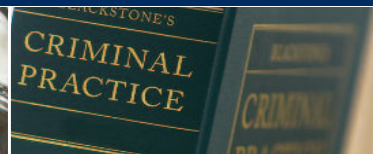
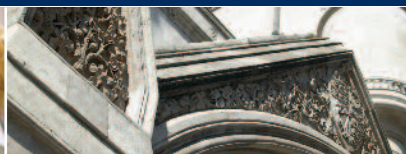


CRIME BULLETIN

SENTENCING ISSUE

July 2010

9 GOUGH SQUARE



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Rape and the Sentencing Guidelines Council

R v McMorris & Others [2009] EWCA Crim 1490

The case of *R v McMorris & Others [2009] EWCA Crim 1490*, involving a gang rape, is a good example of the need to be wary of trying too hard to fit fact specific cases into a statutory framework

The Sentencing Guidelines Council's Definitive Guideline: Sexual Offences Act 2003 ("the Guidelines") were in force at time of sentence. The Attorney-General referred the sentences to the Court of Appeal, where there was argument on the question of which of the appropriate levels of sentence identified in the guidelines would be the appropriate starting point. The Court of Appeal, presided over by the Lord Chief Justice, highlighted the anomalies that following the framework can cause. In this case, the sentences passed were substantially increased by the Court of Appeal

The victim, who was 16 years old and had learning difficulties, was taken to an unoccupied house. There, a large group of young men had gathered for group sex. The victim was raped on numerous occasions, both orally and vaginally. During the sexual activity photographs were taken of the victim's naked body. Afterwards, soap and water and then caustic soda were thrown over her. She suffered catastrophic injuries as a result of the assault.

On 8 December 2008, and following a trial, three defendants were convicted of rape. Of these three, two are of relevance to the sentencing issue that arose.

McMorris was convicted of one count of vaginal rape, one count of oral rape and an offence of causing grievous bodily harm, contrary to section 20 of the Offences Against the Persons Act 1861. Brew was convicted of rape.

At sentence, on 19 January 2009, McMorris (who was 17 years old at the time of the offences and 18 at the time of sentence), was sentenced to concurrent terms of seven years' detention for the offences of rape and a consecutive term of two years' detention for the assault. The total sentence was one of nine years' detention. Brew (who was 18 years old at the time of the offence and 19 at the time of sentence) was sentenced to a term of six years' detention.

In his remarks, the sentencing Judge said:

"It is very difficult to imagine after events like that what the appropriate sentences would be in such a case. The answer lies in referring to the guidelines laid down for this and any other court ...

The guidelines make it perfectly plain that in such a situation where there is more than one offender the starting point for the sentence is one of eight years' custody. The sentencing range is one from six to eleven years."

Rape and the Sentencing Guidelines Council Continued from page 1

At appeal, the Lord Chief Justice stated:

"by statute, a judge must have regard to the definitive guidelines issued by the Sentencing Guidelines Council. But in the end a judge has to do justice in the circumstances of an individual case. It is well established under the current legislation that, provided the judge has had regard to a definitive guideline, he is entitled, if he has reason to do so and is prepared to articulate his reasons, to disregard it if, by following it, an injustice would result. Sometime justice will require a more merciful sentence than a guideline level may indicate; sometimes a more severe one. Sometimes the facts of the case will not fit into the structure of any definitive guideline."

It had been submitted that there was only one aggravating feature: that McMorris ejaculated. However, the court found that there were further special factors indicating a higher level of culpability. They included, importantly, offenders operating in groups or gangs and factors which indicate a more than usually serious degree of harm include degradation of the victim. Specific reference was also made to the taking of photographs of a victim as part of a sexual offence.

As the Lord Chief Justice said,

"It is unwise to seek to compartmentalise the levels of culpability that can arise in sexual offences. It is

fundamental to the correct approach that the necessary flexibility to which reference is expressly made [the Definitive Guidelines] should be borne in mind"

The court also considered the sentence for McMorris in respect of causing grievous bodily harm. Although unintended, the consequences were harm of the most grievous kind: the victim received 50 per cent burns to her body; she would be marked and maimed for the rest of her life. Physical injuries sustained in consequence of the throwing of the caustic soda were considered by the court to be most unusual and difficult to place within the sentencing guidelines.

