

## Joe Stone QC



Call: 1989

Silk: 2013

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### Profile

Joe Stone QC has specialised in criminal defence for over 30 years. He was called to the Bar in 1989 and appointed Queens Counsel (QC) in 2013.

He represents those indicted with all types of homicide (murder, manslaughter, death by reckless/careless driving and infanticide), large scale international drug conspiracies and top tier organised crime. He is also instructed privately in high profile sex allegations and has secured acquittals in the most complex of cases.

His primary focus is trial work and high profile appeals. He is currently instructed on one of the most notorious alleged miscarriages of justice in English criminal history – the Jeremy Bamber case. He has successfully represented over many years those indicted with murder under the joint enterprise rules in major city gang related stabbings, shootings and executions. He has conducted over 200 murder trials and is recognised in the directories as a leader in this field.

Joe has a reputation as a committed and tenacious defence barrister with a proven track record in murder defences.

He is highly skilled in advancing complex pro-active defences in the most demanding of cases with the most challenging of clients.

He has been constantly instructed by high profile defendants (see Homicide and Grave offences category below)

He has extensive understanding of the operations of Category A dispersal prisons (HMP Belmarsh, HMP Frankland, HMP Full Sutton, HMP Wakefield, HMP Whitemoor and HMP Woodhill), Close Supervision Centres (CSC) and the Special Intervention Unit (SIU) at HMP Manchester. Given the wide geographical reach of these prisons (London, Newcastle, York, Wakefield, Cambridge, Milton Keynes and Manchester) he has extensive experience of the issues surrounding homicide on the prison estate.

He has specialist expertise in defending individuals suffering from extreme personality disorders and is knowledgeable on the procedures/systems that operate at the three main high security psychiatric hospitals - Broadmoor, Rampton and Ashworth.

He is skilled in presenting highly technical expert evidence to juries in a clear and lucid manner in the fields of forensic psychiatry, forensic pathology and forensic medicine. He has been regularly published in the specialist criminal journals (see Publications)

Joe is particularly interested in cases where scientific and medical evidence is disputed such as allegations of shaken baby syndrome and unexplained deaths in infants (SIDS).

He has a detailed knowledge of all facets of criminal investigation including cell site analysis, gunshot residue (GSR) analysis, facemapping, shoe-lift and key areas of trace evidence – fingerprints and DNA and has appeared in leading appeal cases in some of these areas (see Appeals)

With over 30 years experience in representing those indicted with serious class A drug importations Joe understands the operational techniques and practices utilised by Her Majesty Revenue and Customs (HMRC). He represents "drug supergrasses" and is familiar with the 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 and in camera (closed/secret) hearings. He has represented diplomats facing allegations of drug importation and is familiar with the rules/procedures concerning diplomatic immunity.

### **Related practice areas**

Criminal Law and Appeals

## Current Cases - 2020

Joe is currently instructed in allegations of murder, organised crime (firearms, global drug supply and sex trafficking).

### Homicide and Related Grave Offences

#### **R v KM (youth)**

A 17 year old defendant (who cannot be named for legal reasons) was acquitted of murder and manslaughter at the Central Criminal Court. The prosecution had alleged that D had been part of a joint enterprise attack on a 19 year old youth (Abdullahi Tarabi) in Northolt, North West London fatally stabbing the deceased in the abdomen. The prosecution relied upon cell site, forensic and CCTV evidence showing the actual attack taking place. There were also extensive disclosure issues relating to material from the Metropolitan Police Service Gang Matrix Unit.

Joe Stone QC has a specialist defence practice involving a detailed understanding of joint enterprise law and gang rivalries in London and beyond. He led Michael Newport (Lamb Buildings) and was instructed by MB Law Solicitors (Hounslow).

