of 5 June. Henry admits to being in the Old Red Lion pub that evening, but denies involvement in the assault on Stocks.

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Defendant: Elisha Adebayo

Interview 1

Date and time of interview: 05/06/2021 at 10.10pm

Location: Old Red Lion pub

Interviewing officer: PC Robert Adams

Other persons present: None

Adebayo confessed to stabbing Graham Stocks.

Interview 2

Date and time of interview: 06/06/2021 at 1.30am

Interviewing officers: DS Steve Brookes and PC Robert Adams

Other persons present: None

Adebayo offered legal representation but this was refused by the suspect.

Questions put to Adebayo about her involvement in an assault on Graham Stocks at the Old Red Lion pub on the evening of 5 June and about her confession to PC Adams in the pub. Adebayo gave no comment to all questions and exercised her right to silence.

3. VISUALLY RECORDED EVIDENCE, EG CCTV

None within the Old Red Lion pub.

CCTV from the surrounding area does not show Marcia Henry, but does show Kayleigh Bennett and Jessie Fresson walking in the vicinity shortly after the time of the assault.

4. FORENSIC EVIDENCE

Glass was recovered from the scene and has been sent for forensic analysis. Marcia Henry's bag has been seized and sent for forensic analysis. Results are awaited.

DOCUMENT 2

WITNESS STATEMENT OF LUIS FELIPEZ

WITNESS STATEMENT:

(CJ Act 1967, s.9; MC Act 1980, s.5A(3)(a) and s.5B; Crim PR, Part 27)

Statement of: Luis Felipez

Address: 10 Rowan Lane, Kempston, Bedfordshire, MK16 4PT

Age / Date of Birth: Over 18

Occupation: Bus Driver

Who states:

This statement (consisting of 1 page(s) signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 5 June 2021

Signed: L Felipez

At about 8.30pm on the evening of Saturday, 5 June, I called into the Old Red Lion pub on my way home from my shift as a bus driver. After I finished my first pint of lager, I went to the toilet and, in the corridor, I walked past a man and a woman, having an argument. The man was acting very aggressively towards the woman. He was shouting and waving his fists about near her face. I couldn't hear much of what was said, other than him accusing her of flirting with men in the pub. The woman looked scared and was trying to calm him down.

I returned to my bar stool and noticed them in the bar area near the jukebox. It was very crowded in the pub, as it was a Saturday night. It was noisy, with music and singing. I kept an eye on the couple and saw that they still appeared to be arguing.

At one point, I saw the man grab the woman by the throat and push her against the wall. I saw a woman hit the man around the head with a large bag. I would describe this woman as white and approximately late twenties. She was of short to average height with long hair. I would be able to recognise the woman again if I saw her.

I ran to tell the doorman about the incident and ask him to come in and sort it out. As I was explaining what I had seen to the doorman, we heard screaming and shouting inside the pub. We ran back inside and I saw the man lying on the floor, holding his stomach, in a pool of blood with glass all over the floor.

I saw the woman who had been pushed against the wall by the man. She had a broken glass in her hand and was covered in blood. I called the police on my mobile phone and shouted to the doorman to tell him this. At that point, I saw three women run from the pub. One of them was the woman I had witnessed hitting the injured man with the bag.

DOCUMENT 3

POLICE STATION ATTENDANCE NOTE – MARCIA HENRY

Date: 5 June 2021

Client: Marcia Henry

Matter: Section 47 OAPA 1861 Assault occasioning actual bodily harm (ABH)

Attended by: Jason Bond – Duty Solicitor

Attendance on client: 10 units

Jason Bond was called to attend Marcia Henry at Kempston Police Station in his role as Duty Solicitor. Upon arrival, he spoke to the custody officer and asked to consult the custody record.

Jason spoke with the investigating officer, who confirmed that:

Marcia is charged with a section 47 OAPA 1861 assault. The circumstances alleged are that Marcia hit Graham Stocks with her bag, and the blow to the side of his face caused bruising and two chipped teeth.