The court confirmed that McMorris was the prime mover in the offences which led to the dreadful injuries. He was convicted of two separate offences of rape, including one of oral sex which culminated in ejaculation. He was present throughout while others had their way with the victim. He took her to the empty house. The other men who had come to the house must have been known to him. The court had no doubt that the sentence on McMorris was unduly lenient. His youth and the principle of totality were borne in mind. The sentence was raised from nine to fourteen years' detention in a young offender

institution. The sentence for rape on each of the two counts was eleven years' detention; the sentence for the offence of causing grievous bodily harm was a consecutive sentence of three years' detention.

Brew had arrived at a house where a girl had been raped and, knowing that she had been raped, he raped her. The sentence of six years' detention was unduly lenient. The sentence in his case was raised from six to nine years' detention in a young offender institution.

Relying on the same Guidelines, each sentencing court came to very different conclusions. Careful consideration needs to be given to the facts of each case to avoid trying to fit cases into part of a table rather than thinking of the possible range of sentence and the overall seriousness of the case. The new Sentencing Council, with a wider role and greater statutory power than its predecessor, must still be careful to allow some flexibility.



Rosina Cottage

Philip Henry



Philip Henry

We are very sad to announce that on 10th June 2010, Philip Henry died unexpectedly.

Philip Henry was called to the Bar in 1979 having read law at Kingston Polytechnic ("as it then was"). From 1981 until 1984 he was employed as Crown Counsel in Antigua. There, he prosecuted the full range of criminal cases.

On his return to the United Kingdom, Philip became a tenant in a common law chambers until the autumn of 1986, when he joined the Crown Prosecution Service. In 1988 he joined the SFO, becoming an Assistant Director in 1993.

He joined 9 Gough Square in November 2000.

Philip was a highly valued member of chambers. When he joined us he brought with him his great energy and enthusiasm combined with powerful advocacy and a natural charm and ability with people. As a pupil supervisor and a senior member of chambers he mentored many of our junior members and his guidance and help was always greatly appreciated. He was a man who others naturally turned to for advice, and was free with his time and energy in helping others. With his powerful instinct for justice he will be greatly missed.



Sentencing: A view from the bench

It may properly be suggested to be a little presumptive for me to be writing such an article within a year of my appointment. Still, at least it means that I do have some vague and distant memory of what it is like to be standing there, representing a client who seems hell bent on giving instructions that can only make things much, much worse.

It is worth reflecting on how many pleas in mitigation your average Circuit Court Judge has to hear. Conducting a wholly unscientific poll amongst my fellow incumbents at Wood Green, it seems each of us sentences 7 to 10 people a week. That is about 400 a year or just shy of 10,000 in a career. That single fact explains much of what follows.

Early Pleas It is impossible to overstate the importance of an early plea. A plea tendered in the Magistrates Court before committal or at the Preliminary Hearing on a transfer makes a world of difference. It shows a true willingness to accept responsibility. It makes a difference as to whether a sentence is custodial or non custodial. It affects the length of a custodial sentence to a far greater degree than the written discounts advanced by the Sentencing Board Council (SBC). It also means that you are sentenced when the least amount of written evidence is before the Judge; I have never seen a plea become more compelling when the Judge has had the chance to read more witness statements in advance of sentencing.

Pre-Sentence Reports A PSR does not always help a Defendant. Gone are the days where such reports would indicate that due to the Defendant's troubled childhood a non custodial sentence is justified however serious the charge. They often expose the flaws in the intended mitigation. Consider whether short mitigation by Counsel may not be better. Even more important: prepare your client before he meets the Probation officer. Most Defendants are simply sent along without a prior chat with their Solicitors to help them to present as well as possible. Defendants say the dumbest things which show that, for instance, far from being remorseful about what happened, they see themselves as the true victim. A bad PSR can hurt a Defendant as much as anything else.

