

# Denise Breen-Lawton K.C.

YEAR OF CALL: 2000 | YEAR OF SILK: 2024



*"Denise is an exceptional barrister with the ability to convey complex arguments in a compelling fashion. She has a natural, persuasive courtroom manner, which makes her rightly popular with clients and judges"*

THE LEGAL 500 2024 CRIME (GENERAL & FRAUD)

*"Denise is tenacious, fearless, meticulous in her preparation and has the brief at her fingertips. She is courteous and calm, even under extreme pressure."*

The Legal 500 2023 Crime (General & Fraud)

# Overview

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Denise Breen-Lawton KC is an experienced terrorism, homicide, fraud and organised crime Barrister, and acts both for the Defence and Prosecution in cases of the most complex and serious nature.

Coming from a humble background and state school educated, she was the first in her family to attend university and can therefore easily communicate with, and relate to, people from all backgrounds. She was the only person on her Business Management degree to achieve a First Class Honours and was made a Master of the Bench at Gray's Inn before taking silk. She is on the management, elections, and equality and diversity committees in her role as a Benchers.

Denise has all the skills required to take large amounts of documents and distil the relevant evidence to present hugely complex and cumbersome cases to the jury in a simple manner. She provides legal advice on, and representation in, all areas of the most serious crime.

Denise has an exceptional ability to get to grips with large volumes of material very quickly. She has excellent organisational skills, which combined with her intellectual ability, legal knowledge and tactical dexterity, means she has always had a heavyweight serious crime practice.

The fact that she defends and prosecutes makes her a tactically astute barrister with a balanced approach. She understands the importance of a case strategy and can manage large teams, including experts, with ease.

Excellent advocacy and client care skills mean she can deal with all types of clients, from the extremely vulnerable to the very robust, in the most serious and difficult cases. She has an ability to present or challenge all types of expert evidence in a clear and effective manner.

Experience in the Business Crime Department at Irwin Mitchell and a First-Class Degree in Business Management before coming to the Bar, makes her particularly strong in large and

complex paper-heavy cases.

*Denise is a Door Tenant at 5 St Andrew's Hill Chambers, London, taking on appropriate instructions through her London Door Tenancy and a tenant at St Phillips Chambers, Birmingham.*

## Key Skills

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Has the ability to take a hugely complex case and make it simple for the jury

Puts the jury at ease and speaks to them in language they understand

Concise and clear advocacy

Thorough, with attention to detail

Strengths in cross-examination and closing speeches

Tailors her approach to deal easily with people from all walks of life

## Appointments

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Appointed King's Counsel (2024)

Joint Head of St Pauls Chambers, Leeds (2022-2025)

Master of the Bench of the Honourable Society of Gray's Inn (2021)

Counter Terrorism Unit, Fraud Panel Specialist, and Serious and organised crime panels.

## Directories

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*"The diligent and no-nonsense Denise Breen-Lawton has extensive expertise in high-value fraud, murder and serious sexual offences cases."*

The Legal 500 2023 Crime (General & Fraud)

*Denise Breen-Lawton, whose "preparation is astonishing and she knows her cases backwards"*

The Legal 500 2024 Crime (General & Fraud)

*"Mainly instructed in fraud and other white-collar cases."*

The Legal 500 2022 Crime (General & Fraud)

*"An intellectually astute barrister, who commands the court."*

The Legal 500 2022 Crime (General & Fraud)

*"Denise Breen-Lawton maintains a broad criminal practice, with a noted expertise in fraud cases. She has experience appearing as both prosecution and defence counsel."*

Chambers UK – Financial Crime 2022

*"Her practice includes white-collar crime and fraud."*

The Legal 500 2021 Crime (General & Fraud)

*"She combines approachability with a fearless attitude and determination to achieve results."*

The Legal 500 2020 Crime (General & Fraud)

*Her main areas of expertise are:*

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**Terrorism**

**Homicide**

**Fraud**

**Serious and organised crime**

**Sexual offences**

***Criminal Defence & Criminal Prosecutions -***

## *Private & Public*

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Denise Breen-Lawton KC acts both for the Defence and Prosecution in cases of the most complex and serious nature.

Please see her cases of note below for recent, high-profile, and reported cases.

## *Business Crime & Financial Regulation & Asset Forfeiture, Confiscation & Civil Fraud*

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Denise Breen-Lawton KC's acts in the most complex financial crime, fraud, and proceeds of crime instructions.

Please see her cases of note for recent, high-profile, and reported cases.

## *Cases of Note*

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### **REPORTED CASES:**

#### **R v Ahmed and others**

High profile prosecution of a former member of the House of Lords. Brought into the case by the CPS Special Crime Division after the Recorder of Sheffield had stopped the case. Tom Little KC, First Senior Treasury Counsel was already instructed, and had experienced issues with disclosure. Denise resolved all the disclosure issues and drafted a note for the Court of Appeal. The stay was overturned, and Mr Justice Lavender tried the defendant. She also appeared with Tom Little KC in the Court of Appeal. The Lord Chief Justice led a specially constituted court to consider the approach to sentencing in young people in historic sex cases.

