

## David Rhodes



Call: 2002

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### Profile

### What Others Say

*"His advocacy is well-organised and fearless."* - Chambers and Partners 2024

*"His drafting and written advocacy is fantastic and he is a strong spoken advocate too."* - Chambers and Partners 2024

*"David is a master of detail and excellent at taking significant strategic decisions. He approaches his cases very much in the round and has his eyes firmly fixed on what is in his client's best interest."* - Chambers and Partners 2024

*"Approaches every single aspect of the case with diligence, working hard on detail and strategy. He has a wonderful way with clients, who instinctively trust his judgement and advice."* - Chambers and Partners 2023

*"David is an excellent lawyer who has no difficulty in mastering complex and extensive material. His legal arguments are both insightful and tenacious."* - Legal 500 2023

*"He is a careful and conscientious barrister."* - Chambers and Partners 2022

*"Has good tactical awareness" and "delivers laser-focused cross-examinations."* - Chambers and Partners 2021

*"He projects lots of gravitas both with the client and in court."* - Chambers and Partners 2021

*"David's closing speech was powerful, reasoned and engaging"* – a recent client

*"David's thorough cross-examination of the prosecution witnesses was crucial to the outcome... without him the weaknesses in the Prosecution case may never have been highlighted."* – a recent client

*"From the initial meeting it was clear David was the right person to act on my behalf. He was extremely thorough, attentive, diligent and knew my case inside and out and seemed to understand me and my case extremely well. He was not afraid to get stuck into the detail and consider the case from a variety of angles and perspectives, find all the holes and inconsistencies in the evidence and formulate a sound defence case."* – a recent client

## **Profile**

Ranked by his peers as a leading junior in criminal law in Chambers & Partners and the Legal 500, David has a formidable reputation for meticulous preparation which shines through in his polished courtroom advocacy. David is praised equally for his skill in cross-examination and closing speeches as he is for his persuasive written advocacy.

David is a versatile advocate who deliberately maintains an eclectic and diverse practice. Recent instructions range from heavyweight allegations of homicide, serious violence and organised crime, to cases of rape and 'historical' sexual offences requiring a delicate touch, to esoteric and intellectually challenging fraud work.

In addition to criminal trials, David advises on and conducts fresh criminal appeals and is a contributor to the leading textbook, *Taylor on Criminal Appeals* (OUP 2022).

David also has expertise in crime-related public law, extradition, courts martial, actions against the police and inquests.

In 2023, he was appointed as a Recorder, sitting as a part-time judge in the Crown Court.

## **Publications/Seminars**

David has contributed chapters to *Human Rights in Criminal Law* edited by Ben Douglas-Jones KC et al (Bloomsbury 2023); *Taylor on Criminal Appeals*, edited by Paul Taylor (OUP 2022); *The Law of Public Order and Protest* (OUP 2010); and *Human Rights in the Investigation and Prosecution of Crime*, edited by Jonathan Cooper OBE and Madeleine Colvin (OUP 2009). For many years he wrote a quarterly column, *Life in Crime*, in the

Solicitors' Journal. He also regularly presents seminars on his specialist areas of practice.

## **Personal**

David is approved as a pupil supervisor by Middle Temple.

David is captain of the KBW Cricket Club ('The Devil's Advocates'), a wandering team of barrister-cricketers which plays across the south east of England and has toured Europe and the USA.

David has acted as a legal consultant to BBC Radio 4 in the production of a courtroom drama series.

## **Education**

BA (1st Class Hons) – University of York

Visiting Scholar – University of California, Berkeley

M.Phil – Lincoln College, University of Oxford

PDGL – City University

## **Related practice areas**

Criminal Law

Actions Against the Police and Public Authorities

## **Homicide**

David is consistently instructed to act for defendants charged with the most serious of offences. Recent instructions include:

### **R v BL – Murder – Basildon CC**

Murder case arising from a shocking episode of violence in the Lakeside shopping centre in Essex, resulting in a fatal stabbing.

### **R v KB – Murder – Basildon CC**

Murder case arising from a fatal stabbing at a New Year's Eve party. PF died from a single stab wound to the heart. The two female defendants, HS and KB, ran 'cut-throat' defences, each asserting that the other had stabbed PF, who was HS's boyfriend. In the result, HS was convicted of murder whilst KB was acquitted.

### **R v SHH – Murder – Isleworth CC**

Successful defence of a 15 year old boy charged with the murder of another teenager during a confrontation at playing fields in Pinner. The jury accepted that SHH had acted in self-defence.

#### **R v SDK – Murder – CCC**

Defence of a teenager charged with an allegedly gang-related revenge attack.

#### **R v XU – Attempted Murder - Basildon CC**

Defence of one of two Albanian brothers alleged to have chased down and driven over armed burglars who had raided a cannabis factory.

#### **R v AW – Attempted Murder – Warwick CC**

This was a tragic case in which a young Polish woman stabbed her 85 year old neighbour whilst in the grip of a paranoid schizophrenic episode. The jury heard compelling evidence of her decline into insanity in the weeks and days leading up to the incident. After hearing from three consultant forensic psychiatrists, the jury returned a rare special verdict of not guilty by reason of insanity.

