

Legal Writing

You are a newly qualified solicitor at Proctor and Anderson. Today's date is 10 November 2012

You are representing Adam Bestwick who has been charged with burglary of a dwelling.

Adam's first court appearance will be at Lewisham Magistrates' Court on 16 November 2012 at 10:00 a.m.

Attached please find:

1. Your Attendance Note of 1 November 2012
2. Summary of Evidence

Write a letter to Adam Bestwick giving him your preliminary advice as to how he should plead and whether, on the evidence available to you at this time, it is likely that he will be found guilty of burglary or indeed of an alternative offence under the Theft Act 1968.

Note to candidates:

You should write your answer on the electronic copy of the firm's headed notepaper provided. You do not need to deal with client care, funding or money laundering issues.

ATTENDANCE NOTE

Attending Adam Bestwick at Lewisham Police Station on 1 November 2012.

Interview was properly conducted.

After he was bailed I had a further conversation with him but he seemed confused about the legal advice he was given about the charge so I will follow up with a letter.

See summary of evidence for further details of the case and the interview.

Summary of evidence

R v Adam Bestwick Unique Reference Number XYB -96546-11

On 13 October 2012 a burglary occurred between 11.30am and 1.30pm at 40 Arlington Mews, Lewisham, the home address of Kate Squires. Entry had been gained by smashing a rear patio door. Stolen were: an iphone 4s together with a quantity of jewellery. There were no witnesses to anybody entering the premises and a Scene of Crime investigation proved negative.

On 17 October 2012, Kate Squires went into the Cash Generator shop on Lewisham High Street as she intended to purchase a bike for her son. Whilst in the shop she noticed an iphone 4s on display for £140 which she believed to be hers and promptly reported this to the police.

Police officers attended Cash Generator and the iphone was positively identified by Kate Squires due to the unusual sequence of songs downloaded onto it. Records including CCTV footage of the transaction showed that the shop received the items at 17.10 on 13 October from Adam Bestwick of 22 Chalfont Crescent, Lewisham. He was paid £100 in cash.

Police officers arrested Mr Bestwick on 1 November 2012 and executed a search of his home address for the other items stolen in the burglary but nothing was recovered.

In his police station tape-recorded interview, Mr Bestwick agreed he knew the whereabouts of 40 Arlington Mews but denied any involvement in the burglary. He explained that at the time of the burglary he was doing some gardening work for a friend in Newington. On his way home he bumped into someone he knew only as Derek, who offered to sell him iphone 4s for £60. The defendant was aware of Derek's reputation as a heroin addict. The defendant handed over £60, the proceeds of his gardening.

Mr Bestwick admitted that he realised the iphone must have been stolen so when he passed the Cash Generator Pawn Shop he decided to sell the iphone.

The defendant was charged with burglary and bailed to attend Lewisham Magistrates' Court on 16 November 2012.