



January 2022  
Level 3  
CRIMINAL LITIGATION  
Subject Code L3-11

## 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.

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## **CASE STUDY MATERIALS**

### **ADVANCE INSTRUCTIONS TO CANDIDATES**

You are a trainee lawyer working for Li Chen, 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:

- |                   |   |
|-------------------|---|
| <b>Document 1</b> | Attendance Note – Sean Donnelly re Jonty  |
| <b>Document 2</b> | Adams Witness Statement – PC Clive Alton  |
| <b>Document 3</b> | Court Attendance Note – Jonty Adams       |
| <b>Document 4</b> | Police Station Attendance Note – Maria Wu |
| <b>Document 5</b> | File Note – Maria Wu                      |

**ATTENDANCE NOTE – SEAN DONNELLY RE JONTY ADAMS**

Date: 8 January 2022  
Client: Jonty Adams  
Matter: Theft  
Attended by: Li Chen – duty lawyer  
Attendance with  
Investigating Officer: 5 units

Li Chen was called to attend Jonty Adams at Kempston Police Station. Upon arrival, she spoke to the custody officer and asked to consult the custody record.

She then asked to speak with the Investigating Officer.

**Attending the Investigating Officer, Sean Donnelly, who confirmed as follows:**

The charge sheet details one charge of theft from a person of items to the value of £3,500, on 8 January 2022 in Central Park, Kempston.

The circumstances of the offence are that the complainant, Sajeda Shah, was attending the multi-cultural festival in Central Park, Kempston on 8 January 2022 when her bag was stolen. PC Alton arrested Jonty Adams on suspicion of the theft.

There is a statement from Sajeda Shah to the effect that she was attending the multicultural festival in Central Park to support and photograph the community event. Sajeda is a keen amateur photographer. At approximately 3.30pm while Sajeda was sitting at a picnic table feeding her young daughter, Sajeda's bag was snatched. Sajeda states that her daughter's pushchair was next to the picnic bench, with Sajeda's bag placed in the seat of the pushchair while her daughter was sitting on her lap. Sajeda states that two young men ran up at some speed and one of them grabbed the bag and ran off with it. Sajeda was unable to chase the assailants due to having her daughter on her lap.

Sajeda provided a brief description of one of the assailants as male, between 17 and 20 years old, white, approximately 6 feet tall, and wearing dark coloured clothing and a baseball cap. She was unable to provide a description of the second assailant as she did not get a good enough sighting. She was not able to say which one of them took the bag as it all happened so fast.

The bag contained a nearly new Apple iPhone 12, a Nintendo Switch, a purse containing £50 cash and a Nikon camera. The bag also contained a few low value items including a compact mirror. The value of the theft is approximately £3,500.

There is a statement from PC Sally Lund who attended the incident and took a statement from Sajeda Shah. There were no other eye witnesses to the incident. PC Sally Lund radioed through the description of the assailant.

Jonty Adams was arrested on suspicion of the theft and there is a statement from the arresting officer, PC Clive Alton.

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## **CASE STUDY MATERIALS**

Police carried out a search of the local area and recovered a bag from a rubbish bin near the entrance to the park matching the description of the stolen bag. The bag has since been identified as belonging to Sajeda Shah. The bag contained only an empty purse and a compact mirror. The bag was sent for forensic analysis as the compact mirror appeared to have a clear fingerprint on it.

Jonty Adams was interviewed under caution at Kempston Police Station and he gave a 'no comment' interview. Fingerprints were taken from Jonty Adams. Items found on Jonty Adams' person when he was arrested include an Apple iPhone 12, which on investigation was confirmed to belong to Jonty and £50 in cash.

Jonty was released on bail, with the condition not to enter Central Park.

**Jonty Adams has no previous convictions.**

**DOCUMENT 2**

**WITNESS STATEMENT PC CLIVE ALTON**

**WITNESS STATEMENT:**

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

Statement of: PC Clive Alton  
Address: Kempston Police Station, Bedfordshire, MK22 5PU  
Age / Date of Birth: Over 18  
Occupation: Police Constable

**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: 8 January 2022

Signed: C Alton

On 8 January 2022 I was on duty in Central Park, Kempston. Colleagues and I were policing the multicultural festival. Shortly after 3.45 pm I received information via my radio that two youths had snatched a woman's bag containing an Apple iPhone 12, a Nikon camera, a Nintendo Switch and a purse containing £50 cash. I was also supplied with a description of one of the assailants. The description was of a white male, between 17 and 20 years old, approximately 6 feet tall, and wearing dark coloured clothing and a baseball cap.

At approximately 4.00pm I was patrolling the entrance point to Central Park, which is on South Street. I observed a young male, wearing navy jeans and a black jacket, standing near the entrance gate, and appearing to examine a mobile phone. He seemed anxious and kept looking around. I watched him for a couple of minutes, doing something with the phone. It was a black phone but I could not see the make or model. I thought he was acting a little oddly and so I approached him and asked him what he was doing. He responded "I'm enjoying the festival like everyone else, not that it's any of your business." I then asked for his name and address and when he refused to provide the information, I arrested him on suspicion of theft.