#### **R v Sheppard & Whittle [2010] EWCA Crim 65**

Prosecution of an extremely complex case of racial hatred against Jewish, Black, Asian and other people. Several difficult legal arguments were undertaken such as jurisdiction of the

court, definition of 'publication' on the internet, definition of 'written' words, the admissibility of the truth or otherwise of Holocaust material, and a defence 'expert' report on the Holocaust. Complex expert evidence was also called regarding whether Jews are an ethnic group or a religion for the purposes of the Public Order Act. Appeared in the Court of Appeal on numerous legal issues in the appeal against conviction. This is now a leading case on the issue of internet jurisdiction.

### **R v Panesar [2008] EWCA Crim 1643**

This was a Conspiracy to Supply Class A Drugs involving ten defendants. Complicated confiscation proceedings followed. Appeared at the Court of Appeal against a confiscation order, on the 'Moulden' point, of payments into the defendant's mortgage account from unlawful funds.

### **R v Mallen**

Lead Defence Counsel for the main defendant, with 3 co-defendants. This was a legally and factually complex case where he and others had planned to sexually abuse children at a party. He had sexually abused two young children whom I had to cross-examine. He had communicated with two separate undercover officers, from different police forces online simultaneously. He had also recruited three women to provide access to children to abuse. They were co-defendants who ran cutthroat defences against him alleging rape, violence, and coercion. He had made the women engage in prostitution and sex with his dog. He had beaten them during sex. His defence was it was all to do with the practice and psychology of BDSM and a 'daddy daughter' fetish. Bad character witnesses evidenced his violent sexual abuse and boasts of sexual abuse of children previously. The unused material contained thousands of messages to and from, and images of women he had abused and controlled over many years.

### **R v McShane & Others [2011] EWCA Crim 1944 [2011] WL 2748062**

Prosecution of four defendants, who had committed twelve Armed Robberies of bookmakers. Complex expert evidence in the areas of image analysis and comparison, footwear analysis and DNA. Won at the Court of Appeal on appeal against conviction on various points including the parameters of expert evidence that are admissible where no statistical data is available.

## **TERRORISM**

### **R v A and H**

Lead Prosecution Counsel for dissemination of Terrorist material online via Instagram and Telegram and possession of material likely to be of use to a terrorist. The defendants were supporters of Islamic State and shared a significant volume of extreme graphic beheading videos online, glorifying terrorist acts and encouraging others to commit acts of terror against the West. Complex evidence was presented with a sequence of events chart. The defendants used encrypted communications to avoid detection and used various social media platforms to reach as wide an audience as possible. One of the defendants drew images on his cell wall, post-conviction, which indicated a continued support for IS. The material included support for the leaders of IS and a video of disbelievers having to dig their own graves and then being shot and killed. One of the defendants was found to be dangerous and received an extended sentence.

### **R v A and S**

Prosecution of two brothers who eventually pleaded guilty to possession of material likely to be useful to a terrorist and distribution of material encouraging terrorism. An issue arose because the CTU found further evidence of distribution of terrorist material which had to be dealt with by amendment to the indictment or sent up separately. Both were supporters of Islamic State, and one brother had radicalised the other by sending him a large volume of terrorist material, including gruesome executions of non-believers, and speeches by various Islamic State leaders, including Abu Bakr Al Baghdadi. There were sophisticated techniques used by the defendants to avoid detection. The material outlined how to kill people by using trucks, Molotov cocktails and hostage-taking. The defendants had also accessed the dark web and downloaded recipes for bombs, as well instructions on 'lone wolf' terrorist attacks, including how best to kill someone with a knife.

## **R v S**

Prosecution of a teenager charged with preparation of acts of terrorism when he planned to build a bomb and attack a police station. He researched various police stations then travelled to and stalked the targeted police station for several hours, photographing it as part of his planning. He researched how to make bombs and bought equipment online in preparation for the act. He used discord to communicate with others who held similar interests and used a specialist router to disguise his use of the dark web. He also discussed with others his desire to commit knife attacks on “drag queens” and “Muslim rape gangs”.

## **R v W**

Prosecution of a Neo-Nazi who had been distributing leaflets and posters with a view to stirring up racial hatred against minorities and furthering the white supremacist ideology. He had firmly held views of Neo-Nazism. An expert in far-right groups was instructed in the case. One of the legal arguments was whether ‘refugees’ came under racial group under the Public Order Act which required research of Canadian, European and defamation jurisprudence. The evidence featured internet searches, timings of stickers/posters being put up, documents being created by the defendant and his presence at EDL marches which tied into an electronic presentation for the jury.

