

Richard Thomas



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Profile

"A real powerhouse in the courtroom ... He is regularly instructed in extremely complex cases that attract significant media attention, including those relating to terrorism and ... corruption ... He is an excellent tactician, and looks at every possible angle when preparing a client's defence." - Chambers and Partners, 2020 (Band 1)

"Highly regarded ... incredibly articulate and bright" and "extremely user-friendly". He "has a fierce intellect and there is no doubt he is destined for great things". - Chambers and Partners, 2019 (Band 1)

"Super intelligent, quick-thinking and a man respected by Crown Court judges ... He is an extremely thorough and conscientious lawyer ... highlighted for his ability to talk to clients at a level they can understand"... - Chambers and Partners, 2018 (Band 1)

He is super intelligent, very client-friendly and has the respect of the court." - Legal 500, 2017

"An absolutely fantastic junior who was described by one impressed commentator as 'one of the best junior counsel at the Bar' ... So clever. He's great on the law and the speed at which he comes up with things is just fantastic." - Chambers and Partners, 2017

"He handles a range of matters including sensitive terrorism trials, and war crimes, murder and serious fraud cases ... He is a very bright advocate who knows the law inside out. You have to be on your toes when against him as he is a daunting prospect for any advocate ...

solicitors appreciated his effective advocacy style and collaborative approach and found he is very easy to work with, extremely bright, extremely talented, down-to-earth and a good team player." - **Chambers and Partners, 2016**

Overview

Richard has extensive experience of complex and high-profile trials and appeals. He regularly appears in cases which engage the interface between criminal, public and civil law, and many of his cases involve an international dimension, arising out of multi-jurisdictional investigations or prosecutions. Richard advises individuals, organisations and companies who are seeking to manage the risks of contravening criminal legislation (in particular terrorism and financial sanctions regimes) and is often instructed at an early stage, challenging investigative measures and helping clients manage an overall strategy.

He has a substantial Crown Court trial practice but is a versatile advocate and in recent years has received instructions in the Court of Appeal, Privy Council, Supreme Court, the European Court of Human Rights, and the Administrative, Queen's Bench and Chancery Divisions of the High Court. Richard is also regularly instructed in cases in other common law jurisdictions, predominantly in the Eastern Caribbean, but also Malaysia, Hong Kong and the Isle of Man.

Richard is a Recorder of the Crown Court sitting in crime on the South Eastern Circuit and has also been appointed a Deputy Judge of the Upper Tribunal.

Related practice areas

Criminal Law and Appeals

Extradition

Business Crime and Investigations

National Security and Terrorism

Richard is instructed for the defence in terrorism trials and related extradition, financial and SIAC proceedings. These cases are exceptionally complex and politically sensitive, involving multi-jurisdictional investigations, the involvement of the security services, and highly resourced prosecution teams. Richard has significant experience of challenging the various experts relied upon by the Crown and of the political and theological issues that arise.

Recent cases include:

