Janick Fielding – Barrister

Called 1997

Practice summary – Serious Crime

RECOMMENDATIONS / QUOTATIONS:

"*If a case requires a tough approach, Janick will deliver without question*."

"*Janick is fearless in dealing with judges and witnesses*."

PROFILE:

Janick is an experienced criminal defence practitioner, with a very well-established practice in London and the Southeast.

As a first-choice counsel for a number of discerning solicitors, it is of no surprise that one eminent partner wrote;

"*I instruct Janick to rip the heart out of the prosecution case.*" – Jeremy Yuille (Albin & Co)

In all circumstances requiring quality defence counsel, Janick is invariably approachable, client-friendly and keen to do his best, often working beyond expectations and through unsociable hours when the case requires it.

His ability to think around problems, provide fresh perspective and realistic advice adds much needed breadth to any committed legal team.

NOTABLE CASES:

R v Marsh [2021-24] coercive and controlling behaviour and stalking *[privately funded]*

A complex case arising from a spurned partner's claim that she was being stalked after enduring years of controlling behaviour. Her case was seemingly supported by a number of staff from the daycare and petting-farm for children with special needs that she had run with the defendant from land on his property.

In reality the defendant was the subject of an elaborate sting conceived by his former partner who prepared and then launched criminal allegations following the defendant's realisation that she had literally stolen the entire business from under his nose; assets, staff, funding, etc, all while he was

away visiting his sons. When he returned to try and deal with this, she had him arrested on the well-prepared false allegations already in place. The police swallowed her story hook, line and sinker.

A forensic defence analysis of the case by solicitors and counsel unpicked the work of the former partner, highlighting her criminal acumen and motives. At the same time, counsel identified significant errors in law and procedure made repeatedly by the police and endorsed by the CPS. Following an incredibly detailed defence statement accompanied by extensive disclosure requirements, counsel drafted and pressed an unanswerable abuse of process application. The Crown, unable to respond as required, 'reviewed' the case instead and then conceded.

Counsel secured costs for the defendant. – Maidstone Crown Court.

R v AX [2023] Historic rapes

An exceptionally grave case in which the defendant was accused by his stepdaughter of having groomed her extensively before subjecting her to multiple rapes, several each week, for a period of many years whilst she was a teenager. The complainant, now a qualified solicitor, was extremely well prepared for trial, as it seemed were her mother and sister who were presented as supporting witnesses. Prior to making her allegations, the stepdaughter had sought to secretly record the defendant in an effort to have him provide confessions, although all that were achieved were a collection of videos in which vague family disagreements were aired at considerable length. The Crown nonetheless advanced the same in support of their case.

The defence case was complicated significantly by the defendant himself, a weak and socially inadequate man, who accepted that there had been a single incident when a contact had occurred between the complainant, then aged twelve, and himself which involved a physical interaction but one he denied was sexual. Notwithstanding this limited but nonetheless very damaging concession, the defendant averred that he had been set up by his stepdaughter, evidenced to have been a very controlling young woman who, even as a child, effectively ran the household and had long done exactly as she pleased, despite objections from her parents. The defence contended that she had bullied or coerced others to provide false evidence against him. In particular, it was asserted that the dishonest complaints were callously timed so as to bring about the ejection of the defendant from the family home just after he had ceased to be of any meaningful financial use to his stepdaughter, who's higher education he had substantially funded. It was advanced that her allegations were designed ultimately to afford her control of the family and their home, the mother being a weak and bullied figure.

Counsel was instructed only a few days before the commencement of this challenging and evidentially overwhelming case but nonetheless advanced detailed and incisive cross-examination, establishing the truth of the familial dynamic, the numerous inconsistencies in the complainant's account and, boldly, key inconsistencies between the description she had provided of the genitalia of the defendant and the reality of its presentation. Counsel also established that the complainant had sought to condition the defendant to make a confession, promising him falsely that he would receive a non-custodial sentence and that the court would treat the allegations as minor, if he agreed with what she was saying.

After a difficult and very hard-fought trial, with the defendant potentially facing a life sentence on conviction, the jury returned a conviction on the single non-penetrative incident conceded by the defendant and acquitted unanimously on every single one of the hundreds of alleged rapes. – Reading Crown Court.

R v LXR [2023] multiple rape, strangulation, ABH, false imprisonment

A very strong prosecution case in which the defendant had dispensed with the services of his original counsel only two weeks before the first trial. On account of his mental health difficulties, exacerbated by his remand in custody since the allegations were made, he was reluctant to communicate with his team.

The trial and retrial revolved around the claim of his ex-girlfriend that he had forced her from a bus and back to her hostel, subjecting her to numerous injurious assaults en route, including biting her hard in the middle of her forehead, imprisoned her in her hostel room and subjected her to repeated rapes and attempted rapes throughout the night, involving penetration or attempted penetration of all three orifices. The following day, after allegedly damaging her room so that she would be evicted, he had required her to move back in with her mother, from whom she was estranged. After he left her, later that afternoon, she raised the alarm, and family members reported how shocked they were both by her physical and mental state. She presented on medical examination with a multiplicity of injuries to various parts of her body, numbering several dozen in total.

The defence case was that the allegations were in revenge for his infidelity, the defendant and the complainant still being in a relationship. It was claimed that an argument had been sparked between them that night after the defendant had discovered her infidelity with other men and had become upset. They had fought, but only after she had invited him to her room. She was larger and stronger than him, and she had run out of the room before he had caught her and brought her back, an episode captured on the hostel's CCTV. Albeit she had numerous injuries, the defence case was that a number had pre-existed their meeting that night and she had in fact told him how she had come by them. Others, such as the bite to the forehead, were said never to have existed at all.

The cases featured complex argument on the permissibility of cross-examination based on sexual history, bad character evidence (the defendant was previously convicted of sexual assaults against another female) and, in the retrial, the admissibility of expert evidence concerning the alleged presentation of the bite to the forehead.

Counsel twice cross-examined in detail the complainant, and recent complaint witnesses, the investigating officers and, in the retrial, a medical expert in relation to the existence or otherwise of the alleged bite. The defendant was difficult to manage in and out of the witness box on account of his circumstances, condition and the fear of a potential life sentence on conviction. Both defence speeches were especially difficult to craft given the weight of the evidence and in particular the existence of his previous sexual offending.

At the first trial, the defendant was convicted only of the false imprisonment with the jury hung on the remainder. At the retrial the defendant was acquitted of all the rapes and some of the violence, with the jury hung on the remaining ABH matters. The Crown declined to pursue a third trial and not

guilty verdicts were entered on the counts still live. The defendant was released immediately from custody. - trial and retrial at Snaresbrook Crown Court.

R v Ahmed [2023] rape, sexual assault

The defendant was alleged to have taken advantage of fellow-drug abusers whilst left alone in their company. He was cast by the Crown as an individual who would fashion opportunity to force himself upon lone vulnerable females desperate to score by any means the drugs they craved.

The case was flawed by evidence that was on analysis found to be incredible. Counsel's detailed defence statement was sufficient to require a review of the case, resulting in its disintegration before trial.

R v HX [2022-23] rape, strangulation, controlling and coercive behaviour, ABH

Counsel, leading Kirsty Day, secured unanimous acquittals in respect of multiple allegations of rape and coercive and controlling behaviour alleged to have been committed by the defendant over the course of a two and a half year relationship.

The defendant had been especially challenging to represent and indeed to present to the jury on account of being an opinionated, self-acclaimed lifestyle guru who lectured on '*re-wiring the mind*', with an interest in the substantiation of polygamy, albeit in his own relationships the evidence suggested that this might have been a rather one-way street.

The complainant was difficult to cross-examine, presenting as an eloquent woman who was well-able to describe how she had endured a number of assaults and suffered numerous injuries during the course of many physical interactions with the defendant. The jury were shown detailed photographs of the same, medical records and contemporaneous footage, including ABE interviews in which the complainant was seen to break down whilst reliving her ordeals. There was graphic evidence from an eye-witness, a friend who had arrived to try and rescue the complainant. There was also footage of the defendant being verbally abusive to the complainant in public, shot by neighbours who had seen some of the defendant's behaviour toward the complainant.

Counsel established with great care the nature of the relationship and the volatile interactions between the two, as well as counter-balancing evidence of the bond that had existed between them. The wider background demonstrated that the entire relationship had been suffused by a wholly excessive consumption of cannabis.

The defendant insisted in cross-examination on telling the jury all about the '*toxic masculinity*' that women needed to guard against expressing, a position that did not make counsel's task any easier. Notwithstanding the violence, and the defendant's mindset, it was established, the admitted conduct of the defendant notwithstanding, that the complainant's claims of rape and coercion were vengeful fabrications following the final collapse of their relationship. The case was a good example of how even people with the most unattractive views and personality traits can be defended successfully in

the face of what may appear on first consideration to be very substantial and compelling evidence. – Isleworth Crown Court.

R v Sensei O [2022-23] historic indecent assault

The defendant, a long-retired but accomplished sensei from a well-respected karate club found himself the subject of an allegation of indecent assault arising from a claim that during a karate camp in the summer holidays sometime around the early 90's he had tried to force himself upon an underage student one evening behind the shower block on the camp site. The allegation was particularly egregious because it was brought when he was both fighting cancer and after the other eminent sensei from the same club, a man who would have been an invaluable witness, had passed-away.

The Crown's case rapidly unravelled under detailed cross-examination, establishing that the Complainant had been a troubled child with an infatuation for her sensei, one that had led to her creating florid fantasies about him, some of which she had even recorded. It was established too that the defendant had even had to be chaperoned by directors of the club in order to shield him from her unwanted and unsolicited advances. Other claims were countered by defence witnesses who were able to recall events and attest to the Complainant's fabrication of key details.

A swift and unanimous acquittal – Oxford Crown Court.

R v Antwi [2021-22] GBH

The defendant, a sectioned inpatient in a secure hospital, had become embroiled with an orderly over an argument about his medication and in particular whether or not he had taken it. This escalated and resulted in an altercation during which the defendant struck the orderly to the head with an X-box. The two were separated and hospital life continued. Three weeks later, the orderly was rushed to hospital after collapsing. There then followed the discovery of a subdural haemorrhage. It was the Crown's case that the same was a delayed occurrence arising solely from the altercation, which was evidenced both by the complainant and the CCTV footage from the room where the altercation had taken place. The defence case was that a delayed subdural haemorrhage, especially one delayed three weeks, was a very rare and most unlikely occurrence, especially in the circumstances of the incident from which the same was said to have arisen. Given the highly-specialised nature of the issue, the Crown lined-up two experts and the defence secured their own.

After careful positioning and presentation of the defence case, the Crown conceded just prior to trial. – Lewes Crown Court.

R v Bloomfield [2020-22] Historic sexual assault *[privately funded]*

The defendant, a family man, in his mid-sixties and of lifelong impeccable character, found himself in 2017 accused out of the blue in relation to a string of sexual offences, allegedly committed against a female member of a social group with whom he had a connection over 30 years previously.

Counsel drafted a detailed account to be advanced in his defence statement, providing the minutiae of his work history for the police to investigate alibi such that key allegations could be contradicted. At trial, counsel dealt with numerous deliberately-late, often mid-evidence disclosures from the complainant, established her dishonesty in a number of respects, dealt effectively with several prosecution witnesses who changed their evidence, assisted the defendant with managing the mental health trauma caused to him by the allegations such that he was able when called upon to give evidence himself, and marshalled a wealth of invaluable character evidence that was then deployed in support.

The first jury were hung, and on the retrial the defendant was acquitted on all counts unanimously. – trial and retrial at Bournemouth Crown Court.

R v Hollywell [2022] assault by penetration, sexual assault

The defendant, a man with drug addictions and longstanding mental health difficulties, was alleged to have targeted a vulnerable and distressed student who had sat at the roadside on her way home from a nightclub in the early hours of the morning. The Complainant described how she had been frozen in fear and unable to stop the defendant's advances, until a passer-by presented her with the opportunity to raise the alarm.

The defendant asserted that she was lying, and that all he had done was speak to her because he had seen she looked upset. He was unable to explain to the police why she should make up such heinous allegations against him, a man she had never before met.

Meticulous cross-examination revealed that the Complainant, contrary to her evidence, was extremely drunk at the time of the incident, that she had gone to a club where she had fallen out with her boyfriend, who had then gone home without her. Angry with him, she went to his house to confront him. He ended the relationship, she begged him not to do that. She left and returned to his house again, pleading with him to take her back, and again he refused. On the third return she knocked on the door and ran away, according to the boyfriend something she had a history of doing. She denied in cross-examination that when she had been sat at the roadside she was in fact hiding from her boyfriend, but the weight of the evidence was very much against her. Her boyfriend had in fact walked into the street and called her name, but she had ignored him. The evidence demonstrated she had shown a clear determination to get the attention of her boyfriend and had consistently failed. Just minutes later, she made allegations of rape to the passer-by who had seen her with the defendant, allegations she latter commuted to assault by penetration, and her boyfriend was then called to be with her.