## **R v KC**

Prosecution of a 16-year-old charged with terrorism and explosives offences. He was one of the youngest defendants ever to be charged with terrorism offences and was 15 at the time. He researched how to make bombs extensively on the internet and made a device by copying the instructions. He had possession of material useful to terrorists such as the ‘anarchists’ cookbook’ which provides detail on bomb making. The biggest challenge was to produce a timeline which made sense to the jury, incorporating his searches on the internet for guns, knives, explosive materials and videos he had watched showing murder, extreme violence and his interest in Neo-Nazi groups alongside the ideology of the English Defence League.

## **Operation Catorze**

Prosecution at the Old Bailey of three young Kurdish women accused of petrol bombing a Turkish club in North London in revenge for an airstrike by the Turkish air force that killed over



thirty Kurds in December 2011. The Defendants all pleaded guilty to arson being reckless as to endangering life. The two older Defendants were sentenced to 6 years 8 months imprisonment. The third, younger Defendant received 6 years. Successfully argued against three Silks that the offence should be regarded as aggravated by both the defendants' political motivations (which included expressions of support for the proscribed PKK) and racial motivation given that the club was selected because it was Turkish.

### **R v Sheppard & Whittle [2010] EWCA Crim 65**

Prosecution of an extremely complex case of racial hatred against Jewish, Black, Asian and other people. Several difficult legal arguments were undertaken such as jurisdiction of the court, definition of 'publication' on the internet, definition of 'written' words, the admissibility of the truth or otherwise of Holocaust material, and a defence 'expert' report on the Holocaust. Complex expert evidence was also called regarding whether Jews are an ethnic group or a religion for the purposes of the Public Order Act. Appeared in the Court of Appeal on numerous legal issues in the appeal against conviction. This is now a leading case on the issue of internet jurisdiction.

## **HOMICIDE**

### **R v H**

The prosecution case was that during 2016 and 2017 the deaths of five residents across two care homes was attributable to neglect on behalf of the care staff and the consent, connivance and/or neglect of the Home Managers, Regional Managers and Directors. Charges were brought of failing to discharge a duty under the Health and Safety at Work Act 1974, and wilful neglect by a care worker under the Criminal Justice and Courts Act 2015. The case involved the analysis of tens of thousands of pages of served and disclosed material, relating to internal investigations conducted by the Care Quality Commission, an internal Local Authority Clinical Commissioning Group, medical and GP records. Denise and her junior, Holly Thompson of Wilberforce Chambers, Hull raised significant issues surrounding the admissibility and independence of the Prosecution's principal expert witness. Further issues regarding the integrity of the disclosure process came to light. Denise and Holly led the argument regarding the admissibility of the core prosecution expert evidence. This involved drafting skeleton arguments relating to complex abuse of process and s.78 exclusion arguments over a four-

week period following the discharge of the jury. As a result of those skeleton arguments the Prosecution conducted a comprehensive review and subsequently indicated in writing that it would offer no evidence in respect of all eight defendants listed for trial. However, within 48 hours of that decision, the Prosecution did an about turn and applied to adjourn the trial for disclosure to be revisited and a new expert to be instructed. The application to adjourn was opposed over two days' legal argument and ultimately refused. The Prosecution offered no evidence against all defendants listed for trial, meaning those defendants were able to retain their good character.

### **R v G**

Defence of main man in gang land murder in the context of a long running dispute between drugs gangs in Chapeltown, Leeds. There were eight defendants and Denise's client provided instructions that he had seen the shooting of the deceased in broad daylight and would give evidence blaming his co-accused. This raised serious concerns for his safety in custody and Denise contacted the prosecution and the prison to have him moved for his own safety before disclosing the defence statement to other defence teams. The security situation also had to be managed very carefully in the court room and in the cells during the ten-week trial. The evidence involved hundreds of CCTV clips and complex telephone data which purported to show the locations of various key parties at key moments.

### **R v R**

Defence of one of two men charged with murder of their friend in a flat in Leeds. Each of the parties were Eastern European which brought its own challenges in terms of communication over links and at court. Each of the three men had been drinking heavily for days on end in an apartment and eventually the deceased was attacked with punches and kicks until he died. The defendant was blaming the other defendant as he was violent. The evidence involved complex pathology and blood spatter expertise, alongside hours and hours of CCTV footage of the comings and goings of each of the defendants. The defendant supposedly 'confessed' to various staff members outside a local supermarket which meant they had to be challenged in cross-examination to demonstrate the linguistic barrier and the fact the defendant was heavily in drink at the time. The defendant was acquitted of murder and convicted of manslaughter.

### **R v A**

Defence of a man who stabbed his friend to death with a kitchen knife that he had specifically bought from a supermarket nearby, then confessed to various people he had killed him. Complex psychiatric and psychological evidence featured going to the issues of loss of control and diminished responsibility. Loss of control was left to the jury to consider, unusually because of psychological evidence, rather than psychiatric evidence.

