

SQE2

ADVOCACY MOCK

Subject: Preparation Assignment: Upcoming Plea in Mitigation at Magistrates' Court

Dear [Student's Name],

I trust this email finds you well.

I would like to bring to your attention a matter we are assigned to, scheduled for hearing at the Magistrates' Court before a District Judge in two weeks. The case involves a client, Mr. Alex J. Taylor, who is charged with theft under Section 1(1) of the Theft Act 1968.

Your task is to prepare for a Plea in Mitigation. There are several factors and circumstances surrounding this case that should be carefully considered and presented during the plea to ensure a fair and appropriate sentence for Mr. Taylor.

I have forwarded you a bundle of documents pertaining to this case. Please go through them meticulously to understand the details and nuances of the case. Familiarising yourself with the facts and circumstances will be crucial for preparing an effective and persuasive plea in mitigation.

Ensure to review:

- Official Charge Sheet
- Case Summary Police Report
- Extract from Police Interview
- Witness Statements
- Pre-Sentence Report

Best regards,

CHARGE SHEET

Crown Prosecution Service

Defendant: Alex J. Taylor

DOB: 01/01/1995

CHARGE 1: Theft Under Section 1(1) Theft Act 1968

Details: The defendant is charged with theft of electronic goods valued at £2,000 from TechWorld Store on 15 September 2023.

POLICE REPORT SUMMARY

Reporting Officer: PC Jane Doe

Date of Report: 16 September 2023

On 15 September 2023, TechWorld Store reported a theft. CCTV footage identified Alex J. Taylor exiting with unpaid goods. The defendant was apprehended on the same day with the stolen items in possession. Taylor admitted to intentionally stealing the items.

EXTRACT FROM POLICE INTERVIEW

RECORD OF INTERVIEW

Person interviewed: Alex J. Taylor

Police Exhibit: SD1

No of pages:

Place of interview: Central Police Station.

Date of interview: [last Monday]

Time commenced: 16:05

Time concluded: 16:15

Duration of interview: 10 minutes

Interviewing Officer(s): PC 1978 Doe

PC 3566 Koal

Introductions and Caution in accordance with PACE. The suspect was advised of their right to free and independent legal advice.

Alex J. Taylor confirmed she did not want a solicitor present.

Alex J. Taylor was reminded she had been arrested on suspicion of theft contrary to section 1 Theft Act 1968 and common assault contrary to section 39 Offences Against the Person Act 1861.

PC Doe: "You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in court. Anything you do say may be given in evidence. Do you understand the caution I have just given you?"

Taylor: "Yes, I understand."

PC Doe: "Can you explain the items found in your possession?"

Taylor: "Yes, Officer. I intentionally took them from TechWorld without paying. I've been under severe financial strain recently. I acted out of sheer desperation, and I deeply regret my actions."

PC Doe: "Can you explain the items found in your possession?"

Taylor: "Yes, Officer. I intentionally took electronic goods from TechWorld without paying. I've been under severe financial strain recently as I'm the sole provider and caregiver for my 6-month-old child since the mother left us. The intention was to resell these items to get some money to buy essentials for my child, like diapers, baby formula, and pay for our rent. I acted out of sheer desperation, and I deeply regret my actions."

PC Doe: "Why did you choose to steal electronic goods, knowing it's illegal?"

Taylor: "I believed that electronic goods would be easier to resell quickly for the cash I desperately need. It was a moment of hopelessness, and I've never done anything like this before. I realize the gravity of my actions and the potential consequences that may follow."

PRINT OUT OF PNC RECORD OF PREVIOUS CONVICTIONS

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WITNESS STATEMENT: Store Manager - Sam K. Lee -

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

This statement 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.

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I observed the defendant acting suspiciously in the electronics section. Taylor exited without stopping at the checkout. I then reviewed CCTV and confirmed the theft, subsequently reporting to the police.

Signed: Sam K. Lee (witness)

Date: [last Monday]

WITNESS STATEMENT: Jordan M. Smith (Friend of Defendant)

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

This statement 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.

Alex has been a close friend of mine for over ten years. Alex has always been honest and trustworthy. On the day of the alleged incident, Alex received news regarding a family health emergency, which I believe could have led to the distraction and unintentional exit without payment.

Signed: Jordan M. Smith (witness)

Date: [last Monday]

CHARACTER REFERENCE: Casey R. Williams (Colleague) - Date: 23 September 2023

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 27.2;

Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

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This statement 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.

I have worked with Alex for two years and have always known them to be reliable and honest. Alex's actions on the day in question are entirely out of character.