#### **R v X (youth)**

A 16 year old defendant was cleared of all charges after a 6 week trial at the Central Criminal Court. A multi-handed case involving three sixteen year defendants and two sixteen year old complainants. The case involved a detailed understanding of knife crime - wound mechanics, tracking and angles of penetration - and how to mount a complex defence in dealing with issues posed by the gang culture in London. The defendant was alleged to be part of a joint enterprise armed knife attack on two other youths (DK and AT) in Dagenham, East London. Anonymity applications, special measures for young defendants on grave charges, admissibility arguments on prison letters inter-defendants and special directions based on slow motion CCTV evidence were a feature of the trial. Joe has published research in Archbold News in several of these areas and is a recognised defence specialist in high-profile homicide allegations. Joe Stone QC led Ellis Sareen (Foundry Chambers) and was instructed by Seema Parikh from MPR Solicitors.

#### **R v Danno Sonnex**

A double murder lifer serving 40 years' imprisonment, was acquitted at Leeds Crown Court of two serious charges of assault on prison officers at HMP Wakefield. The prosecution

alleged that DS had carried out the attacks on prison officers to secure his transfer to Broadmoor Hospital, and relied heavily on video footage showing him stabbing one of the guards in the neck with a sharpened weapon. DS alleged he has been subject to a systematic two year campaign of psychological abuse in the secretive close supervision unit (CSU) at HMP Wakefield culminating in a physical/sexual attack by 5 officers in the special accommodation cell (SAC).

The case required a proactive defence dealing with an application from the prison service to hold the whole trial on a prison video link (PVL) given the alleged dangerousness of the defendant (application denied). The defence adduced reverse similar fact evidence in the form of a "whistleblower" (CL) to prove prior prison officer misconduct at HMP Wakefield. L (an ex prison officer) had been awarded £477,000 in 2004 as part of a damning employment tribunal judgment against HMP Wakefield . Leading psychiatric experts were called to deal with complex issues on psychotic intent, amnesia and mens rea in the context of Aspergers disorder. DS had previously been cleared at Reading Crown Court in 2012 on allegations of hostage taking and making threats to kill when he held a knife to the throat of a prison guard at HMP Long Lartin demanding his immediate release from that dispersal prison.

DS was represented by Joe Stone QC on both trials and in the present trial was leading Abigail Bright instructed by Correna Platt and Faye Dutton at Stephenson Solicitors. (2015).

### **R v Peter McIntosh**

Peter McIntosh was cleared of Conspiracy to Murder and Possession of A Firearm with Intent to Endanger Life at Leeds Crown Court. The prosecution alleged that PM was involved in an attempted assassination of an individual in the Farnley area of Leeds. The prosecution case rested on a complex web of cell site analysis, telephone/text evidence, covert audio probes over a 3 month period and ballistic analysis. PM was the only defendant of three to be acquitted.

### **R v Harkitan Tiwana**

Allegation of manslaughter involving complex and rare causation issue with leading UK experts being called in in the fields of forensic pathology, forensic toxicology, histopathology and cardiothoracic pathology. Defendant was acquitted at CCC after 3 week trial.

### **R v Chantelle Stokes**

Allegation of murder (victim was a 80 year old female based in Halesowen, Birmingham) - a complex circumstantial case with a co-accused (Leo Barnes). Successful dismissal argument

leading to acquittal of CS on allegation of murder.

### **R v Katie Hall**

Allegation of Causing Death by Careless Driving - A rare and highly complex defence of non-insane automatism advanced to homicide allegation. Leading UK defence experts instructed in the fields of neurology, clinical genetics, forensic psychiatry and forensic collision investigation. This sensitive case was prosecuted by the specialist Homicide division of the CPS (Crown Prosecution Service) .