### **R v C**

Defence in an extremely sensitive case of a man who headbutted the victim shortly before another defendant punched the victim during a drunken night out. The victim died. There were numerous witness accounts and CCTV covering part of the incident. One of the defendant's family members was also injured during the incident. Dr Du Plessis, the foremost forensic neuropathologist, had advised on the case and thankfully was clear as to causation. It was charged as manslaughter, and Mr Cressey was charged with affray for the blow immediately before the fatal blow. Thankfully, the prosecution did not pursue Mr Cressey on joint enterprise basis which might have been open to them, and he pleaded guilty to the lesser offence. The deceased's family came to watch sentence and were obviously emotional throughout, some unable to watch the footage of the attack which had to be played in court. The deceased left behind a young child. Denise met with the defendant and his family in conference well before the case was listed. He was previously a young man of good character, with a good job and

came from a respectable family. The defendant was incredibly emotional because of the death that had occurred and the fact that he lived near the deceased's family. Various character references were obtained to try and argue for a suspended sentence. Denise made an application to adjourn sentence so a full pre-sentence report could be obtained, which the Judge reluctantly acceded to. She then had to sensitively mitigate in front of a packed court of the deceased's family and defendants' families, who watched on and listened to every word. Denise successfully argued for a suspended sentence rather than immediate custody and the co-accused received an immediate prison sentence.

## **R v PN**

Defence of a woman in her 80's when she was charged with attempted murder of her then husband, aged 91. She had attacked him with a knife from behind and struck several blows to his shoulder and head area. When she was charged, she had nowhere to live and so was living on a ward for elderly residents at Harrogate District hospital. Conferences with the defendant were held at the hospital on a regular basis. Psychiatric, psychological and physical medical reports were obtained on the defendant's health. Denise successfully argued that the case should be dropped by the prosecution because of the complainant's mental state, in that he had dementia.

## **FRAUD**

### **Operation Millie**

Lead Prosecution Counsel of four defendants charged with fraudulent trading, consumer regulations, and money laundering offences. It was a complex internet scam where they ran a copycat website of the official NHS European Health Insurance Card site and charged a fee for something that was free from the official route. They gained millions of pounds as a result. The case involved numerous and repeated legal arguments, including abuse of process because a previous Trading Standards authority had failed to prosecute them in 2016. It also involved highly complex and technical computing expert evidence. A defence of no dishonesty/legitimate business was run, and complex issues of legal privilege followed as two opinions from a barrister were served by the defence, suggesting this validated their website and its disclaimers. The defendants made several million pounds. The main defendant was in the witness box for almost five days and was a very difficult witness. D2 sacked his counsel

mid-trial. D3 had health issues that were constantly raised and argued during trial.

### **Operation Best**

Prosecution of a football club owner and several others who also owned various companies including an energy broker. They essentially mis-sold energy contracts to small businesses by lying, and because of contractual legislation the victims were tied into hugely expensive contracts they could not get out of. The defendants gained millions of pounds by conning small business owners, many of whom were driven to bankruptcy because of the way they were treated.

### **R v T**

Defended a woman charged with defrauding her 95-yearold father, who had serious health problems, under a Power of Attorney granted many years ago. The case involved many years of financial evidence. If she had been convicted, she would have faced a lengthy prison sentence given the vulnerable 'victim' and the amount of money involved. The Prosecution tried to get the case adjourned due to the ill-health of the complainant. Denise argued against that, and the Judge refused the Prosecution application. Co-Defending Counsel was willing to allow the Prosecution to play the DVD evidence of the complainant at trial, Denise was not and properly forced the Prosecution into serving a hearsay application. After mounting a legal argument on behalf of the Defendant, to oppose the application to have the DVD simply played to the jury, the Judge refused the application, and the Prosecution were forced to drop the case against her client.

### **R v ER**

Defended a woman charged with Fraud against various charities by whom she was employed in the role of Treasurer. The offending spanned many years. The evidence included a large volume of complex financial, banking evidence and business records. Denise instructed a Defence Forensic Accountant and directed the detailed work and financial analysis to be done in the case because the Defendant did not agree the sums alleged by the Prosecution. Ultimately, Denise reduced the amount of the Fraud significantly which influenced the Sentencing Guidelines to be adopted and successfully made an application to dismiss some of the charges. She also successfully mitigated to obtain a non-custodial sentence for the

Defendant who was in her 60's and of good character.

### **Operation Dougal One**

One of three Barristers instructed by National Trading Standards in the biggest fraud ever prosecuted by them. The five Defendants ran numerous copycat government websites mimicking sites such as DVLA, ESTA, travel VISAs, and Passports. They conned the public out of tens of Millions of pounds and the served evidence in the case amounted to over 70,000 pages. The case was presented electronically on iPads to the jury. It involved complex computing and financial evidence covering many years. Denise presented all the financial evidence which took over a week, called many other witnesses and cross-examined the only Defendant who chose to give evidence: the company bookkeeper. All the Defendants were convicted, and the appropriate lengthy prison sentences followed.

