

**CASE STUDY MATERIALS**

June 2018  
Level 6  
CRIMINAL LITIGATION  
Subject Code L6-18



**THE CHARTERED INSTITUTE OF LEGAL EXECUTIVES**

**UNIT 18 – 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**

- You will be provided with a clean copy of the case study materials in the examination.
- You are **NOT** permitted to take your own copy of the case study materials or any other materials including notes or textbooks except a Statute Book, where permitted, into the examination.
- In the examination, candidates must comply with the CILEx Examination Regulations.

***Turn over***

\* This unit is a component of the following CILEx qualifications: **LEVEL 6 CERTIFICATE IN LAW, LEVEL 6 PROFESSIONAL HIGHER DIPLOMA IN LAW AND PRACTICE** and the **LEVEL 6 DIPLOMA IN LEGAL PRACTICE**

**ADVANCE INSTRUCTIONS TO CANDIDATES**

You are a trainee lawyer working in the criminal litigation department of Kempstons LLP. The firm holds a standard criminal legal aid contract, and participates in several local duty solicitor schemes. Among the cases being dealt with by the department, at the present time, are the following:

**CASE ONE: SAULIUS DAUKINTIS**

Kempstons has recently received a call from the Duty Solicitors Call Centre with regard to this client, who is in custody in relation to an incident of dangerous driving. A call to the officer in the case has elicited some information as to the circumstances, which are set out in (**Document 1**). Kempstons has not previously acted for Daukintis.

**CASE TWO: MARK POTTER**

This client, aged 24, and for whom Kempstons has acted on several previous occasions, has been arrested on suspicion of assault occasioning actual bodily harm, and is in police custody. You have attended at the police station and made a note setting out the circumstances of the case, including a summary of the prosecution evidence and your client's initial instructions (**Document 2**). Your file indicates that Mark Potter has previous convictions for theft and burglary of commercial premises. He works for his father as a plasterer, earning in the region of £20,000 per year after tax. He lives at home and pays his mother £100 a week for board.

**CASE THREE: OLIVER KINGSTON**

This client, aged 16, has today been charged with ten counts of domestic burglary. These are distraction burglaries, and were committed over a period of five days. The property stolen includes approximately £7,000 in cash and a quantity of jewellery of substantial monetary and sentimental value.

All the victims are elderly and/or disabled. You understand that at least one of the prosecution witnesses is a child of five years old. Your client has three previous findings of guilt in relation to similar matters and is currently subject to a Detention and Training Order.

He has completed the custodial element, but the order still has three months to run. The custody officer has declined to grant bail and your client is due to appear in court later today. Kempstons acted for this client on his previous court appearances, and your file indicates that he was granted bail on those occasions. There is no indication that he failed to comply with his bail conditions or committed offences while on bail. The client is being looked after by the local authority and has recently been placed in a children's home.

**DOCUMENT 1**

Earlier today, an incident occurred on Burton Street, which is part of the city centre one-way system in Luton. A white BMW, registration FD69QQQ, accelerated away from a set of traffic lights, and the driver apparently lost control when attempting to make a right turn. The car demolished a glass bus stop shelter, before colliding with the plate glass window of a restaurant.

The driver did not stop; instead, he reversed and drove off along the one-way system, through a red traffic light, and proceeded to overtake a line of traffic on the wrong side of the road as he was exiting the one-way system.

The incident was captured on CCTV, and there were a number of eyewitnesses. Police attended at the address of the registered keeper of the vehicle. The vehicle was parked on a driveway and showed clear evidence of damage consistent with this incident.

Daukintis Saulius, who is a Lithuanian citizen visiting England on holiday and is staying with the keeper of the vehicle, volunteered that he was the driver. A screening breathalyser test indicated that he was over the drink-driving alcohol limit. He was arrested and taken to Luton police station.

***Turn over***

**DOCUMENT 2**

The police are investigating an incident that took place two days ago outside the Dark End nightclub in Luton. At about 1 am, the security staff noticed that an altercation was taking place inside the club between two groups of males. Each group consisted of about ten males aged in their late teens or early 20s. All were white. There was some shouting, pushing and shoving.

The security staff intervened, and ordered all those involved to leave the nightclub. In order to defuse the situation, one group was ordered to leave immediately and the other group was held in the nightclub for about five minutes. There is a considerable volume of CCTV footage from inside the nightclub, and this shows all the participants clearly.

The security staff who escorted the first group out of the nightclub reported that they had walked away. However, when the second group emerged from the nightclub, after they had gone about 30 metres towards Town Hall Square, several males, similar in appearance to the members of the first group, emerged from a side street and confronted the second group. One of the members of the first group was holding what appeared to be a piece of wood about 1 metre long, and used this to attack a member of the second group.

He managed to hit him twice about the head, before the other members of the second group joined in. There was a general scuffle between members of both groups, which ended with members of the second group running back to the nightclub and seeking refuge. There are witness statements from several members of the nightclub security team, confirming this account, and there are images on the external CCTV, but they do not show what happened in sufficient detail to identify the individual with the piece of wood.

Two members of the second group have made statements that the individual with the piece of wood is Mark Potter. The individual who was attacked with the piece of wood, Jack Shaw, sustained a broken nose and severe bruising to his face. Officers who are familiar with Mark Potter have examined the CCTV from the nightclub, and are satisfied that Mark Potter is one of the members of the first group involved in the incident inside the nightclub.

Mark Potter accepts that he was in the Dark End nightclub, and was part of the first group involved in the altercation inside the nightclub. He states that this altercation arose because a member of the other group accused one of his friends of jumping the queue to get served at the bar. He states that, when his group of friends were ejected from the nightclub, they spent a few moments deciding what to do next. He decided that he had had enough for the evening, said his goodbyes briefly and set off alone to walk home. He denies being the individual responsible for attacking a member of the second group outside the nightclub with the piece of wood. He also states that he does know who from the first group was responsible, but he does not wish to identify him. He also states that he believes that members of the second group have identified him as the assailant because several years ago Potter was in a relationship with the sister of one of the members of the second group and got her pregnant. He then broke off the relationship and pressured her into having an abortion.

**End of Case Study Materials**