

**CASE STUDY MATERIALS**

September 2020  
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**

- 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 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 3 CERTIFICATE IN LAW AND PRACTICE** and **LEVEL 3 PROFESSIONAL DIPLOMA IN LAW AND PRACTICE**

## **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 view the attached documents from the files of Edna Falmer and Keanu Harris

**DOCUMENT 1** Attendance Note with Sergeant Tanvir Habeeb, Investigating Officer, re Edna Falmer

**DOCUMENT 2** Attendance Note with Edna Falmer

**DOCUMENT 3** Telephone Attendance Note with Edna Falmer

**DOCUMENT 4** Attendance Note with Inspector Amanda Rogerson, Investigating Officer, re Keanu Harris

**DOCUMENT 5** Attendance Note with Keanu Harris

DOCUMENT 1

**ATTENDANCE NOTE WITH SERGEANT TANVIR HABEEB,  
INVESTIGATING OFFICER, RE EDNA FALMER**

Date/time: 27 May 2020 – 15:00  
Client: Edna Falmer  
Matter: Wilful obstruction of the highway  
Assault on a police officer in execution of her duty  
Attended by: Li Chen (LC) – duty solicitor  
Attendance with  
Investigating Officer: 3 units

LC was called to attend Edna Falmer 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, Sergeant Tanvir Habeeb, who confirmed as follows:**

Earlier today, Wednesday 27 May 2020, our officers were policing a planned climate change protest, which was scheduled to take place between 08:00 and 11:00 hours. The protesters were to march through the town centre of Kempston along a planned route leading to the main square outside the Council offices.

The protestors turned out in greater numbers than we had expected, and some of them did not keep to the planned route. A group of approximately 12 protestors blocked the main road through the town, by linking arms across the road. This caused significant traffic problems. Our officers made a number of arrests in relation to this offence of wilfully obstructing the highway. Officers repeatedly asked the group to disperse peacefully and to remove themselves from the road. Many protestors moved voluntarily, but a small number, including Edna Falmer, remained.

When our officers began to make arrests, Edna Falmer resisted and sat down in the middle of the road, singing 'I shall not, I shall not be moved'. PC Sally Moran bent down to speak with Edna Falmer. As she did so, Edna Falmer swore at PC Moran and shouted: 'You will have to carry me out of here, as I will not be leaving peacefully'. PC Moran and a colleague went to take hold of Edna Falmer by her arms, to lift her to her feet, but she struck out with her walking stick, shouting: 'Take your filthy paws off me'. Edna Falmer struck PC Moran twice with the stick, once to the shin and once to her side. Another officer stepped in to help. He seized Edna Falmer's walking stick and arrested her for wilful obstruction of the highway and the assault on PC Moran. He escorted Edna Falmer into the back of the police van and transported her, along with other protestors, to Kempston Police Station.

Edna Falmer was interviewed under caution. During that interview she admitted to hitting PC Moran with her stick, but claimed this was in self-defence. This is denied by PC Moran. Edna Falmer also admitted to obstructing the highway.

Edna Falmer has been charged with both offences and has been released on bail to appear at Kempston magistrates' court.

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DOCUMENT 2

ATTENDANCE NOTE WITH EDNA FALMER

Date/time: 27 May 2020 – 15:30  
Client: Edna Falmer  
Matter: Wilful obstruction of the highway  
Assault on a police officer in execution of her duty  
Attended by: Li Chen (LC) – duty solicitor  
Attendance with client: 5 units

**Attending Edna Falmer (DOB: 10 February 1942)**

Edna Falmer stated the following:

'I have been an environmental activist for most of my life. I regularly attend demonstrations. I turned out this morning to join the climate change protests in the centre of Kempston. A small number of regular members of our group, including myself, had agreed in advance that we would take any opportunity during the march to cause maximum disruption to the town centre traffic.

'As we followed the planned route, we saw our chance to block the main route into the town centre, so a few of us created a human roadblock, by linking arms across the road. Our plan worked, as the traffic was forced to stop. We had only been there a short while, when the police tried to move us out of the road. They were threatening arrests, and a few of the younger members complied with the police. But some of us older demonstrators know that we will only get the message across if we cause maximum disruption, so we held the line. We sat down in the road and began to sing and chant.

'I am 78 years old and I walk with the aid of a stick. I was sitting on the ground, refusing to be moved, when two police officers grabbed at my arms. I instinctively hit out with my stick to prevent them taking hold of me. I thought the female officer was going to hit me. I was trying to protect myself from being harmed. I know what tactics the police use with demonstrators. I was arrested along with other demonstrators.'

Edna Falmer also stated that she was diagnosed with ovarian cancer three weeks ago and that she is very worried about this. She is worried not only for herself but also for her sister, who is infirm and housebound and who Edna cares for on a full-time basis.

Edna Falmer has instructed you that she intends to plead guilty to obstruction of the highway charge, but not guilty to the assault charge. She claims that she acted in self-defence, as she feared she was about to be struck by PC Moran.