The defendant was extremely challenging to represent, on account of his difficulties and the behavioural manifestations of the same. Counsel had to work very carefully to keep his attention and enable his participation. Counsel was grateful to the accommodating nature of the Learned Judge, whose empathy and appreciation of the practical difficulties being grappled with by the defence

allowed sufficient latitude to enable the defendant to give evidence, a crucial factor in the case. Nonetheless, his presentation was at times disruptive and very difficult to manage, and at other times he was absent from the dock because he refused to attend. He was also presented to the jury, when giving evidence, surrounded by security officers, which just looked bad, but was unavoidable. In his speech, counsel had to weigh the evidence with great care, limiting the damage done by the poor presentation of the defendant and highlighting the relevance of significant inroads made into the prosecution evidence, especially the credibility of the Complainant. The defendant was acquitted on all counts. – Oxford Crown Court.

R v Vigar [2021-22] arson with intent to endanger life, arson reckless as to whether life was endangered

The defendant, a young man with longstanding and serious mental health difficulties, had determined that the world was going to end, but that before it did, he believed, having been so instructed by higher powers, that he needed to send a message to his uncle and their family, by fire-bombing their house. Accordingly, in the middle of the night, he made two Molotov cocktails, smashed the glass near the front door of the property and threw the lit incendiaries inside. Swift action from the householders prevented the fire from taking hold and no one was injured. The defendant's actions were caught on CCTV. Following his arrest, he explained, in his delusional state, the nature and the importance of what he had done. He was returned to a secure mental health hospital and further assessed.

Counsel advised at length on detailed and specific expert reports and thereafter discussed the issues in conference with an eminent clinical psychiatrist. Counsel then argued successfully that there could not be established an intent to endanger life, or indeed that the defendant had been reckless in his actions as there could not be established a realisation of risk. The Crown were therefore left with no option but to accept simple arson as a lesser alternative. – Bournemouth Crown Court.

R v WX [2021-22] GBH

On 14th April 2022, at the Crown Court in Bournemouth, counsel, who had originally been instructed to deal with the matter as an inevitable guilty plea and sentence, secured the acquittal of a long-time victim of extreme physical and sexual abuse who was facing an allegation of inflicting grievous bodily harm with intent.

Having allowed her boyfriend to invite his friend, a fellow doorman and former cage-fighter, over for drinks one evening, the defendant had been awoken from a drunken sleep at around 05:00, by her 17 year old, mentally-vulnerable daughter, pleading for her mother to tell the friend to leave after she had been subjected to an indecent assault and repeated unwanted encouragement to sleep with him. A short while later, the friend claimed to have awoken to the defendant striking him about the head and body with a baseball bat. Having lost consciousness, his next recollection was of her standing over him with a knife, which she used to slash his face so deeply the bone was exposed. He fled and raised the alarm, asserting that the defendant had not only caused the extensive injuries to him, she had also slashed the chest of her boyfriend in her drunken rage. Body-worn footage during the arrest showed the defendant apologising to her daughter and acknowledging that she would always protect her.

On being interviewed that same day, the defendant asserted that she had no memory of the events, being a sufferer of memory impairment that had developed following a decade of serious mistreatment by two ex-husbands, the second of whom had on many occasions satisfied his serial killer-inspired fetishes by breaking her bones before raping her and threatening her with death if she reported the injuries to the police or medical services.

Counsel advised on the instruction of a consultant forensic psychiatrist who diagnosed dissociative amnesia and triggers that would include the circumstances in which the defendant had found herself in the early hours of that morning. He then persuaded the Crown to accept, as admitted fact, that the defendant's inability to recollect was genuine and that no inference against her should be drawn. Thereafter, he advised on the building of a circumstantial case to rebut the eye-witness account of the friend. A series of defence enquiries and disclosure requests of the prosecution revealed a picture of the friend as an abusive, opportunistic and predatory womaniser and the then-boyfriend of the defendant as an unstable character and knife-carrying offender with a number of convictions involving the use and carriage of weapons.

Based upon meticulously-planned cross-examination of the defendant's daughter, who had heard an argument between the defendant and the friend in the living room before the boyfriend had entered, and through the presentation of evidence that suggested on balance that the boyfriend, who had earlier in the evening become upset with his friend when the latter had sought to take advantage of the defendant when she was incapacitated through intoxication, counsel asserted that it was the boyfriend who had been possessed of better motive, opportunity and capacity, that the jury should prefer the conclusion that there had in fact been a short, armed and brutal fight between the hulking, combat-trained men, rather than one involving the drunken, five-foot, six stone defendant, and that despite the absence of any positive case being available to the defendant, the circumstantial, inferential conclusions drawn together by counsel in his closing speech should be preferred over the only eye-witness account relied upon by the Crown.

It should be added that the defendant said of the blood-stained baseball bat, which had been inscribed with the Shakespearian quote, '*Though she be but little, she is fierce'* that it was a gift she had never used.

The subsequent acquittal was unanimous - Bournemouth Crown Court

(… and counsel's application that the bat be returned to her was also successful.)

R v Akbari & ors. – [2020-22] Class A drug supply (meths), criminal property

Counsel, leading Sophie Chaplin, successfully defended a complex and factually ugly trial requiring fearless cutthroat defences against all three co-defendants. The same was rendered all the more problematic with the defendant having being placed at the head of the indictment. In addition, the defendant was already a serving prisoner, having received a substantial custodial sentence the previous year for cooking crystal meths in substantial quantities in a kitchen he had been running for that purpose in central London.

The trial in Harrow Crown Court had been listed for two weeks, but ran for eight. On the first day, the Crown served in excess of 60k pages of telecommunications download, primarily at the behest of co-defendants seeking to use parts of it against the defendant. It was the second defendant's case that she had been enslaved by the defendant and used as a courier for drug supply and for prostitution. This came to be supported mid-trial when the NRM returned a 'conclusive grounds' finding that she was indeed a victim of modern slavery at the hands of the defendant. She alleged too having been raped by the defendant and being in mortal fear of him, and exhibited several recordings in which she was subject to a tirade of serious violent and sexual abuse from the defendant. She also claimed that the defendant had kidnapped their dog and then sent her videos of the dog being tortured, a matter that alarmed the court to the extent that the judge insisted on seeing the videos before they were shown in public to the jury. The two other co-defendants made similar allegations of having been in fear of the defendant, claiming that the drugs found at their home address were in fact the defendant's and they had been too afraid of him to prevent him using their home as a store house or calling the police.

A key and very bold tactical decision taken early in the trial was to allow without objection the introduction of any and all bad character evidence against the defendant. It was accepted that he was indeed, at times, a foul-mouthed and angry man, that he was also a dealer and user of drugs and a cook of crystal meth, and that he had an extensive and ever-expanding list of significant moral failings. In response to being challenged in cross-examination about what were said to be ridiculous denials that his disclosed bank accounts revealed numerous £100 payments for recognised deals of crystal meths, he replied, '*I don't deal in grammes, I deal in kilos*.' And so the defence case was that those particular drugs and stash of money were not in fact from his nefarious operations, but that they belonged to the co-defendants, who were in fact running brothels and dealing of their own volition to a customer base of their own creation, and, that most unfairly, they were all seeking to blame him because of his easy to establish turpitude.

Swift work with the substantial downloads allowed the defence to identify material that cut down the second defendant's case, demonstrating her drug dealing at a high level and her independence as a well-remunerated and often kept prostitute. Numerous letters, professing her continued love for the defendant also cast substantial doubt on her slavery claims. The NRM finding was excluded on legal argument and subsequent and extensive cross-examination demonstrated the NRM must have been misled extensively by the second defendant. As to the dog torture videos, they transpired to be no more than oral threats on camera, with a bemused-looking animal probably wondering why its master was behaving so strangely. Several weeks of solid work by the defence team established evermore clearly that the third defendant was running a brothel independently, and likely employing the second and fourth defendants, and that whilst the defendant might have had some involvement with brothel's involving the second defendant, that was no more than further character evidence that did not support the cases of the prosecution or the co-defendants.

This was, in summary, a hard-fought defence mounted from the top of the indictment, evidenced through the presentation of cut-throat defences against every other co-accused. Despite detailed and initially compelling allegations of modern slavery, historic rape, violent enforcement, harassment, stalking, burglary, theft and laundering money abroad in the context of the sex trade in London all being levelled against the defendant, counsel fought them off. The factual matrix was vast, spanning

several years, with much of the key evidence buried amongst the voluminous telephone downloads that were not provided until after the start of the trial. Long hours, often late into the night, were devoted to the response of legal arguments presented with almost no notice. Nonetheless, the character of the defendant and the strength of the evidence notwithstanding, counsel's closing speech was all but unanswerable.

The defendant was acquitted on all seven counts. – Harrow Crown Court.

R v Hamid & ors. [2019-22] Conspiracy to supply Class A drugs, concealing criminal property, attempting to remove criminal property, telecommunications offences from within HMP

This was a massive class A drugs supply conspiracy shut down by Operation Topaz. Counsel represented the main defendant, referred to as '*The drug King of Maldon'*.

The defendant had for many years been running an exceptionally profitable drugs network through a large part of Essex. The same was of such a scale that he had acquired numerous luxury cars, including a Rolls Royce and sports cars, such as a Lamborghini. He also had a number of villas overseas, some under construction. The turnover was said to be well into seven figures or even higher, though a conservatively calculated annual figure of at least £1.8M was eventually agreed. The weight of the evidence was substantially increased by covert surveillance and telecommunications recordings that had been gathered during the lead up to the arrests and thereafter.

Whilst the nature of the evidence was such that a plea to the indictment was a forgone conclusion, the real issue was the effective management of the damage that would be done to the defendant's position by the numerous co-conspirators trying to blame him and thus offload liability for their own ills. Not only did this involve a number of cutthroat positions, it also included a substantial amount of sensitive material which had to be considered with great care.

The defendant's position was complicated by his own mental ill-health, to a degree exacerbated by his egregious consumption of his own drugs and recently compounded by a kidnapping incident where he had been held hostage by a rival gang and tortured extensively. Much consideration had to be given to these issues, both when taking and weighing his instructions and in dealing with a considerable number of professional issues that arose during the life of the case.

Further complications arose due to the defendant seeking to continue his operation through the use of illicit phones whilst remanded, resulting in further indictments, and thus entrenching his already difficult position.

The screen of businesses used for the funnelling of the monies presented an extremely complex picture, not least because of the partial nature of the records remaining and the involvement of several co-defendants with those businesses. Forensic accountancy services had to be engaged in order to unravel this most confused aspect of the case.

Despite the weight of the evidence and the ongoing like offending engaged in whilst on remand, counsel managed to secure a sentence of 12 years in relation to the drugs with six years consecutive for the financial, telecoms and other offending.

R v James & ors. [2018-21] Importation of Cannabis and removal of criminal property from the jurisdiction

Counsel, leading Sophie Chaplin, defended an alleged conspirator in a substantial drugs importation case that had lasted two months. Although most of those charged had pleaded guilty, the defendant, a vulnerable man with longstanding mental health difficulties and exceptionally tragic personal circumstances, had consistently refused to accept the overwhelming case against him.

Both counsel worked extremely hard to bring to life the defendant's explanations as to how he had for so long been so close to those at the very top of the dealing operation, even traveling to and from Spain with them on numerous occasions. The task was rendered harder still because the Crown only disclosed significant material, not relied upon in the presentation of their own case, some four years after the arrest of the defendant and several days after the commencement of the trial. The defence case required explanation of covertly obtained conversations sourced from listening devices deployed during the many months of HMRC surveillance and detailed telecommunications and social media analysis, including, as is sometimes the way in conspiracies, evidence of conversations between others describing details of the defendant's alleged involvement with both the movement of drugs and the export of monies derived from their sale. As if that was not enough, the defendant also suffered with memory impairment and was unable to provide any explanation for some of the most damaging elements of the prosecution case.

Miss Chaplin kept a close eye on the fragile defendant and offered such support as she could throughout the trial, while counsel charted his course through the evidential minefield. The jury acquitted unanimously on both counts and the defendant was able to return home, to spend valuable time with the terminally ill members of his immediate family. – Kingston Crown Court.

R v Kiani [2021] False imprisonment of a child, ABH

Counsel represented a father who took the law into his own hands after he and his family had endured months of racial abuse at the hands of a gang of delinquent youths.

The defendant's home had been the focus of numerous attacks, with local children banging on his doors and windows and shouting racist obscenities through the letterbox, terrifying his wife and infant child. After hoping for several months that they would eventually desist, he realised this was not to be. One Friday evening during Ramadan in 2019, just as he and his wife were about to break their fast, there came the first of the evening's disturbances. Having spotted the gang approaching for a second time, the defendant had opened the door and chased one of them. It was alleged by the Crown that together with his brother he beat up the thirteen year old he had later caught, after failing to run him down with his car. Despite a conversation about putting the youth in the boot, they told him to get into the back of his car, whereupon he was locked in and driven around the area, subjected to further assaults, generally terrified and then dumped at the roadside near his mother's home later that evening, but only following calls to the youth's father stating that the boy would be killed for what he and his friends had been doing. There was medical and photographic evidence of multiple injuries.

Arrested later that evening for kidnap, the defendant gave numerous confessions in interview; accepting assaults, accepting driving the youth around in his car and accepting calling the injured boy's friends and family to make further threats. He denied that it was a kidnap, but little else. He asserted too that he had acted alone. A year later, despite the service of CCTV evidence, the defendant maintained his stance, which was not a defence to any of the counts on the indictment, in a brief defence statement.

