

# Vivian Walters

YEAR OF CALL: 1991



*Vivian is an experienced criminal barrister. She has extensive experience both in white-collar and organised crime. Her current practice focuses on cases involving vulnerable witnesses, particularly those involving, serious sexual offences and rape.*

## Overview

Vivian has over twenty-five years' experience prosecuting and defending serious crime. She joined 5SAH in 2005 following completion of the Treasury Counsel monitoring programme and was soon afterwards appointed Standing Counsel to the former RCPO.

She has extensive experience both in white-collar and organised crime.

Vivian currently practices mainly in Kent, and focuses on cases involving serious sexual offences, drugs (particularly importation offences) and violence.

## *Professional panel appointments*

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Grade 4 Crown Prosecution Service (CPS) prosecutor of appointed advocates.

Specialist prosecutor for the CPS organised crime and fraud divisions: Grade 4.

Specialist prosecutor for the CPS rape and serious sexual offences panel.

## *Professional Memberships*

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Criminal Bar Association.

Amnesty.

## *Asset Forfeiture, Confiscation & Civil Fraud*

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Vivian is experienced in all areas of criminal confiscation, including appearing in the Court of Appeal.

## *Criminal Prosecutions - Private & Public & Criminal Defence*

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Vivian prosecutes and defends in all types of serious crime. She is a specialist prosecutor for the CPS organised crime and fraud divisions as well as a grade 4 CPS prosecutor and a member of the CPS specialist Rape and Serious Sexual Offences panel.

Vivian prosecutes, both as leading counsel and alone, investigations involving the National Crime Agency, particularly major drugs cases and money laundering, people smuggling cases investigated by UKBA as well as serious violence, firearms and gang-related activity for other police areas.

She is experienced in dealing with sensitive and third party material and issues of disclosure and PII.

## *Cases of Note*

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### **R v G [2022]**

Death by dangerous driving. Excess speed and use of mobile phone.

### **R v G and others [2021]**

8 handed county lines conspiracy utilising cell site analysis system software.

### **R v I and P [2021]**

Importation of 94 kg of cocaine.

### **R v M [2020]**

Rape and other offences including online offences on a number of social media platforms. 3 victims all under 13 at the time, D aged 14-15 at the time, 20 at time of trial. Abuse of process argument based on delay.

### **R v S [2019]**

Attempted murder. A pre-planned attack outside the victim's home in which he had sustained serious brain injuries and was unable to give evidence. The main eyewitness had died before trial. The prosecution therefore had to rely on a combination of hearsay, res gestae and circumstantial evidence.

### **R v T [2017]**

RASSO prosecution in relation to extensive sexual and physical violence within a domestic relationship extending over a period of 11 years. Case involved vulnerable witnesses, issues of consent, coercive control and grooming.

### **R v W [2017]**

Child rape by former police officer.

**R v E [2017]**

Historic child sexual abuse by officer of St John's Ambulance.

**R v A and B [2017]**

Attempted murder. Witness with autism.

**R v B and B; B and T [2016]**

Series of cases relating to inter-familial child sexual abuse. Issues relating to vulnerable witnesses, management of disclosure.

**R v S [2015]**

Rape and serious sexual offences within relationship between wife and much older husband, starting when complainant was 15.

**R v Gayle-Childs and Brown [2013]**

Central Fraud Group. £1.75 billion fraud on Libyan sovereign wealth fund by submission of false claims to the English High Court. Perverting the course of justice. Revenue fraud.

**R v Ul Haq and Mustafa [2013]**

Organised Crime Division: "Cuckoo smurfing" money laundering using alternative remittance systems. Serious Crime Prevention Order and Financial Reporting Order for first defendant.

**R v Read [2013]**

False rape allegations.

**R v Garip and others [2013]**

Organised Crime Division prosecution for conspiracy to supply Class A drugs.

**R v Syed [2012]**

Prosecution for CPS Organised Crime Division based on extensive phone attribution and cell

site analysis evidence.

### **R v Chellapermal and Chellapermal [2012] CA**

Prosecutor's appeal under PoCA

### **R v Khomitch and others; R v Sokolovsky; R v Dostenko and another [2010-12]**

Series of linked cases relating to an organised attack by accountants on the ITSA payment system, involving the submission of fraudulent tax returns using false or hi-jacked identities, the creation of a series of fraudulent companies and the laundering of proceeds through a network of bank accounts.

### **R v Evans, Cairns and H [2009]**

Money laundering arising out of the proceeds of a series of MTIC (Missing Trader Intra Community) VAT frauds. Investigation involved evidence dating from 2001 to 2006. 2 week abuse of process argument. Evidence from Spain, Gibraltar and Hong Kong, some via video link.

### **R v Forozan and another [2009]**

£30 million money laundering. The case was stopped by the judge at the end of the prosecution case, resulting in a (successful) prosecutors' appeal to the Court of Appeal (see R v F and B [2008] EWCA Crim 1868).

### **R v C and M [2009]**

Importation of 150kg of cocaine worth almost £15 million. The case involved complex tachograph route tracing analysis throughout Europe.