### **Operation Dougal Two**

Prosecution leader on behalf of National Trading Standards of five Defendants charged with Conspiracy to defraud and, Perverting the Course of Justice. Each Defendant was represented by two Counsel. The trials took several months. The scam was a follow on from Dougal One, whereby the main man had committed further offences on bail by setting up further copycat government websites to con the public, using phoenix companies and new people to front them. They made millions of pounds. One of the Defendants pleaded guilty and 'turned Queen's evidence' and gave evidence against his co-accused. Further convictions followed, as did the requisite prison sentences.

### **R v H**

The case involved a company who dealt in mobile telephones in the UK, in Europe and other countries. The six Defendants were charged with conspiracy to defraud Customs & Excise of over £6.5 million in VAT. Denise defended the Company accountant. The case involved a massive volume of evidence and unused material. It included complex business records, banking, and financial evidence. Denise successfully argued that the Indictment be quashed due to complex case law in Carousel and Missing Trader Frauds that emerged at the time.

### **Operation Cleo**

One of a team of three counsel who prosecuted four defendants charged with conspiracy to defraud instructed by National Trading Standards. The defendants had been charged with committing fraud by copying the HMRC website. All four Defendants had a Silk and a junior and the served case exceeded 60,000 pages of evidence. The case involved complex financial, email and computing evidence.

## **R v W**

Instructed to defend a woman charged, alongside her husband with a complex 'Ebay', mortgage and loan fraud. The 'Ebay' fraud involved advertising tickets to concerts and other events as an 'agent' whereby the customer would buy the tickets online and then they would never materialise. The evidence was voluminous and complex in that it involved hundreds of separate transactions online and through various bank accounts. The Defendant was acquitted of the main indictment after trial by jury, her co-defendant was not. She accepted some minor offences and received a non-custodial sentence at the end of the case which allowed her to stay out of prison and care for her three children.

## **Operation Epworth**

Prosecution of six Defendants without a junior. Complex and sophisticated fraud committed by a bank employee who compromised a customer's personal information to drain £150,000 from their accounts and then dissipate the money into forty recipient accounts. All Defendants ultimately pleaded guilty.

## **R v Z**

Denise was instructed to defend a man charged with an extremely complex Inland Revenue and Customs Prosecution worth Millions of pounds. The alleged offending covered four businesses, over a period of six years. Each of the businesses had to be analysed in detail over that period of activity and outside of it. The money flowed between the businesses regularly adding a further layer of complexity to the case. A favourable deal was struck with the Prosecution regarding charges and the Defendant received a favourable sentence. Extremely complicated and intricate confiscation proceedings followed which included arguments regarding hidden assets.

## **Operation Darnley**

Prosecuted a half million-pound bank fraud which was highly complex due to computer evidence, volume of paper recovered, and sophistication of methods used by bank employee and his associates. Successfully represented the Chief Constable on civil confiscation that followed.

## **Operation Tartare**

Prosecution of three Defendants in a long running prosecution brought by the CPS Complex Casework unit following joint investigations by the West Yorkshire Police and the City of Stoke Trading Standards Unit. The most serious offence was a sophisticated and complex conspiracy to handle over £400,000 worth of vehicles stolen in Hanoi burglaries. The vehicles were given false identities supported by faked documentation. Many of them were then shipped to Japan where they were sold at auction. Others were sold to innocent purchasers or retained by the defendants. Two of the Defendants also admitted a conspiracy to defraud which involved purchasing high mileage vehicles, "clocking" them and forging MOT certificates and service histories to support the false mileages before selling them via the internet. The case was complicated by the decision of the third defendant to unsuccessfully apply to stay the indictment asserting that he had been promised he would not be prosecuted. When that failed, he ran duress claiming that he had been threatened by his co-accused. He was convicted and received 9 years imprisonment. The two other defendants pleaded guilty to both offences and received prison sentences of 6 ½ years and 4 years 9 months.

## **R v R**

Defended the main man in a case involving four Defendants charged with conspiracy to launder money which lasted two months. It was a hotly contested, complicated and highly unusual case of money laundering which involved 'sheep rustling' in the farming community in Cumbria. The evidence involved experts from the farming industry and DEFRA who gave evidence about the workings of farms with livestock, how animals should be handled, recorded and identified, following the 'Foot and Mouth' epidemic. The evidence also included complicated and detailed records from auction houses and numerous bank accounts. Each sheep had been identified by photographs, records, and each of the farmers who had originally owned them. The animals had emanated from twelve separate farms across the



region and ended up on land owned by one farming family many miles away. The press followed the case closely.

### **Operations Raptor One & Howze**

Prosecution leader in a complex fraud involving seven Defendants whereby they targeted elderly and vulnerable people by phone pretending to be Police Officers, to con them out of their life savings. Led and managed a team of three Police forces. Two telephone analysts were involved in the analysis and presentation of evidence covering sixty telephones, with over a hundred offences spread over almost a year. This had to be presented to the jury in a clear and concise manner, so they understood. The Defendants are now serving lengthy sentences of imprisonment.

