



**CILEX Level 6 Single Subject Certificate/CILEX Level 6 Professional Higher
Diploma in Law and Practice/CILEX Level 6 Graduate Fast-Track Diploma**

Unit 18 – Criminal Litigation

Case study materials

January 2025

Information for candidates

- You should familiarise yourself with these case study materials before the examination, taking time to consider the themes raised in the materials.
- You should consider the way in which your knowledge and understanding relate to these materials.
- In the examination, you will be presented with a set of questions which will relate to these materials.
- You may discuss these materials with your tutor(s).

Instructions and information to candidates during the examination

- You are allowed to take your own clean/unannotated copy of this document into the examination. Alternatively, you can access the electronic version of this document in the examination.
- You are allowed to take your own unmarked copy of the following designated statute book into the examination - ***Blackstone's Statutes on Criminal Justice and Sentencing, 6th edition, Nicola Padfield, Oxford University Press, 2016.***
- You must comply with the CILEX Exam Regulations – Online Exams at Accredited Centres/CILEX Exam Regulations – Online Exams with Remote Invigilation.

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CASE STUDY MATERIALS

ADVANCE INSTRUCTIONS TO CANDIDATES

You are employed as a trainee lawyer by Kempstons LLP. You are currently working in the criminal litigation department. Kempstons holds a standard criminal legal aid contract with the Legal Aid Agency and participates in several local duty solicitor schemes. The following cases are among those being dealt with in the department.

CASE ONE – Carlo Mendoza

This client, aged 19, has recently been arrested. Kempstons has acted for him and members of his family in the past. You have been informed by his sister, Giuliana, who was present at the time of his arrest, that the arrest relates to an incident two days earlier involving a fight between two groups of youths at a skateboard park. You know from local media coverage that one person sustained life-changing injuries in this incident.

Giuliana informs you that Carlo Mendoza wishes you to act. She tells you that in her discussions with Carlo Mendoza about the incident, he has informed her that while he was present with some friends, he was unaware that there was likely to be any trouble. He told her that they went to the skateboard park to meet some girls but after a few minutes another group of youths arrived. There was obviously bad blood between some of this new group and some of his friends, which resulted in an argument involving two of his friends, Tommaso Bruni and Santiago Palma, and some of the other group. After a member of the other group punched and kicked Tommaso Bruni, Santiago Palma hit the other youth with the skateboard he was carrying, which caused a major gash across his scalp and cheek. Carlo Mendoza and his friends then ran away.

Giuliana tells you that her brother Carlo told her very clearly that he had no idea there was going to be any confrontation and that he played no part in it. However, she is worried that because Carlo Mendoza is a regular user of ketamine he may have had some in his pockets when he was arrested. From your files you have ascertained that Carlo Mendoza has previous convictions as a juvenile for shoplifting and possession of cannabis in relation to which he has successfully completed a Youth Referral Order.

CASE TWO – Glenn Boston

This client, aged 35, has been charged with two counts of commercial burglary involving industrial earthmoving equipment. One of the items allegedly stolen, valued at £28,500, has been recovered. The other, also valued at £28,500, has not been recovered and is believed to have been exported using false documentation. Glenn Boston has also been charged with taking a Land Rover Defender, registration number FG09 PTZ, without the consent of the owner, Carl Boston, on two occasions (the first being between 12 and 15 October 2024 and the second between 26 and 29 October 2024) and using the vehicle without insurance on the same dates. An outline of the items of evidence included in the Initial Disclosure of the Prosecution Case is contained in **DOCUMENT 1**. A note of Glenn Boston's instructions in response is contained in **DOCUMENT 2**. Glenn Boston has been remanded on conditional bail with conditions of residence at his mother's address and non-association with the co-accused Richard Johnson and James Atkinson. The police have confirmed that Glenn Boston is of previous good character. Glenn Boston is currently employed as a car valet. His total earnings are £12,000 per year. He has no significant capital assets.

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CASE THREE – Sandra Smith

This client, aged 31, has been charged with arson. She has been bailed to appear at Bedford Magistrates' Court. The charge relates to an incident when a fire was started at the rear of a house, causing damage to a total value of £6,000. The only eyewitnesses are two children, Zack and Zara Higgins, aged three and four respectively, who saw a woman enter the rear garden, pour some fluid over the back door and then set light to it, causing a significant fire. The children have not positively identified the perpetrator but have given a precise time for the incident. Another witness, Mark Crawford, aged 84, has come forward. Mark did not witness the incident itself but did see a woman running away from the property at the same time as the fire is alleged to have started and in an identification procedure has positively identified that woman as Sandra Smith.

Alice Rawlinson, a police constable on uniformed patrol on a shopping street about half a mile away from the scene of the fire had been alerted to the fact of the fire and given the description provided by Mark Crawford. Having decided that Sandra Smith matched the description, PC Rawlinson stopped Sandra Smith pursuant to s 1 PACE about 30 minutes after the fire was started, searched her and found two cigarette lighters. Sandra Smith asserts that PC Rawlinson did not explain why she had been stopped or provide details of the officer's name and the police station to which she was attached.

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DOCUMENT 1

During the night of 14–15 October 2024, a 2021 model JCB 50Z-2 excavator valued at £28,500 was stolen from a shed in a secure compound at the premises of Adlington Construction Ltd, Fen Lane Industrial Estate, Marston, Bedfordshire. There is evidence from the site manager that the excavator had been returned to the shed after being used on site on 14 October. When the first workmen arrived on 15 October, the main gate to the compound was unlocked and open, and the excavator was found to be missing. It has not been traced.