Defendant's Presentation Much sentencing occurs at the beginning of a day's list. A Defendant

who is 15 minutes late does himself no favours. A Defendant who sits in the dock laughing, yawning or, as I had recently, sitting back with his feet on the front of the dock is not helping a Judge to conclude he is worth one last chance. A posse of his friends performing similar antics in the public gallery can be even worse. Tell the Defendant to bring his mother or partner at most and meet the rest later in the pub (if all goes well!).

Brevity There is a firm rule that the shorter the mitigation is, the better it is. Solicitors and Counsel need to prepare a Defendant for this. A Defendant facing sentence for a knife-point street robbery (his third) is, barring a miracle, going into custody. Evidence that his partner is pregnant, he has a job starting Monday and his mother has a bad back and relies on him to do her heavy shopping may not help. A mitigation, of the type I have seen which simply says

"My client pleaded guilty at the first opportunity, he is still only 20 years old, no actual injury was caused to the victim and the property was recovered"

is as good as it gets. The Client needs to have been warned that he is not being short changed by such a stance.

Pleas in Aggravation At least 25% of the pleas in mitigation I hear actually make things worse. I give you but one example. I was sentencing a man for abusing his step daughter from the age of 11 to 13. She told the authorities when his relationship with her mother broke down and he had left the home. He had pleaded guilty. A reference was handed up from his new partner whom he had met a month after his arrest. It said:

"Mr X is a kind, warm and generous man who would never hurt anyone. I am particularly touched by the close and warm friendship that he has formed with my 11 year old daughter"

Mr X was looking at a determinate sentence, all be it of some length. That reference, as the Court of Appeal confirmed, meant I was justified in passing an indeterminate sentence.

Think about the instructions given and have the strength to tell the client which lines of 'mitigation' to leave well alone.

References References are good if presented well. Handing up a dog eared pile of letters and certificates part way through mitigation is not. Look at the references and check they really help. Then have them put in a little file and handed to the Court before it sits. View with extreme caution letters from the Defendant to the Court. They have to be very special indeed to make a difference and often contain a sentence, minimizing responsibility, which makes things worse.

Realism A mitigation that starts with "I accept custody is inevitable in this case" is the best way to get a short sentence and is likely to get a Judge, who has been thinking the same thing, to actually say "Well I have not reached a firm conclusion on that yet". Again the client has to have been prepared beforehand so that he knows he is not being sold down the river.

And please never, ever say anything which encompasses the following sentiment:

"Well I can indicate that were your Honour to impose a sentence of imprisonment here I will be appealing this case"

Happy hunting.



Simon Carr

The effect of the Criminal Justice and Immigration Act 2008

The Criminal Justice and Immigration Act 2008 ('the Act') is a wide-ranging piece of legislation which deals with a variety of apparently disparate topics. It creates a number of new offences including: "possession of an extreme pornographic image" (s.63-71), "hatred on the grounds of sexual orientation" (s.74) and "causing a nuisance or disturbance on NHS premises" (s.119-120). It also purports to provide 'clarification' on the defence of self-defence (s.76) and abolishes the common law offences of blasphemy and blasphemous libel (s.79) amongst other things.

The Act also introduced a number of important changes to sentencing practice. Of particular interest are the changes to Youth sentencing with the introduction of Youth conditional cautions (introduced by s.48(1)(a) and Youth rehabilitation orders (introduced by s.1) [both dealt with elsewhere in this bulletin]. This article will accordingly focus on some of the changes to adult sentencing introduced by the Act.

Non-Custodial sentences

Section 10 confirms that the Court has the power to impose a fine when sentencing even though the community threshold has been passed. Meanwhile section 11(1) inserts section 150A into the Criminal Justice Act 2003 ('CJA 2003'). This makes it clear that the community order is only available as a sentencing option for imprisonable offences.

