

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**

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ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer working in the criminal litigation department of Kempstons LLP, solicitors. The firm has a standard criminal contract with the Legal Aid Agency and participates in several local duty solicitor schemes. Among the cases being handled by the department at present are the following:

CASE ONE – GARY FOX

You act, as duty solicitor, for Gary Fox, aged 23, who has recently been arrested on suspicion of robbery. Earlier, you attended Bedford Custody Suite and spoke to the officer in the case, DS Shaheed. You also had a preliminary discussion with your client. Your notes from these two conversations constitute **DOCUMENT ONE**. You have observed that your client does have a “monobrow” as described in various witness statements, although it is not a particularly pronounced one. You have also, in accordance with your normal practice, carried out an assessment of your client’s means. Using the criteria for the full legal aid means test your client has a disposable income of approximately £6000.

CASE TWO – LUIGI DANIELE

This client, aged 19, has been charged and released on bail pending his first appearance on a charge of violent disorder. This arises from an incident which took place in Luton town centre. A number of youths, ranging in age from 15 to 20, became involved in an altercation on one of the main shopping streets at 10 p.m. on Wednesday 6 November 2019.

CCTV images, from footage which has been disclosed by the prosecution to the defence, show a group of predominantly white youths approaching a group of predominantly black youths. It can be seen that each group consisted of approximately 15 individuals. In the CCTV footage, both groups are seen gesticulating, and some individuals appear to be in possession of baseball bats or similar implements.

The CCTV footage then shows the black youths appearing to gain the upper hand and, as a result, most of the members of the group of white youths turn and run out of the range of the cameras. Two stragglers are then caught by members of the group of black youths and are subjected to a violent beating at the hands of half a dozen of their adversaries.

It is alleged that Luigi Daniele was an active and leading member of the group of white youths and was in possession of a weapon.

The CCTV footage gives a reasonably clear picture of the overall incident; however, individuals are not readily identifiable. There are two statements from eyewitnesses. These are consistent with what is shown in the CCTV footage, in that, neither of the eyewitnesses are in a position to make a positive identification of any of the participants and the descriptions they give are quite general.

In order to identify those that were apparently involved, the police used general intelligence about both the membership of the two groups and also the identity of the two victims of the violent beating who had required hospital treatment. Potential suspects were then arrested and interviewed.

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The prosecution has also served documentation relating to Luigi Daniele's mobile phone, which indicates that it was used on two occasions, in the 20 minute period prior to the incident, to communicate with a phone registered to one of the two victims of the violent beating, and places Luigi Daniele within 250 metres of the location of the incident. While Luigi Daniele has given a no comment interview, a number of those allegedly involved in the incident have answered questions in interview, and the transcripts of these interviews have been disclosed. Only two of these make any specific reference to Luigi Daniele.

In one of the transcripts from the interview of the other victim of the beating, it describes the reason why the group were in the area in the following terms, "Lou Daniele had heard that the K-Crew [the name of the group of black youths] were coming into the city centre that night and suggested we needed to kick them back to where they belonged". The other reference to Luigi, made by Shaun Smith, a member of the group of white youths, simply refers to Luigi Daniele being present, without adding any further information.

Luigi Daniele has instructed you that he intends to plead not guilty. His instructions to you are that he was on his way to get a takeaway meal with two or three friends, when they had met up by co-incidence with other associates of his, and that he is not prepared to name his friends, as they are not among those who have been charged.

They were all walking in the same direction, but Luigi was unaware that any confrontation was intended and took no part in the incident. He states that he was the first to leave the scene when he realised that things were getting violent. He denies being in possession of any weapon or having any role in planning the incident.

CASE THREE: ROSIE JONES

This client, aged 26, and of previous good character, has been charged with two offences of theft and has been bailed pending her first appearance at court. She is a single parent of two children, aged eight and four, and is currently in receipt of income-based Job Seeker's Allowance. She was previously employed as a care assistant, providing services to elderly and disabled people in their own homes.

The charges relate to items which were allegedly stolen from two of her clients by Rosie Jones, acting together with her colleague Lisa Dunn. The first charge relates to a quantity of jewellery valued at £3,000, including two rings of great sentimental value. The second relates to cash amounting to £4,000. In each case, the complainant is elderly, frail and housebound. The offences came to light because the relatives of one of the victims had become suspicious of care workers, generally, and had installed a security camera. Images from this showed Lisa Dunn removing items from a drawer in a bedroom. A subsequent check showed that jewellery which had been placed in the drawer for safekeeping had disappeared. The missing cash was subsequently reported to the police independently.

Lisa Dunn was arrested and interviewed and has made full admissions. In her statement, she implicated Rosie Jones, stating that the two were working together, with Rosie Jones making sure that the attention of the client was diverted. Lisa Dunn admitted that the idea of stealing from clients was hers, and that Rosie Jones was initially reluctant to get involved, but eventually agreed and as a result received some of the jewellery and £1,000 from the stolen cash.

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Rosie Jones was subsequently arrested. Following her arrest, and with her consent, the police searched her home and discovered two bracelets which have been identified as part of the stolen jewellery and a building society passbook, showing a deposit of £1,000 a day or two before the theft of the cash was reported to the police. When interviewed, Rosie Jones was advised by the duty solicitor and opted to give a no comment interview, but provided a written statement denying any involvement. She accounted for the bracelets by saying that they were a birthday present given to her by Lisa Dunn and for the cash by saying that it was money that she had been saving, together with a contribution from her boyfriend, towards a holiday that they were planning to take over Christmas. She continues to maintain a plea of not guilty.