Edna Falmer has a number of previous convictions, all arising from her activism:

- Wilful obstruction of the highway (23/02/1984, 15/04/1986, 28/06/1991, 20/09/2019, 14/03/2020)
- Assault on a police officer (28/06/1991, 14/03/2020)
- Failure to surrender (23/02/1984, 15/04/1986, 28/06/1991, 20/09/2019, 14/03/2020).

**DOCUMENT 3**

**TELEPHONE ATTENDANCE NOTE WITH EDNA FALMER**

Date/time: 28 May 2020 – 10.30  
Client: Edna Falmer  
Matter: Wilful obstruction of the highway  
Assault on a police officer in execution of her duty  
Call taken by: Gemma Jones, Receptionist  
Time: 2 units

Edna Falmer telephoned the office and spoke with me on Reception.

Edna Falmer called to ask how much she needed to pay for the advice that she received from Li Chen at the police station yesterday and wanted to know if she could pay by cheque.

Edna Falmer stated that although Li Chen had said something about funding during their meeting at the police station, she had been exhausted and had not really understood or remembered any of the information provided.

Edna Falmer stated in the telephone call that she is a pensioner and that she receives state pension and pension credit.

I said that someone would be in touch to explain the funding.

***Turn over***

DOCUMENT 4

**ATTENDANCE NOTE WITH INSPECTOR AMANDA ROGERSON,  
INVESTIGATING OFFICER, RE KEANU HARRIS**

Date/time: 27 May 2020 – 16:30  
Client: Keanu Harris  
Matter: Affray  
Assault with intent to resist arrest  
Attended by: Li Chen (LC) – duty solicitor  
Attendance with  
Investigating Officer: 3 units

LC was called to attend Keanu Harris 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, Inspector Amanda Rogerson, who confirmed as follows:**

Earlier today, during the climate change demonstrations in Kempston, Keanu Harris was arrested and detained following his involvement in public order offences.

At approximately 11.00 am, PC Warriner was on duty as part of the team policing the demonstrations. PC Warriner had been informed via radio that some hard-line protestors had joined the demonstrations and that they were wearing green vests and balaclavas. As he stood in the town centre, PC Warriner heard a commotion. He saw a number of people running out of Blacks, the department store. He ran towards the store and saw the store detective, Barbara Isles, in pursuit of someone in a green vest and balaclava. Barbara Isles was shouting, 'Stop that man'. PC Warriner apprehended the person in question, who he was able to identify, from ID cards in his wallet, as Keanu Harris.

There is a statement from Barbara Isles, detailing events in the department store. She states as follows:

'At approximately 11.15 am I was at work in Blacks department store. I was on the ground floor, when a group of four individuals, all wearing green vests and balaclavas, entered the store following a woman who I know to be the local Member of Parliament (MP) for Kempston.

'They chanted and shouted at her, calling her an "environmental criminal" and accusing her of killing the planet. The MP was very distressed and there was panic among shoppers. My colleague escorted the MP to a private room for her safety, and I attempted to deal with the protestors.

'The group were ransacking the store, taking items from the shelves and throwing them. The group were very aggressive, shouting "Bring that coward out here. Bring her out to account for her actions in Parliament." They were smashing items on the shelves. I approached the group, in an attempt to resolve the matter and make arrests.

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'One member of the group picked up a rolling pin from the shelf and hit me hard in the face with it, and then dropped it and ran for the exit. The group dispersed – three ran for the rear exit and one for the front door. I chased after the one running out of the front door and onto the High Street. I saw a police officer in the High Street and shouted "Stop that man". The police officer arrested the man. I suffered a fractured eye socket as a result of the incident.'

Barbara Isles states that she would not be able to identify the person who assaulted her, as their face was concealed by the balaclava.

Keanu Harris was brought to Kempston Police Station and was detained for questioning. He provided a 'no comment' interview.

***Turn over***

DOCUMENT 5

**ATTENDANCE NOTE WITH KEANU HARRIS**

Date/time: 27 May 2020 – 17:10  
Client: Keanu Harris  
Matter: Affray  
Assault with intent to resist arrest  
Attended by: Li Chen (LC) – duty solicitor  
Attendance with client: 4 units

**Attending Keanu Harris**

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

LC then spoke with Keanu Harris.

Keanu Harris admits to having been in Blacks department store with the other protestors. He stated that he had been persuaded by some hard-line members of the environmental protest group to leave the main demonstration and to target the local MP. He says the group provided him with a green vest and balaclava. Keanu Harris denies knowing the names of the others, as he had not spoken to them before that day. He says he would not be able to identify them, as they had been wearing balaclavas when they spoke to him.

Although Keanu Harris admits to being with the group in the department store, he denies smashing any items in the store or shouting any abuse at the MP. He also denies being the person who assaulted Barbara Isles, the store detective.

Keanu Harris states that he felt intimidated into joining the hard-line members, who are known to be violent towards those who refuse to join them. Keanu Harris claims he was caught up in something that went beyond what he thought he had signed up for. He says the others set him up and told him to run for the main door, but they did not follow that plan and he found himself being arrested while they escaped.

Keanu Harris states that the police had interviewed him and he gave a 'no comment' interview. He says that he had been offered a solicitor, but did not think he needed one.

**End of Case Study Materials**