



**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 text books 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 with Kempstons LLP, working in the criminal litigation department. The firm has a full standard criminal legal aid contract with the Legal Aid Agency and participates in several local duty solicitor schemes.

Among the cases currently being dealt with by your team are the following:

**CASE ONE – JOE BASSETT**

Joe Bassett, aged 22, is currently under arrest at Luton police station. The firm has received a call from the Duty Solicitor Call Centre to the effect that Joe Bassett has requested the services of the duty solicitor, and Kempstons has been allocated under the rota scheme. You speak to the officer in the case on the telephone and obtain an outline of the position from the police perspective. You make a note of this conversation (**Document 1**). The officer in the case gives you the opportunity to speak to Joe Bassett.

**CASE TWO – CHRISTINE SHEFFIELD**

This client, aged 35, is currently on bail awaiting her first appearance in court. She has been charged with an offence of assault occasioning actual bodily harm and a further offence of criminal damage. Kempstons represented her at the police station under the duty solicitor scheme. Details of the allegations and of the client's instructions in relation to them are set out in **Document 2**. The police have confirmed to you that Mrs Sheffield is a woman of good character with no previous recorded cautions or convictions.

**CASE THREE – JENA MALLORY**

Jena Mallory, aged 15, has been charged with two counts of theft from the person, involving the theft of a mobile phone and tablet respectively from two other slightly younger teenagers. At least two other individuals were involved in the offences, but the police have not yet managed to apprehend them. From the descriptions given, they appear to be older teenagers or young adults.

Jena Mallory was bailed pending her first court appearance. However, you have just received a telephone call from the local bridewell, to the effect that Jena Mallory is now again in police custody following an incident at her home. You are aware that Jena Mallory is looked after by the local authority, and has been in foster care. You are able to ascertain that the current incident involves setting fire to furnishings in Jena's bedroom and that her foster parents have now indicated that they are not willing for Jena to continue living with them.

Kempstons has acted for Jena previously, and you are therefore aware that she has previous findings of guilt in relation to theft from the person.

***Turn over***

**DOCUMENT 1**

The police are investigating an incident that occurred outside the Dark End Club, which is a nightclub in Luton primarily frequented by students. The incident occurred at 2 am on Sunday morning, as patrons were leaving the nightclub. An altercation developed between a group of ten students from the local university who had just left the nightclub, and a second group of individuals. The police believe that they have seen this second group on CCTV coverage at two or three locations in Luton city centre over the preceding 30 minutes. The police are therefore working on the assumption that they had not been in the Dark End Club, at least in the period leading up to the incident that is being investigated.

CCTV footage of the area outside the Dark End Club shows the two groups coming together. The group of students who had emerged from the club were standing on the pavement, apparently having a conversation among themselves. The second group were walking along the pavement and appeared to think that their progress was being impeded by the students, as a result of which members of the second group pushed some of the students.

Some of the students retaliated and there was a short period of pushing and shoving by members of both groups. A member of the second group then punched one of the students very forcefully in the face. The victim fell to the ground, hitting his head as he fell. He lay there motionless. After a few seconds, it became apparent that he was seriously hurt and the members of the second group then ran away in the direction of Luton station, which was about 300 metres away.

The CCTV image gives a good overview of the incident, but does not provide a clear image of the assailant. The victim sustained a broken jaw and concussion as a result of the punch and his subsequent fall, and has no memory of the incident. The other students have made statements, which all confirm that they were pushed and shoved by members of the second group, who had made no attempt to ask them to make way for them, and accepting that they did retaliate by pushing and shoving in their turn. They indicate that the other group comprised white, mixed-race and Afro-Caribbean individuals, but do not give a clear description of any of them.

Two door supervisors from the Dark End Club saw the incident from a distance of approximately 15 metres. They have made statements, which confirm how the incident commenced and unfolded. They describe the individual who delivered the punch in similar terms. He is said to be in his late teens or early 20s, about 5'10" tall and of average build. He was clean-shaven, with hair cut very short at the back and sides, but longer, with asymmetrical styling, on the crown of the head. He was wearing a dark sweatshirt, light-coloured trousers and trainers.

A station manager at Luton station was locking up the station at 2.15 am on Sunday morning. His attention was drawn to a group of three youths who had run from the direction of the Dark End Club and stopped just outside the station entrance. He heard one say: 'I think we're far enough away now. I don't think they are following us.' Another appeared to be examining his right hand rather tentatively, as though it were painful.

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The youths then went on their way towards the city centre. CCTV footage from the station provides good images of these three individuals, one of whom, the individual who was examining his hand, closely matches the description given by the door supervisors of the assailant. As a result, the police showed the station manager a number of photographs, and he picked out Joe Bassett as being the individual who was examining his hand.

**DOCUMENT 2**

According to the police, there has been a history of ill feeling between Christine Sheffield and her neighbour Melissa Fogarty. The main problem appears to have been arguments over car parking. Both parties live on a street where there is no off-street parking, and residents and others therefore park on the street. Mrs Sheffield has a disabled child. Her vehicle has been modified to allow wheelchair access at the rear, but this requires significant clearance to allow the wheelchair to be manoeuvred into position. Mrs Sheffield has previously reported to the police that Miss Fogarty regularly parks her own car right up against the rear of Mrs Sheffield's car, despite requests to leave sufficient clearance.

On the day in question, Miss Fogarty states that she parked her car when Mrs Sheffield's vehicle was not parked. When she went to her car some hours later, Mrs Sheffield's vehicle was parked immediately in front of hers with approximately 30 centimetres clearance between the two vehicles. She then noticed a note on the windscreen. This read: 'You selfish cow. You've done it again. I've had enough.' Miss Fogarty then noticed that the rear windscreen wiper of her car had been broken off, as had the passenger-side wing mirror, and there was a dent in the nearside door panel.

None of this damage had been present when she had parked the car some hours earlier. Miss Fogarty then knocked on Mrs Sheffield's door to take the matter up with her. Mrs Sheffield came to the door, and before Miss Fogarty could say anything, Mrs Sheffield hit her in the face. It was a backhanded blow with her right hand, and Miss Fogarty suffered a cut to her face. She noticed that Mrs Sheffield was wearing a large metal ring and believes this caused the cut. Miss Fogarty then left and reported the matter to the police. Mrs Sheffield was arrested and gave a no comment interview, but provided a written statement:

'I, Christine Sheffield, make the following statement in response to the allegations that I assaulted Melissa Fogarty and damaged her car. I deny damaging the car. My own vehicle was parked on the street in front of my house and I had not used it for over a day. When I parked it, Melissa Fogarty's car was not there. I had no reason to go outside until after the incident with Miss Fogarty, and I then saw that her car was parked close behind mine. I did not write the note which Miss Fogarty claims to have found on her windscreen, and I did not cause any of the damage to her vehicle.

Miss Fogarty did come to my door. She was emotional and angry. She was shouting that I had damaged her car. She moved towards me aggressively and I thought she was about to hit me. Instinctively I tried to slap her to prevent her from attacking me. As soon as I had slapped her, she seemed to calm down, backed off and then turned and went back, I assume, to her own home.'

Miss Fogarty, who is 28, sustained a cut and bruising to her cheek. The cut has left a narrow scar, which is approximately 2 centimetres long. It is likely to be permanent, and represents a slight cosmetic disfigurement. The cost of repairing the damage to the car is approximately £780.

Mrs Sheffield is divorced. She is the sole carer for the disabled child referred to above, who is aged 10. She is in receipt of Universal Credit.

**End of Case Study Materials**

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