Pre-sentence reports

Section 12 CJA 2008 inserts a new subsection (1A) and (1B) into section 158 of the Criminal Justice Act 2003 which defines what a pre-sentence report is. It requires the court, when considering custody as an appropriate sentence for persons under 18, to obtain a written report. For adults the position is different as the court may accept an oral pre-sentence report.

Dangerous offenders

Some of the most significant changes introduced by the Act are to the sentencing regime for dangerous offenders, which apply to those sentenced on or after 14th July 2008 (for offences committed after 4th April 2005). Sections 13 to 17 of the Act make changes to public protection sentences for both adults

and children. The cumulative effect of the changes is potentially to reduce the impact of the dangerousness provisions by introducing judicial discretion into what was previously a series of mandatory provisions, while also changing the criteria for the imposition of such sentences so as to restrict their use to only the most dangerous offenders.

As the Lord Chief Justice observed in Attorney General's Reference (No 55 of 2008) [2008] EWCA Crim 2790, one of the key changes has been the removal of the "prescriptive and unhelpful" statutory assumption of dangerousness contained in section 229(3) of the Criminal Justice Act 2003. As his Lordship noted: "no court will mourn its departure".

The Act also introduced changes to the conditions that must be satisfied before a sentence for public protection (either extended or indeterminate) can be imposed. Introduced into section 225 and 227 of the CJA 2003 by subsections 225(3A) and (3B) and 227(2A) and (2B) are the requirements (unless section 225(2) CJA 2003 applies) that the offender must, at the time the index offence was committed, have been convicted of an offence specified in Schedule 15A, or alternatively that the notional minimum term to be imposed will be at least 2 years' imprisonment.

Plainly, Schedule 15A contains a much narrower list of offences than are contained in Schedule 15 meaning that sentences for public protection are now available in more limited circumstances than previously.



It is notable that if the offender has a previous conviction for a very serious offence, a sentence of imprisonment for public protection becomes available irrespective of the seriousness of the index offence, provided always that the court is satisfied that the public is at the significant risk specified in section 225(1) (b).

The threshold below which a sentence for public protection (either extended or indeterminate) cannot be imposed translates into a sentence of at least 2 years actual custodial time (ie: 2 year tariff for indeterminate sentences and 4 year determinate for extended sentences- to allow for release at the halfway point).

The Act now effectively provides that where the conditions are met the court may impose an IPP, extended sentence or other sentence as it finds most appropriate in the case.

Consecutive Terms of Imprisonment

Sections 20(4) and 20(5) of the Act amend section 265 of the CJA 2003 so as to clarify the position regarding the imposition of consecutive sentences on different occasions. The amendment provides that a sentence subject to the release arrangements of either the CJA 2003 or the CJA 1991 cannot be imposed consecutively to any term of imprisonment from which release on licence has already taken place.

Curfew

On 3rd November 2008 section 21 of the Act came into force. This section introduced a power for courts to allow time spent on curfew to count towards sentence. To qualify the

curfew must be in force for at least 9 hours each day and be monitored by a tag. Each day on such a curfew can count for not more than half a day towards sentence. Although there is a presumption that the court will make such an order, there is a discretion, if the court considers it just in all the circumstances, not to count all or any of the available days. Those sentencing offenders must also take into account any breaches of that bail condition.

Conclusions

Plainly the Act has effected some fairly substantial changes in sentencing for adult offenders. The majority of the changes have now been in force for some time and their effect is plainly being felt. Provisions such as those giving Defendants credit towards their sentence for time spent on a tagged curfew are well used and useful. Similarly the amendments to the sentencing of dangerous offenders in restoring some measure of judicial discretion and introducing the pre-conditions discussed above allows for greater flexibility in the system and goes some way towards fulfilling Parliament's intention of focussing these onerous sentences on only the most dangerous of offenders.



Esther Pounder

The Sentencing Advisory Panel and Sentencing Guidelines Council



Claire Harden

The Sentencing Advisory Panel (SAP) was created by the Crime and Disorder Act 1998. It is an independent body made up of judges, magistrates, academics, criminal justice practitioners and lay members.

