

ADVOCACY EXERCISE

Set out below are the facts for you to prepare a bail application. You will be making this application on behalf of Mr Garribaldi. We recognise that some candidates will have had more experience in oral advocacy. During the interview you will be limited to five minutes for this exercise.

IN THE ABBEYVILLE MAGISTRATES COURT

REGINA

-v-

MICHAEL GARRIBALDI

Case Summary

The Defendant is charged with one offence of shoplifting. On Thursday 30th September Mr Garribaldi was seen entering 'Pete's One Stop Shop' on CCTV by a member of the security staff. He was then seen on CCTV to select a bottle of 'Pete's dandruff-free shampoo' and removed what appeared to be a small pocket knife from his pocket and cut the security tag on the packaging. Mr Allan, the security guard, lost sight of the defendant for about a minute and went onto the shop floor where he witnessed Mr Garribaldi walking through the till area making no attempt to pay for the item. After being stopped by security at the main door of the store, the defendant produced the bottle of shampoo from his pocket and he was then escorted to the security office.

Shortly after, PC Leneer attended the location at the request of the security staff. He asked Mr Allan to repeat the sequence of events leading to Mr Garribaldi's detention. In response the defendant replied that he had not fully left the store and would happily pay for the items in his possession.

Mr Garribaldi was arrested and cautioned by PC Leneer for theft. To which the defendant replied "I did not leave the store". He was then conveyed to Babylon Custody suite, where his detention was authorised by the Custody Sergeant, Sergeant Franklin.

Later that day, at Babylon Police Station PC Leneer interviewed Mr Garribaldi. In interview Mr Garribaldi denied the offence of theft and stated that he had fully intended to pay for the item and would still be happy to do so. Mr Garribaldi was subsequently charged with Theft of a bottle of Shampoo from Pete's One Stop Shop to which he made no reply and appears before the court today having been refused bail by the Custody Sergeant, on the grounds that he would commit further offences and fail to surrender at court.

Mr Garribaldi's home address is 15 Abi Road, Abbeyville where he has lived with his pregnant girlfriend (Susan) for the last 6 months. The house is provided by the local Housing Association and is paid for by housing benefit to supplement the job seekers allowance that he claims (£44 per week). He has ten previous convictions for shop lifting and others for failing to surrender and when brought to the Custody suite at Babylon Police Station tested positive to Opiates in his blood stream. He turned down the offer of drug counselling.

The value of the bottle of shampoo is £27.99 and the damage caused to the security tag is £50.

Shortly after he arrived at Babylon Police Station he was searched and the following items were found on his person;

- Keys
- Various correspondence
- £1.23p in change
- Lighter
- Rizla
- Cigarettes
- Small 1 inch Folding Pocket Knife

ABBEYVILLE MAGISTRATES COURT

At Court the Prosecution serve copies of Mr Allan and PC Leneer's witness statements. No CCTV is available, yet.

Susan Ivanova (your client's girlfriend) is present at Court and tells you that she is three months pregnant. She is currently experiencing health difficulties stemming from her use of Crack Cocaine. Although she has recently been to a community based programme to assist in detox and rehabilitation, and she hopes to carry on with that.

Through the wicket of the cell Mr Garribaldi's instructions are as follows:

He remembers entering Pete's One Stop Store yesterday and picking up a bottle of shampoo with the intention of buying it, although at the time he did not realise the full cost of that particular brand. He vigorously denies the suggestion that he may have tampered with the security tag. He accepts that he may have placed the bottle of shampoo in his pocket- but this was only done absent-mindedly and because he did not have a shopping basket at the time. He did not walk out of the shop. He intends to plead not guilty. He tells you that he must have bail and will abide by any conditions which the court seek fit to impose. He admits to taking illegal substances in the past, but has managed to 'stay clean' for two weeks. He is surprised at the result of the opiate test from Babylon police station and cannot explain why that may have occurred, except to say that it is his local Police Station and the Officers have always caused him trouble. He would not be surprised if the result was falsified by the Officers just to make him look worse in court.

IN COURT

Both parties request an adjournment to view the CCTV, which is granted by the magistrates. The only issue remains bail.

The Prosecution object to bail on the grounds that Mr Garribaldi will commit further offences and fail to surrender. This is due to the fact that he is a drug addict with relevant previous convictions.