Signed: Casey R. Williams (witness)

Date: [last Monday]

Proof of Evidence

I, Alex J. Taylor, born on 01/01/1995, am currently residing at 123 Main St, City, County.

The incident on 15 September 2023, was a deliberate act borne out of financial desperation. My circumstances as a sole provider and caregiver for my 6-month-old child, with no support from family or the child's mother, pushed me to act in a way that is against my character. Since becoming a father, I have been struggling financially, and on that day, the pressure became unbearable, leading me to make a terrible mistake. I immediately felt remorse for my actions, and I pleaded guilty to make amends for my wrongdoing. I have been actively involved in supporting the community and understand the value of honesty and integrity, which makes me regret my actions even more, and I have returned the goods already. I am willing to face the consequences of my actions.

Since becoming a father, I am a changed man. I have been actively involved in supporting other single parents within the community. Understanding the challenges of single parenthood firsthand, I initiated a small charitable group that meets once a month. This group aims to provide a support network and tangible assistance to single parents in our community, helping to ease their burdens and create a sense of solidarity and support amongst us.

This unfortunate incident is not reflective of who I am. I already returned the goods. And I cooperated fully with the store and legal authorities to resolve this matter.

PERSONAL AND EMPLOYMENT DETAILS: Alex J. Taylor

Date: 22 September 2023

Alex J. Taylor, born on 01/01/1995, is currently employed at ABC Corporation as a Junior Analyst. Alex is known for diligence and commitment at work, with a clean employment

record.

TECHWORLD STORE POLICY EXTRACT

Date of Issue: 01 January 2023

Section 7 – Theft Prevention and Response:

TechWorld prioritizes the prevention of theft and the security of our goods. However, we acknowledge that misunderstandings and unintentional acts may occur. In cases where theft under £5000 is believed to be unintentional, and the alleged perpetrator has no prior criminal record, TechWorld supports alternative resolutions to criminal prosecution, including but not limited to restitution and civil compromise.

SENTENCING GUIDELINES EXCERPT

Applicable Offence: Theft from a shop (Theft Act 1968, s.1)

<https://www.sentencingcouncil.org.uk/offences/magistrates-court/item/theft-general/>

A. Culpability Assessment:

- Role of offender (leading role, significant role, or lesser role)
- Planning involved
- Sophistication or opportunism of theft

B. Harm Assessment:

- Value of goods stolen
- Impact on victim (emotional, financial, etc.)
- Whether theft targeted vulnerable victim

C. Aggravating & Mitigating Factors:

Aggravating:

- Previous convictions
- Offence committed while on bail
- Offence committed in group

Mitigating:

- No previous convictions
- Remorse and taking steps to address addiction or offending behavior
- Mental health or learning difficulty contributed to offending

D. Starting points and sentencing ranges:

- Low-level community order (lesser role, low harm)
- High-level community order to 26 weeks' custody (significant role, medium harm)
- 26 weeks' to 3 years' custody (leading role, high harm)

PRE-SENTENCE REPORT

Defendant: Alex J. Taylor

Date of Birth: 01/01/1995

Offense: Theft Under Section 1(1) Theft Act 1968

Date: 25 September 2023

Probation Officer: Officer Pat Johnson

OFFENDER INFORMATION:

- Address: 123 Main St, City, County
- Employment: Junior Analyst, ABC Corporation
- Education: Bachelor's Degree in Business Administration
- Family: Single, close to immediate family members

Taylor is currently a single parent to a 6-month-old child. The mother of the child left shortly after the baby was born, leaving Taylor as the sole caregiver. Without any close relatives to lean on for support. This situation has added a layer of stress and responsibility to Taylor's life.

OFFENCE CATEGORY:

The theft offence committed by Mr. Taylor is categorised as a Category 2 offence under the Theft Offences (Sentencing Guidelines). This categorisation is based on the medium level of harm (due to the value of the stolen item) and lower culpability (reflecting a lack of previous convictions and the desperate financial motive behind the offence).

SENTENCE RECOMMENDATIONS:

Considering the low risk of reoffending and harm, as well mitigating factors, it's recommended that a non-custodial sentence is appropriate for Taylor. A Community Order with a requirement to complete unpaid work coupled with making restitution to TechWorld Store, would be suitable. This would hold Taylor accountable while also supporting rehabilitation and restitution.

CONCLUSION:

This report finds that Alex J. Taylor is a low risk to the community and is unlikely to reoffend. The recommended sentence reflects the need for accountability and punishment while considering the defendant's character, remorse, and the circumstances surrounding the offense.

This concludes the analysis and recommendations for the sentencing of Mr. Alex J. Taylor for the theft offence committed on 15 September 2023.

Probation Officer: Officer Pat Johnson

Date: 25 September 2023