I asked my colleague to search the immediate area while I escorted the young man to the police van. My colleague found a bag in a rubbish bin only metres from where I arrested the young man, who I now know to be Jonty Adams. The bag was later identified to be that belonging to Sajeda Shah, the victim of the theft.

Jonty Adams said nothing further during the arrest.

**Turn over**

**ATTENDANCE NOTE - JONTY ADAMS**

Date: 19 January 2022  
Client: Jonty Adams  
Matter: Theft  
Attended by: Li Chen (LC) – duty solicitor  
Attendance: 6 units

**Attending Jonty Adams (DOB: 2 January 2003)**

LC attended upon Jonty Adams at Kempston Magistrates' Court in her role as duty solicitor.

LC discussed the initial details of the prosecution case (IDPC) with Jonty and took instructions from him.

Jonty Adams stated the following:

"I am 19 years old and in the first year of a business degree at the local university. I live close to Central Park in a shared student house. I had gone to the park to see some of the bands as part of the multicultural festival. I had gone with some friends but I lost them after I went looking for a toilet. As I was trying to find my friends again, I saw a local man who lives near me. I only know the man as 'Slash'. He lives a few doors down from our house but he is not a student. He hangs around in the street a lot, hassling students for money for bus fares or for cigarettes. He is quite intimidating. He has a scar across the left side of his face which, he says, is how he came to be called 'Slash'. Me and my friends try to avoid him. He asks for lifts in my car and asks to borrow items from us. He once borrowed my friend's phone to make a call and he didn't return it and then made out he had never had it. He threatened my friend, saying that if he reported it to the police, he would smash the windows of our house, or worse.

On the day of the festival in the park, Slash spotted me before I could avoid him. He had clearly been drinking as he was quite loud and rowdy and slurring his words. He put his arm around me, in a friendly gesture, but he whispered to me that he needed my help. He said he had a knife and that he wasn't afraid to use it if I didn't help him out. Before I could make sense of what was happening, he told me to start running. I instinctively did as he instructed. As we were running, Slash grabbed a bag from a lady's pushchair and shouted at me to keep running. I panicked and ran with him.

We ran to the far side of the park, to a toilet block. Inside the toilets Slash went through the bag, putting some items into his rucksack. He then threw the stolen bag to me and told me to get rid of it. Slash then ran off leaving me with the almost empty bag. I panicked and found the nearest bin and dumped the bag in there. I then stood by the entrance to the park and got my phone out to text my friends to tell them I was going home. As I was texting, a police officer approached me. He asked me what I was doing. I think I was a bit cocky in my reply to him. I had drunk quite a lot of cider throughout the day and I was full of adrenaline after the incident with Slash. I can't recall quite what I said to the officer but I wasn't particularly co-operative. He asked me my name. I panicked as I have not been in trouble with the police before. I stupidly thought that if I evaded his questioning, he would leave me alone. The next thing I know he had handcuffed me and escorted me to a nearby police van.

## **CASE STUDY MATERIALS**

I was taken to the police station. They took my phone and my wallet. I was offered a solicitor, but I didn't think I would need one so I declined.

I was interviewed and in the interview the police explained that I had been arrested on suspicion of theft of a bag containing an Apple iPhone 12, a Nintendo Switch and a Nikon camera plus £50 in cash. I knew that Slash had the items and that I had dumped the bag and so I thought it best to say nothing. I expected to be released. The police asked me questions about the incident and told me that an eye witness had described two perpetrators. They asked me for the name of my accomplice. I answered 'no comment' to all of their questions. I felt it best to say nothing. I was worried about naming Slash. I thought if I named him, then he would be sure to come after me. I honestly expected to be released but I was charged with theft and bailed to appear in court today.

I dumped the bag because I was scared that I would be blamed for the theft if I handed it in, as I knew the contents had been taken. I was also scared that Slash would find out that I had not dumped the bag.

I did not have the stolen phone. I had my own phone and I was using it to text my friends to tell them I was going home. The police found £50 in my wallet which was my own money to spend at the festival. It did not come from the stolen bag.

The police took my fingerprints. I refused but they ignored my refusal and took the fingerprints anyway. They manhandled me in doing so – they held my hand down to do it.”

Jonty Adams has instructed LC that he intends to plead not guilty to the charge of theft. He claims he did not take the bag and that he was only present at the time of the theft because he was threatened into helping by Slash and his only part in it was to throw the empty bag into the bin.

