

# Francesca Levett

YEAR OF CALL: 1997 | RECORDER: 2019



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## Overview

Francesca is a criminal practitioner who has developed a significant practice in complex fraud, conspiracy, confiscation and regulatory work over the last twenty-two years, whilst maintaining her expertise in cases involving serious sexual, violence and drugs offences. Francesca both defends and prosecutes, and also undertakes work on behalf of a number of local authorities in pursuing the more complex regulatory prosecutions.

## *Professional Panel Appointments*

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Appointed Recorder: September 2019.

Grade 3 appointed advocate on the Crown Prosecution Service (CPS) Unified Prosecution List.

Appointed to the rape panel of approved CPS advocates.

Appointed to the Specialist lists for Fraud (Grade 3) and POCA (Grade 2).

Appointed advocate for the General Dental Council (GDC).

## *Professional Memberships*

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Criminal Bar Association.

Proceeds of Crime Lawyers Association.

Women in Criminal Law.

## *Business Crime*

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Francesca is currently instructed to represent one of the alleged principals in a set of four conspiracy trials involving 24 defendants. The case alleges duty evasion on alcohol imports, and the subsequent laundering of over £25million through 14 shell companies, which was then allegedly layered through the company owned by Francesca's defendant.

Francesca has been instructed in a number of other high profile fraud trials, and has also undertaken a secondment with a leading white-collar criminal firm in London to assist them in the preparation of a complex fraud and kidnap case.

Preliminary legal arguments have been met with success while Francesca has argued alongside leading silks. In one particularly high profile case, Francesca's representations contributed to the staying of all charges whilst the prosecution were publicly condemned for their 'scandalous and contumelious conduct' in relation to disclosure.

## *Asset Recovery, Civil Fraud & Confiscation*

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Francesca has undertaken a considerable amount of forfeiture and confiscation work for the defence and the prosecution. She has assisted local authorities in developing financial investigations and has recently succeeded in achieving the largest confiscation award for a private prosecutor under POCA. Undertaking so many confiscation procedures on behalf of the prosecution has greatly assisted Francesca in offering the best advice to her defence clients, in order to foresee and overcome potential difficulties in a timely fashion, so as to bring about a fair and just conclusion.

Most recently, Francesca was instructed to assist a solicitor defendant in confiscation proceedings, following his conviction for a fraud involving carbon emissions reduction certificates, purchase options and research and education grants. The fraud resulted in tax evasion of £107million, but following a contested confiscation hearing, the benefit attributed to Francesca's client was just over £3million.

## *Criminal Prosecutions - Private & Public*

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As with criminal defence work, Francesca takes an active role in effective case management and encourages client conferences throughout the proceedings to maximise prospects of success. She has gained significant experience in lengthy and multi-handed cases and, wherever possible, seeks to maintain consistency in representation throughout a case, from first instruction, to sentence.

One of Francesca's most challenging cases occurred when she was instructed to represent the Crown just six weeks before a three month trial was due to start. The case involved the unusual bedfellows of fraud and child neglect, in which the defendant lied about the apparent ill health of her six children over a period of 20 years, in order to claim disability benefits. Two of her children were fed through tubes placed into their stomachs, one underwent an unnecessary and irreversible operation called a Nissen fundoplication, in which part of the stomach was wrapped around the oesophagus and stitched in place, to prevent the severe

reflux he was alleged to have been suffering. All of the children genuinely believed that they were unwell, yet made a full 'recovery' when removed and placed into foster care. The case involved complex issues of hearsay, as none of the children were witnesses in the case. Despite only being instructed six weeks before the trial started, Francesca was able to sift through 35,000 pages of medical notes and reduce this to a bundle of approximately 1,000 pages of evidence that demonstrated the defendant's manipulative and evolving presentation of symptoms to the 13 consultants at different hospitals who treated the children. Francesca had to rapidly learn about the mechanics of the fraud, as well as the medical conditions the children allegedly suffered from before being able to properly lead the evidence of 13 consultants who had treated the children for respiratory and gastrointestinal complaints. Most crucially, Francesca had to adduce and challenge the psychiatric evidence, to be able to demonstrate that the defendant had complete control over her behaviour. The case resulted in unanimous convictions on all counts.

