

## CASE STUDY MATERIALS

January 2011  
Level 3  
CRIMINAL LITIGATION  
Subject Code L3-11

The logo for ILEX, consisting of the word 'ilex' in a blue, lowercase, sans-serif font.A diagonal banner in the top right corner with the text 'StudentBounty.com' in a white, sans-serif font on a dark background.

## 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 the case study materials. You will be required to answer all the questions on the examination paper.
- You should familiarise yourself with the case study materials prior to the examination, taking time to consider the themes raised in the materials.
- You should take the opportunity to discuss the 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 relates to the 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 into the examination.
- In the examination, candidates must comply with the ILEX Examination Regulations.

*Turn over*

\* This unit is a component of the following ILEX qualifications: **LEVEL 3 CERTIFICATE IN LAW AND**

## ADVANCE INSTRUCTIONS TO STUDENTS

You are a trainee Legal Executive working for Amira Hussain, the solicitor in charge of the Criminal Litigation Department, of Messrs Kempstons Solicitors, Manor House, Bedford, MK42 7AB.

You have been asked to review the attached documents from the files of three of your firm's clients: Ranesh Hajat, Carla Seddon and Kieron Yates.

The documents are:

- |                   |                                   |
|-------------------|-----------------------------------|
| <b>Document 1</b> | Attendance note - Ranesh Hajat    |
| <b>Document 2</b> | Custody record - Ranesh Hajat     |
| <b>Document 3</b> | Witness statement - George Franks |
| <b>Document 4</b> | Attendance note – Carla Seddon    |
| <b>Document 5</b> | Attendance note – Kieron Yates    |



## DOCUMENT 1

## Attendance note

Date: 29 December 2010  
Client: Ranesh Hajat  
Matter: Murder  
Attended by: Amira Hussain  
Engaged: Travel 18 minutes and waiting 12 minutes

**Attending custody officer**

Ranesh Hajat was arrested yesterday at 10.00 am, in respect of the murder of his neighbour, Mike Anderton. There has been a history of neighbourhood disputes between Ranesh and Mike. Ranesh had complained to the community police officer and local council about Mike parking his caravan outside Ranesh's living room window, blocking the sunlight. He had also complained about the refuse left in Mike's garden, including an old oven and sofa. In addition, Ranesh has made complaints about Mike's anti-social behaviour and noise. The police were aware of late night parties being held at Mike's house.

On 26 December, Mike held another all-night party and although Ranesh contacted East Kempston Council, nobody from the Council attended the property to deal with the situation. It was reported by a number of witnesses at the party, that Ranesh came to Mike's house at about 2.00 am on the morning of 27 December, and screamed, "If you do not turn that noise down, I will kill you. I cannot take any more of this".

Later that morning, Mike set out for work in his car, but was killed when his car hit a tree. An initial examination of the car suggested that the brakes had been tampered with. The local radio station asked for witnesses to come forward. George Franks, a postman, made a witness statement. Copy attached (**Document 3**).

Custody record requested (attached **Document 2**).

**Attending Client in cells**

Attending Ranesh Hajat of 543 Wight Way, East Kempston, who will say as follows:

My date of birth is 14 June 1964. I am employed as a part-time mechanic for the East Kempston Highway Bus Company. I am married to Mariam Hajat and we have three children. I have no previous convictions.

I accept there has been a history of conflict between myself and Mike Anderton as described by the Custody Officer. I do not dispute that on the morning of 27 December, I went to Mike's house and threatened to kill him. However, this was said in the heat of the moment and something that I never intended to do.

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I deny, however, that I tampered with the brakes of Mike's car. The police told me that an Asian man was seen tampering with Mike's car at 6:00 am, but at that time I was asleep in bed. My wife usually gets up at 5.30 am as she has to start her shift as a part-time fire officer at 7.00 am. She should be able to account for the fact that I was asleep at that time. The Asian man described in the witness statement is not me and this is a case of mistaken identity. In particular, I have never had my ears pierced or worn an earring. I also have a moustache.

I am concerned with the manner in which I was arrested and searched. The police seem to think I am guilty. When I arrived at the police station I was searched by the Custody Officer and he removed my belt and took all the items in my pockets including my cigarette lighter.

I will make full denials in interview and explain my alibi.

