

CASE STUDY MATERIALS

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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.

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* 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 Solicitors LLP. The firm holds a standard crime contract and participates in several local duty solicitor schemes. Among the cases currently being handled by the department are the following:

CASE ONE: HOWARD GROVES

This client, aged 24, has recently been charged with three offences of commercial burglary. In each case, the premises were unoccupied equipment stores. Entrance was achieved by breaking a window, and the only damage in each case was the broken window. The items stolen were power tools. His fingerprints and DNA were found at the scene of two of the burglaries. When Groves was arrested and interviewed, he made full admissions. He also provided the police with information that allowed them to recover the majority of the stolen property.

The total value of property stolen was approximately £2,000 of which £500 remains outstanding. Groves has a number of previous convictions for similar offences and for offences of shoplifting. As Kempstons has acted for him on previous occasions, you are aware that he has responded well to previous community sentences. He completed the last such sentence approximately six months ago. Groves has now admitted that he has a drug problem and that his recent offending has been in order to fund this. Groves is due to make his first appearance in the magistrates' court in relation to these matters shortly.

CASE TWO: MIRANDA OJOMOH

This client, aged 21, has been arrested on suspicion of wounding/inflicting grievous bodily harm. Kempstons has been contacted to act as duty solicitor by the Defence Solicitor Call Centre (formerly known as the Duty Solicitor Call Centre). Kempstons has not previously acted for her. You have already spoken to the officer in the case and have made a note of his comments about the circumstances as **DOCUMENT 1**.

CASE THREE: PAUL CRAIG

This client, aged 15, has been arrested on suspicion of a street robbery. You have been informed of the arrest by his aunt, Delia Craig, with whom Paul Craig has been living, as his relationship with his parents has broken down. Delia Craig has asked you to represent Paul Craig, since she is aware that the firm has previously acted for him.

The information provided by Delia Craig is that Paul was arrested at a local playground shortly after the alleged offence took place. The arrest took place some three hours ago. She understands that a number of offenders were involved, and does not know whether any of the others have been arrested. The victim is apparently a 17-year-old girl and it is alleged that her mobile phone was stolen, after she was threatened with some kind of weapon.

Your records show that Paul Craig has previous convictions for offences of dishonesty, including distraction burglaries, and is currently the subject of a Detention and Training Order (DTO). He has completed the custodial element of the DTO.

DOCUMENT 1

The enquiry is into an incident that occurred in the early hours of today in and around the female toilet area of the Dark End Club, a nightclub in Bedford. A female, Francesca Fowler, has suffered injury by burning to her face, hands and hair. CCTV images from the nightclub show her being attacked by a female with an improvised blowtorch, created by setting light to the spray from an aerosol can. Security staff at the nightclub took possession of an aerosol can of deodorant with scorch marks near the nozzle, and this is being sent for forensic examination. The CCTV images only show the assailant from the side and rear. They depict an Afro-Caribbean female in her late teens or early 20s, with braided hair, relatively heavily built and wearing a tight-fitting dark top and dark leggings.

Francesca Fowler was conveyed to Bedford Hospital and is being treated for second-degree and third-degree burns. She has been interviewed and has made a statement to the effect that while she was in the female toilet area, she was accosted by a woman whom she did not recognise. This woman accused Francesca Fowler of trying to get off with her boyfriend. Francesca Fowler tried to point out that she had not talked to anyone that evening except the group of female friends with whom she had visited the nightclub, but the other woman became more and more agitated and started threatening Francesca Fowler.

Francesca Fowler decided that she was safer leaving the toilet area, but as she went back into the foyer outside the toilet, she suddenly heard a whoosh and saw a flash of light. She then felt something intensely hot being sprayed on her face and put her hands up to protect herself. Her hair then caught fire and she fell to the ground, screaming and clutching her face in her hands. She has given a description of the assailant similar to that derived from the CCTV images, and states that she could recognise the assailant in an identification procedure.

Security staff were alerted by the commotion. They arrived within a few seconds. Patrons of the nightclub who were in the area pointed out Miranda Ojomoh as being the person responsible. A member of the security staff escorted her to an office, where she was detained until the police arrived some minutes later. Miranda Ojomoh was formally arrested on suspicion of wounding/inflicting grievous bodily harm. She was cautioned and made no reply. She was then taken to the police station, and her detention was authorised by the custody officer two hours ago.

The police are in the process of taking statements, and it seems that, from their initial enquiries, Francesca Fowler was indeed at the nightclub with a group of female friends, while Miranda Ojomoh was with another group of both men and women and comprising both white and Afro-Caribbean individuals. Security staff have indicated that they were aware of some sort of disagreement between members of the two groups earlier in the evening, but it did not get beyond a verbal altercation.

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Initial indications are that Miranda Ojomoh has a previous conviction for malicious wounding, which also arose from a dispute in a different nightclub.

It is likely that the police will want to carry out a VIPER identification procedure, before seeking to interview Miranda Ojomoh. The officer indicates that in his opinion, Miranda Ojomoh meets the description. In particular, she has braided hair and was wearing similar clothing to that described.

End of Case Study Materials