

NOTABLE CASES:

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 her 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 Guittierrez-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 and 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 and 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 and 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 and 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 and 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.

