



## Joe Stone

Year of call: 1989

Office: London

doughty street chambers



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### Specialist Areas

**Criminal Defence**  
**Human Rights**

**Direct Public Access**  
**Prisoner's Rights**

### Overview

Joe Stone specialises in criminal defence and human rights. He graduated from Manchester University in 1985 with a first class degree in Politics and Philosophy. He was called to the Bar in 1989. He has been a registered Pupil Supervisor with the Inner Temple since 2004. Joe has extensive trial experience in allegations of murder, armed robberies involving cash in transit (CIT) vans, possession/use of firearms, Class A drug importations and money laundering with a strong international element. He has regularly represented "target" criminals and those involved with organised crime. He has specialist expertise in representing defendants in the prison estate who are accused of serious assaults on both other inmates and prison officers.

### Current Cases 2011/12

He is currently representing defendants on allegations of murder, death by dangerous driving, serious assaults in the prison system and a high profile rape.

Joe is currently instructed to represent a high profile inmate on allegations of taking a prison officer hostage and making threats to kill that officer in the context of a prison siege at HMP Long Lartin - *R v Daniel Sonnex*. This inmate was convicted of the notorious double murder of two French students (Gabriel Ferez and Laurent Bonomo) at the Central Criminal Court in 2009 and was sentenced to a 40 year minimum term of imprisonment. The case will be tried at Worcester Crown Court.

He was instructed to represent an inmate who was charged with section 18 Wounding With Intent (Category 1 - highest level - 9 to 16 year sentence range) of another inmate arising out of an alleged premeditated/armed "*slashing*" at HMP Woodhill - *R v Ross Macpherson*. The defendant was acquitted at trial at Amersham Crown Court (December 2011).



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He was instructed to represent an inmate who was charged with section 18 Wounding With Intent (Category 1 - highest level - 9 to 16 year sentence range) of another inmate arising out of an alleged premeditated/armed "*slashing*" at HMP Whitemoor - *R v Kyle Major*. The defendant was acquitted at trial at Peterborough Crown Court (November 2011)

He was instructed as leading defence counsel to represent an inmate charged with two counts of Attempted Murder and three counts of Wounding With Intent - *R v Kevan Thakrar*. It was alleged by the prosecution that the defendant had armed himself with a weapon inside prison and assaulted three officers at HMP Frankland causing life threatening injuries.

The attacks were said to be the most serious to date in the history of the UK prison service by an inmate on a prison officer(s). The defendant at the time of the index offence was serving a 35 year sentence for a triple homicide. A full proactive defence was advanced which involved calling complex psychiatric/psychological evidence in the field of post traumatic stress disorder (PTSD). The defence alleged that the defendant had been subjected to serious racism and systematic torture in the segregation unit at HMP Frankland. The defence further alleged that institutional racism was commonplace at HMP Frankland and called in support of that proposition in excess of fifteen prisoner witnesses. These defence witnesses had been convicted of the most serious murders, drug importations and terrorist offences in the UK. They were called both live and on prison video link (PVL) from HMP Frankland itself and the other four Category A dispersal prisons (HMP Full Sutton, HMP Long Lartin, HMP Wakefield and HMP Whitemoor). The defendant was acquitted of all allegations at Newcastle Crown Court in November 2011 after a 4 week trial.

He was instructed as junior defence counsel for a prison inmate who faced allegations of Murder and Attempted Murder in two separate Category A dispersal prisons - *R v Damian Fowkes*. It was alleged that he had attempted to murder Ian Huntley at HMP Frankland by cutting his throat with a razor blade. Ian Huntley at the time was serving a 40 year term of imprisonment for the double child murders of Jessica Chapman and Holly Wells in 2002. It was further alleged that after his transfer from HMP Frankland to HMP Full Sutton he had murdered Colin Hatch. The prosecution asserted that the deceased had been strangled to death in a prison cell. Colin Hatch had been at the time serving a whole life tariff for the child murder of Sean Williams in 1984. The case involved an unprecedented full prison siege at HMP Full Sutton. Complex psychiatric evidence was called on the issue of diminished responsibility from leading UK psychiatrists/psychologists. Manslaughter pleas were acceptable to the prosecution on the



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subjective case facts. The case concluded at Hull Crown Court in October 2011. The case led to the trial judge stating "the management systems currently in place (at the relevant dispersal prisons) required urgent review".

### **Recent cases 2010 and 2011**

He was instructed to represent a heterosexual Turkish defendant (a rickshaw driver in London's West End) who faced 3 allegations of Rape (oral, vaginal and anal) on an Asian homosexual female General Practitioner (GP). The live issue at trial was consent. The case involved a proactive defence calling experts in the fields of DNA, forensic gynaecology and the effects of alcohol on perception and memory. The defendant was acquitted of all allegations at the Central Criminal Court in September 2011 (*R v Murat Durmus*).