Counsel was instructed on the eve of the trial, took instructions at court, declined the Crown's offer of a plea deal on day one and rewrote the entire defence statement on day two; resiling from the interview, asserting that the defendant's brother was in fact there and was responsible for any loss of control and resultant injury, albeit the defendant had slapped the youth once, and denying any conversations that had previously been admitted to have occurred in the car during the subsequent carriage. It was further advanced that the youth and his father had concocted much of the detail of their account to cover for the youth's overtly racist behaviour and that the defendant had lied only to protect his brother and because he had not wanted to bother the police with the full story of the preceding anti-social racist behaviour, something he had given a substantially inconsistent account about in interview. On the third day counsel drafted an application to preclude cross-examination of the defendant at any time save the beginning of the next available morning session, on account of the unfairness that would otherwise be caused by experienced prosecuting counsel being allowed to cross-examine a man who was fasting, caring for a new born during the night and otherwise substantially disadvantaged. The Learned Judge acceded to the application. In relation to the crucial background, counsel identified four witnesses in support of the defendant at the beginning of the second week and had them all proofed and called to court in less than 24 hours.

The defendant was a senior manager at a well known media company, had a second daughter born ten days before trial, and faced several years in prison on conviction, together with the loss of his career and his home.

On the eighth day of a trial that was supposed to run for no more than four, the jury acquitted unanimously. – Reading Crown Court.

R v Smith & ors [2020-21] Attempted murder - Orchestrated gang revenge attack arising from unresolved drug debts.

The defendant was the leader of a drug dealing gang who had sought to enforce a debt from a former client who was himself a part of a locally well-known, mostly criminally-minded family. On the day of their mother's funeral, that family, having gathered together to grieve, decided also to deal with the defendant for having had the temerity to seek payment for drugs he had previously provided them with. They set up a meeting, on the pretence they had his money, but instead armed themselves with knives and metal bars and set up an ambush at the end of an alley down which they anticipated he would have to travel. When the defendant, approaching from a different direction, spotted them, he left the area and then exchanged threats with them by phone. The family then visited the defendant's mother's home address and smashed their way inside, one of them entering through a window,

causing considerable damage, and issuing threats that they would kill the defendant. They then proceeded to an underpass nearby and demanded the defendant attend, lest they be required to go back and cause further harm to his family. The defendant summonsed other members of his gang and attended as required, albeit that he and his friends came armed. They then charged the family who had anticipated overwhelming him with their superior numbers. The defendant and one of his co-defendants rushed the nearest family member, delivering multiple stab wounds with their knives, which resulted in the other family members all running away. Unfortunately for the defendant, all of this had been captured on CCTV cameras at the location. He was arrested several days later, both for this and drug dealing offences.

The case required extensive cross-examination of a number of extremely hostile prosecution witnesses as well as very close analysis of various CCTV cameras. The defence case also required the piecing together of numerous preceding events so as to present the jury with a compelling picture of the altercation, explaining the defendant's position and justifying, in so far as we were able, why it had been necessary for him to have stabbed the complainant in the neck and elsewhere. Counsel also had to work hard to put as attractively as possible a history of drug dealing and other offending in front of the jury, such that they might, notwithstanding the inescapability of the criminality of the defendant's conduct, be minded to at least consider his account.

The defendant was young and had a complex and most unfortunate family background. He required careful management to ensure he remained focused during such a serious trial.

The defendant was acquitted of attempted murder, convicted of the lesser s.18 offence and counsel was able to secure a sentence below 10 years. – Reading Crown Court.

R v Wilson [2018-20] GBH *[privately funded]*

The defendant, a young lady of impeccable character, was arrested late on a winter's evening at the scene of a glassing in a crowded bar near Liverpool Street Station. The police had been called following an allegation by the victim, her second cousin, that the defendant had glassed her. The injuries, to the victim, who was in modelling, were catastrophic, requiring around 40 stitches and leaving her with permanent and extensive facial scarring.

On arrest, the defendant was found to be intoxicated. Her hands were covered in blood emanating from multiple small cuts to her hands, consistent with having been caused by glass. She confessed too, according to the arresting officer, and signed the officer's notebook acknowledging the same. When interviewed, she remained silent on legal advice.

The police seized CCTV footage from the bar and the investigating detective produced a chronology of the key frames, identifying the moment when it could be seen that the defendant had glassed the victim. The same officer provided a statement exhibiting the key still shots of the footage. In addition, the police had taken a statement from the victim, who described in graphic detail how the fight had begun, how the defendant had thrown the contents of her glass into her face and how she had then seen the defendant come at her and strike her deliberately into the face with the glass.

Counsel was instructed to oversee the entering of a guilty plea and advise the client on mitigation and sentence. In the circumstances, a custodial sentence of some years was inevitable. On meeting the

client, counsel was told that she had no recollection at all of the events of that night, most likely because of the amount she had drunk.

In court, the judge told counsel that he expected sensible pleas to be entered that day. Counsel observed that whilst that would likely be the case, he really ought to see the CCTV footage for himself, especially as his young client would be going to prison for a long time. Predictably, the link the CPS had uploaded was not working and the still shots the officer had exhibited had not materialised. Reluctantly, the judge gave counsel an hour.

The first thing counsel said on seeing the footage was, '*That's not the defendant...*' The CPS, however, determined that the best course for them was to pretend that it was.

Counsel settled a defence statement, in which he broke down the footage into an accurate frame by frame chronology. It was apparent that the victim had been struck not by the defendant but by her friend. The defendant, who had indeed thrown the contents of her glass into the face of the victim had then had it knocked from her hand by a male who shoved her away. Close analysis of the footage in fact showed the glass wheeling away through the air and out of sight. The defendant was pushed again and spent the next few seconds, during which the victim received her injuries, being bounced through the crowd like a pinball, and nowhere near the victim. Meanwhile, the defendant's friend, who could be seen to be holding a glass in the hand she punched the victim with, then scuttled away through the crowd after delivering the blow that knocked the victim to the floor.

The defence sought to exclude the confession, both on the grounds that the defendant was in no reliable state to have said anything, that what had been recorded albeit looking like a confession was wholly inconsistent with the recorded events and that it was frankly too convenient and likely fabricated. Insofar as the cuts to the defendant's hands were concerned, it was asserted that they were from eczema. The defence were able to produce photos, taken for the defendant's general practitioner just days before the incident, showing bleeding from cracks in the defendant's afflicted skin in exactly the same places where blood had been seen after the incident.

Rather than discontinue the case, the CPS then decided that the best way to proceed was to charge the defendant's friend and assert that both girls had been acting together in a joint enterprise. This was a ridiculous decision, both because the defendant's friend had already been promised by the police that she would not be prosecuted and had copies of emails confirming this, and because it was an entirely discreditable way in which to proceed. Counsels settled detailed abuse of process arguments to deal with this ill-considered development.

During the three-day hearing, it transpired that the investigating detective never had the frames that she had claimed to possess, unsurprising given the CCTV showed no glassing by the defendant. The Crown were also unable to justify their decision to change the nature of their case or to answer the arguments deployed by the defence in seeking a stay of proceedings.

Having secured the acquittal of the defendant, counsel then sought to recover her costs, which by then had totalled more than £30k. Despite strenuous opposition by the Crown, costs were granted in full. – Inner London Crown Court.

(This case is an excellent example of the importance of having counsel look at the detail of a case in full. But for that, the defendant, who it transpired was entirely innocent, would have pleaded guilty to a crime she could not have committed and would have gone to prison for years.)

R v XU [2019] Attempted murder, GBH

Counsel was instructed little more than a week before trial to represent a defendant who had allegedly tried to kill his ex-lover in his sleep.

The defendant had spent several years in a difficult and often dysfunctional relationship with a much younger man whom he had first met on a dating website. He had then invited the man to live with him in the UK. The destructive nature of the relationship and the various facets of the behaviour each had demonstrated toward the other provided for a very complex and almost impossible to unravel background. The same was reflected in some detail through an abundance of text messaging and social media communications, much of which was not available to counsel until a few days before trial.

When their relationship finally collapsed, the complainant wanting to leave the defendant and begin a liaison with a woman whom he had recently got to know, the defendant found himself unable to cope. Early one morning he took a heavy camera lens and smashed it over the head of the prone and slumbering complainant until it broke, then he did the same with a metal lamp stand to cause further cranial injuries. The assault resulted in multiple and significant skull fractures.

On calling the police himself, the defendant confessed openly to trying to kill his ex-partner.

The case involved very careful scrutiny of voluminous messaging as well as detailed instructions on both the nature and collapse of the relationship. Character evidence, in both directions, was complicated. Due to the late instruction of counsel, more than one team having already been sacked by the defendant, work had to be conducted swiftly.

Due to his vulnerability, emotional distress and the confusion he felt at his perception that previous teams had failed to properly prepare his case, he was an extremely difficult and challenging defendant to represent. He was nonetheless acquitted of attempted murder – Wood Green Crown Court.

R v OX [2019] GBH, wounding

Counsel represented an extremely vulnerable adult with significant mental health problems. Having been involved in a robbery with the complainant almost a decade previously, an incident in which the defendant had been acquitted and the complainant had been sent to prison, they encountered one another on a night the defendant was homeless. The defendant asked the complainant if he might stay at his flat. Alcohol and cannabis were consumed and the long-buried issues of the past came to the fore. Late at night an argument erupted and then, when a concealed knife fell from the defendant's clothing and both men grabbed for it, they fought. The complainant received abdominal

stab wounds requiring immediate surgery. The defendant was found by the police, hiding nearby with a number of the complainant's possessions.

Due to the partially unfavourable commentary and conclusions in the expert reports, the defendant declined to allow their disclosure at trial. Counsel had therefore to manage conflicting accounts with no answer or explanation available for the troubling psychiatric references that were already in evidence. Counsel had in addition to manage the effects of the defendant's disinclination to take his medication. The defendant was nonetheless acquitted of GBH – Reading Crown Court.

R v BX & ors [2018-19] Attempted murder, robbery, GBH

The defendant, a vulnerable young man who required the assistance of an intermediary at trial, was one of four men who, after getting drunk, began to cause a nuisance on the streets, eventually leading to members of the group becoming involved in the commission of evermore serious offences against members of the public. The last involved a victim being stabbed numerous times during a brief altercation, observed by a number of independent witnesses.

In interview, the defendant ascribed blame to all the co-defendants, resulting in a cut-throat defence. CCTV footage was open to interpretation and there was detailed consideration of forensic evidence, especially blood-staining. Counsel was led by Christopher Paxton QC. The defendant was acquitted of attempted murder. – Oxford Crown Court.

R v Hussain & ors [2017-19] Conspiracy to cause GBH, violent disorder, possession of class A drugs with intent to supply

The defendant, a young man already serving a substantial sentence for firearms offences and drug supply was indicted in relation to his involvement in an earlier alleged revenge attack inflicted upon a rival gang in retaliation for the stabbing of a runner. In conducting this revenge, the gang had sought additional assistance and called in a support team, of which the defendant was said to have been a part, to assist in the meting out of their violent response. A short while later, as the gang members chased down a suspected runner from the rival gang, that team arrived in a hired sports car to cut off their victim's escape. The victim was then set upon, beaten with bars and hacked with machetes. It transpired that the revenge had mistakenly targeted an innocent member of the public.

The Crown's case involved a forensic analysis of cell site data, GPS tracking data from the vehicle and numerous individuals' call records, the same showing people's movements that night, their interactions and the details of how the revenge attack unfolded. The social media material also revealed gang activity over a long period of time, including drug dealing. As there were eleven defendants, the evidence counsel had to consider was vast.

Counsel was parachuted late into the case, the services of previous counsel having been dispensed with by the defendant only a few weeks before trial. Aside from mastering the papers, counsel had to manage potential cut-throat defences from the other defendants who had been occupants in the sports car as well as a global cut-throat with the gang members who were at trial looking to assert

that the defendants in the car were in fact been the gang and that they were, contrary to the Crown's evidence and assertions, just people who had happened to be on the street.

Aside from managing a thorny array of repeatedly-arising professional issues, counsel analysed closely and comprehensively the electronic data that supported his case, identified key aspects and deployed the same in asserting that the location of the defendant had been coincidental and the identification of the car carrying him mistaken. During the lengthy and convoluted trial process, counsel remained alive not just to his own client's position but those developing amongst the co-defendants.

After two months of trial, counsel made an application, originally unassisted by any co-defendants and opposed by many, that the factual position the Crown sought latterly to agree with the gang members was contrary to *Gough* principles of justice being seen to be done and to the defendant being able to have a fair trial. After full argument, and an indication from the bench that they would lose, the Crown sought to discharge the jury and a retrial, with the occupants of the car and the gang members tried separately, was ordered. (Counsel was unable to conduct the retrial due to pre-existing commitments, however the jury were hung and the defendants then accepted a plea to significantly lesser offences, resulting in no addition time in prison.) – Central Criminal Court.