### **Operations Raptor Two & Solitude**

Prosecution leader in a follow-on complex fraud from Operation Raptor and Howze, involving ten Defendants whereby they targeted elderly and vulnerable people by phone pretending to be Police Officers, to con them out of their life savings. A complex web of financial transactions and transfers had to be untangled as the victims' money 'starburst' very quickly through many bank accounts. Led and managed a team of two Police forces. Worked closely with an expert telephone and intelligence analyst who was called to present complicated evidence covering numerous telephones, with fifty offences spread over almost eighteen months. More offences came to light during the trial. This had to be presented to the jury in a clear and concise manner, so that they understood. The Defendants are now serving lengthy sentences of imprisonment.

## **SERIOUS AND ORGANISED CRIME**

### **R v A**

A 'Munchausen by proxy' case. Briefed 4 days before trial to defend a woman accused of harming her own baby deliberately cutting the feeding tubes and lines and tampering with the stoma (colostomy) bag outputs to make the child extremely unwell, to gain attention for herself. There were 4000 pages of handwritten, unnumbered medical records detailing stoma output levels, reports from 3 prosecution doctors to suggest that the defendant had watered the samples down deliberately and 6 nurses to cross-examine. The case had not been

prepared by previous counsel at all. They had tried to get the defendant to plead guilty. I went through thousands of pages of evidence and unused material within 2 days. I produced a note for the court setting out my objections to hearsay and evidence of a witness who purported to prove the defendant had cut the feed line producing 'statistics' in support, as opposed to the line being broken accidentally, and the holes in continuity. The Prosecution dropped the case.

### **R v S**

Defence of a woman charged with a conspiracy to supply class 'A' drugs. The Prosecution was all based upon phone schedules, timelines, observations, cell-site, photographs of money and texts. There was more than 10,000 pages of phone evidence. Denise successfully argued to have the Defendant tried separately from all the other Defendants which proved to be an excellent tactical move. She cross-examined the expert telephone analyst and the officer in the case on complicated timelines spanning many months which included observations by under-cover police officers. The Prosecution had failed to disclose some financial evidence which Denise cross-examined from the officer in the trial. It was used to the Defendant's full advantage. She was acquitted in three minutes.

### **R v R**

Defence of a Dutch woman who had taken over her husband's role in the largest ever importation of class A drugs from Holland, when he had been arrested and imprisoned during the lengthy investigations. The first trial went on for over 18 months and she featured in the second trial. The complexity of evidential and competing interests between numerous defendants presented many challenges. 'Encrochat', Dutch and English wiretaps, covert surveillance, telephone contacts over long periods of time, arrangement and movement of 'cover' loads, and financing of the conspiracy all featured. The value of the drugs ran into many millions of pounds.

### **R v D**

There were eight defendants charged with a complex drug dealing conspiracy lasting several years. The case involved evidence of telephone contact between drug dealers and observations by undercover Police. There was also evidence of a probe covering conversations between defendants, analysis of drug traces on money and scientific evidence

regarding fingerprints and DNA. Denise defended the girlfriend of the main man, who had allegedly spent drugs money on houses, cars, high living and various items of plastic surgery on her own body. Denise eventually persuaded the Prosecution to drop the case against her client.

### **R v O**

Defended in eight-handed, complex, money laundering of the proceeds of drug dealing. The drugs had a street value of £7 Million. The conspiracy covered a three-year period, and the evidence included many hours of police observations, complex property deals in Bulgaria, bank transfers, complex property deals in the UK, complex property deals in Dubai, blackmail, the purchase of premium cars such as Lamborghinis and Ferraris, complex land transactions, business purchases in the UK, and perverting the course of justice by falsifying documents. There was much expert evidence and complicated evidence of land transactions in many other countries which had to be scrutinised carefully. There was also a great deal of complex telephone evidence tied in with observations in timelines.

### **R v C**

Instructed to defend a woman charged with a large-scale drugs conspiracy involving ten Defendants. It involved drugs of Class A, B and C. The case required difficult tactical handling and decisions. The evidence included complex timelines, telephone and financial evidence which were all challenged. Each of the downloads and call data of numerous telephones had to be scrutinised in detail to adduce helpful text messages in cross-examination of the intelligence analyst. Difficult decisions had to be made regarding how other Defendants should be cross-examined and which parts of expert evidence should be challenged.

### **R v Panesar [2008] EWCA Crim 1643**

This was a Conspiracy to Supply Class A Drugs involving ten defendants. Complicated confiscation proceedings followed. Appeared at the Court of Appeal against a confiscation order, on the 'Moulden' point, of payments into the defendant's mortgage account from unlawful funds.

### **Operation Stet**

Prosecution of multi-million-pound drugs importation conspiracy. Two-part prosecution of sixteen defendants, now serving over a hundred years in prison in total. It included complex areas of international disclosure, Dutch wire taps, cell-site analysis, telephone and covert observation evidence.