He was instructed to represent a defendant who faced two allegations of Causing Death by Dangerous Driving, two allegations of GBH by driving and one allegation of Causing Bodily Harm by Wanton and Furious Driving. The case was described by the Metropolitan Police as "one of the worst accidents they had ever seen". The case involved complex forensic issues on road traffic collision analysis. A need for great sensitivity was required given the extreme nature of the injuries sustained by the relevant parties. The case concluded at Wood Green Crown Court in September 2011 (*R v Shamail Syed* - guilty plea).

He was instructed as defence counsel for a female defendant alleged to have participated in a substantial conspiracy involving a series of high value robberies on gem dealers across the UK amassing in excess of £5 million pounds. The allegations were investigated by the Metropolitan Police Service London Crime Squad (Operation Dodd) - *R v DAT* (guilty plea) - concluded at Southwark Crown Court May 2011.

He was instructed to represent a client charged with assisting in a high profile multi-handed murder and possession of a sub-machine gun - *R v AA*. The case involved an allegation of providing assistance to the Manchester criminal fraternity in the context of a gangland execution. The case involved a supergrass (SH) giving evidence for the prosecution. The



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defendant was convicted of both allegations after a 3 month trial at Manchester Crown Court in February 2011 and is currently subject to an appeal.

He was instructed to represent a client who faced an allegation of Murder - *R v LS*. The case involved the execution (by firearm) of a South London drug dealer in a gangland revenge context. The case was dealt with by Operation Trident - the specialist Metropolitan Police Unit responsible for dealing with black on black killings. A detailed understanding of the subtle nature of gang rivalry in London and the issues surrounding "turf wars/revenge killings" was required. The defendant was acquitted at trial of all allegations at the Central Criminal Court in October 2010.

He was instructed as defence counsel for a female client (*R v A*) who faced allegations of Attempted Murder / Wounding With Intent - wife attempting to behead her husband with an axe in the family home. The case involved complex issues concerning the admissibility of psychiatric evidence under the new self defence/defence of another provisions contained in section 76 of the Criminal Justice and Immigration Act 2008. The evidence was ruled admissible and the defendant was subsequently acquitted of all matters at Isleworth Crown Court in August 2010.

He was instructed as defence counsel for the owner of an international freight haulage company who faced allegations of importing substantial quantities of Class A/B drugs into the UK (*R v DSJ*). The case is described on UK Customs website as "*one of the largest importations of ecstasy and amphetamine in recent years*". Joe took the case on appeal (having not done the original trial) as an alleged miscarriage of justice. The conviction and 19-year sentence were quashed by the appeal court in July 2010. The case will have a significant impact on the operation of the bad character provisions of the Criminal Justice Act 2003 and all future customs prosecutions concerning the admissibility of bad character evidence.

He was instructed as lead defence counsel for an Asian police officer who faced an allegation of murder by strangling his Asian wife to death with a ligature after thirteen days of marriage in the UK (*R v Harjinder Pal*). The case involved a detailed understanding of mental health law, the statutory provisions/case law governing fitness to plead/stand trial and psychiatric disposals under the Mental Health Act 1983. He was appointed by the court as specialist defence counsel in these areas to assist the court on the unfitness to plead hearings conducted in front of



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judge/jury. The case concluded at the Central Criminal Court in June 2010. It attracted widespread publicity in India.

He was instructed as lead defence counsel for a prison inmate in a high profile case alleging Wounding With Intent. The defence involved the alleged systematic torture by prison staff at HMP Frankland (Category A dispersal prison) of Muslim prisoners convicted of the most serious murder and terrorist offences in the UK to date (*R v C*). The case involved a detailed knowledge of the issues (legal, political and religious) faced by Muslim prisoners inside category A dispersal prisons. There were also complex third party disclosure arguments in relation to confidential documents (extremist monitoring logs) kept by HMP Frankland on convicted Category A prisoners. A large number of inmates (both Muslim and non-Muslim) provided evidence for the defence concerning the troubled history of HMP Frankland from 2007 through to the present. The defendant was acquitted at Newcastle Crown Court in May 2010 of all allegations.

He was instructed as lead defence counsel in the case of a senior US Federal Air Marshall (FAM) accused of rape on a female crew member of the UK Royal Merchant Navy. The defendant was acquitted at the Central Criminal Court in March 2010 after a substantial trial. This was a proactive defence involving leading UK experts being called in the fields of forensic toxicology, human psychopharmacology, DNA, alcohol back-calculation analysis, amnesia and forensic odontology. The case involved a detailed understanding of US criminal law in the field of interrogation, Miranda rights and Beckwith/Garrity guarantees. There were major security and witness anonymity issues given its sensitivity to US international relations with host countries involved in the secretive multi-billion dollar FAM programme. The President of the US was personally briefed on the case. The case attracted substantial media attention in North America and beyond (*R v JGB*).