CCTV footage shows that at approximately 1.00 am on 15 October, two men used a bolt cutter to sever the padlock chain securing the gate to the compound. A Land Rover Defender with a low-loader trailer was then reversed into the compound. A cable was attached to the excavator, which was then winched onto the low-loader. The two men then got into the Land Rover, which drove off. The registration number of the Land Rover was not visible on the CCTV footage. There was no footage showing the driver of the Land Rover, or the removal of the excavator from the shed. When the site manager, Thomas Gill, reviewed the footage he stated that one of the men shown entering the compound was Richard Johnson, a former employee who had been dismissed in April 2023 for poor timekeeping and failure to comply with instructions. Police ANPR cameras on the A429 road between Bedford and Marston captured a Land Rover Defender, registration number FG09 PTZ, travelling towards Marston towing an empty low-loader trailer at 12.45 am on 15 October. The same vehicle was captured travelling towards Bedford at 1.20 am carrying an excavator on the low-loader trailer.

The Land Rover Defender is registered to Carl Boston, the brother of Glenn Boston. Carl Boston has been working in Dubai since May 2024. He has provided a statement to the effect that he left a key to the Land Rover with Glenn Boston for use if anything occurred that required the vehicle to be moved or disposed of. He also stated that he had agreed to allow his brother to use the Land Rover on two occasions in August 2024 but that he did not authorise him to use the Land Rover either generally or specifically in relation to the night of 14–15 October 2024. Carl Boston has made it clear that he is not in a position to return to the UK to give evidence because of his employment commitments in Dubai.

During the night of 28–29 October 2024, a 2021 model JCB 57C-1 excavator, also valued at £28,500, was stolen from a barn at the premises of Flixton Contractors Ltd. The excavator was not currently in use and had been stored in the barn for several days. It was found to be missing when workmen arrived to commence work on 29 October. The managing director of the company has confirmed that it was on site when he left at 7.30 pm on 28 October.

On 4 November 2024, Anil Singh, a loading operative at Felixstowe docks, was in the process of loading a shipping container destined for Basra in Iraq when he noticed that the weight was not consistent with the documentation. He notified his supervisor and received authorisation to open the container and discovered that it contained not the stated contents of household effects but a JCB 57C-1 excavator. He noticed that the vehicle's identification plates had all been removed or defaced. The discovery of the excavator was reported to the police, who were able to positively identify it as the one stolen from Flixton Contractors Ltd as it had been circulated as stolen with details of some specific modifications.

Subsequent enquiries revealed that the arrangements for shipping the container had been made by James Atkinson.

The police have also established that Glenn Boston, Richard Johnson and James Atkinson all worked at the same car-valeting business for several months in the summer of 2024.

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Examination of the Land Rover Defender enabled the police to take DNA samples from the area of the driver's seat and the front passenger seat. While several males contributed to the samples, DNA consistent with Glenn Boston and Richard Johnson was recovered from both areas. Examination of the recovered JCB 57C-1 excavator resulted in the finding of a glove. DNA recovered from the glove likewise provided a match for both Glenn Boston and Richard Johnson.

Thomas Gill has positively identified Richard Johnson in an identification procedure.

Glenn Boston, Richard Johnson and James Atkinson were all interviewed under caution and all gave 'no comment' interviews.

Richard Johnson has been charged with two counts of burglary and James Atkinson has been charged with one count of handling stolen property in relation to the second burglary.

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DOCUMENT 2

I deny any involvement with these offences.

When my brother Carl went to work in Dubai he left the keys to his Land Rover with me. I had agreed to look after the vehicle, parked at the side of his house, which is about half a mile from where I live. As I understood it, I had authority to use the Land Rover to take it to its MOT test. In addition, I had authority to use it for any reason should I need to and I could also lend it to someone else (if they were insured). Generally I did not need to use it and when I did need to use it in August 2024, I did mention this to my brother out of courtesy.

I agree that for a couple of months in the summer of 2024, Richard Johnson and James Atkinson were working at the same car-valeting business as me. We had a reasonable working relationship but were not what I would call friends. I must have mentioned the fact that I had access to the Land Rover because in October, about three weeks after he had stopped working at the car-valeting business, Richard Johnson contacted me and asked whether it would be possible for him to borrow the Land Rover on a couple of occasions. I asked him whether he had insurance and he said that he did. He did not say what he wanted the Land Rover for and I did not ask him. He agreed to cover the cost of fuel. I told him to meet me at my house and he did so for the first time on 14 October. This was in the late afternoon and he said he would return the Land Rover during the morning of 15 October. The same arrangement applied on 28 and 29 October. On that occasion, after I had returned the Land Rover to my brother's house, I realised that one of a pair of gloves I had left in the Land Rover on 15 October was missing. As they were an old pair, I did not think any more of it. I checked the odometer to see how far he had driven each time and he paid me an agreed amount for fuel based on that mileage.

I spent the evening of 14 October with a girlfriend. I did not mention this when I was interviewed by the police because she was also seeing someone else at the time and I was not at all sure that she would be prepared to give me an alibi in case the other man found out. I am still seeing her and she has told me that she is no longer interested in the other man and would be prepared to give evidence confirming that we were together until 2.00 am on 15 October.

End of the case study materials

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