Francesca was instructed to prosecute Angel Jackson, who was ultimately convicted of 32 counts of fraud despite her attempts to derail proceedings by claiming she was medically unfit to stand trial. Angel Jackson adopted multiple personas for the purposes of claiming housing benefit and income support at addresses that she in fact owned, and which she was then renting out to third parties for cash. Miss Jackson's trial featured in the BBC documentary series 'Britain on the Fiddle' and gained notoriety in the press partly due to covert footage that demonstrated her ability to run on a treadmill for 45 minutes, whilst insisting on using a wheelchair for court appearances. As well as becoming procedurally difficult, the trial was a complex one, involving multiple agencies and strands of evidence that had to be presented clearly and persuasively. Despite two episodes of witness intimidation, a change of counsel at the close of the prosecution's case, and periods of absconding by the defendant, the case successfully concluded and the defendant received 7 years imprisonment, and a confiscation order of over £166,000, with a benefit figure of over £982,000.

Francesca was instructed in a complex conspiracy that sought to link over 60 separate serious offences in a number of counties, by reference to cell-site evidence, DNA, fingerprints, ANPR, satellite navigation coordinates and intercepted letters and dialogue.

## **Sexual Offences**

Francesca has prosecuted in numerous trials involving serious sexual offences.

Most recently, she successfully prosecuted George Parker, who received an extended sentence of 22 years for atrocities committed against the brother and his friends of a girl he had dated when he was 16-24, and the boys were as young as 11.

Francesca also successfully prosecuted a taxi driver who sexually abused his daughter from the age of 6, and boasted of his exploits with a schoolgirl he drove to a special needs school each day. He then progressed to abusing the schoolgirl, and boasted of his new exploits with his daughter, whom he continued to abuse. He received 18 years imprisonment.

Francesca is happy to be involved with cases from an early stage, to advise on disclosure and investigative steps, and to attend case conferences and meet with witnesses in the presence of an instructing solicitor and case officer. Francesca is approachable and driven, but maintains an objective approach, to ensure that any resultant conviction is proper and fair.

## *Criminal Defence*

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In addition to conducting high profile fraud trials, Francesca is instructed to defend and prosecute throughout London and the South East. She has developed a practice that promotes her ability to identify and address complex legal argument, whilst remaining focussed and robust during witness handling.

Francesca takes an active role in effective case management and encourages client conferences throughout the proceedings to maximise prospects of success. She has gained significant experience in lengthy and multi-handed cases, together with appellate work, having been instructed by leading defence solicitors in relation to referrals from the Criminal Cases Review Commission.

Francesca was recently led in a high profile Appeal that sought to extend the parameters of duress to overcome the need for an objective 'imminent risk' of death or serious injury for

defendants that suffer from battered woman syndrome.

Francesca was instructed to represent the first mate of a vessel that collided with another in the Dover strait, resulting in the death of the other vessel's captain and a charge of manslaughter. For the first time in a criminal trial, a simulation was generated that reconstructed the incident using the GPS co-ordinates of all vessels within the area, to enable the judge, jury and counsel to experience the accident from the same perspective as the defendant, using specialist equipment in Warsash, Hampshire.

### **Sexual Offences**

Francesca is regularly instructed to defend in cases involving sexual allegations, from rape to historical abuse, and specialises in breach of trust cases involving teachers and family members. The emotive nature of such accusations is dealt with sensitively, but robustly, and Francesca is well versed in dealing with child witnesses, young defendants and those with mental health and learning difficulties. One of Francesca's most controversial cases involved a 12 year old male defendant who, with one other, was facing serious charges against other children they had held at knifepoint before inciting them to commit sexual acts.

When defending in cases involving sexual allegations, disclosure is crucially important, and often yields valuable evidence for cross examination. Francesca maintains a robust and persistent stance on disclosure, to maximise prospects of success.

## *Cases of Note*

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### **RECENT CASES**

#### **R v BS and others (Op Surging)**

Ongoing case involving conspiracy to conceal the proceeds of crime, arising from evasion of duty on alcohol. Represent BS, allegedly one of the principals of the conspiracy. Trial scheduled for April 2020.

#### **R v RWD and others (Op Amazon) (2019)**

Instructed to represent RWD, a solicitor, during confiscation proceedings only, following his

conviction for conspiracy to defraud investors and HMRC in a carbon emission reduction certificate fraud in which investments of almost £300million were made for research and development into carbon reduction projects, creating taxable offsets of £107m, that were lost to HMRC. Despite the sizeable sums involved, RWD's confiscation order was reduced to just over £3m.