### **R v Harjinder Pal**

Allegation of murder. HP alleged to have strangled to death his wife. Complex psychiatric issues concerning morbid delusional jealousy. Manslaughter plea acceptable to the prosecution,

### **R v Clifton Jeter**

A notorious murder lifer indicted with two attempted murders of prison guards at HMP Manchester. CJ was filmed causing life threatening injuries to two guards with an improvised razor blade melted onto a toothbrush. The attack took place in the Special Intervention Unit (SIU)- a high security prison within a prison at HMP Manchester. The SIU houses 5 of the most dangerous prisoners on the prison estate. Two of these five prisoners were called at trial. CJ was said to be so dangerous by prison staff that unprecedented applications were made to have him handcuffed whilst in the witness box. He was constantly chaperoned by an 8 man prisoner "unlock" team in cells, dock and witness box. A highly controversial defence alleging that CJ needed to launch a pre-emptive strike upon both prison officers because there were inciting another high profile terrorist inmate in the SIU (Parviz Khan) to attack and kill CJ. Complex issues of law surrounding self-defence and necessity that charted new legal terrain.

### **R v Lee Newell**

Allegation of murder of another inmate at HMP Long Lartin. A complicated cut throat defence between two murder lifer defendants at HMP Long Lartin with extensive media interest given the death of the victim (another murder lifer).

### **R v Rakim Braithwaite**

Allegation of attempted murder. The defendant was alleged to be part of a 4 man gang who had assaulted the complainant in Ealing Broadway by knocking him unconscious and trying to kick him to death. A complex identification defence involving submissions on multiple

breaches of code D PACE. The defence secured favourable evidentiary rulings by the senior resident judge on those material breaches and specific directions to the jury on how they should approach those ID breaches. The defendant was acquitted of all allegations.

### **R v Daniel Sonnex**

Allegations of taking a prison officer hostage at knifepoint and making threats to kill that officer the context of a full scale prison siege at HMP Long Lartin. A technical medical defence involving leading UK psychiatrists being called for the defence in the fields of autism, Aspergers syndrome and other personality disorders. This inmate had previously been convicted of the notorious double murder of two French students (Gabriel Ferez and Laurent Bonomo) at the Central Criminal Court in 2009 and had been sentenced to a 40 year minimum term of imprisonment. The defendant was acquitted of all allegations.

### **R v Kevan Thakrar**

Allegations of two counts of Attempted Murder and three counts of Wounding With Intent. It was alleged that this defendant had armed himself with a weapon inside prison and assaulted three officers at HMP Frankland causing life threatening injuries. It was alleged that the attacks were (and still remain as at 2014 ) the most serious in the history of the UK prison service by an inmate on a prison officer. The acquittals provoked a national furore amongst the prison service. The defendant at the times 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 defendant was acquitted of all allegations.

### **R v Kyle Major**

A prison inmate alleged to have “slashed” another inmate on another inmate at a Category A dispersal prison - HMP Whitemoor. Live issue at trial was self-defence. Indicted on a single count of Wounding With Intent contrary to section 18 Offences Against the Person Act 1861. The defendant was acquitted.

### **R v Ross McPherson**

A prison inmate alleged to have “slashed” another prison inmate at a Category A dispersal prison - HMP Woodhill. Live issue at trial was self-defence. Indicted on a single count of Wounding With Intent contrary to section 18 of the Offences Against the Person Act 1861. The defendant was acquitted.

### **R v Anne Armitage**

Allegation of Attempted Murder. The prosecution alleged that the female defendant attempted to behead her husband with axe. 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. The defendant was acquitted of all allegations.

### **R v Damian Fowkes**

Allegations of Murder and Attempted Murder in two Category A dispersal prisons. 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 shortly after his transfer from HMP Frankland to HMP Full Sutton that the defendant had murdered Colin Hatch by strangling him to death in his cell. Colin Hatch at the time had been 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 guilty pleas were acceptable to the prosecution on the murder indictment and a guilty plea was entered to the attempted murder

### **R v Shamail Ali Syed**

Allegation of two counts of Causing Death by Dangerous Driving - guilty plea - one of the most serious road collision cases dealt with by the metropolitan police in the last 10 years. Complex issue of road traffic collision analysis, speed variables and accident reconstruction (2011)

### **R v Daniel Cummings**

Allegations of Attempted Murder. 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. 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 of all allegations.