R v Dodson [2018] Attempted murder, attempted GBH

The defendant had spent the evening drinking with a friend before going to the Halo nightclub, Bournemouth. The Crown's case was that having taken issue with security staff over his ejection for an earlier alleged altercation, he punched a doorman in the face, in full view of the CCTV cameras. During his subsequent restraint, whilst struggling and spitting at staff, he made numerous threats to come back and kill them. Once released, because no police were available to arrest him, he made further threats before being ushered away from the area by a friend. Shortly thereafter he ran to his car and, although significantly over the drink drive limit, returned to the club, driving at speed, mounting the pavement and crashing through the club's barriers. Two doormen were struck, one going over the bonnet of the car. The defendant then careered into a lamppost whilst attempting to flee the scene. All of this was on CCTV. He fled the collision, grinning, before being brought to the ground and detained pending the arrival of the police. Testing discovered that he was as much as three times over the limit for alcohol and that he had taken cocaine. His mental health assessment, disclosed without proper consent, included a confession that he had consumed numerous drinks and cocaine that evening.

The defence case developed a markedly different position. Though the consumption of alcohol and cocaine was accepted, along with the obvious dangerousness of the driving, it was averred that the defendant had been detained with such force by the doormen that there was no fight left in him, that their assertions as to threats made by him were largely lies and that he had been caused such pain that he had been reduced to tears and begging for help. On release he had simply wanted to go home, rather than to his friend's flat, as had previously been arranged. It was only at the last moment, whilst waiting at traffic lights adjacent to the short, steep road that led to the club, that the defendant decided that it would be a good idea to mount the kerb and perform a drive-by, thereby scaring those who had earlier tormented him. Unfortunately, due to a number of factors, none of which were helped by his consumption of alcohol, the defendant lost control as he struck the kerb and then ran through

the barriers, notwithstanding his efforts to break. The subsequent collision with the lamppost had also been due to his lack of control and judgement. He ran only because he was scared. Indeed, he was distraught by the effects of his actions, even though at the time he did not realise he had struck any person.

Counsel argued that although the driving was horrendous, the evidence of intent was lacking and the gaps in the evidence and absence of expert analysis did nothing but compound this position. Disclosure enquiries and cross-examination revealed that scene photographs had not even been looked at by the Crown until after proceedings had begun. Similarly, a set of preliminary scene notes from an accident investigator had been left out of the papers and no report had been prepared, even though the lead officer conceded that the distinction between whether the collision was deliberate or may have been an accident was the central issue. The defendant distanced himself from his confession about taking cocaine, claiming that it had in fact been the previous evening, and counsel challenged any attempts by the Crown to rely upon the potential effects of such consumption in the absence of a toxicology or pharmacology report, neither of which they had. The doormen were cross-examined extensively as to their credibility, use of excessive force and failure to make professional records, as required by their industry, of key matters of fact that the Crown sought to rely upon. How their record in their incident log book had been erroneously copied, leaving out the partial and contradictory note of their restraint, was also a key issue. The only witness who gave evidence of the defendant's grinning while attempting to escape was discredited in cross-examination and shown to be at variance with other evidence.

The defendant gave evidence, a decision having been taken that the jury should hear about his drug abuse, discharge from the army and ongoing difficulties, as although these did not present him as an attractive personality, the same did go some way to negative the intent the Crown required to prove their case. The defendant was acquitted – Winchester Crown Court.

R v XK [2017-18] GBH

Counsel represented a young man with very significant and complex mental impairment who had involved himself in a drug deal that had subsequently gone wrong. During the fight that had then been sparked, it was alleged he had stabbed another man through the neck with a knife.

Police investigations claimed to have excluded all others from any wrongdoing, despite the obvious drugs matters and the fact that more than one individual was left with knife wounds. The trial therefore proceeded only against the defendant with special needs.

Having secured his client the protections afforded by an intermediary, counsel set about demolishing the prosecution case. He had excluded a spurious confession it was claimed the defendant had made to another witness, secured the disclosure and admissibility of the bad character of the complainant and his friends, established the inaccuracy and dishonesty of all the civilian prosecution witnesses,

uncovered various lies that ought to have been identified by the police and unmasked the injured party as a racist thug who had not only spent several years targeting Asians with violent and racist abuse but had also victimised this defendant.

Thereafter the presentation of the defendant's own evidence and deployment of well-prepared character material allowed for a speech demonstrating that in all probability the complainant had been stabbed by one of his own violent friends, and that the defendant was most likely their intended victim. The defendant was acquitted. – Guildford Crown Court.

R v Maheswarran [2018] GBH

During a party in a carpark following a day of worship at a local temple the defendant, a young Hindu man, was alleged to have smashed the broken end of a glass bottle into the face of a one-time friend, resulting in deep lacerations that required several surgeries. Easily identified, the defendant was subsequently arrested and lied to police, asserting that he had not had a fight with the complainant or anyone else. The Crown had several eye witnesses to support their case.

The defendant, accepting he had lied, essentially out of fear, asserted latterly that he was the victim of repeated bullying by the complainant and his associates, and that on this night, having seen them inflict savage injuries on another individual, had been set upon by five men, including the complainant. As the assault had begun, three had removed their belts to use as weapons and the defendant had been attacked by all of them simultaneously. In panic he had reached for anything he could find, had picked up the already broken bottle and had waved it in front of him to ward off the attack. The complainant had then run into the bottle with his face. The defendant then managed to escape without any injury.

Solicitors had identified a belt in the boot of the complainant's car and had required analysis of it. The report showed not only that this was the belt worn by the complainant but that the patterning of the blood demonstrated violent movement whilst the viscous fluid was wet, and further that the runs showed movement in multiple directions and repeated abrupt cessation, exactly as would be expected if the belt had been used as a weapon whilst blood on its surface was still wet. In cross-examination the complainant claimed to have removed his belt to prevent blood falling onto his new jeans, although he had never actually taken any other clothing off. Forensics were not required to show that the jeans were not new.

The majority of the damage to the complainant's credibility came, however, through extensive cross-examination of his dislike of the defendant, the same stemming from a feud that had been festering

between them over alleged slurs made about a deceased relative. The defence case was that it had been this issue that had led to the attack on the defendant and provided the complainant's motivation to lie about it following an injury for which he had only himself to blame. The defendant was acquitted – Woolwich Crown Court.

R v Taylor [2018] aggravated burglary

The defendant, a mentally vulnerable man, allegedly upset about a new relationship his ex-girlfriend had begun, was said to have armed himself with a metal bar, burst into her flat early one morning and set about brutally attacking her new man as he lay asleep in her bed. It was alleged the attack was carried out in front of her young child. Both the new boyfriend and the ex-girlfriend had injuries consistent with the alleged assault. The matter was complicated by the defendant's prior harassment of his ex-girlfriend, predominantly through the sending of threats and nasty messages, which included several offering serious violence and the death of the new boyfriend. The defendant had largely failed to answer the police questions and was unable to bring to court any alibi witness who might testify as to his whereabouts at the time of the attack. That the defendant had twice previously been convicted for assaults, on both occasions with a metal bar, did not assist either.

In cross-examination counsel put to the new boyfriend that he and the ex-girlfriend had entirely fabricated the allegation because both were, albeit for different reasons, furious with the defendant for having begun a sexual relationship with the new boyfriend's ex-girlfriend. The Crown called the sister of the defendant's ex-girlfriend to provide evidence of a confession she claimed the defendant had made shortly after committing the offence, however, she and the ex-girlfriend were both roundly discredited through a detailed analysis of the timings of their respective claims.

Although the defendant's admitted conduct showed him in a very bad light and he failed quite spectacularly to deal with a number of the circumstantial issues supporting the Crown's case, a speech inviting the jury to put aside their understandable dislike for the defendant's admitted conduct and to focus instead on the inconsistencies identified in the Crown's case secured an acquittal. – Winchester Crown Court.

R v Tilly [2017-18] wounding *[privately funded]*

The defendant was charged with wounding following an altercation that had begun when he was reprimanded for urinating in a sink at a nightclub. Another patron had taken issue with the defendant's unsavoury behaviour and provided him with his opinion. The defendant, unhappy about this, was alleged to have finished urinating and then subjected the complainant to a flurry of punches that left

him with a number of facial fractures, the incident witnessed by two other patrons who had entered the toilet just prior to the physical altercation commencing.

The defendant's case was that he had in fact been the victim of an assault by the other man, that he had no choice but to urinate in the sink on account of his being in the grip of prostatitis (a painful condition that can result in urinary urgency) and that he had acted only in self-defence, punching the complainant and causing him to fall. Further, the defence said that the complainant, notwithstanding his significant injuries, had swiftly concocted a story with the independent witnesses in the minutes before police and medical services arrived.

In seeking to dispute the contention that he had been the aggressor, out of control and drunk, the defendant had asserted that he had escaped the altercation and reported the matter immediately to the doormen and thereafter the police. The defence accordingly made numerous applications for the CCTV from the club. Unfortunately, when the footage was eventually produced, on the second day of the trial, it showed the defendant being dragged from the toilet backwards by five doormen who had in fact been alerted to the assault by one of the independent witnesses.

Notwithstanding this tactical and evidential disaster, counsel cross-examined at length on the inconsistencies between the witnesses and established the lucidity of the complainant in the immediate aftermath, a time when he had told the jury he was unconscious, and thus identified his opportunity to attempt a collective fabrication so as to mask that he was responsible for what had occurred. Counsel's close analysis of other footage afforded the defence further material through which it was possible to identify at least the opportunity for such collusion and invalidate the asserted independence of the witnesses to the incident. The defendant was acquitted. – Southwark Crown Court.

R v XB & ors [2016-18] kidnap, GBH

Counsel represented one of four juvenile defendants, a young man with a very troubled background. The defendant was alleged to have been the ringleader in a punishment attack upon a drug user who had failed to pay his debts to a local gang. It was alleged that in the course of a well-orchestrated raid, the defendant and another took the complainant from his place of work, a security cabin at an industrial complex, by force, placed him in a car and drove him to a remote track. En route, the complainant was stabbed multiple times. He was then dragged from the car and beaten with iron bars in the roadway before being left for dead in the small hours of the morning. The complainant was found some time later by a passing car and rushed to hospital where he was treated for multiple injuries.

The defence was cutthroat in nature, with various defendants blaming one another for what had occurred and individually denying all responsibility. Aside from the usual disclosure and character issues, the case involved detailed consideration of telecommunications evidence and parallel investigations in relation to similar serious matters.

The first trial was aborted at the close of the Crown's case due to disclosure issues that had arisen from the pursuance of the cutthroat defence. Two subsequent trials were also aborted before the defendant was formally acquitted. – Chelmsford Crown Court.

R v Prudence [2017-18] robbery, firearms, racially aggravated criminal damage

The defendant was alleged to have robbed his drug dealer at gunpoint. When associates of the dealer came to demand compensation, the defendant was alleged to have taken revenge by damaging their cars later that night.

The case involved detailed disclosure applications for third party material and careful cross-examination around thorny areas of character evidence that would, if admitted, have done great damage to the defence case. Counsel also had to deal with numerous arguments in relation to those points, often at short notice as the evidence given at trial shifted quickly. The defendant was acquitted of all maters save the criminal damage – Reading Crown Court.

R v Belton [2017-18] – computer hacking *[Privately funded]*

Counsel was instructed for an employee alleged to have hacked into the servers of the company he had just been made redundant by. The allegation, that he had sought to take control of all assets and data, thereby attempting to shut down the entire operation, was extremely serious. It was alleged that the senior technician then had to fight a battle for control of the servers, eventually removing the defendant's user profile, his access and shutting him out.

The defence case was that this was utter nonsense, that the defendant had written the operating software, was still required by the CEO to maintain the system for onward sale, and that the allegations now levelled against him were a smoke screen designed fraudulently to deprive him of both his rights to a share of the company assets, to which he was entitled having been a founder of the company, and compensation as the holder of the intellectual property rights to the software.

The case required a detailed knowledge both of the operating systems in use and the particular programming involved. Counsel had to be familiar with the respective IT roles of several prosecution witnesses and the detailed expert nature of the evidence they would provide. Similarly, expert evidence had to be presented by the defence to confront the Crown's case.

Extensive cross-examination revealed that the Crown were actually unable to establish that any hack had occurred, as opposed to the defendant permissibly accessing the system to perform maintenance. The defence also established a concerted effort to deny the defendant his rights, impugn his character and bring a false allegation against him. When the Head of Operations broke down in cross-examination, apologised to the jury for having lied to them and apologised to the defendant in the dock, the Crown threw in the towel. The defendant was acquitted on all counts – Reading Crown Court.

R v Pullen [2017] – the 3G Network hacking *[Privately funded]*

Counsel was instructed for sentencing to represent the architect of the program that successfully breached multiple layers of security and hacked the 3G network, gaining access to the personal data of hundreds of thousands of customers and compromising the platform. The case law indicated that a sentence of several years would be warranted. Counsel's brief was to avoid immediate imprisonment.

Although the program had been devised and run for financial gain, counsel argued successfully that the circumstances were sufficiently different and that consideration to a lower level disposal should be considered. Detailed mitigation and skeleton arguments were advanced and imprisonment was suspended. – Croydon Crown Court.

R v Keyes [2016-17] – rape, indecent assault, coercive behaviour

The defendant was alleged to have abused his girlfriend, physically, sexually and emotionally, over the course of several years, requiring her to do as he directed, including dictating when and if she could see friends, family and even determining which university she was to attend. She alleged numerous individual acts of violence, both physical and sexual, including an allegation that he would choke her into unconsciousness before having intercourse with her.