### **R v JF (2019)**

Defending a young man accused of conspiracy to rob, involving over twenty incidents and multiple defendants that relied on cell site, mobile phone attribution and CCTV. Successfully challenged during Dismissal proceedings.

### **R v SD (2018-2019)**

Defending lead defendant in a county lines prosecution that ran between Essex, London and Southampton.

### **R v Parker (2018)**

Successful prosecution of a defendant who, at 16, had raped his girlfriend's young brother, and committed further multiple rapes against the brother and the brother's friends. The evidence pointed to a deeply manipulative defendant who would ingratiate himself into the lives of his victims' families, making himself indispensable and seemingly trustworthy, all in a bid to ensure he was left alone with the children. He received an extended sentence of 22 years.

### **R v Worley (2018)**

Successful prosecution of an 83 year old defendant, who had repeatedly raped his young neighbour thirty five years previously, and sexually assaulted another young neighbour. He received a sentence of 12 years, reduced by the trial judge as an act of mercy, given his age.

### **R v Angel Jackson (2012-2018)**

Instructed to advise and then prosecute Angel Jackson for multiple counts of fraud. Procedurally complicated case involving numerous attempts to avoid the trial process claiming a lack of fitness to plead and stand trial, the dismissal of numerous defence counsel and

solicitor firms, the intimidation of witnesses and the defendant absconding for several weeks during the trial process. Unanimous convictions on all 32 counts, leading to a seven year sentence and successful confiscation proceedings.

### **R v N (2016)**

Prosecuted a mother accused of fraud and child neglect in which she lied about the apparent ill health of her six children to generate a sum in excess of £1m in benefits that she was not entitled to. The case involved 13 consultants from a number of hospitals who had diagnosed the children with various ailments as a result of lies told by the defendant. The defendant had factitious disorder, in which she lied about symptoms that were mostly subjective, such as headaches, reflux, breathing difficulties, sickness and fatigue. She convinced the children they were unwell. When arrested, her 11 year old daughter was fed through a tube into her stomach, and still wore nappies to school, despite the fact that she was continent and could eat normally. Her 8 year old son was similarly fed, and wore nappies. His reflux was said to be so bad that he required a Nissen fundoplication – an irreversible stomach operation that makes it impossible for him to vomit, which will cause problems if he ingests spoiled food. The defendant had over £40,000 of prescription medication and prescribed food (for gastro fed patients) stockpiled in her garage. Fascinating psychiatric evidence was heard that demonstrated the defendant knew what she was doing was wrong, but that she chose to do it anyway. Convicted and sentenced to 7½ years.

## **OLDER CASES**

### **GC v R**

Led junior for the Appellant in a CCRC referral that seeks to broaden the defence of duress, so that the immediacy of a threat can be considered on a more subjective footing when dealing with a defendant who is suffering from post traumatic stress disorder, a more specifically, the sub-category of battered woman syndrome. R v SH and DL Conspiracy case that seeks to link over 60 substantive offences by reference to cell-site evidence, DNA, fingerprints, ANPR, satellite navigation coordinates and undercover dialogue.

### **R v JJ (2013)**

Defence counsel in a significant fraud and money laundering case at the Central Criminal



Court.

**R v DK (2013)**

Historical sexual abuse by a grandfather against granddaughters.

**R v MI & SA (2012-2013)**

Conspiracy to convert proceeds of crime, whereby hundreds of cars were stolen to order, then cloned into former insurance write-offs for profit.

**OTHER CASES**

**LBC v Shanahan [2010] EWCA Crim 98**

The applicability of more than one change in circumstances and the effect on entitlement in relation to benefit fraud  
London Borough of Croydon v Pinch a Pound (UK) Ltd [2011] 1 WLR 1189  
Due diligence case relevant to test purchases undertaken by the local authority

**R v IN, RH and other**

Defending first defendant on a nine-handed mail-dumping fraud that resulted in pleas to reduced charges and a confiscation order representing a fifth of the sum identified as realisable assets.

**R v MM, SM, GC, and others**

Successful application to stay proceedings in this six handed fraud centring upon fraudulent contracts against the Prudential following persistent non-disclosure on the part of the prosecution

**R v A(G) and others**

Successful application to quash indictment in this mobile phone 'carousel' fraud involving a multi-million pound evasion of VAT following the Bondhouse/Optigen decision.