### **Operation Yates**

Prosecution of nine defendants, represented by twelve counsel including silks, lasting many months. Exceptionally complex and sophisticated evidence of offences of importing over £8 million worth of Class 'A' drugs through the postal system into the UK. The Defendants utilised over sixty mobile telephones between them and contested attribution. A complicated web of evidence to present to the jury in a sensible format including, telephone attribution, call patterns, cell site evidence, covert surveillance, and 'mass spec' analysis of drug traces on money. The main defendants were convicted by the jury and are now serving over a hundred and ten years between them.

### **R v McShane & Others [2011] EWCA Crim 1944 [2011] WL 2748062**

Prosecution of four defendants, who had committed twelve Armed Robberies of bookmakers. Complex expert evidence in the areas of image analysis and comparison, footwear analysis and DNA. Won at the Court of Appeal on appeal against conviction on various points including the parameters of expert evidence that are admissible where no statistical data is available.

### **Operation Clarity**

Prosecution Lead of multiple armed robberies upon bookmakers by three defendants. The evidence consisted of complex telephone data and cell site evidence coupled with incriminating items seized such as clothing and firearms. The main Defendant received a sentence of fifteen years on a guilty plea and the other two Defendants also received substantial periods in custody.

### **R v S**

Prosecution of a prisoner (one of the eight most dangerous men in the prison system) for two attacks on prison officers, whilst serving a sentence for double Murder. Complex and highly sensitive case of public interest regarding internal procedures and protocols at the prison. The

case was further complicated by the Defendant running a psychiatric defence and so it involved evidence from two highly experienced and opposed psychiatric experts covering the detailed history of the Defendant's psychiatric conditions and treatment.

## **R v K**

Prosecution of highly contested baby shaking case, with shifting accounts given by the defendant. Multi-disciplinary medical evidence and care proceedings in the background made this a complicated and difficult case. The Defendant ultimately pleaded guilty.

## **SEXUAL OFFENCES**

### **R v Ahmed & others**

Led by First Senior Treasury Counsel: Tom Little KC in a high-profile prosecution of a former member of the House of Lords. Denise was brought into the case by the CPS Special Crime Division after the Recorder of Sheffield had stopped the case. Tom was already instructed and had experienced issues with disclosure. Denise resolved all the disclosure issues and drafted a note for the Court of Appeal. The stay was overturned, and Mr Justice Lavender tried the defendant. She was junior at the trial. Denise conducted a 'root and branch' review of all unused material, including complaints made by the complainants regarding the investigation. She drafted a succinct note for the Court of Appeal which was successfully used by her then leader to argue the stay was wrong. At trial Denise continued to deal with disclosure issues that arose. She dealt with various issues regarding behaviour of defence counsel and complaints about her leader in his absence. She drafted advice for the Attorney General when a member of the public complained the sentence was too lenient. Denise also appeared with Tom Little KC in the Court of Appeal. The Lord Chief Justice led a specially constituted court to consider the approach to sentencing in young people in historic sex cases.

## **R v M**

Denise was Lead Defence Counsel for the main defendant, with 3 co-defendants. This was a legally and factually complex case where the defendant and others had planned to sexually abuse children at a party. He had sexually abused two young children whom Denise had to cross-examine. He had communicated with two separate undercover officers, from different police forces online simultaneously. He had also recruited three women to provide access to

children to abuse. The co-defendants ran cutthroat defences against him alleging rape, violence, and coercion. He had made the women engage in prostitution and sex with his dog. He had beaten them during sex. His defence was it was all to do with the practice and psychology of BDSM and a 'daddy daughter' fetish. Bad character witnesses evidenced his violent sexual abuse and boasts of sexual abuse of children previously. The unused material contained thousands of messages to and from, and images of women he had abused and controlled over many years. Denise negotiated with prosecution counsel and defence counsel on various matters, including the complex timeline content, admissibility of evidence, content of the unused material, and agreed facts. She responded to changes to the indictment nine times. Denise read every page of hundreds of thousands of pages of the defendant's download and that disclosed of co-defendants. She argued legal issues such as joinder, numerous and repeated bad character applications (advanced by the crown and the defence), admissibility of evidence, CTL extension, special measures, acts and declarations regarding conspiracy, bail and made a half-time submission on one count. Denise cross-examined all prosecution witnesses including 2 very young children. She cross-examined a co-defendant who was running cutthroat and the psychologist called on her behalf. Denise called her own client and made a closing speech. She then mitigated in a complex sentencing exercise where the co-defendants were still blaming her client for their actions.