The defendant denied all of this, claiming that the entirety of her allegations, from start to finish, were fabrications and that he had been a caring boyfriend who had been taken for granted, used and then

jettisoned by her. Defence preparation involved provision of a very detailed defence statement and consideration and deployment of lengthy social media records.

The complainant's story, supported by detailed assertions that the defendant's control had robbed her of the opportunity to be with her family in times of need, unravelled when counsel demonstrated in cross-examination that numerous claims she had made were utterly false, including a father dying of cancer and a grandmother who had fallen ill and died in tragic circumstances. Dramatically, the deceased grandmother was proven to be alive in the middle of cross-examination, and the police confirmed the same when they spoke to her. The complainant confessed to perjury and the case, unsurprisingly, collapsed. The defendant was formally acquitted – Reading Crown Court.

R v AR [2015-17]- sexual activity in the presence of a child *[Privately funded]*

Two teenage school girls alleged that the defendant had been masturbating at them from the window of his study consistently on weekdays for a period approaching six months. On the final day of this activity, they told their mothers, one of whom came back from work early, stepped into the rear garden and allegedly saw the defendant masturbating his erect penis from a distance of around 12 meters. The police were called and the defendant was arrested.

The defence case was that this had been an horrific misunderstanding, the defendant being a man of good character with much to lose in the event of conviction, and that what had been seen was him treating his complex type-1 diabetic condition. The defence asserted that the masturbatory motion witnessed by the complainants was either his having shaken vigorously, at waist height, the insulin-solution bottle attached by catheter to his waist to remove air bubbles, an activity required on a frequent basis, or his having manipulated various phallic shaped devices that were medically prescribed for the insertion of probes and sensors into his body, all of which required frequent changing.

The defendant had provided a very detailed interview, both setting out the medical aspects of his account and also asserting unequivocally that there could not have been line of sight to his groin and that therefore masturbation must have been inferred rather than seen.

Significant defence preparation included presentation of medical material; records of treatment, paraphernalia, timings of maintenance, etc. Counsel also required the shooting of footage showing the lengthy process as seen from the study room and simultaneously from the alley between the two houses. The latter demonstrating clearly the misconception that could have arisen. Line of sight work with laser-line calculations supported the defendant's assertions in interview as to impossibility,

though the defence went further and obtained evidence from various sources establishing support from issues such as reflection, weather and silhouetting.

Extensive cross-examination of the complainants established both the existence of the presumptions they had made and the assertions of the defence in relation to line of sight. Cross-examination of the officer in charge of the case also highlighted the very defective investigation conducted by the police and the prejudice that this had caused to the defendant's case. The Learned Judge agreed with the defence that the Crown could not establish key elements of their allegation. The defendant was acquitted. – Guildford Crown Court.

R v Lyall [2015-17] – Serious historic penetrative offences against children.

The defendant found himself facing a plethora of allegations, including rapes, made by several step-daughters in respect of incidents that had occurred as long as 50 years earlier. The Crown's case was that he had been a drunken, violent, sadistic man, ruling their home through fear and controlling the life of their mother and all ten siblings. The assertions in summary were that he had systematically, sexually abused all of the female children, from as young as five into their early teens. Three of them were complainants at trial.

The defence case was that the allegations were born generally of a malaise, grown against him to assuage a number of siblings of responsibility for various significant failings in their own lives and to hide a deep-rooted dissatisfaction for what they considered to be an impoverished childhood. More recently, there had been a falling out between one sibling and a daughter of the defendant, when it had become clear that the husband of the former had been engaged in some extra-marital conduct with the latter. It was submitted that this had been the trigger for a demonstratively false, recent rape allegation and the galvanising of the other siblings into action against the defendant.

The weight of evidence against the defendant was enormous, the allegations of the complainants being supported by a host of other family members. They had even asserted that the defendant's wife, now long dead, had known of his abuse and had deliberately and actively buried it until making a host of confessions on her death bed. The defence sought to exclude this evidence but were unable to do so.

The defendant, in contrast had no one and no support for his case. He asserted baldly that he had always worked hard to provide for his family and that he could not now understand the hatred they held for him. His memory was failing and he had recently gone into remission from cancer. His assertion that there was a conspiracy against him was roundly rejected by the Crown, who asserted

that the complainants were making their allegations honestly and independently of one another and that there had been no collusion or fabrication of evidence.

Cross-examination was extremely difficult due to a number of vulnerabilities in respect of complainants and much material being inadmissible. Nonetheless, it was discovered by counsel during questioning that there had in fact been a conspiracy between the siblings to prevent the defendant from knowing of his ex-wife's ill health, demise and burial, that they were therefore able to act as a unit, despite the contrary being a fundamental tenant of the Crown's case, and that they had done so to the detriment of the defendant, and most unpleasantly so. It also became clear that there existed significant inconsistencies in various accounts and several witnesses had been less than frank with the police and the jury. The defendant was acquitted on every count. – Chelmsford Crown Court.

R v Kingham [2016-17] – GBH, wounding *[Privately funded]*

A difficult and emotive case in which a young woman with significant mental health difficulties arising from an abusive familial background believed herself confronted in a pub by another woman. The defendant, recently discharged from hospital, having been prescribed the wrong medication, was already in a troubled state when she was told by her brother that the complainant had just attacked him and was now coming for her. When the complainant arrived, the defendant approached her and, shortly thereafter, smashed a glass into her face, causing significant injury and, ultimately, permanent scarring. Notwithstanding the differing accounts in relation to both the background and the facts of the assault, the incident had been caught on the pub CCTV cameras, the defendant being seen to approach unheralded, raise the glass above her head and bring it down swiftly on the complainant. The defendant lied in successive interviews, giving different accounts on each occasion, including assertions that she had not seen the complainant that night and that she had had no interaction with her.

The defendant pleaded on the day of trial, advancing as mitigation her fragile mental state as mitigation, supported by the erroneous treatment she had received shortly before the incident. Significant preparation had been undertaken in relation to the presentation of the mitigation. Through the comprehensive medical records, supported by detailed character evidence, counsel submitted that unusually, the defendant should not be sent into prison. The Learned Judge agreed and suspended the sentence. – Chelmsford Crown Court.

R v Foster [2015-17] – Attempted grievous bodily harm, dangerous driving.

The defendant, an obese man with significant health problems, had been in a nightclub with his girlfriend when she became embroiled in an altercation with others. Although the defendant tried to protect her, he found himself punched to the floor by one of her male friends and was then subjected to a prolonged beating and kicking. Although the defendant claimed to have no recollection after that time, the CCTV from the car park showed him and his girlfriend getting into his car. The car was seen to enter a service road in pursuit of the group that had assaulted him, speed up, angle toward them and then drive through the group. It was alleged that two of the group had been run down. The defendant was then pursued by police in a chase that exceeded 100mph before he was cornered several miles away and attempted to escape on foot. He was caught, out of breath and smoking, in a nearby garden, claiming falsely that he lived there and that the police should in fact be looking for a skinny man who had leapt over a hedge. In custody he was alleged to have been obnoxious, drunk and refused to provide samples.

Defence preparation was significantly hampered as the defendant refused to assist his own lawyers and had to be directed by the Court to do so. The net result was that the defence were without any of the supporting witnesses, experts and civilians, who ought to have been present for trial. The defence case was that his amnesia was genuine and that although he had to accept that he was the driver of the car, it could be inferred that his intent had not been to inflict grievous bodily harm but was more likely to scare or intimidate the group in revenge for their assault upon him. The defence disputed the injuries said to have been caused to those run down, asserting that they had most likely been accrued when the door staff had restrained the group and physically ejected them. Through cross-examination, the defence established that the two males in the group had links to the nightclub, and thus to potential witnesses and evidence, one being the DJ and the other being a former staff member of a neighbouring club who knew the current door staff. The defence also highlighted the loss of crucial footage from the club and the failure of the police to identify and take statements from any independent witness, even though plenty had been around at the time. The trial focused on cross-examination of the inconsistencies between the accounts of the complainant group, which included an off-duty police officer, and the compound failures of the police to properly investigate the incident or to treat the defendant as someone who was suffering from significant head trauma in the aftermath. The defendant had always accepted that the driving must have been dangerous but the Crown insisted nonetheless on proceeding to trial. The defendant was acquitted on both counts of attempting to cause grievous bodily harm. – Basildon Crown Court.

R v Jordan Turner-Hall (& another) [2015-16] – Wounding *[Privately funded]*

Counsel defended Jordan Turner-Hall, the former England and Harlequins rugby player in relation to his involvement in an altercation at the Prism nightclub in Brighton. Following the untimely death of a friend, the defendant and other old school friends had gathered in Brighton to remember him, the evening ending with a visit to the aforementioned club. The night had passed peacefully until two very drunk local men decided to single out one of the defendant's group. An altercation developed and various people, the defendant included, tried to act as peacemakers. Then, without provocation, one

of the men punched the defendant in the face before fleeing into a dark corridor. The defendant followed, as did others. Although the club's bars were covered by CCTV, the corridor was not. All that could be seen of the altercation that then occurred was one of the drunk men flying horizontally back into shot, having just sustained multiple facial fractures.

The Crown's case was that the defendant was an aggressor and responsible for the injuries that must have been sustained by the complainants in the corridor. The defence asserted variously that in fact the defendant had been assaulted by them, he had done do more than push one of them after he had risen from the floor having been knocked down from behind in the dark, that the injuries must have been caused variously by their own drunken misadventures or by others from his group who had come to protect him and that the police had wilfully misinterpreted evidence available to them, ignored evidence that supported him and had targeted him deliberately when they ought to have investigated fairly and impartially.

The case involved very close analysis and interpretation of CCTV footage and thorough review of the police investigation. The defence were not assisted either by an unnecessary cut-throat run by the co-defendant. Extensive cross-examination of the complainants revealed their multiple lies and advanced also the motive for the complaint, namely one of them, realising from social media that an England rugby international had been involved, had targeted him with his complaints in the hope of compensation that would enable him to fund the rebuilding of his nose. The defence also illuminated significant failures by the police to investigate the matter fairly and in accordance with their duties. The defendant was acquitted. – Hove Crown Court.

R v Gurung & ors [2014-16] – violent disorder, wounding.

Counsel represented the first of eight defendants charged following a violent clash between Nepalese and Poles in Reading town centre. The defendant and some friends had begun to wander home in the small hours of the morning after celebrating a holy day with others from their community in a local restaurant. Meandering drunk through the rain, the defendant was unnecessarily and violently assaulted by two large Polish brothers. Others came to his aid and they in turn called for reinforcements. Not perturbed by numbers, the Poles engaged them, the Nepalese armed themselves with building debris from a nearby skip and fought back. The first engagement ended with the Poles retreating over a bridge to a casino, however, the Nepalese pursued and fought them again, inflicting various injuries to both brothers. The majority of the altercations were captured on the town's CCTV array. Four of the eight defendants chose to plead guilty.

Trial preparation required close attention to the CCTV and the various versions of events relied upon by other defendants. Counsel's case was not assisted by his own defendant having partial amnesia and the one co-defendant who could assist him having fled to a monastery in the Far East. Acute

difficulty was also caused by the defendant himself who, from his limited recollections, insisted on running a defence that was clearly disproved by the available CCTV. Extensive cross-examination revealed the significant dishonesty of the complainants and highlighted too their previous convictions for drunken violence, including a previous assault upon a young Nepalese man. The first trial had to be aborted toward the end for complex professional issues relating to the competence of a co-defendant's counsel and its effect upon the fairness of proceedings in relation to his own client and the co-defendants. At the re-trial the defendant (and all co-defendants) were acquitted. – Reading Crown Court.

R v Thomson [2015-16] – Firearms. [*Privately funded]*

The defendant, a man in his 70's, was charged with possession of a firearm found during a police raid on his premises following an unsubstantiated domestic violence allegation. Although the shotgun was in pieces, and obviously of considerable age, the prosecution found an expert to say that it was not an antique (and thus exempt) and that it was capable of being fired, even though there were no pins and one of the barrels had been filled with lead. The defence case was that the pieces were a family heirloom that the defendant had intended to have cleaned and mounted but had left on a shelf in his workshop for some decades. Through the instruction of a firearms expert, the defence were able to show that, contrary to the findings of the Home Office expert, the gun was indeed an antique. The defendant was acquitted – Chelmsford Crown Court.

R v Freeman [2015-16] – attempted murder.

The defendant found himself in a rather serious altercation with another man in his local pub at closing time. After an initial exchange, during which the complainant struck the defendant several times across the head and back with a stool, both ended up in the car park. During the fight that followed, the defendant stabbed the complainant in the neck with a sharp object that was never recovered. Badly wounded and losing a significant quantity of blood, the complainant managed to retreat to the pub where the staff locked and bolted the doors to prevent the defendant regaining access. The defendant's position was not assisted by his standing at the locked doors and shouting that he wanted to finish the complainant off. Neither was the fact that he had twice previously stabbed people. He was tracked fleeing the scene by a police helicopter and arrested at his father's home nearby. The defendant's case was that he was in fear for his life and had acted in self-defence, the police having twice given him Osman warnings in the recent past. Defence preparation was compounded by the defendant's mental health difficulties and tactical considerations in relation to revelation of the same at trial. The defendant was acquitted of attempted murder but convicted of grievous bodily harm. – Chelmsford Crown Court.