### Pre 2010 Career Cases

High-profile publicised cases that he has conducted include:

In 2009 he was instructed as junior counsel in a high-profile five-defendant gangland murder involving the Metropolitan Police Trident Team (*R v Richard Osborne*). He has built up over the years extensive knowledge of cases involving firearms and the technical forensic aspects of



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such murder investigations. He was also instructed as lead defence counsel in relation to a high profile SOCA agreement involving a protected witness giving evidence against defendants accused of being on a firebombing campaign against the homes of officers from the Essex Constabulary (*R v E*). He was lead defence counsel in a high-profile murder indictment that is now the key authority on facial-mapping evidence and the giving of expert testimony in UK courts (*R v Dean Atkins - 2010 Crim.L.R 141*).

In 2008 he was instructed as defence counsel in relation to a 15 defendant global cocaine conspiracy involving allegations of importing in excess of 150 kilos of pure cocaine into the UK (*R v Michael Mensah-Bonsu*). He was also instructed as junior defence counsel for the lead defendant in an 11 defendant murder allegation involving the notorious MDP (Murder Drugs Power) West London Gang. One of the longest running trials to date involving the growing gang culture in London (*R v Sheldon Lewis*).

In 2007 he represented the lead defendant in relation to a prosecution brought by the Medicines and Healthcare Products Regulatory Agency (MHRA) concerning the largest alleged global pharmaceutical product counterfeiting ring in UK legal history - the Pfizer Viagra case (*R v Gary Haywood*). In 2007 he represented renowned Ghanaian high-life musician Daasebre Gyamenah who was acquitted on allegations of cocaine importation.

In 2006 he was instructed in the most sensitive/serious of supergrass cases to date (*R v B*) involving the newly formed Serious Organised Crime Agency (SOCA). Other significant cases that year included: Guidance on fixing the minimum term to be served in cases of murder of exceptionally high or particularly high seriousness - *R v Neil Jones and others [2006] 2 Cr.App.R (S) 19*. Also, a watershed case involving rape of a minor that triggered a national debate on sentencing of sex offenders and the relevance of guidelines on all criminal cases with guilty pleas reductions from the Sentencing Guidelines Council and the double jeopardy principle. This was personally prosecuted by the Attorney General in front of a rare five judge court - Attorney Generals Reference (number 14 and 15 of 2006) - *R v Tanya French and Alan Webster [2007] 1 Cr.App.R (S) 40*

In 2005 he was instructed in the largest drug importation and money laundering case to date - importation of over £200 million pure cocaine into the UK - involving Scotland Yard's elite and secretive Special Projects Unit (*R v Miguel Casal*).



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In 2004 he was instructed in the importation of over 100 kilos of pure cocaine - involving a wide ranging international operation mounted by UK Customs and Excise in partnership with lead units from Operation Trident (*R v Phoebe Doran*).

In 2003 he was instructed in the double gunpoint rape of two adults in two separate London churchyards - a case involving the admissibility of pioneering serial attacker profiling evidence (*R v Christopher Hodge*).

In 2002 he was instructed in the largest customs corruption case to date - siphoning off high grade customs intelligence by a corrupt customs officer for onward transmission to the criminal community (*R v Nathaniel Dass*).

### Wider Background

Joe has represented for many years a large number of diverse foreign nationals who have been accused of importing drugs into LHR (London Heathrow) from South America, the West Indies, West Africa, Pakistan and the Far East. He has dealt with many referrals from "Hibiscus" (the registered charitable trust that supports jailed women overseas). Based upon this previous caseload Joe has extensive practical knowledge of the operational techniques and practices deployed by customs in this field. He has regularly represented "*drug supergrasses*" and is familiar with the complex rules and procedures surrounding Witness Protection Units (WPU), law enforcement debriefing procedures and immunity/inducement packages under the Serious Organised Crime and Police Act 2005.

Joe has a particular interest in miscarriage of justice cases. He takes cases involving murder conviction and serious police corruption to the CCRC (Criminal Case Review Commission) on a pro bono basis.

He also works as independent counsel for Fair Trials International (FTI) - the registered charity which allows UK nationals imprisoned abroad to assert their legal rights. Joe drafted appeal grounds in the widely publicised case of *Government of Spain v Stephen Toplass* (English truck driver wrongfully imprisoned for the importation of over 400 kilos of cannabis resin) that directly led in 2006 to a rarely granted pardon by the Spanish King. He was instructed in 2008



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by FTI in *Republic of Ghana v Vantansever Cengiz and Yetunde Diya* (London schoolgirls indicted with exporting 6 kilos of cocaine from Accra to London) and in 2010 holds instructions in the high profile case of *Indian Government (Rajasthan State) v Patrick Thomas Malluzzo* (UK national indicted with transporting 19 kilos of cannabis inside India).

### **Memberships**

He is a member of the Criminal Bar Association (CBA).