***Turn over***

**POLICE STATION ATTENDANCE NOTE – INVESTIGATING OFFICER**

Date: 9 January 2022  
Client: Maria Wu  
Matter: Causing Grievous Bodily Harm with intent contrary to section 18  
OAPA 1861  
Attended by: Li Chen (LC) – duty solicitor  
Attendance: 4 units

LC was called to attend Maria Wu at Kempston Police Station. Upon arrival, LC spoke to the custody officer and asked to consult the custody record.

LC then asked to speak with the Investigating Officer.

**Attending the Investigating Officer, Molly Granger, who confirmed as follows:**

Yesterday evening, 8 January 2022, at approximately 20:00 hours, our officers were called to an incident in Bar 66, adjacent to Central Park, Kempston after the owner made a 999 call for an ambulance and police assistance following an assault on a customer.

It is alleged that Maria Wu assaulted the victim, Leanna Yang, by kicking her with such force that the victim was rendered unconscious. The victim is currently in Kempston Hospital, in a coma, in a critical condition.

Our officers attended and took statements from witnesses. One eye-witness, Victoria Hogan, gave a statement to the effect that she and her best friend, Leanna Yang, were having a drink in Bar 66, on the edge of Central Park, after having spent the day enjoying the multicultural festival. The two women were laughing and joking about the day's events when the man next to Leanna accidentally knocked her drink over and it spilled on Leanna's jacket. The man proceeded to buy her a new drink and apologise for the damage. Neither Leanna nor Victoria knew the man. As they were talking with the man, a female shouted across the bar, "Leave that man alone, he's with me." Victoria did not know the female but heard Leanna say, "Oh no, it's that crazy woman from my karate school."

Victoria states that the woman, who she now knows to be Maria Wu, ran up to the bar, and barged in between Leanna and the man. She shouted "Back off" to the man and "Leave it to me. That bitch is mine". Maria Wu then got close to Leanna, head-to-head, and there was an exchange of words which I couldn't make out. Maria Wu then turned as if to walk away. I thought that was the end of it but she then turned round, leapt in the air and with a single high kick to Leanna's head, knocked her to the ground. Leanna was unconscious. I screamed and shouted at people to call an ambulance. I didn't notice anything that happened beyond that as I knelt on the ground willing Leanna to wake up.

There is no statement from the victim as she remains in a coma.

Two eye-witnesses provided a description of the assailant and named her as Maria Wu, who they recognised as a door person at the local casino. Police enquiries led to the quick arrest of Maria Wu at approximately 21:00 hours at her place of work, the casino, and she was taken to Kempston Police station where she was detained for questioning.

## **CASE STUDY MATERIALS**

### **Identification Process**

A VIPER identification procedure was carried out and two eye-witnesses picked out Maria Wu in that procedure.

### **Interview under Caution**

LC represented Maria Wu in the interview under caution in which Maria Wu admitted to kicking the victim but denied the offence, claiming that she was acting in self-defence. Maria Wu stated in interview that the victim, Leanna Yang, whispered to her that she was going to “take her down” and that caused Maria Wu to fear that Leanna intended to harm her in some way at that moment. Maria Wu stated Leanna is a black belt in karate and, in the past, she has known Leanna to act in a volatile manner at their karate school.

Maria states that she did not intend to cause any serious harm to Leanna but that she just reacted instantly with a move which is standard karate practice in self-defence.

Maria is due to be released, pending charge, on police bail subject to the following condition:

- residence and curfew (requiring her to be at her home address between the hours of 6.00pm and 6.00am the following morning)

Maria Wu has one previous conviction: Section 39 common assault (31/12/2009)

Maria Wu is 29 years of age (DOB 20/12/1992).

She is employed as a door security officer at a casino. She is a black belt in karate.

***Turn over***

**FILE NOTE - MARIA WU**

Date: 13 January 2022  
Client: Maria Wu  
Fee earner: Li Chen (LC)  
Units: 3 units

Mark Crisp, paralegal in the criminal defence team, took a call from the police early this morning informing that Maria Wu had been arrested the previous evening for breach of curfew. She is currently being held at Kempston Police Station.

LC spoke with relevant officers and with the client, Maria Wu. Maria Wu instructed LC as follows:

“I had been adhering to my bail condition but last night I needed to cross town to visit my elderly mother, as I am her main carer. She is very ill with Parkinson’s disease and she often suffers falls as she lives alone. Yesterday I learned that my mother had suffered a fall during the day and was quite shaken up by it. She called me around lunchtime and left me an answerphone message to tell me about the fall. She asked if I could call in to see her and to take her some essential food items, as she had injured her ankle and was unable to walk to the shops. I did not pick up her answerphone message until I got home from work at 3.30pm. I can only work the day shifts now due to the bail condition.

I rushed straight out to the shops and then caught the bus to my mother’s. Following the visit, I missed the bus which would have got me home before curfew time and so I had to walk. I was cutting through Central Park at about 6.45pm last night on my way home from my mother’s when I was arrested for breaching bail.”

**End of Case Study Materials**