## DOCUMENT 2

## KEMPSTON EAST POLICE

## Custody Record

**POLICE STATION:***Kempston East***FORCE STATION REFERENCE***Bed/KE421/Akser -01/01.22***REASONS FOR ARREST:***Suspected Murder***SURNAME** *Hajat**MR***FIRST NAMES** *Ranesh***ADDRESS** *543 Wight Way, East  
Kempston***OCCUPATION** *Mechanic***AGE** *46* **DoB** *14/6/64***PLACE OF BIRTH** *Bedford***HEIGHT:** *6ft* **SEX:** *M/F* *m***PRISONERS RIGHTS:**

A notice setting out my rights has been read to me and I have also been provided with a written notice setting out my entitlements while in custody.

Signature: *R. Hajat*

Time: 10.20 Date: 28/12/10

Appropriate adult/ interpreter *n/a*

Time: Date

**I DO NOT WANT A  
SOLICITOR AT THIS TIME:**Signature: *R. Hajat*

Time: 10.20 Date: 28/12/10

Appropriate adult/ interpreter *n/a*

Time: Date

At the time of service of Notice – notification of detention to named person requested/not requested

Named Person *Not requested*

Time 10.20 Date 28/12/10

**Place of arrest:** *Kempston East  
Police Station***ARRESTED BY:****Name:** *PC Asker***Rank/No:** *123456***Station:** *Kempston East*

	Time	Date
<b>Arrested at</b>	10.00	28/12/10
<b>Arrived at station</b>	10.15	28/12/10

**OFFICER IN THE CASE:****Name** *PC Asker***Rank/No** *123456***Station** *Kempston East***OFFICER OPENING CUSTODY  
RECORD:****Signature:** *B Kelly***Name:** *Brian Kelly***Rank No:** *Sgt 456*

<b>Force/Station ref</b> <i>Bed/KE421/Akser - 01/01.22</i> <b>Name:</b> <i>R Hajat</i>		<b>Last review of detention conducted at</b>
<b>Date</b>	<b>Time</b>	<b>Full details of any action/occurrence involving detained person (include full particulars of all visitors/officers) individual entries need not be restricted to one line. All entries to be signed by the writer (include rank and number)</b>
28/12/10	10.20 am	Booked in, searched and taken to cell <i>B Kelly</i> <b>Name:</b> Brian Kelly <b>Rank No:</b> Sgt 456
28/12/10	1.15 pm	Lunch delivered to cell <i>B Kelly</i> <b>Name:</b> Brian Kelly <b>Rank No:</b> Sgt 456
28/12/10	3.00 pm	Detention review - authorised <i>B Kelly</i> <b>Name:</b> Brian Kelly <b>Rank No:</b> Sgt 456
28/12/10	6.15 pm	Dinner delivered  <b>C Jones</b> <b>Name:</b> Cerys Jones <b>Rank No:</b> Sgt 8653
29/12/10	3.00 am	Detention review – authorised  <b>C Jones</b> <b>Name:</b> Cerys Jones <b>Rank No:</b> Sgt 8653
29/12/10	8.20 am	Breakfast delivered. Solicitor requested by detainee. Detainee told investigating officers ready for interview  <b>C Jones</b> <b>Name:</b> Cerys Jones <b>Rank No:</b> Sgt 8653

**WITNESS STATEMENT**

WITNESS STATEMENT

(CJ Act 1967,s9; MC Act 1980, s5A(3)(a) and s5B; MC Rules 1981, r70)

Statement of: George Franks

Address: 52a Farm Hill Road, Kempston East

Age/Date of Birth: over 18

Occupation: Postman

This statement (consisting of ...1...page(s) each 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.

Dated: Signed: *George Franks*

I am employed as a postman. The Wright Estate is not my usual delivery route but, due to heavy post over the Christmas period, we have to take on additional work. I therefore do not know any of the residents on this estate.

On 27 December, at about 6.00 am, I was delivering post on the Wright Estate. I remember the streets being quite deserted as it was a very dark and cold morning. It therefore came as a surprise to me when I saw a man underneath a car with a toolbox close to him.

The car was quite memorable as it was a bright orange vehicle with flames painted on the bonnet. I think I said to him 'going anywhere special?' The man replied, "Yes, I am going to the sales in Milton Keynes with my family later today, so I am just checking the car".

The man was of Asian descent. He was clean shaven, wore an earring, although I cannot say what height he was because he was lying down when I spoke to him.