#### **R v JJ – Attempted Murder - Woolwich CC**

David acted for the second of 13 defendants, in a 6 week trial for attempted murder.

The Crown alleged that the stabbing incident was a gang related revenge attack with intent to kill. David led the legal argument on behalf of all the defendants and persuaded the judge to exclude all the gang evidence on the basis that the Crown had failed to prove a sufficient logical nexus between the incident and the alleged trigger event some weeks earlier and any relation to gangs.

In the result, all nine defendants in the first trial were found not guilty of attempted murder by the jury and the Crown then dropped the case against the remaining four.

#### **R v ES – Murder – CCC**

High profile murder of a doorman at an exclusive party on Park Lane on New Year's Eve. David acted for one of six defendants in the case. David's client was the only defendant to be cleared of all charges of murder and violent disorder. (Read more [\*\*here\*\*](#))

#### **R v CC – Murder – Wood Green CC**

Defence of a vulnerable young woman accused of extremely brutal violent attack. Two defendants each blaming the other. The case involved four different scientific experts in the

analysis of blood spatter patterns.

### **R v JR – Murder. CCC**

Defence of a young man alleged to have been involved in a fatal stabbing incident, with over 40 eyewitnesses.

### **R v Bouzemada & Others – Perverting the course of justice and assisting a murderer. CCC.**

This case arose out of the murder of a nursery school teacher out celebrating her birthday when she was caught in the cross-fire of a gangland turf war. The case was prosecuted by Treasury Counsel. David acted alone for Bouzemada.

## **Serious Criminal Offences**

### **R v MSA – Kidnapping, Firearms, False Imprisonment – Luton CC**

Defence of a man alleged to have kidnapped the girlfriend of his love rival at gunpoint and driving her around the country for 3 days in the boot of a hire car.

### **R v KM – Conspiracy to Murder and Conspiracy to Supply Drugs – CCC**

One of the first 'Encrochat' cases at the Central Criminal Court. KM was alleged to have commissioned a 'hit' on a criminal rival. The allegation of Conspiracy to Murder was dismissed. KM was sentenced to 17 years for Conspiracy to Cause GBH and Conspiracy to Supply multiple kilos of cocaine and ketamine.

### **R v Atkinson, Barnes and Others – Conspiracy to Kidnap and Blackmail. Cambridge CC**

National Crime Agency prosecution of a David defended one of four men from Merseyside accused of being debt collectors for an organised crime gang with links to gangs in Russia, Manchester and Glasgow. The Prosecution's case was that the defendants engaged in a conspiracy to kidnap and blackmail in order to locate a drug dealer who owed £300,000 to the crime gang.

### **R v Lewis and Others – Conspiracy to Supply Cocaine – Bristol CC**

A South West Regional Crime Agency prosecution of cocaine trafficking between London, Birmingham and the South West involving more than 15 defendants.

### **R v SC and HH – Conspiracy to Blackmail – Sharesbrook CC**

National Crime Agency prosecution of a conspiracy to blackmail arising out of an alleged kidnapping in which the 'victim' of the kidnapping denies he was kidnapped.

## Serious Sexual Offences

David is highly experienced in defending the most serious allegations of sexual offending, including cases attracting publicity and requiring careful case strategy and delicate conduct both in and out of court.

### **R v IN** - 'Historical' sexual abuse - Wood Green CC

'Historical' allegations of rape and sexual assault of IN's ex-wife and step-daughters dating back to the late 1970s. By the time of the trial, IN had developed dementia and was held to be unfit to plead or stand trial. IN was excused attendance at the trial of issue and David represented him in absentia.

### **R v SW** – 'Historical' sexual abuse - Croydon CC

SW was convicted after two trials lasting three months of 40 counts of rape and sexual assaults spanning five decades in respect of 15 complainants from three generations of his family, including his sister, brother, step-sons, step-grand-children and many boys from the football teams he had coached from the 1970s to 1990s.

### **R v MG** – Rape – Newcastle CC

Defendant acquitted of rape, notwithstanding the fact that the jury heard evidence of MG's recent previous conviction for rape in what the Crown alleged were 'strikingly similar circumstances'.

### **R v A** – 'Historical' Rape - Lewes CC

Defence of A, a professional man of impeccable character, accused of 'historical' child sexual offences when A was himself aged only 14 or 15.

### **R v RA** – Rape and False Imprisonment - Wood Green CC

Defence of RA accused of falsely imprisoning, raping and torturing his former partner.

### **R v PM** – 'Historical' Rape- Basildon Crown Court

Defence of PM accused of a series of 'historical' rape and indecent assault offences dating back to the early 1970's against two brothers (then aged 11-16). The Defendant was then in

his early 20's and is now in his mid-60's. He has always suffered from significant learning difficulties with an extremely low IQ.

#### **R v OM** – Double Rape - Blackfriars Crown Court

Defence of a highly respected schoolteacher accused of rape and attempted rape of two other teachers in a central London hotel during a teachers' conference.