R v HX [2015-16] – rape.

A difficult to defend rape allegation that arose after the defendant, a student, assisted another student to her hall of residence in the small hours of the morning after a festive ball. Both were drunk, the complainant invited the defendant to stay and tried to initiate intercourse, something that failed after a few fumbled attempts because the defendant was too drunk to perform. Both were drifting off to sleep when a group of the complainant's friends arrived outside her door. They did not approve of the defendant and having been told that he had been seen walking away with their friend, they took it upon themselves to intervene. After repeated phone calls they bashed at the door until they succeeded in rousing the defendant. When he answered the door, they took him to task before ejecting him unceremoniously and gave him a dressing down as he dressed in the corridor and hurriedly left. Though the complainant had almost no recollection of the evening, she was persuaded to report the matter to the university and the police. The defendant was arrested, interviewed, suspended from the college and bailed pending trial. The case required very careful cross-examination of a number of very opinionated witnesses and close attention to a plethora of background matters. The defendant was acquitted – Chelmsford Crown Court.

R v King [2015] – rape.

The defendant was charged two years after the alleged incident with the oral rape of the young son of his ex-girlfriend. The defence case was that the allegation was a complete fiction, concocted at the behest of the mother who had an axe to grind with the defendant. The defence had extensive evidence of the inadequacy of the ex-girlfriend during the course of the relationship and thereafter, including evidence of drugs, violence and abuse, though for legal reasons were able to deploy almost none of it. It was cross-examination that exposed the preparatory sessions during which the mother had trained her son to provide false evidence. The mother claimed to have alerted the police as soon as her son had told her of the incident. It transpired she had waited months, holding various discussion sessions with her child before choosing a time to reveal the alleged crime. The defendant was acquitted – Chelmsford Crown Court.

R v Scammell [2015] – cannabis farming and dealing. *[Privately funded]*

One of the defendant's properties was found to be a cannabis farm, capable of producing a very substantial amount of the drug under quite sophisticated and well-installed hydroponic conditions. Aside from a friend of the defendant's residing there, a significant amount of the defendant's paperwork was there and he had been seen to attend regularly. In addition, there were recovered an abundance of text messages from his phone between himself and his co-defendant friend concerning the mixing of feed, management of the automated watering system, maintenance of the property, etc. The defendant declined to answer questions in interview.

The defence was that the Crown had got totally the wrong end of the stick, so far as this defendant was concerned. Whilst his friend had obviously been running a cannabis farm, and indeed pleaded guilty to the indictment, the texts involving the defendant had been regrettably misconstrued, as they in fact related to the looking after of his parents' horses at their farm, they being too old and infirm to attend to the animals themselves. Notwithstanding some quite substantial evidence, the defendant was acquitted – Basildon Crown Court.

R v Fraser [2015] – multiple rape.

An exceptionally serious allegation of drug induced rape made against the defendant by a one-time friend of his and his former partner's. The Complainant claimed to have been visiting the defendant only to cheer him up after the loss of his son following family court proceedings, when she claimed he forced her to take drugs that left her in a catatonic state and effectively imprisoned throughout the weekend. She came to on various occasions during the course of repeated rapes and other assaults, including strangulation. She denied taking any drugs voluntarily.

The defence case was that it was all made up because the Complainant, when she had taken and used his phone, had discovered that she was only fourth on his list of chosen intimate company. She was thus seeking revenge as she had hoped he would be her boyfriend and those hopes had been dashed.

Deploying material from a variety of sources, the defence established the Complainant's fondness for cannabis and the fact she had her own tools to prepare the same as she wished, that she had spent part of the weekend socialising with the defendant's flatmates and their children, that she had gone shopping during the weekend before returning to have a bath while the defendant had been at work for the morning and had even texted her mother to deliver to her toiletries and makeup she had forgotten prior to arriving. Understandably, the defendant was acquitted. – Swindon Crown Court.

R v Ashby (& ors) [2014-15] - *attempted murder and s.18 GBH. [Privately funded]*

The defendant was one of three charged with an attempted murder arising from a week-long dispute between the defendant and the complainant that had turned to violence at the Brixton Splash music festival. The defendant and the complainant had fallen out over insulting comments made about the defendant's ex-girlfriend. At the festival the complainant had harassed the defendant to fight with him. It then transpired that the complainant was armed with a gas spray. The defendant called for back-up. The co-defendants arrived and at first tried to placate the two protagonists. They all went to a nearby side street to talk, however, the complainant pulled out his spray and used it on the defendant and one of the co-defendants. A chase ensued, resulting in the complainant being dragged

to the floor in front of a crowd of people, where he was kicked and stamped until unconscious. As a result of brain injuries, he was in a coma for some time. The defence case was that although the defendant had been involved in the chase, it was his co-defendants who had committed the crime. He had not participated, only watched.

The case featured a significant amount of poor quality CCTV and cell site analysis, as well as cut-throat defences. The defendant was the only one acquitted. - Inner London Crown Court.

R v Humphries & ors [2014-15] - *s.18 GBH and actual bodily harm. [Privately funded]*

Shortly after Christmas 2013, the defendant, his wife and several family and friends had been drinking in the Saracens Head in Great Dunmow, Essex, when the complainant, a drunken lout, known to the defendant's brother, had begun causing trouble. Though the defendant's group had begun to leave, the defendant's brother returned to the bar, where the complainant was standing with a friend, and punched him twice to the head, knocking him to the floor. The defendant, fearing the complainant or his friend might be a danger to his brother, returned to protect him. A melee then ensued, in which a number of witnesses, including bar staff, asserted that the defendant had either punched, kicked or stamped on the head of the complainant.

By the time counsel finished cross-examination, the Crown were left with three wholly inconsistent versions of their allegation, all of which were inconsistent with the limited CCTV evidence.

The case featured extensive defence analysis of CCTV angles, dishonest prosecution witnesses who had conspired to pervert the course of justice, detailed enquiries into the bad character of prosecution witnesses and a lame police investigation that had been exacerbated through the very questionable handling of the case by the CPS.

The defendant, a polite, kind, professional and upstanding man of impeccable character, was resident in Australia, living in Sydney with his wife and three young children. Conferences and case preparation were largely conducted by Skype and phone prior to the defendant attending for trial. He should never have been prosecuted in the first place, the proceedings, in the opinion of counsel, being a huge waste of public funds. He was acquitted. - Chelmsford Crown Court.

R v MX [2013-15] - *double rape*.

The defendant, a school caretaker and father of four, was accused of historic, anal rapes of his daughter, now in her twenties. The allegations cost the defendant his job and resulted in many friends and family refusing to speak with him. His picture and details of the allegations were printed in the local press. He and his family also became victims of abuse and vandalism arising from the considerable ill-feeling within the local community. The defence case was that the complainant had fabricated her allegations in order to secure a council flat, something she would never otherwise have

been entitled to as she had her own bedroom in the council house occupied by her parents and other siblings.

During cross-examination, counsel established a number of crucial facts; that the complainant had an unhealthy fascination with the series *'CSI Special Victim'* from which it was said that her fabrications arose, she had first made a decision to 'discuss' the allegations after a friend read her tarot cards and told her that something bad had happened to her; that she had tried to discuss the allegations with her deceased grandfather through a spirit medium at a special church after payment of a fee; that she liked reading reality magazines featuring 'real life' stories about rape and familial abuse. Further, although in her police interview she had pretended not to know what sex was, and had asserted that because of her dyslexia she was unable to read books, she had to concede that she had in fact read repeatedly the entire *'Fifty Shades of Grey*' series. An irrational dislike of her parents and jealousy of her siblings was also established.

The first jury were hung, the second jury acquitted. - Basildon Crown Court.

R v Atkins [2014] - *s.18 GBH.*

A situation that had all the hallmarks of a drug deal gone wrong, the defendant was alleged during a fight to have stabbed the complainant, puncturing his lung. The defence case was that it was the complainant's knife, that the complainant had been showing off in front of his friends and that it was he who had attacked the defendant. Further that during the course of the fight, he had fallen awkwardly and stabbed himself in the back, thereby puncturing his own lung. Though the defendant had no supporting witnesses, counsel did sufficient damage to the prosecution evidence to secure an acquittal. - Isleworth Crown Court.

R v Freeman [2014] - *attempted murder and possession of a firearm with intent to endanger life.*

A tragic case in which the defendant, the grieving mother of a son killed in action during the Afghanistan War, was alleged to have attempted to kill her exceptionally insensitive husband by shooting at him with a double barrelled shotgun on a stairway to the loft in the marital home. The defendant had suffered mental ill health following the grief occasioned by her loss and the indifferent conduct of her husband who had no sympathy for her. (The husband was not the father of the deceased son.)

The Crown's case was that the complainant had been fortunate to have wrestled the gun from her grip as she tried to fire it in an attempt to shoot him in the head, the shot missing him narrowly and blowing a hole through the roof. The defence case was that the gun was simply a metaphor for the complainant's acute distress, that he had never been in danger and that the defendant had intended to kill only herself. Further, the gun had been discharged when the complainant had himself fired it to clear the barrel, having taken the gun from the defendant.

The biggest problem was that the defendant had loaded both barrels.

The case featured detailed ballistic issues, psychological reports and cross-examination on very personal and sensitive matters. The defendant was acquitted. - Chelmsford Crown Court.

R v Hague & ors [2013-14] - *manslaughter, perverting the course of justice, production and supply of drugs*.

Instructed as leading counsel (Jerome Silva as junior) to represent one of several defendants accused in relation to the production and supply of illegal drugs for use as gym supplements. During the course of the enterprise, one customer had been sold a significant quantity of DNP, a substance usually sold as an industrial pesticide. He had died as a result of multiple organ failure leading to cardiac arrest. As a result the defendant and others were then said to have destroyed significant quantities of evidence in an attempt to cover their tracks.

The case featured extensive telephone and computer evidence following a detailed analysis of recovered material. There was also detailed pathology and chemistry evidence in relation to expert issues. - Central Criminal Court.

R v Poore [2014] - *murder*.

The defendant, a seventy-five year old man of impeccable character, was accused of the murder of his neighbour on a retirement caravan park. The Crown's allegation was that late one night, following a dispute over noise, the defendant had taken a hammer to attack the deceased, causing him to fall and accrue a treble skull fracture with fatal consequences. The defence case was that the deceased, a belligerent and mentally unwell man, had tripped and fallen as a result of his own intoxication, having attacked and injured the diminutive, frail defendant for having had the temerity to make a complaint.

Instructed early, counsel was able to identify and address significant failures in both the police investigation and the subsequent CPS handling of the case. Following a searching defence statement and detailed disclosure requests, counsel secured Queen's Counsel to lead. By the time of trial significant damage had already been done to the integrity of the prosecution case. Evidence buried by the police, including expert reports supporting the defendant's case, were uncovered and deployed, resulting in evermore damaging criticism of what rapidly became a floundering prosecution.

The trial featured extensive pathology, disclosure and abuse of process issues. The client, on account of his age and health had to be handled with great care and sensitivity. He was acquitted. - Chelmsford Crown Court.

R v Wells [2013-14] - *s.18 GBH and s.20 wounding. [Privately funded]*

The defendant, a young family man with a pregnant wife, had pleaded guilty to this matter following poor advice from a previous firm of solicitors and was awaiting an inevitable custodial sentence. He had been accused of causing serious facial injuries to a man who had objected to the parking of his roofing van outside a private estate. The defendant was alleged to have confronted him, in front of the complainant's terrified family, and subjected him to a serious and unprovoked assault.

Counsel secured the revocation of the plea and then prepared the matter for trial. With the assistance of diligent research by Instructing Solicitors, counsel unmasked the lies told by the complainant and his family. The case featured extensive cross-examination of persuasive prosecution witnesses, delicate character issues and suggestions of attempts to pervert the course of justice by the complainant and his family. The defendant was acquitted. - Chelmsford Crown Court.

R v McSweeney & ors [2013-14] - *death by food poisoning, perverting the course of justice and obstruction. [Privately funded]*

The defendant was the longstanding manageress of a pub, The Railway Tavern in Hornchurch, owned by Mitchells & Butlers, the largest restaurateurs in the country. Following the provision of Christmas Day lunch, over forty diners fell ill and one died of poisoning occasioned by *clostridium perfringens*, a bacteria found in some foods. Having purported to assist the EHO investigation, executives of the company sought to point the finger of blame at management and staff, in particular the defendant, thereby hoping to evade criminal and possibly civil responsibility and resultant damages in respect of the harm that had been done.

Faced with a cut-throat defence from M&B, who had secured specialist Queen's Counsel and junior instructed through Eversheds Solicitors, as well as one from the head chef who was similarly seeking to blame others (also represented by Queen's Counsel and junior), counsel fought relentlessly and alone in the face of overwhelming prosecution and co-defendant evidence. Throughout the complex eight week trial, numerous witnesses attacked the procedures within the defendant's establishment and specifically her conduct and character, as well as providing evidence of alleged confessions said to have been made by her. In reply, counsel called evidence of gross dishonesty by executives of Mitchells & Butlers, identifying both their disgraceful treatment of staff and underhand attempts to distort the evidence against the defendant in an attempt to save themselves.