The Panel's original duties were to propose guidelines for the sentencing of particular offences to the Court of Appeal. The choice of offences was in the main those of the Panel. Its first proposal on environmental offences in 2000 was rejected. It did, however, achieve limited success with recommendations on racially aggravated offences in the case of Kelly and Donnelly (2001) (although the Court of Appeal rejected the panel's proposal for 40% to 70% uplift in sentences where offences were racially aggravated). In McInerney and Keating (2002) the Court followed some of the Panel's recommendations for sentences for offences of dwelling house burglary (although the Panel's recommended starting points were reduced by Lord Woolf who had argued that the Panel's influence affected the exercise of judicial discretion and increased the amount of offenders sentenced to imprisonment). The Panel's influence was also felt in the cases of Milberry (rape) and Oliver (child pornography).

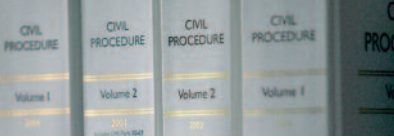
The Panel's role changed after the Criminal Justice Act 2003 (CJA 2003), which created the Sentencing Guidelines Council (SGC). The SGC, again an independent body, consists of judicial and non-judicial members but is chaired by the Lord Chief Justice. Instead of providing advice to the Court of

Appeal the Panel provides advice to the Council. The Panel can now propose guidelines of its own motion or after receiving notification from the Council that guidance is required on a particular subject. Once the advice has been provided to the Council it is considered: if it decides to do so the Council can issue draft guidelines. These can be amended if appropriate and the Act empowers the Council to issue definitive guidelines. Under s.171(1) CJA 2003, the Courts of England and Wales are placed under a duty to have regard to any guidelines which are relevant to a particular case and to give reasons for passing a sentence outside the range indicated by any guidelines (s.172(2)(a)).

Since 2003, the SGC has issued definitive guidelines on many offences, from attempted murder and robbery to breach of an ASBO and failure to surrender to bail. The most recent guidelines deal with offences of fraud and corporate manslaughter and health and safety offences causing death. The SGC aim to have sentencing guidelines in place for every common offence by the end of this year. The Council has not restricted itself to issuing guidance on particular offences, but has also published guidelines on sentencing principles on a wide range of topics including reduction in sentence for guilty

Plea and overarching principles in youth sentencing. The Panel has recently issued advice to the Council for offences of dwelling house burglary. Its recommendations include removing the aggravating feature of offences committed at night and asking Courts to focus instead on whether the building was occupied or not.

The SGC and SAP have clearly expended a great deal of effort producing the guidelines and advice. The one clear advantage as a practitioner (other than being able to carry the Archbold supplement rather than the full text) is that it enables you to provide clear advice to your clients about what sentence they can reasonably be expected to receive should they be convicted of an offence. However, the stated purpose of the Council and Panel is to encourage consistency of sentencing in all Courts in England and Wales, support Judges in their decision making, and improve public awareness of and confidence in sentencing practice. Despite this aim there is no reliable evidence of the actual effect of the sentencing guidelines on the sentencing practices of Judges. It may be that the situation changes with the creation of the Sentencing Council which is to have specific responsibilities for improving the state of sentencing statistics. Practitioners would be forgiven for questioning whether the guidelines actually impact upon sentences passed given the seeming frequency they are departed from and, if those decisions are made for good reason, whether the work of the SGC and SAP (as extensive and well meaning as it) is really necessary.



New Youth Sentencing Provisions

On 30 November 2009, a number of the provisions relating to youth sentencing in the Criminal Justice and Immigration Act 2008 (“the Act”) were brought into effect. Sections 1 and 2 and Schedules 1 and 2 of the Act are the key provision, and include far more detail relating to these changes than space in this bulletin allows. What follows is a brief summary of the changes.

It should be noted that these provisions relate only to offences committed on or after 30 November 2009, so practitioners will need to continue to consider previous legislation for offences committed before that date.