Attendance on client

Marcia denies any involvement in the assault on Graham Stocks and denies knowledge of who did commit the assault. She admits to being in the pub that evening with two other females, but denies knowledge of their identities, having only met them earlier that evening in another pub. She states that she knows Elisha Adebayo, as they are former school friends. She also knows of Graham Stocks as the fiancé of Adebayo. Marcia states that Stocks is known locally for committing domestic violence and has been known to abuse Elisha. Marcia states that Stocks appeared very drunk and angry, and that Elisha looked upset and frightened, staring into her drink and barely looking up from the table.

Marcia states that she was putting a tune on the jukebox when Stocks passed her on his way to the bar. She admits to telling Stocks that Elisha could do better than him and that Elisha would leave him one day. While Stocks was at the bar, she saw Elisha pick up her coat and start to leave. Stocks saw this and lunged at Elisha, pushing her against the wall next to the jukebox. He pinned her to the wall and Marcia states that she could hear him saying he was going to make her pay when they got home.

Marcia states that she shouted at Stocks to leave Elisha alone and pick on someone his own size, but that he laughed at her and goaded her, saying, 'What are you going to do about it, little girl?'. Marcia shouted that everyone knew what he did to Elisha behind closed doors. He let Elisha go and started walking towards Marcia with a terrifying look in his eye. The next thing Marcia knew, Stocks was falling against the jukebox and holding his face.

Stocks got up and was coming towards Marcia, Elisha and the other two females, saying, 'That's it, you are all going to pay this time. No more play fighting.' He grabbed a pool cue and walked straight towards the females. He swung the pool cue back. Marcia was convinced that he was going to hit them with it. The next thing Marcia knew, Stocks was lying on the floor in a pool of blood with glass everywhere, and Elisha was covered in blood with broken glass in her hand.

Marcia states that when she heard someone say they had called the police, she panicked and ran, leaving her bag and coat in the pub. Her explanation for leaving

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the pub in a hurry was that she regretted getting involved by shouting at Stocks. She had recently started a job working with the elderly, and was afraid she would lose the job if her employer heard about the incident. She denies assaulting Stocks and denies any knowledge of who committed that first assault on Stocks.

Marcia says that there were a lot of people in the pub that evening and that someone must have seen something. She says that her bag has been seized by the police. She had a vase in her bag, as she had done some shopping during the afternoon before going for drinks in town, and she has been informed by police that the vase is now smashed. She is upset about this, as it was a present for her mother.

Previous convictions

Driving with no insurance 1 March 2017

Section 47 OAPA 1861 assault occasioning actual bodily harm 30 September 2019

Marcia explained that this was an incident in which she pushed a man in a pub, after he pushed in front of her at the bar. She received a community order with a curfew element and an electronic tag.

Interview

I attended the interview with Marcia. On my advice she answered all questions. Marcia participated in a VIPER and was picked out by McGee.

Bail

Refused police bail and was remanded in custody to appear before Kempston Magistrates' Court on Monday, 7 June 2021.

Instructions

Client intends to plead not guilty to the assault.

DOCUMENT 4

**COURT ATTENDANCE NOTE AND PROOF OF EVIDENCE –
ELISHA ADEBAYO**

Date: 7 June 2021

Client: Elisha Adebayo

Matter: Section 18 OAPA 1861 assault with intent

Attended by: Jason Bond – Duty Solicitor

Attendance on client: 12 units

Jason Bond (JB) attended Elisha Adebayo at Kempston Magistrates' Court in his role as Duty Lawyer.

JB was handed prosecution disclosure at court, which he considered and then took instructions from Elisha.