The defendant was acquitted by the jury in respect of the food poisoning and thereby absolved of all criminal responsibility for the infections and the death that resulted. Mitchells & Butlers lost, notwithstanding the strength and number of their legal team, resulting in their being sentenced to pay a record £1.5M fine.

The defendant and the kitchen manager were both convicted of perverting the course of justice in relation to the retrospective falsification of checklists. - Snaresbrook Crown Court.

R v AAX [2013-14] - *exposure. [Privately funded]*
Counsel represented an exceptionally talented consultant gynecologist and obstetrician, charged with indecently exposing himself. The Crown's case, resting upon a single witness, alleged that the defendant exposed himself during the morning rush hour from the study window at his home. Alleged that he masturbated for ten minutes at girls walking down the road to school and also at the pre-school age child of a neighbour, the defence contended that the allegation was complete fiction. Further, that the fabricated allegation was created from a background of racial hatred directed against both the defendant and his family. Indeed, his wife, also a consultant obstetrician, had herself been targeted by hostile neighbours on previous occasions. A pathetic police investigation was exposed during extensive cross-examination. The defendant's character was impeccable and his references outstanding. To his great credit he was a director of surgery at a major London hospital and had been instrumental in saving his department from closure due to NHS cuts. A conviction would have resulted in the destruction not only of his character but his career too. The defence identified and secured evidence the police had turned a blind eye to. The subsequent incompetence of the CPS, who failed not only to provide timely secondary disclosure but also failed to reply to defence correspondence, was met with a significant wasted costs order before trial. The defendant was acquitted. - Kingston Crown Court

R v Capt. Kelly (1&2) [2013-14] - *attempted murder, s.18 GBH and attempting to pervert*.
The defendant, a former US army officer and now private defence contractor, was alleged during a series of altercations with his girlfriend, a former US army Psyops operative with whom he had been on holiday in Oxfordshire, to have fractured her skull and then, two days later, thrown her from a mezzanine balcony, thereby causing her to suffer further skull fractures as well as broken vertebrae. His position was compounded when, after the fall from the balcony, he left her unconscious on the floor for over an hour while he conversed on the net with one of her friends in the US. Thereafter he put her into the footwell of his car and drove her to hospital where police arrested him. During his carriage to the police station he had to be returned to hospital himself as it was discovered he bore significant injuries, including slash and stab wounds to his torso. His defence was that she was psychotic and any injuries she had accrued were either occasioned by his lawful self defence or self-inflicted by her. She had a significant mental history, including self harm and drug abuse. Unfortunately, during his remand, he made phone calls, recorded by the prison, attempting variously to buy-off or persuade witnesses either not to give evidence against him or change their accounts.
Counsel was initially instructed alone, settling an extensive defence statement that secured significant and detailed disclosures from US sources in relation to the complainant and her troubled history. Latterly, counsel secured the extension of legal aid for Queen's Counsel and was led by Brian Lett QC. Numerous experts, including a pathologist, bio-mechanic, psychologist, neurologist, psychiatrists and a toxicologist were instructed on the advice of counsel. Shortly after trial no.1 was due to start, both the Crown's cases disintegrated and the defendant accepted guilt in respect of a single wounding of his girlfriend inflicted recklessly as he defended himself against her. All other charges were dropped. Several months later the defendant flew home to the US. - Reading Crown Court

R v Ali & ors [2013-14] - *Rape*
An exceptionally difficult case in which the defendant, charged alongside two of his friends, had declined to comment or give instructions in respect of an alleged drug-assisted stranger rape. The defendant's position was compounded by the presence of his semen inside the complainant and over her clothing. The defendant only put forward a defence on the second day of trial and then went on

to accept that significant parts of his account were in fact lies. Counsel focused therefore on the complainant's self-induced intoxication and inconsistent behaviour, coupled with background matters raised in her interview. The defendant was acquitted. - Snaresbrook Crown Court

R v Tow [2013] – *s.18 GBH, s.47 ABH*

A serious case of GBH in which the defendant, a man with special needs, accepted losing his temper with a housemate. The housemate had assaulted his own girlfriend and the defendant, who did not like him anyway, took issue with his behaviour. There was said to have been an initial altercation between them in a bedroom, during which the housemate alleged he had sustained some injuries. The defendant denied this had occurred. The housemate subsequently attacked the defendant in the garden, grabbing him around the throat. The defendant, very unhappy about this, accepted punching him once to the face to get him away, then punched him very hard to the head, knocking him to the floor. The defendant, still angry, left him there on the patio unconscious. Though the housemate sustained serious injury to his head, the defence asserted that the defendant had nonetheless acted lawfully in defending himself with both blows, and in the alternative, that the housemate may have fallen over subsequently and caused all the injuries himself. The defence identified significant failures in the police investigation and substantial inconsistencies in cross-examination between various eye-witnesses. Defendant acquitted. - Basildon Crown Court

R v Haxhia [2013] - *Organised violence, wounding, possession of an offensive weapon, affray*

The defendant was charged in relation to an alleged organised hit carried out on several Asian males who claimed to have been the victims of an Albanian gang following the handling of a motor insurance claim. The Crown's case was that the defendant and several others had decamped from two vehicles and, armed with baseball bats, set about their victims outside a cafe on the Romford Road, leaving two with serious head injuries that required hospital treatment. There had then followed a car chase during which one of the Albanian's vehicles was rammed but got away.

The defence case was that this was all rubbish. The complainants' had fabricated their accounts after one had essentially stolen and sold the defendant's fiancé's car and kept the money. The defendant gave evidence to say that he went to the scene alone and that he was the one set upon. In so far as the injuries were concerned, the defence asserted that one of the males must have fallen over and hurt himself and the other been hit by one of his fellow bungling thugs.

The case concerned significant background disclosure and the assertion that the wife of one complainant had fabricated photographs of her husband's injuries. Counsel also established several lies during the course of extensive cross-examination of the alleged complainants.

The defendant was unanimously acquitted - Inner London Crown Court

R v XL [2012-13] - *Double rape*

An extremely troubling case in a convicted paedophile was accused of the double rape of a child who lived in the same residential complex as him. While there was no question over the accuracy of the defendant's previous convictions, he asserted here that he had been set-up by a drug dealer who had

wanted him out of the way as a result of the defendant videoing the latter's drug deals taking place in the car park below his flat. It was a fact of the case that the defendant had in fact videoed drug deals, had confronted the dealer, had then informed the police and the police had done nothing about it.

Following a detailed defence statement, counsel deployed a bullet-proof alibi from three witnesses, which the police investigation had declined to corroborate, in respect of the second of the two allegations and proved fabrication of evidence against the defendant in respect of the first allegation by a police officer delegated with the impartial investigation of the case. The case involved extensive applications for the disclosure of background information on both the alleged complainant and her father. The former was demonstrated through Social Services records to be a troubled child and an openly aspiring drug dealer, the latter was well known for involvement in drugs over many years. The defence case also featured a substantial attack on the credibility and acceptability of a very shoddy police investigation.

The defendant was acquitted unanimously - Basildon Crown Court.

R v Biggs [2012-13] – *Hammer attack, possession of an offensive weapon, affray [Privately funded]*

Counsel was instructed to defend an accountant and family man who had become embroiled in a dispute over private parking outside the block of flats in which he lived. It was alleged that the defendant had been rude to the heavily pregnant wife of the main complainant as she waited in her car for her husband to return from the school gates with their daughter. On his return, the defendant was said to have confronted him before assaulting his wife when she joined in. As the couple then sought to leave, the defendant ran to his own car, grabbed a club hammer and ran at the complainant from behind. A fight ensued and injuries were accrued. The defence case was that the complainant had come looking for him, that the defendant had in fact been assaulted by both the complainant and his pregnant wife and that although he accepted arming himself with the hammer and engaging the complainant, he had done so to warn him off as he had threatened the defendant's family. The defence also asserted that all of the independent witnesses were lying or confused, including the postman who most unfortunately had claimed to have seen everything. Legal argument on the first day precluded the Crown from adding the affray charge to the trial indictment. Thereafter, at the close of the Crown's case, the defence took issue with the 'public place' classification of the area and the permissibility of prosecuting an offensive weapon allegation in the circumstances advanced. The latter point was upheld and the defendant acquitted. Had the defendant been convicted, the consequences of losing his job and home would have been devastating. – Guildford Crown Court.

R v Henfrey [2012-13] – *Wounding, possession of an offensive weapon [Privately funded]*

Counsel was instructed to defend the landlord of a public house after he had challenged three men who had left without paying for their drinks. The men were rude in their shouted replies and as they returned suggested that they might mete out violence. The landlord went back into his pub and asked for 'the bat'. The barmaid obliged. Returning to the street he stood his ground and waited as he was surrounded. Then, in response to the first punch, he swung the bat at his assailant. Regrettably, he struck one of the others by mistake, breaking his jaw in two places and two of his teeth. A bold, no

nonsense defence, asserting both the landlord's right to have acted as he had and the fact that the victim had only himself to blame, resulted in a unanimous acquittal. By the time of trial the defendant was himself in poor health and a conviction would have resulted therefore in the loss of his home and employ with little prospect of him being able to recover. His good standing within the community was also important to him. – Chelmsford Crown Court.

R v Skowron & ors [2011-13] - *Manslaughter, causing death by dangerous driving and conspiracy to defraud*

Led by Timothy Raggatt QC, counsel acted on behalf of the lead driver in the first British 'cash for crash' case to result in a fatality. The case concerned a group of Polish nationals who were alleged to have arranged and caused an accident to profit from subsequent insurance claims. The Crown relied heavily on complex cell site analysis and phone records. The death occurred from a subsequent collision occasioned by an unconnected party. Causational issues therefore featured substantially in the trial. - Reading Crown Court.

R v *SB of traveller family B* & ors [2010-12] - *Kidnap, violent disorder and attempting to pervert the course of justice*

When some members of the traveller family B decided to relieve other members of the traveller family B of two traveller family B children, there followed a kidnap, a police chase with helicopters, some arrests, some more members of the traveller family B attending the house of some of the extended family to issue death threats and then some more arrests. SB was the only one during the intimidation stage of events to bring an axe. He later returned with a few others and kicked the door open. He pleaded to an affray, lost a Newton hearing in respect of the axe (after which the Learned Judge described his alibi girlfriend as the most unconvincing witness from whom he had ever heard) and managed after mitigation, very narrowly, to avoid going to prison. - Chelmsford and Cambridge Crown Court.

R v Somers & ors [2011-12] - *Conspiracy to supply drugs*

Counsel led, with Ed Culver as junior, in a multi-handed drug supply case concerning the trafficking of heroin between Newport (Wales) and Reading. The case featured the use of covert recordings in respect of several defendants as well as a reliance upon forensics and cell site analysis. That the case became a multi-directional cut-throat further complicated proceedings. - Reading Crown Court.

R v T. Singh [2011] – *Conspiracy to steal*

A multi-handed conspiracy to obtain high value, high performance cars, provide them with new identities and export them to Cyprus. The Crown's case concerned a detailed police operation that

had yielded substantial evidence, including forensics, phone material, partial confessions, surveillance and a substantial amount of bad character. – Southwark Crown Court.

R v Embleton [2010 – 11] – *Rape*

A horrific and tragic case in which the defendant, a seventy year old man with bi-polar disorder, was wrongly accused of his hundred year old mother's rape; a lady suffering from dementia, unable to speak and confined to her bed. The case concerned detailed and critical cross-examination of experts and professional care staff. – Reading Crown Court.

R v P Singh & another [2010 – 11] – *Rape and sexual assault*

An evidentially overwhelming a professionally very demanding case in which the defendant's account for forensic, confession, eye-witness and CCTV evidence was at odds with reality. Counsel was required during the build-up to the trial to assist Instructing Solicitors in fighting off four separate applications by poaching firms to have transferred the defendant's legal aid. – Reading Crown Court.

R v Bent [2010 – 11] – *Rape*

The defendant was a man with mental health difficulties, not of his own making, who was alleged to have raped his girlfriend after both had consumed a substantial quantity of alcohol. She too had a variety of mental difficulties and the relationship had long been fraught by emotional and financial troubles. The case involved psychiatric, toxicological and forensic medical evidence, interwoven with a background of the defendant having been taken advantage of and emotionally abused by the alleged complainant. The case required careful and subtle handling due to the nature of both complainant and defendant. – Reading Crown Court.

R v Ripton & ors [2010 - 11] – *s.18 GBH*

A complex matter, the case concerned a wealth of intermeshed identification, character and forensic issues, all rendered more complicated by the paucity of a police investigation that had allowed key evidence to be left uninvestigated. P.I.I. issues, revealed after the first two defendants had pleaded, led to a trail of cross-examination points that unravelled the Crown's ability to prosecute fairly. Though the Learned Judge managed to refuse the submissions of no case, the resultant abuse of process argument mounted in response was fatal. – Chelmsford Crown Court.

R v Watson [2009 – 10] – *s.18 GBH*

Defendant alleged to have attacked and seriously injured the disabled husband of his lover. After a course of violent incidents, the defendant attended the complainant's flat after leaving the pub. Having tricked his way into the apartment block, he tricked the complainant into opening his door

before setting about him in the dark, leaving him unconscious and covered in blood for the police to find. The defence case was that the complainant was a fantasist, was not disabled, had been an international drug runner and was still a user with an escalating debt problem and had only made this allegation after coming second in his latest fight with the defendant. There was some suspicion that the object of their affections might have been fuelling the feud. The trial and re-trial featured extensive bad character material and allegations on both sides. – Southwark Crown Court.