### **R v Harjinder Pal**

Allegation of murder. An Asian police officer who had strangled his wife to death after 13 days of marriage. Complex unfitness to plead hearing requiring specialist expertise in mental health. Joe had been appointed by the court as specialist defence counsel to assist on the fitness to plead issues. HP was declared unfit to stand trial

### **R v Luis Sobagol**

Allegation of murder. Seven Handed London gangland murder. Execution by shooting. Lead defendant. Acquitted.

## **Other Serious Criminal Offences**

### **Serious Sexual Assaults**

#### **R v KK**

A 22 year old defendant alleged to have sexually assaulted a high profile 25 year old female glamour model on an aircraft bound from San Francisco to London Heathrow was acquitted by a jury at Isleworth Crown Court after a full trial. A proactive defence involving a computerised reconstruction of the seating arrangements to show the physical impossibility of the complainant's account on the United Airlines Flight was central to the acquittal. Witnesses were called on live TV feed from Mexico, Canada and California. Damaging admissions at the scene were legally excluded. The defendant was instructed privately by niche firm (MPR Solicitors) working with head partner (Seema Parikh)

#### **R v HD**

A leading London accountant has been acquitted of an allegation of Assault by Penetration at Liverpool Crown Court. The case involved complex issues under section 75 Sexual Offences Act 2003 (evidential presumptions about consent), a reconstruction of the crime scene, focussed third party disclosure applications, specialist video chronologies and live TV Feeds from New Zealand. Joe Stone QC led Kinneri Patel (from MPR Solicitors) on a private instructed brief

#### **R v Vincenzo Sarli**

One of the most dangerous prisoners on the high security estate (HSE) has been acquitted at Blackfriars Crown Court of trying to strangle to death a female nurse at HMP Pentonville. The defendant presented as a highly labile individual who had a 10 man escort team from Broadmoor Hospital to ensure control and restraint procedures could be deployed (if



necessary). The case involved complex psychiatric/toxicological evidence concerning profound personality disorders in the context of genuinely held delusional beliefs triggered by the consumption of synthetic cannabis (Spice) . The defendant was said to be so dangerous that the prosecution applied for him to give evidence from behind the screens of a secure dock (application denied). The defendant had been serving a IPP sentence for Rape. This conviction was challenged in the body of the trial. This acquittal follows a long sequence of high profile prisoner acquittals in which Joe Stone QC has been instructed. He led Abigail Bright and was instructed by Dean Kingham (Swain and Co)

### **R v D**

D was indicted with two counts alleging rape and attempted rape. Defence at trial was consent. A proactive defence with a detailed defence case statement triggered complex disclosure issues bearing on section 41 issues, bad character and disclosure of sensitive third party medical counselling and psychiatric records. Detailed written submissions led to the prosecution reviewing the case at the highest level and making a formal decision to offer no evidence. Joe Stone QC was privately instructed in R v D by Kimneri Patel at MPR solicitors, London

### **R v X (anonymous)**

Joe Stone QC secures rape acquittal for Cambridge University undergraduate - an undergraduate student at Queens' College, Cambridge, was accused of raping a fellow student from the university in her halls of residence following a drunken night out in November 2014. He was found not guilty by a jury at Cambridge Crown Court following a two week trial. The issue in the case was one of consent and also involved witnesses giving evidence by video link from overseas. The high-profile case has featured heavily in the media both in the UK and in India.

The family released a press statement following the not guilty verdict:

“He would like to thank the jury for their careful consideration of the evidence and fair deliberation in this trial; his family and friends who have supported him throughout these difficult times; Queens' College who have supported him throughout the proceedings and his defence team from MPR Solicitors and Joe Stone QC.”

### **R v Dennis Chisolm**

50 allegations of marital rape (oral, anal and vaginal) over a 2 year period (2010 to 2012). The prosecution case was advanced on the basis of a campaign of rape against the complainant. The defendant was acquitted of all allegations after a full trial.

