



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**

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ADVANCE INSTRUCTIONS TO CANDIDATES

You are a trainee lawyer working for Izabella Adamowicz, 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 from the client files of Kelly Hutchings and Desmond Ashington.

The documents are:

Document 1 Attendance note – Mike Barry re Kelly Hutchings

Document 2 Witness statement – Kelly Hutchings

Document 3 Attendance note – Desmond Ashington

DOCUMENT 1

ATTENDANCE NOTE

Date: 24 March 2017
Client: Kelly Hutchings
Matter: Wounding with intent to do GBH (section 18 Offences Against the Person Act 1861)
Attended by: Izabella Adamowicz – duty lawyer
Attendance: 7 units

Izabella Adamowicz was called to attend Kelly Hutchings at Kempston East 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 Mike Barry who confirmed as follows:

At 10.35 pm this evening we received a call from a staff member at Kempston East Restaurant to report a stabbing.

We attended the restaurant shortly after and spoke to the manager who gave a statement which was as follows:

At around 8.00 pm two females attended the restaurant and asked for a table for two. They ordered food and a couple of bottles of wine. At around 10.20 pm the two females raised their voices and it appeared that they were arguing. One of them, who we now know to be called Tiana Roby, stood up and picked up one of the empty wine bottles and held it above her head as if she was threatening to hit her friend with it. That's when her friend grabbed one of the knives from the table and stabbed Ms Roby in the shoulder. Ms Roby collapsed and her friend initially looked shocked but then ran out of the restaurant.

One of my staff members attended to Ms Roby and called an ambulance. Ms Roby told us that her friend who stabbed her is called Kelly Hutchings.

Kelly Hutchings is about 25 years old, 5' 7" (170 cm) tall, has long blonde hair and was wearing a red sparkly dress and black shoes. She ran out without collecting her jacket.

We have no security cameras at the restaurant.

We sent two police officers out to drive around to see if they could find a female matching Kelly Hutchings' description. They found her and arrested her for GBH and brought her to the station at 11.30 pm.

She has no previous convictions.

Ms Roby is in hospital and has had an operation for her stab wound but is expected to make a full recovery.

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DOCUMENT 2

WITNESS STATEMENT

Criminal Procedure Rules, r 27.1 & 27.2; Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5A & 5B

Statement of: Kelly Hutchings

Age if under 18 (if over insert "over 18"): Over 18

Occupation: Accountant

This statement (consisting of two pages 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.

Signature: *K. Hutchings*

Dated: 24 March 2017

At around 8.00 pm this evening I went to Kempston East Restaurant with one of my best friends, Tiana Roby. We had arranged to go there for dinner as Tiana needed to speak to me about something.

We enjoyed our dinner and a couple of bottles of red wine, catching up about general day-to-day life.

I had recently got married to my husband Ben and Tiana was one of our bridesmaids. Towards the end of the evening we were recalling memories about the wedding. Tiana became upset and I asked her what was wrong. She said that she had wanted to go out with me for dinner as she needed to talk to me about something serious. When I asked her what it was she told me that she had been having an affair with Ben since before we got married.

At first I was in shock but then my shock turned into anger. I started screaming at her that I could not believe what she had done to me and that I wanted to kill her. At that point she stood up and grabbed one of the empty wine bottles saying 'Don't you dare threaten to kill me'. I thought she was going to hit me with it so I quickly grabbed one of the knives and lashed out at her arm that she was holding the bottle with.

It all happened so fast but I realised what I had done when she collapsed in front of me and I saw her bleeding from her shoulder. I panicked and ran out of the restaurant.

I ran a few roads away from the restaurant and then sat on a bench crying. Shortly after a police car pulled up next to me and two police officers jumped out of the car, asking me if I was 'Kelly Hutchings' and I nodded. One of them pushed me off the bench and onto the floor face down, while the other one thumped me in the back and handcuffed me.

Signature: *K. Hutchings*

Signature witnessed by:

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One of them said 'You're nicked and you know what for', and then they threw me into the back of the police car.

They then drove to a petrol station and one of them got some snacks and drinks for them before taking me to this police station.

At the police station I was interviewed and I admitted that I had stabbed Tiana but explained that I did not know what got into me. I just reacted because she told me that she had been having an affair with my husband Ben from before we got married.

I am very sorry as I did not mean to hurt her like this.

I am an accountant and am worried I will lose my job and my good reputation. Before Ben and I were married we'd had three children, now aged 13, 11 and 4.

I have never been in trouble with the police before.

Signature: *K. Hutchings*

Signature witnessed by:

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DOCUMENT 3

ATTENDANCE NOTE

Date: 25 March 2017
Client: Desmond Ashington
Matter: Theft
Attended by: Izabella Adamowicz – duty lawyer

Attendance: 10 units

Attending Desmond Ashington (DOB: 01/06/1965) on the matter of theft who confirmed as follows:

I am a car salesman at a garage specialising in expensive sports cars. I was due to work today but was not feeling well so I called the garage at 9.00 am to inform them that I would not be at work today as I was ill.

At around 9.45 am, two police officers arrived at my home and asked if they could speak to me. I invited them into my house and they informed me that one of the cars at my work, worth £30,000, had been stolen overnight. I confirmed that I had worked yesterday, was the last person to leave so I had locked up the garage. I knew nothing about the theft of the car.

I offered to go to the police station to make a statement but the police officers arrested me and brought me to this station.

Desmond has the following previous convictions:

15.11.2011 – Theft (Fine)

30.01.2012 – Theft (Low level community order)

22.11.2015 – Theft (Medium level community order)

End of Case Study Materials