## **R v R**

Defence of man in his 30s with a mental age of 11, charged with grooming a 12-year-old girl over the internet. She said she was 16. Denise had to explain to him and his family he had no defence in law, which was extremely difficult given his mental age. The psychiatrist and psychologist had differing views on fitness to plead which Denise sorted out by contacting each of them, breaking down the issues and getting addenda to their reports. She went through 5000 messages and produced succinct documents summarising facts and key points from them for the Judge. The prosecutor used them in opening the case. She also used the documents to support the basis of plea, in that the victim had been the one doing the chasing and had volunteered photographs of herself, rather than the defendant asking for them. Denise persuaded the crown not to pursue count 2 of inciting her to send indecent images. The defendant got a suspended sentence rather than immediate custody. Denise argued the case down to category 3 rather than category 1.

## **R v A**

Defence alone of one of the main defendants in a high-profile grooming case concerning 7 complainants and 47 suspects. The defendant was charged with repeated rape and trafficking a vulnerable girl in her early teens in the 1990s along with others. He was also charged with rape and trafficking of another complainant in 2005. Not only was the allegation of repeated rape but also arranging for the girls to be raped by others. Each of them had provided numerous ABE interviews and witness statements. The defendant was a convicted drug dealer and part of his defence was that one of the complainants had identified him because he was a well-known drug dealer in the area. The complainants, although leading different lives now, historically had troubled childhoods and had much involvement with social services and police, with various issues of drink and drugs. This made the cross-examination incredibly difficult. The dynamics between co-defendants also made for complex issues at trial. Denise successfully resisted an application for joinder of the two cases on the basis they were so far apart in time that propensity could not possibly be a ground to join. She cross-examined both complainants carefully, using various parts of the unused material to undermine their accounts. She advised the defendant on introducing his bad character before the jury and the fact that he was in prison for long periods of time. In trial 1 Denise agreed several facts from the unused which undermined the prosecution case. In trial 2 she cross-examined the complainant using tools such as photographs in cross-examination to discredit the complainant's account of the defendant climbing in through her bedroom window. She cross-examined her father and tactically agreed for some disclosure witnesses to be read. Denise also cross-examined another main defendant who had changed his story part-way through the trial, to mitigate the negative impact on her client's case.

## **R v ZI**

Denise defended an Asian man charged with a 30-year history of violently raping his wife in the context of an arranged marriage. The first rape alleged to have happened when the complainant was only 14 years of age. He was also charged with violence and coercive and controlling behaviour. It was alleged the family had given the complainant a false passport to make her appear older so she could marry the defendant. It was a culturally sensitive case, and it was alleged he had said it was his right to have sex with her whenever he wanted, and he could do anything he wanted. There were five children because of the marriage, many of whom came to give evidence against their father. There were various police reports, school

records, medical records, and accounts of the complainant, which made for a complex chronology of events. The complainant had also discovered another wife in Pakistan before complaint to the Police. The defendant was acquitted of all rape counts. Denise submitted two detailed disclosure requests and made submissions on the Restraining Order application. She conducted a detailed and necessarily lengthy cross-examination of the complaint which had to be sensitively handled due to the numerous cultural issues in the case. She cross-examined various other witnesses, including the adult children who came to give evidence against their father. Denise also had to deal with various family members who had attended to support the defendant given the allegations had destroyed relationships in the family and emotions were running high.

### **R v C**

Defence of a man charged with two rapes which occurred within four weeks of one another, where the defence was 'consent' in both cases. It was an HMET prosecution with more than fifty clips of CCTV played to the jury in a complex timeline. Denise had to sensitively and appropriately robustly cross-examine the complainants who gave evidence behind screens. She also had to cross-examine various other witnesses to the events before and after the alleged rapes to build a different picture for the jury on behalf of the Defendant. The press took a close interest in this highly sensitive and factually complex case. The Defendant was acquitted of both charges.

### **R v F**

Defence of a man charged with historic sexual abuse over many years. The evidence covered several decades and was extremely complex and emotionally harrowing. He had abused many female members of his family over many years to varying degrees and the case required a balance of delicate and sensitive but robust cross-examination. He was acquitted of some of the offences and the jury simply could not decide on many other charges. He was therefore ultimately only sentenced for a small proportion of the charges he originally faced.

### **R v J**

Prosecution of a man charged with sexually abusing a little girl who was only eight years old at trial. Careful and skilful advocacy was required at the pre-recorded cross-examination hearing,



where an intermediary was used. A doll also had to be used as a 'prop' to assist the child in giving her evidence to clarify various complex legal and medical issues before the trial.

## **R v P**

Instructed to defend a young woman in her 20s who was a student in Leeds charged with perverting the course of justice by falsely accusing a taxi driver of sexually assaulting her. She and the taxi driver had fallen out over payment for the fare, and she then decided to report that he had sexually assaulted her in a taxi. The taxi driver was arrested and kept in custody for many hours, and he lost his licence to drive taxis and therefore, his livelihood. It had a dramatic effect upon his life as he was a Muslim and a family man. Complicated psychological evidence was obtained which was served on the Court. The Defendant had confessed and so had to be sentenced. She received a favourable sentence considering the previous case law. This was an extremely serious and sensitive case which attracted national press attention.