R v Harrison & another [2009 – 10] - *people trafficking, sex slavery [Privately funded]*

The defendant and his partner, a Thai lady, were charged over the alleged importation and use of a Thai woman for prostitution. The defence, after engaging overseas agencies, established that, unbeknown to the Crown, she had previously been deported for prostitution from the US and had in fact misled the Crown by pretending to be an innocent victim removed for the first time from her native Thailand. Defence case centred on investigations in three jurisdictions. Ultimately, the lax handling of the matter by the Crown, who managed to make fools out of themselves, led to the loss of exhibits and an inability to properly prosecute. The defence secured three consecutive wasted costs orders. The unanswerable abuse of process argument was avoided by the Crown through their capitulation. – Southwark Crown Court.

R v Mills [2009-10] – *causing death by careless driving [Privately funded]*

Counsel was junior to Orlando Pownall QC. The defendant was alleged to have been responsible for a very unusual, slow-speed collision, in which a cyclist had ridden into the rear of his car at a junction. The resultant fall caused fatal head injuries. The case featured several abuse of process arguments, stemming from the loss of essential evidence by the police (Beckford) and, far more unusually, by the defendant being left liable to conviction on account of defects in the condition of the vehicle occasioned by the maker and registered dealers (Connelly / Barings). Numerous experts were to have been called, including pathologists and collision investigators. Despite reluctance on the part of the police to disclose key evidence, the Crown were finally faced with no option but to concede on the day before trial. – Isleworth Crown Court.

R v Matthews [2006-9] – *conspiracy to cause high value criminal damage (graffiti)*

The allegations, of which there were many, concerned the defendant being part of a gang that covered prominent landmarks with decorative art. Specifically, the defendant, a student of photography, was said to have been taking photos of the works, both in progress and completed, thereby aiding, abetting, counselling or procuring their commission. The prosecution purported to have a police-affiliated expert who was initially able to allege the defendant had painted some of the works. The defence, in response, secured the instruction of the authors of the practitioner text, Subway Art, upon which his weak theories were based, thus being able to call none other than the legendary duo Chalfont and Cooper, the team that first captured the efforts of the NYC train painters of the 70's and 80's. Short work was made of the Crown's expert and the first trial collapsed. Though the prosecution

had another go, almost three years after the case began. The defence had by this time additionally amassed experts from the Tate in London, Italy and South Africa, and the Crown's case went nowhere. Banksy would have been proud! – Reading Crown Court.

R v Guittierez-Perez [2009] – *causing death by dangerous driving [Privately funded]*

Counsel was instructed specifically for the appeal of this difficult and tragic matter. The Appellant, for whom leave had been secured, had been sentenced to seven years imprisonment. The brief facts were that, after a failed attempt to commit suicide, she had driven her Range Rover while under the influence of drink and drugs until, after several minor accidents and near-misses, she careered into the barrier outside a primary school and crushed an infant in a pushchair to death in front of its mother and very young siblings. The case was concentrated around a substantial retrospective analysis of her psychiatric and psychological condition, something that had not been sought in the lower court, and whether, notwithstanding the chilling nature of the case, the sentence could be said to be manifestly excessive. The Court of Appeal thought it was not. National media interest was high and concern had to be had for the extreme sensitivity of the case. – Court of Appeal.

R v Cahill & another [2009] – *armed robbery, s.18 GBH*

The defendant was one of two Zimbabweans trapped by the re-examination of forensic material retrieved from the armed robbery of a Pizza Hut in 2001. The allegation was of an inside job in which the co-defendant had arranged for the defendant to effect the timely seizure of two weeks takings hours before their collection. An employee was seriously assaulted and injured. The case featured use of the national DNA database, various forensic techniques and an unusual professional conduct matter. – Central Criminal Court.

R v Cave & ors [2009] – *armed robbery*

The defendant was one of four juveniles prevailed upon by a well-organized gang to effect a classic, high street robbery of a jewellers. The case featured overwhelming evidence including clear CCTV of the masked robbers smashing the displays with sledgehammers and their subsequent escape, close pursuit by police units, including helicopters, and their capture together with the recovery of around £80,000 of valuables. – Guildford Crown Court / Court of Appeal.

R v Becker & ors [2009] – *firearms factory, cannabis factory*

The defendant was one of seven charged with involvement in a substantial enterprise that procured, altered and manufactured firearms, several of which had been linked to murders and other violent crimes around the country. The premises also housed a substantial concealed space in which a significant quantity of cannabis was grown under hydroponics. The defendant was linked by virtue of forensics, receipt of firearms and close association with several defendants including the head of

the conspiracy, his father-in-law. The case also featured substantial consideration of bad character material other than that arising from previous convictions. – Chelmsford Crown Court.

R v Thomas [2009] – *s.20 GBH [Privately funded]*

A sensitive matter in which the defendant was said to have assaulted the driver of a car in a road-rage assault before attacking his eighty-two year old uncle and fracturing his hip. The uncle subsequently died. Complex argument ensued relating to the permissibility of reliance on hearsay evidence from a sole and decisive deceased witness, the same requiring an understanding of the currently voluminous and shifting EU and domestic authorities. Numerous disclosure issues relating to records and character of the deceased also arose. – Guildford Crown Court.

R v Razanskas [2009] – *s.18 GBH*

An utterly overwhelming case in which the defendant, a Lithuanian kick-boxing champion, laid waste to an Afghanistani mini-cab office after employees of the establishment ill-advisedly took his bottle of vodka. Having allegedly taken-on everyone in sight, the defendant left the premises, though not before he had himself accrued significant injuries, including a shattered elbow from which the bones were protruding through skin and shirt. Leaving a lot of blood, other fluids and personal effects behind at the scene, he was said to have made his way home, affording the police a clear and sufficient trail of blood to follow. When the police arrived at his home address they found him naked (clothing already in the washing machine), his girlfriend dressing his wounds and the knife that had punctured one victim's lung lying on the floor beside his bed; the victim's blood on the blade, the defendant's on the handle. The defendant then went on the run for three years. The defence, in short, was that someone else did it. The defendant had professionally embarrassed one team of solicitors and counsel after the first trial and counsel secured a unanimous acquittal at the retrial. – Isleworth Crown Court

R v Shodeke [2008-9] – *serial rape, false imprisonment harassment*

Junior to Christopher Sallon QC. Serial rape of three victims over several years with significant abuse in the form of harassments, false imprisonments, criminal damage, physical, verbal and sexual degradation and physical violence. The defendant was alleged to have forced one victim to bear his child after impregnation through rape and subsequent intimidation. The six-week trial involved complex and numerous character issues relating to both the defendant and all the complainants. A number of security issues also arose during the course of the trial as well as professional difficulties, involving both solicitor and client that junior counsel had to resolve alone with the trial judge. The defendant was exceptionally difficult, dangerous and required exceptionally careful handling. – Inner London Crown Court.

R v Thompson & ors [2008] – *armed robbery*

Multi-handed gang robbery of a tower block, involving firearms and other weapons. The main victim was subsequently murdered having given evidence. Counsel represented the only juvenile of the thirteen defendants, a client who was difficult to the point of being impossible to represent. – Blackfriars Crown Court / Court of Appeal.

R v Demir & ors [2008] – *drug supply, firearms, etc*

Multi handed conspiracy to supply class A drugs and possession of firearms and ammunition. Defendant was caught on CCTV with a rucksack on his back containing the half a kilo of cocaine and a loaded firearm inside a locked safe during his arrest by a team of heavily supported police officers. The key to the safe was on a chain around his neck at the time. Counsel fully contested the matter through trial and re-trial notwithstanding the weight of the evidence and the existence of cut-throat defences from several co-defendants. – Reading Crown Court.

R v Turner & another [2008] – *double s.18*

A difficult trial in which the defendant, charged twice with s.18 GBH, caused fractured skulls with paving slabs to two men during an altercation arising from the support of his favourite football team. – Reading Crown Court.

R v Samuels & ors [2008] – *cannabis importation*

Long-established conspiracy to import cannabis from Jamaica. Counsel represented the first defendant, the head of the enterprise. The case turned on a domestic surveillance operation, overseas intelligence and a complex array of telephone data. – Croydon Crown Court.

R v Richardson & ors (1 & 2) [2008] – *false imprisonment, arson, perverting the course of justice, ABH, etc*

Troubling case in which the defendant was alleged to have led a group of others in the false imprisonment and serious abuse of a vulnerable special needs man resident in assisted housing. Having secured bail, the defendant was alleged to have tried to kill the victim through setting fire to his new accommodation (dealt with as a second trial after successful deployment of a severance argument). The defendant was alleged to have confessed to several witnesses about doing so. The defendant himself had significant difficulties and a number of previous convictions, as did the co-defendants and indeed the independent witnesses. The first trial saw various special measures considerations and a minefield for cross-examination. The second trial collapsed after acquittals were secured in the first. – Reading Crown Court.

R v Henry & ors [2008] – *s.18 GBH, drug supply, dangerous dog as a weapon*

Counsel alone for the first defendant in a gruesome, gang-related enforcement of a drug debt. Charged with conspiracy to deal class A drugs, s.18 GBH and robbery, it was alleged that the defendant had lured the victim, a friend of his since infancy, to a tower-block. Therein the victim had been set upon by a dangerous dog, such that the bite wounds punched-through his forearms and legs. He was then stripped, beaten and stamped, before being left for dead, unconscious with multiple injuries in a pool of his own blood. Counsel was instructed at very short notice when the in-house solicitor advocate was considered too inexperienced to handle a case of such severity. – Isleworth Crown Court.

R v Barton & ors [2007] – *murder, etc*

Junior to Roderick Johnson QC in a four handed murder. The defendant was alleged to have been the ring leader of a group of youths who, fuelled on drink and drugs, burst into a first-floor flat and stabbed to death one of the occupants in revenge for an altercation he had had with the defendant's mother. The case featured close analysis and forensic enhancement of CCTV. – Central Criminal Court / Court of Appeal.

R v Gudauskis [2007] – *s.18 GBH, robbery, handling, ABH, etc*

Counsel acted for an Eastern European enforcer. The defendant, aggressive, difficult and with a troubled psychiatric history, was a party to a particularly serious attempt to extract monies from a number of victims over a two day period. Having secured acquittals in respect of several offences of dishonesty, s.18 GBH and s.47 ABH, counsel obtained leave to appeal on the remainder from the Full Court, arguing that retrospectively obtained psychiatric evidence, admissible pursuant to s.23, demonstrated that the defendant had not been fit to stand trial. – Reading Crown Court / Court of Appeal.

R v Williams & ors [2007] – *people trafficking*

Junior to Harendra de Silva QC in a conspiracy to traffic illegal immigrants, including convicted criminals and children. Represented the main defendant, a prominent local woman, who had facilitated a multi-national enterprise to secure the entry of undesirables into the United Kingdom. Overwhelming evidence and a professionally very demanding client. – Wolverhampton Crown Court.

R v Pc X. [2006-7] - *firearms*

Leading counsel for a serving police officer accused of perverting the course of justice and allegedly possessing explosive ammunition. The case featured several weeks of complex argument over the admissibility of evidence - Isleworth Crown Court.

R v Franklyn & ors [2006] – *drug supply*

A substantial, multi-handed conspiracy to supply millions of pounds worth of drugs. The case involved thousands of hours of covert surveillance and complex negotiations with VHCC contract managers. - Reading Crown Court

R v Peart & ors [2006] – *gang rape, kidnap, false imprisonment*

The gang rape and kidnap of a drunken 14 year old by three alleged drug dealers - Basildon Crown Court.

R v Matuzyzyc [2006] - *murder*

Junior to Greg Bull QC in a murder involving an alcohol fuelled dispute between polish vagrants and complex pathology reports - the Central Criminal Court

R v Marshall & ors [2005] – *drugs importation*

Junior to Greg Bull QC in a substantial conspiracy to import class A drugs in which the successfully run defence was that Customs and Excise had created the environment and fabricated the offence with which the defendant had been charged. - Leicester Crown Court.

R v Kunjna & ors [2005] – *kidnap, s.18 GBH*

Defence counsel in a kidnap and sec.18 GBH by a number of Hindu priests upon a worshipper at a temple - Harrow Crown Court.

R v Okropirzide & ors [2005] - *riot*

Junior defence counsel for one of the Russian ringleaders in the riot in the Harmondsworth Detention Centre - Kingston Crown Court.

R v Zapata [2005] – *double death by dangerous driving*

Junior defence counsel in a double death by dangerous driving – Inner London Crown Court.

R v Goff [2005] – *murder, rape, false imprisonment*

Junior defence counsel in a murder and rape. The defendant, an alcoholic, lay in wait for his ex-girlfriend and her new partner. - Central Criminal Court.

R v McPherson & ors [2004] - *robbery*

Defence counsel for one of the 'Legends of Stratford' train robbers - Middlesex Crown Court.

R v Yoonus & ors [2004] – *drug supply, money laundering*

Junior counsel Bob Marshall-Andrews QC MP in a multi-handed conspiracy to supply Class A drugs and money laundering - Kingston Crown Court.

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