

CASE STUDY MATERIALS

January 2019
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 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: MANDY PRICHARD

This client, aged 25, is the assistant manager of a convenience store. Following an internal audit, which revealed significant discrepancies between stock levels and sales recorded, she was suspended by her employer. The employer then reported matters to the police, who have indicated that they now wish to interview Mandy Prichard under caution as a suspect.

Mandy Prichard instructs you that the manager of the store, who has also been suspended, identified what he thought was a weakness in the financial management and stock control systems operated at the store. Over a period of three months, about £15,000 worth of goods were sold without the transactions being processed through the till, and this was concealed by fictitious entries relating to allegedly damaged or out-of-date stock. Mandy Prichard accepts that, while it was not her idea, when the manager offered to let her have a share of the proceeds in return for keeping quiet, she agreed, and received approximately £2,000 in cash.

Mandy Prichard is of previous good character. She is a single parent of two children aged seven and six. She is in receipt of Universal Credit.

CASE TWO: ASHWELL SINCLAIR

This client, aged 16, has recently been charged with one count of robbery. He has been released on conditional police bail. A summary of the prosecution case as it is known, together with the client's instructions, can be found in **Document 1**.

CASE THREE: MICHAEL JONES

This client, aged 19, has been charged with dangerous driving, aggravated vehicle taking and driving without insurance, and is due to make a first appearance in the magistrates' court in the next few days. The allegation is that he drove at speeds between 60 and 80 miles per hour for several miles in an urban area on roads where the speed limit was 30 miles per hour. Much of the incident was captured on video by a police helicopter.

The incident came to an end when the police established a roadblock. The car involved stopped before the roadblock and the occupants of the car ran away. The police managed to catch one of them, who had been seen leaving by a rear door of the car, and who sustained a broken ankle while running away.

This individual, Junior Moray, has made a statement identifying Michael Jones as the driver. He also states that Michael Jones was driving as he did in order to impress his passengers, although they repeatedly told him to slow down and that he was scaring them.

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Enquiries have shown that the car in question is registered to Michael Jones' grandfather. The grandfather has made a statement that he did not give Michael Jones permission to use his car on that occasion, was unaware that he was in fact using it, and would not have given permission under any circumstances.

Michael Jones has instructed you that he borrowed the car, and that his grandfather had previously lent him the car on several occasions and had told him that he was welcome to use it at any time. He further states that he was not the driver at the time of the incident, and that he had asked one of his friends to drive, because he was feeling unwell. He has a full driving licence with no endorsements, having passed his test four months ago.

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DOCUMENT 1

The complainant, Trevor Hendricks, has given a statement to the police, in which he alleges that, at about 8 pm on 3 January 2019, while he was using a pedestrian underpass under a main road near Bedford station, he was accosted by an individual who tried to grab the laptop bag he was carrying. The complainant resisted and, after a struggle, his assailant tripped him up, grabbed the laptop bag and ran off. The complainant was shaken but not physically injured. The laptop bag contained a new MacBook, which he had purchased for £1,430 about a month earlier.

The complainant described the assailant as male, probably a teenager, of Afro-Caribbean appearance, but relatively light skinned, between 5 foot 9 inches and 6 foot tall, and wearing dark clothing including a hooded top.

PC Shaheed Khan has given a statement to the effect that he was on uniformed foot patrol in Bedford at 8:30 pm on 4 January 2019 in the vicinity of this pedestrian underpass. He had received a briefing concerning the robbery on the previous day, and was aware of other incidents of antisocial behaviour in and near the pedestrian underpass.

As he approached the underpass, he observed an individual wearing a black hooded top and dark trousers standing on the second step of a flight of stairs which led from the underpass into the station. He had his back to PC Khan, and the officer kept him under observation for several minutes. He then turned towards the officer, who could then see that he was of Afro-Caribbean appearance. The officer considered that this individual was acting suspiciously and met the description of the perpetrator of the robbery.

PC Khan approached the individual and asked him what he was doing. He responded: 'I'm not doing nothing wrong. What's it to do with you anyway?' PC Khan then asked if he would give his name and address, and he declined to do so. PC Khan also formed the view that the individual was showing signs of considerable anxiety or agitation. He therefore arrested him on suspicion of robbery, and at that point the individual identified himself as Ashwell Sinclair.

As the address he gave was on the way to the police station, PC Khan decided to carry out a search. Sinclair's mother, Gloria Sinclair, was present and gave her consent to a search. Nothing of interest was found in Ashwell Sinclair's room, but in another bedroom a laptop bag was found which contained a business card in the name of Trevor Hendricks, who later identified it as being the bag stolen from him. PC Khan took possession of the bag and conveyed Ashwell Sinclair to the police station. He subsequently gave a no comment interview.

Sinclair has a number of previous findings of guilt, several of which are for street robbery or theft from the person. He has recently completed a 12-month DTO.

Ashwell Sinclair denies any involvement with the offence. He says that at the time of the offence he was 'hanging out', but has provided no information as to exactly where he was and whether he was with anyone else who can vouch for his movements during that time. He states that his brother might be responsible for the presence of the laptop bag in the house, but he does not want to implicate him.

End of Case Study Materials