### **R v Murat Durmus**

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.

### **R v JGB**

Senior US Federal Air Marshall (FAM) accused of rape on a female crew member of the UK Royal Merchant Navy. 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. This was one of the most complex and sensitive rape investigations in the history of the metropolitan police force. The defendant was acquitted of all allegations (anonymity order in force preventing publication of name given case sensitivity) (2009)

## **Drug Cases and "Supergrasses"**

### **R v Abdul Khan**

Allegation of money laundering – Operation Patton – North East Regional Organised Crime Unit investigation targeting organised crime gangs operating in the North East Region

### **R v AW**

Importation of over 50 kilos of Cannabis by Ethiopian Diplomat into the UK – complex issues concerning jurisdiction, diplomatic immunity under the Vienna Convention and Diplomatic Privileges Act 1964 (2012)

### **R v Daljit Singh Jandu**

He was instructed to represent the owner of an international freight haulage company who faced allegations of importing substantial quantities of Class A/B drugs into the UK. It was described by UK customs “as one of the largest importations of ecstasy and amphetamine in recent years”. Joe took the case on appeal (not having done the original trial) as an alleged miscarriage of justice. The conviction and 19 year term of imprisonment were quashed.

### **R v E**

High profile Serious Organised Crime Agency (SOCA) agreement involving a protected witness giving evidence against defendants accused of participation in a firebombing campaign against the homes of officers from the Essex Constabulary.

### **R v H**

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.

### **Government of Spain v Stephen Toplass**

UK truck driver wrongfully imprisoned in Spain for the importation of over 400 kilos of cannabis resin - Joe drafted appeal grounds on this miscarriage case that directly led to an unprecedented royal pardon by the Spanish King.

### **R v B**

The most sensitive supergrass case to date (as at 2019) involving the most feared crime family in London. Joe conducted the case at trial and liaised with the highest echelons of the police/CPS to ensure appropriate terms in the witness protection programme (2006)

### **R v Miguel Casal**

Importation of over 1000 kilos of cocaine into UK - wide ranging international operation mounted by UK Customs by Scotland Yard secretive Special Projects Unit.

### **R v Nathaniel Dass**

The largest customs corruption case to date (as at 2019) - siphoning off high grade customs intelligence by a corrupt customs officer for onward transmission to the criminal community.

## **Criminal Appeals**

**Attorney General Reference (No 69 of 2013): R v Lee William Newell [2014] 2 Cr.App.R**

**(S) 40 - [Archbold 2020 para 5A- 756]**

Leading homicide case on the compatibility of whole life orders with Article 3 of the ECHR (prohibition on inhuman and degrading treatment).

**R v Sardar [2012] Crim.L.R 618 [Archbold 2020 – para 8-92]**

Principles governing whether the jury can retire with copy of ABE (Achieving Best Evidence) Transcript.

**R v Atkins (Dean) and Atkins (Michael) [2010] 1 Cr.App.R 8 [Archbold 2020 – para 14-66]**

Leading homicide case on expert facial mapping evidence.

**Attorney General Reference (No 14 and 15) R v Tanya French [2007] 1 Cr.App.R (S) 40 [Archbold 2020 – Para 5A 138]**

Extent to which guilty plea discount can be disproportionate in crimes of the utmost seriousness (rape of a baby)

**R v Khangura (Sukhjiwan Singh) [2006] 2 Cr.App.R (S) 19 [Archbold 2020 - para 5A 751]**

Leading case on the setting of the minimum term for murder

**R v Neil Jones and others [2006] 2 Cr.App.R (S) 19**

Guidance on fixing the minimum term to be served in cases of murder of exceptionally high or particularly high seriousness

## Financial Crime

**R v AP (anonymity requested)**

Allegation of money laundering (guilty plea) - the largest cash seizure (£1.7 million) by the Metropolitan Police in 2014 at a West London address.