DOCUMENT 1

On Tuesday 5 November 2019, at approximately 9:15 a.m., a robbery took place at an address in Willow Close, Bedford. The house is owned by Mr Charles and Mrs Pamela Simpson and is occupied by them and their adult son, Neil. At the time of the robbery Mrs Simpson was alone in the house. She was in the living room, when she heard someone ringing the front doorbell. She glanced out of the window and saw a man who was wearing a cap and carrying a parcel.

As she was expecting a delivery, she went to the door. When she opened the door, the delivery man, who was looking down at a tablet in his hand asked if she was Mrs Smith. When Mrs Simpson replied that she was not, he used the parcel he was holding to force his way into the house and then closed the door behind him. He then produced a large knife and forced Mrs Simpson through the house to the back door, which was locked.

He ordered her to unlock it, which she did. Two more men entered the house. Both of them were wearing black and white scarves which partly covered their faces. One of them produced what appeared to be a handgun with yellow tape wrapped around the barrel and ordered Mrs Simpson to "hand over Neil's cash and your jewellery". Mrs Simpson insisted that there was no cash in the property, but the assailants continued to threaten her.

Eventually, Mrs Simpson went into her bedroom and handed over a quantity of her jewellery, together with an envelope containing approximately £6,000 in cash which represented the proceeds of sale of a car which her son had sold on Saturday 2 November 2019. The assailants then tied Mrs Simpson to a kitchen chair and made off. About an hour later, a neighbour called round and was able to release Mrs Simpson who then called the police.

Mrs Simpson gave the following descriptions of the three assailants.

1. The "delivery man" – aged approximately 30, approximately 6' tall, average build, light complexion. Wearing a baseball cap, a black leather jacket and blue jeans.
2. The assailant who produced the gun – aged early-to-mid-20s, approximately 5' 8" tall, slim build, dark hair and complexion with a pronounced "monobrow" (eyebrows which join together across the bridge of the nose). Wearing a grey Superdry jacket, a black-and-white scarf covering the lower part of his face and black tracksuit bottoms.
3. The last assailant - aged early-to-mid-20s, approximately 6' tall, heavily built with dark brown hair. Wearing a black fleece top, a black-and-white scarf covering the lower part of his face and white tracksuit bottoms.

The jewellery which was taken was listed on an insurance valuation. It comprised a diamond solitaire ring valued at £2,500, a pair of diamond and sapphire earrings valued at £1,250 and a diamond eternity ring valued at £750. Photographs of all three items were attached to the valuation.

An examination of the premises by scenes of crime officers did not reveal any identifiable fingerprints or potential DNA samples.

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Neil Simpson has made a statement confirming that on Saturday 2 November 2019 he was at an event organised by a motor enthusiasts club and that he sold a car for £6000 cash. The car was one which he was in the process of doing up and it attracted quite a lot of interest. He has handed over to the police a number of photographs which he took at the time. He has confirmed that he showed these pictures to his parents when he returned that evening.

A jeweller, with a shop on Harpur Street, has contacted the police following the circulation of descriptions of the stolen jewellery and has made a statement confirming that at approximately 11.30 a.m. on 5 November, a man came into his shop and offered him a diamond eternity ring. The jeweller decided that the ring was of no interest to him. He has described the man as aged in his mid-20s, approximately 5' 9" tall, slim build, with dark hair and of a dark complexion. He was wearing a grey Superdry jacket, a black-and-white scarf looped around his neck and black tracksuit bottoms. The jeweller has given the CCTV footage of the incident to the police.

Police officers have examined the photographs taken by Neil Simpson and on two of them, a man aged in his early-to-mid-20s, approximately 5' 8" tall with a dark complexion and a monobrow, and wearing motorcycling leathers, can be seen. Subsequent enquiries with the organisers of the event, and others who were present, have resulted in several persons suggesting that this individual is Gary Fox.

Subsequently, Gary Fox was arrested at work on Monday 18 November 2019. He is employed by an engineering company with approximately 50 employees. The arresting officer noticed a replica handgun with some yellow tape around the barrel in one of the lockers in the staff room. He took possession of this, being aware that there had been reference to a similar item used in the offence. The police have also informed you that Gary Fox has no previous convictions. When cautioned on arrest, Fox replied, "I have no idea what you are talking about, you must have got the wrong man."

Comments by Gary Fox:

I stand by what I said to the police on arrest. I had nothing whatsoever to do with this robbery. I do accept that I had gone to the motor club event on the previous Saturday. I had taken my motorbike and so would have been wearing motorcycle leathers. Whilst I have not seen the photographs which you tell me have been taken by Neil Simpson, I would not be at all surprised if I appeared on them as I was there for quite some time talking to friends, looking at the various cars which were on display and also the various trade stands for car parts and accessories.

I would normally have been at work on a Tuesday morning, but I can remember that on 5 November 2019 I was suffering from a heavy cold. I start work at 8 a.m, and I would have called in sick at that time. I was at home alone until about 10 a.m. when my girlfriend, Lisa Perry, came around and stayed with me until about 1 p.m. I could not, therefore, have been the person who tried to sell an item of jewellery which is said to be part of the proceeds of the robbery at 11.30 a.m. that day. There is an old toy gun which has been kicking around in the staff room at work for months. I have no idea who originally brought it in. A number of us have mucked around with it from time to time, including me.

End of Case Study Materials