Signed: *George Franks*





## DOCUMENT 4

## Attendance note

Date: 5 January 2011  
Client: Carla Seddon  
Matter: Theft  
Attended by: Yourself  
Engaged: Attendance – 54 minutes

Attending in the office with Carla Seddon of 111 Primrose Place, East Kempston. Her date of birth is 3 April 1975.

Carla handed me a charge sheet, which stated that she has been charged with theft of a loaf of bread and a tin of baked beans from the Corner Stores on 4 January. The total value of these items is £1.61.

Carla explained that she is a single mother of three children – Jack, aged four, Jade, aged seven and Max who is ten years old. Carla's husband left her last year and she is dependent on Job Seekers Allowance as her only source of income. Previously, she had enjoyed a comfortable lifestyle as her husband is a race engineer employed by Team Goodman. Her husband's salary was approximately £100,000 p.a. He is not presently paying any maintenance to her.

Carla's youngest son Jack was admitted to hospital on 1 January for an emergency neurological operation, having suffered a fit earlier that day. Carla explained that she has had no contact with her own family or the children's father. Therefore, she has had to rely on the support of friends to look after her other two children while she has been at the hospital with Jack.

Carla is stressed and exhausted because she has not slept since 1 January, as she has, for the most part, been at the hospital with Jack who remains in a coma in the intensive care unit. Yesterday, she only had £5 left as her next benefits payment is not due for another two days. Her bank account is overdrawn and she cannot withdraw any further funds. Carla had no food left to feed her children and had she spent her remaining £5 on food, she would not have been able to afford the bus fare to the hospital the following day. Carla felt too proud to ask her friends for financial help, as she felt that she had already overburdened them by asking for help to look after her children. In a moment of desperation and tiredness, Carla took a tin of beans and a loaf of bread without paying, so that she could feed her other two children. She was arrested by the store detective and the items were returned immediately.

Carla has three previous convictions for theft, which occurred when she was homeless.

1992 - Theft of a bottle of wine, value £4.99. Conditional discharge.  
1992 - Theft of a jumper, value £19.99. Fined.  
1993 – Theft of a pair of jeans, value £25. Fined.

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Carla is disappointed with herself as she felt that she had turned her life around. Indeed, she acknowledges that, since her marriage, she has led a very comfortable lifestyle. She is very apologetic. However, the last six months have been very challenging for her. The mortgage is four months in arrears and the building society has threatened to take repossession proceedings.

Carla confirmed she will plead guilty to the charge of theft.

I completed legal aid forms. I agreed that a representative from the firm will attend the hearing next week.

## DOCUMENT 5

## Attendance note

Date: 20 January 2011  
Client: Kieron Yates  
Matter: Burglary  
Attended by: Amira Hussain  
Engaged: 36 minutes as duty solicitor in the cells at Kempston East Magistrates' Court

Attending Kieron Yates of 75 Tavern Street, East Kempston. His date of birth is 9 January 1992.

Kieron instructed that he was arrested yesterday afternoon for burglary of a property in Great Willow Street. Kieron represented himself in police interview. The facts of the alleged offence are that yesterday afternoon, at about 2.00 pm, an elderly couple's bungalow was broken into. A window pane in the front door was broken and the burglar put his hand through the hole in the glass to open the front door from the inside. The burglar was apparently wearing gloves. When the burglar entered the property, he caused substantial damage to property in the living room when looking for items of value. £2,000 in cash was taken from a drawer in a desk. An antique ring valued at £10,000 was also taken. The owners, who are both in their eighties, were in the kitchen at the time and managed to contact the police using a mobile phone without the burglar knowing. The couple caught a glimpse of the burglar leaving and were able to describe him as having blonde hair and wearing black jeans and a black leather jacket.

Kieron told the police in interview that he had been at college yesterday, but had left early as he was feeling unwell. The bus dropped him off at the end of Great Willow Street at about 2.10 pm. Tavern Street is located just around the corner from Great Willow Street. After getting off the bus, Kieron was arrested by police officers. No property was found on him when he was arrested but the police claim that he had organised friends to wait outside the house and drive away with the items. Kieron has fair hair and was wearing a leather jacket when arrested. He was denied police bail yesterday.

Kieron has no previous convictions and has never been arrested before. He lives at home and is re-sitting his A level examinations.

End of Case Study Materials

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