#### **R v EC** – Controlling Prostitution - Snaresbrook CC

Defence of a 'madam' in a multi-million pounds conspiracy to control prostitution for gain.

#### **R v KJ** - Rape of a Child - Oxford CC

Defence of a man accused of a number of counts of Rape of a Child. The case was unusual in that the 8 year old complainant was unable to articulate her allegations in her ABE interview. The Crown's case was advanced almost entirely through hearsay evidence of recent complaint to others, including to another 8 year old girl.

#### **R v MI** – 'Historical' Rape - Croydon CC

Defence of a man accused of 'historical' rape and child sexual abuse. The Prosecution alleged that MI abused his position as a Scout leader in the early 1990s to groom and abuse an 11 yr old girl. She alleged that she became pregnant by him and that he procured for her an abortion aged 13, after which he subjected her to violent rapes, including one involving another woman. The defence case was that the complainant was a fantasist. The trial judge commended David for his skilful cross-examination of the complainant. Following a successful submission of no case to answer, the jury were directed to acquit the defendant on all 10 counts.

#### **R v Shaun Colclough** - Serial Sexual Assault - Snaresbrook CC

Defence of a renowned fashion photographer accused of sexually assaulting a number of nude models in his Hackney studio. The Defence case was that the models had colluded with each other to bring down the defendant who had exploited their images and as such, required the most careful and skilful cross-examination of each complainant, because of the defendant's previous conviction for raping an 85 year old woman 18 years earlier. This case attracted widespread interest in the media. Read [\*\*here\*\*](#).

#### **R v TM and Others** – Gang Rape – Manchester CC

Defence of TM, a semi-professional footballer, accused of a gang rape at a house party. After David lodged an application to dismiss, the Crown offered no evidence against all the defendants.

## Fraud and Money Laundering

Alongside his trial work, David provides pre-charge advice in SFO prosecutions

Recent instructions include:

### **R v JB and others** – Fraud – Canterbury CC

This is a complex and unusual fraud prosecution by the Maritime and Coastguard Agency in which the Prosecution allege that the defendants have engaged over many years in the commercial exploitation ('plundering') of shipwrecks, including the wrecks of First World War battleships and war graves in the English Channel.

### **R v TW** – Money Laundering - CCC

TW was the former partner of DM, a convicted drug dealer. It was the Crown's case that TW received approximately £100,000 cash deposits into her various bank accounts. The Crown identified hundreds of cash deposits with no attributable or named source which they alleged must have originated from DM's drugs enterprise. Through meticulous analysis of the patterns of deposits, the defence were able to establish legitimate sources for the vast majority of deposits and the Crown offered no evidence.

### **R v DC and others** – Fraud – Cambridge CC

The prosecution allege a long-standing conspiracy to defraud the local authority by obtaining and then exploiting low cost social housing for commercial gain.

## Extradition

David has appeared in some important extradition cases in recent years:

### **India v Velu**

One of the longest running and most complex extradition cases currently before Westminster Magistrates. Mr Velu is sought for extradition to India for trial alleged terrorist offences committed in the early 1990s. In fact, Velu stood trial on this matter between 1993-1996, when he was granted bail. By 2002, the court still had not reached a verdict and 12 judges had been 'removed' from the case. In 2003, Velu was granted asylum in the UK from this very prosecution. In 2007, he became a British citizen which then exposed him to the prospect of extradition once more.



## **Poland v Simao**

One of the very few successful defences of a extradition request based on prison conditions in Poland. The Court found that there was a real risk that if returned to Poland, the prison system could not protect a black African man (accused of sexual offences against a white woman) from inhuman and degrading treatment contrary to Article 3 ECHR.

## **Agius v Malta**

This was a landmark judgment which puts human rights issues back at the heart of extradition cases. The case overturned a series of authorities which had stated that requesting states which were signatories of the European Convention on Human Rights could be assumed to abide by their Convention obligations and so there was "no need to make any enquiry at all" into concerns that human rights would be violated.

## **O'Connell v Judicial Authority of Santa Cruz de Tenerife**

A British man was saved from 5 years in a Spanish prison after the High Court quashed the order for his extradition as being oppressive. David represented Daniel O'Connell before both the District Judge and the High Court. In this important decision, Moses LJ held that the passage of time of a "mere" 3 years could be considered "plainly oppressive" in the particular circumstances of this case.

## **Courts Martial**

David has significant experience of defending service personnel before the General Courts Martial, especially in Germany. Recent cases include:

### **R v Corporal PR - Court Martial, Germany**

Defence of a corporal charged with rape. The case involved issues of capacity to consent.

### **R v Trooper Mulgrew [2012] EWCA Crim 2008.**

David represented Trooper Mulgrew at his Court Martial in Germany and on appeal to the Court of Appeal (CMAC) - in a multi-handed s.18 GBH trial involving cut-throat defences. Unlike a jury, the basis on which a Court Martial Board reaches its verdict can become known to the defence during the sentencing process. David argued that the factual basis of the verdict was perverse and unsafe in the absence of a direction on self-defence. The Court of Appeal quashed the convictions because of the lack of a direction on self-defence.