Proof of evidence of Elisha Adebayo

1. I am 25 years old and of African origin. I have been charged in connection with a section 18 OAPA 1861 assault, wounding with intent, of my fiancé, Graham Stocks, which occurred in the Old Red Lion pub on Saturday, 5 June 2021.
2. I will plead not guilty. I admit to the assault, but I was acting in self-defence.
3. I was interviewed by the police but declined to have legal representation in that interview. I was in shock. I did not comprehend what was happening to me.
4. I was refused police bail and remanded in custody until the next sitting of the Magistrates' Court.
5. I am engaged to be married to Graham Stocks. We met when I was 18 and at college. He is ten years older than me. We live together at 94 Old Greyfriars Road, Kempston. The relationship is a difficult one. I love him very much but he can be violent sometimes. He drinks a lot and gets abusive towards me when he is drunk. There have been times when he has beaten me up in our home. I have never called the police, as I did not want to get him into trouble and did not want the public shame for my family.
6. On the evening of 5 June, we had gone for a few drinks in town. We had visited a couple of bars and by the time we arrived at the Old Red Lion pub, Graham was quite drunk and becoming aggressive towards me. He started accusing me of flirting with men in the pub, which I was not doing. He was spoiling for a fight. I tried to be quiet to diffuse it. I went to the toilet at one point and Graham followed me. He was calling me horrible names, like 'slapper' and 'tart'. I just wanted to go home, but Graham was in a drinking mood. Graham was threatening me and shouting at me. A man came past us and I was glad, as Graham stopped and I was able to go to the toilet.
7. After I got back from the toilet, Graham just carried on picking a fight with me. A friend of mine had come into the pub, Marcia Henry. She was with two women I had never seen before. I am not able to describe the two women with Marcia, other than to say one was a black female and the other white. I was so focused on Graham that I did not pay much attention to them. Marcia does not like Graham. None of my friends or family like Graham. They think he is controlling me and that I should leave him. There was an exchange of words between Marcia and Graham, but I did not hear what was said. I was worried, though, as I knew how drunk

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Graham was. Graham went to the bar and I got my coat and stood up to leave. Graham got back from the bar and grabbed my arm and told me to sit down. I pulled free and walked towards the door. Graham grabbed me and pushed me against the wall next to the jukebox. I was terrified because he was so angry. He was shouting at me and saying I had gone too far and I would regret crossing him and that I was going to pay for my behaviour when we got home.

8. I froze. I heard Marcia shouting at him to leave me alone but he just laughed at her. But then I heard Marcia shout that everyone knew that he beat me up. He let go of me and turned towards Marcia, saying, 'What are you going to do about it?' He turned towards the pool table to pick up a pool cue. I could only see the back of him. The next thing I knew, he was stumbling backwards and fell against the jukebox. I ran towards Marcia and the other girls. Graham got up and was livid. He grabbed the pool cue and stormed towards us, screaming, 'You are all going to pay this time. No more play fighting.' He swung the pool cue above his head and I panicked. I grabbed a glass from the table next to me and lunged at him with it. It all happened in an instant. Graham slumped to the floor.

9. I don't recall much after that. I think I was in shock. I started to have a panic attack and couldn't breathe or speak. I suffer with anxiety. I have been diagnosed with Post-Traumatic Stress Disorder, (PTSD), since living with Graham, and I also suffer with severe depression. I have multiple mental health diagnoses and take medication to manage these conditions.

10. A man called Luis came and sat with me until the police arrived. He was a kind man. He said he was a first aider. He was wearing a bus driver's uniform. He told me to put on his jacket, as I looked to be in shock.

11. When the police arrived, the male officer asked me what I had done. I was shaking and in shock. I just kept muttering over and over that I had stabbed my fiancé. He made some notes in his pocket book and then cautioned me and placed me under arrest. After a while, he put me in the back of the police van and called the police station to request another officer to attend at the pub to take witness statements. I heard him give the names of the witnesses to be statemented as the doorman and Luis.

Elisha has no previous convictions.

End of Case Study Materials