A single community order, called a ‘youth rehabilitation order’ (YRO) replaces previous community sentences for under 18s, including curfew orders, exclusion orders, supervision orders, action plan orders, community rehabilitation orders, community punishments orders, community punishment and rehabilitation orders and drug treatment and testing orders. Most of the former types of order have become ‘requirements’ available to be imposed as part of a YRO (for instance, although the ‘curfew order’ has been abolished, a ‘curfew requirement’ is available as part of a YRO).

Unlike adult community orders, youths can be sentenced to a YRO for a non-imprisonable offence. The exception is if a court sentences a youth to the more onerous YRO with intensive supervision and surveillance or YRO with fostering. These orders are only available where the court is dealing with the offender for an offence which is punishable with imprisonment, the court is of the opinion that the offence, or the combination of the offence and one or more offences associated with it, was so serious that a custodial sentence would be appropriate (or, if the offender was aged under 12 at the time of conviction, would be appropriate if the offender had been aged 12), and if the offender was aged under 15 at the time of conviction, the court is of the opinion that the offender is a persistent offender.

Further provisions in relation to these YROs are found at Parts 3 and 4 of Schedule 1 of the Act.

There is a single Schedule (Schedule 2) addressing breaches and revocations of YROs (those of us who are used to sifting through numerous Schedules and provisions to find relevant provisions in this area can be grateful for small miracles). If convicted of an offence while subject to a YRO, the court before whom the offender is convicted may revoke the order and deal with the offender for the offence in respect of which the order was made. Thus a youth or Magistrates Court may revoke an order made by the Crown Court which contains an appropriate direction, although must sentence in a manner that a youth or Magistrates Court would have done. A Crown Court may similarly revoke an order made in the youth/Magistrates Court, but must do so only in a way in which the court that made the order could have dealt with the offender for that offence. The offender must be re-sentenced based on his age at the time the original YRO was made, not of his age when he appears before the court.

In addition to YROs, referral orders remain in force. An increase in the use of referral orders was implemented on 27 April 2009 (sections 35-37 of the Act), including the use of a discretionary referral order where there is a guilty plea and one of a number of further circumstances is applicable. Attendance centre orders appear to still be available as a sentence in default or for a failure to comply with a court order, but are not available as a sentence on conviction from 30 November 2009.

Finally, there are also provisions in the Act for the giving of youth conditional cautions to children and young persons, as well as minor amendments relating to reprimands and warnings. A youth conditional caution is a caution in respect of an offence committed, which has conditions attached to it with which an offender must comply. Schedule 9 of the Act contains more detailed information about these cautions.

The Sentencing Guidelines Council published ‘Overarching Principles – Sentencing Youths’, guidelines for youth sentencing, on 20 November 2009. The expressed intention of the guidelines is to draw together the principles relating to sentencing youth offenders in a single authoritative document. Emphasis is placed on the need to consider carefully the individual circumstances of offenders aged below 18. It recognises that youths can differ significantly in maturity and the approach to sentencing should thus be tailored to each individual. It also states that courts should aim to confront youths with the consequences of their offending and help them develop a sense of personal responsibility, as well as having them take part in repairing the damage they have caused.



Jennifer Newcomb

JOHN FOY QC Call 1969 Silk 1998



John has appeared in many reported cases in the House of Lords and in the Court of Appeal on the subject of serious crime. He also sits as a recorder trying criminal cases.

ANDREW ROBERTSON QC

Call 1975 Silk 1996



Andrew practices in all types of homicide, frauds, serious sex cases and drugs cases especially those involving NCS and PII issues.

ANDREW BAILLIE QC Call 1970 Silk 2001



Andrew is instructed to prosecute, defend and advise in the most serious and complex fraud and financial regulatory cases, including some with an international dimension.

JOSEPH GIRET QC Call 1985 Silk 2010



Joseph practices in all areas of complex and high profile criminal Defence work.

FRED FERGUSON 1978



Fred has focused his practice on white collar crime and serious criminal offences.

MARTIN PINFOLD 1981



Martin has been developing a general crime practice involving work for both Prosecution and Defence.

JONATHAN LOADES 1986



Jonathan has extensive experience of fraud Prosecution for the Serious Fraud Office (SFO) and CPS Special Casework.

ROSINA COTTAGE 1988



Rosina is a Grade 4 Prosecutor and Leading Junior specialising in complex fraud cases and serious sexual cases with vulnerable witnesses and defendants.

EDWARD LUCAS 1991



In his criminal work Edward is instructed alone and as a Leading Junior; both to prosecute and defend in cases across a broad spectrum of specialist and general crime.

RAJEEV SHETTY 1996



Raj has prosecuted and defended in criminal cases involving multiple rape, child cruelty, attempted murder, death by dangerous driving, serious violence and violent disorder.

MELANIE WINTER 1996



Melanie is a specialist criminal practitioner and prosecutes and defends a broad spectrum of serious offences.

TOM LITTLE 1997



In criminal and fraud matters Tom both prosecutes and defends. Tom is a Grade 4 prosecutor (on both the CPS fraud and rape lists)

TIM GODFREY 1997



Tim has a busy criminal practice both prosecuting and defending. He has developed a specialist fraud practice and is instructed by the SFO.

CLAIRE HARDEN 2000



Claire is an experienced criminal barrister. She prosecutes and defends those accused of serious criminal offences including fraud, rape, violent and drugs offences.

GARETH MUNDAY 2000



Gareth is regularly instructed to prosecute on behalf of the CPS, regularly prosecuting multi-handed robberies, offences of violence and matters of indecency.

ELEANOR MAWREY 2001



Eleanor prosecutes, defends and specialises in economic crime including acting for the FSA and SFO. She also deals with a range of cases including serious sexual offences and violence.

JAMES THACKER 2001



James is a specialist criminal barrister who defends and prosecutes a broad spectrum of serious offences. He is a Grade 2 Prosecutor on the List of External Advocates for the CPS.

ESTHER POUNDER 2003



Esther regularly conducts both Prosecution and Defence work in the Crown Court.

EMILY VERITY 2003



Emily's busy practice includes prosecuting and defending cases of serious violence, drug supply, sex offences and fraud and dishonesty offences.

ALASTAIR HOGARTH 2005



Throughout pupillage Al was a committed criminal advocate, developing as an advocate acting for both Prosecution and Defence in the Magistrates' and Crown Courts.

JENNIFER NEWCOMB 2006



Jennifer regularly prosecutes and defends in the criminal courts. She is instructed by the CPS, DWP, UKBA and HMRC, as well as regularly appearing on behalf of defendants.

EDWARD LAMB 2006



Ed has appeared in the Magistrates' and Crown court dealing with a range of criminal matters. Prior to joining Chambers, Ed worked for a leading firm of criminal defence solicitors.

CATHERINE ATKINSON 2006



Catherine regularly appears in the Magistrates' Courts and Crown Courts. She frequently defends but is also a CPS Grade 1 Prosecutor.

BENEDICT RODGERS 2007



Benedict is a CPS Grade 1 Prosecutor and prosecutes and defends in Magistrates Courts and the Crown Court around London and the South East.

KATE LAMONT 2007



Kate prosecutes and defends in Magistrates' and Crown Courts and has successfully appealed conviction and sentence in the Crown Court. Kate is a CPS grade 1 prosecutor.

TOM RESTALL 2007



Tom regularly prosecutes and defends in the Magistrates Courts, and has experience appearing in the Crown Court as well. He is a CPS graded Prosecutor.



JOSEPH GIRET QC

CALL: 1985 SILK: 2010

EDUCATION: Warwick University, LLB

9 Gough Square are delighted to welcome Joseph Giret QC who joins us from 15 New Bridge Street. Joseph is an extremely adept and approachable newly appointed Silk, who relishes challenges. He practices in all areas of complex and high profile criminal defence, regulatory, sport and military work.

PRACTICE SUMMARY
Specialist Defence Crime, Fraud & Regulatory, Sport and Military Law