- **R v Lane & Letts** (Central Criminal Court, 2019): The parents of ‘Jihadi Jack’ were prosecuted for terrorist funding contrary to section 17 of the Terrorism Act 2000 having sent their son, who had travelled to IS controlled Syria, money for glasses and then to fund his escape. The trial was delayed for interlocutory appeals to the Court of Appeal and Supreme Court on the interpretation of section 17 (*R v Lane & Letts* [2018] 1 WLR 3647) and then the trial was further adjourned for another interlocutory appeal to the Court of Appeal on whether the scheme of the Terrorism Act 2000 deprived defendants of the ability to rely on the common law defence of duress ([2018] EWCA Crim 2602). The Recorder of London was persuaded to leave duress on the counts relating to his attempted escape and the jury acquitted on one and were hung on the other (the Crown did not seek a retrial). The defendants were convicted of sending money on one earlier occasion in circumstances where the Crown’s case was that - whilst this was not the defendants’ intention - there were nonetheless reasonable grounds to *suspect* the money *may* have fallen into the wrong hands. The sentences of imprisonment of both defendants were suspended.
- **R v IM** (Central Criminal Court, 2019, ongoing): Allegations of breach of a Terrorist Prevention and Investigation Measure (TPIM).
- **R v Patel** (Birmingham Crown Court, 2019): The defendant was alleged to have been seeking to travel to fight with Islamic State but was arrested in Istanbul following the involvement of US secret service agents, one of whom gave evidence in the proceedings. The case also included evidence obtained under mutual assistance from Germany.
- **R v Sadia Malik** (Kingston Crown Court, 2018): Historic allegations of dissemination of terrorist material relating to Al-Muhajiroun.
- **R v Adam Wyatt** (Birmingham Crown Court, 2018): Possession and dissemination of terrorist materials.
- **R v Umar Haque** (Central Criminal Court, 2018): The defendant was a teacher at a school and mosque in East London and was said to have radicalised over 100 children with the intention of creating a “death squad” who would carry out multiple simultaneous attacks at targets across London.
- **R v Abdallah** (Central Criminal Court, 2017): Allegation of ISIS membership in which the prosecution relied on leaked documents smuggled out of ISIS controlled territory

and published by Sky News.

- **R v Mirza** (Woolwich Crown Court, 2017): Allegation of dissemination of terrorist publications to a sibling who went on to plot an attack in the UK.
- **R v Khobaib Hussain and others** (Central Criminal Court, 2017): Trial of the “Three Musketeers” said to have conspired to bomb a target in the UK. This extraordinary five-month trial, described by the BBC as one of the most vigorously contested trials of the last decade, arose as a result of a joint MI5/undercover police operation running a fake courier company.
- **R v Stimson** (Manchester Crown Court, 2017): This was the first prosecution arising from the ongoing conflict in the Ukraine. The defendant had given a BBC interview whilst with Russian backed militia in the Donbass region and his membership of the militia was said to be a preparatory act of terrorism (defined as using force against the EU-supported government of the Ukraine).
- **R v Kaya** (Leeds Crown Court, 2017): Suspended sentence following conviction for disseminating terrorist materials through Twitter.
- **R v EF** (Central Criminal Court, 2016): Breach of a TPIM.
- **R v Golamaully** (Central Criminal Court, 2016): Husband and wife charged with sending money to a relative who had a notorious online presence and who was fighting with IS in Syria.
- **R v Mohammed Khan** (Central Criminal Court, 2016): Defendant charged with assisting in the transfer of funds to the brother of a friend said to be fighting with IS in Syria.
- **R v Abdalraouf Abdallah** (Woolwich Crown Court, 2016): The defendant was paraplegic having suffered serious injuries whilst fighting in the Libyan Revolution. He was said to have co-ordinated from his bedroom in Manchester the movement of fighters and weapons across Europe and from Libya to Syria.
- **R v Gildo** (Central Criminal Court, 2015): The defendant was a Swedish national who was transiting through Heathrow en route to the Philippines. He volunteered in a Schedule 7 interview that he had travelled to Syria, and then returned to Syria with the full knowledge of the Swedish authorities. Along with the UK, Sweden is a signatory to the Council of Europe Convention on the Prevention of Terrorism but operates a policy of rehabilitation rather than prosecution. It was argued on his behalf that prosecuting in

the UK these circumstances amounted to an abuse of process and that, in addition, when he was in Syria in 2012, the UK security services were involved in the supply of arms to the rebels fighting President Assad and that it would be unconscionable to prosecute in circumstances where the government was encouraging and facilitating the very activity in which the defendant was involved. The defence relied on reports of investigative journalists and pressed for disclosure from the security services as to the veracity of those reports. The Recorder of London was not required to rule as the prosecution, having requested a further adjournment and having consulted with the Attorney General, then offered no evidence.

- **R v R, B, K** (Central Criminal Court, 2015): Allegation of preparing for an act of terrorism relating to the conflict in Syria.
- **R v Shafiq** (Central Criminal Court, 2015): "Jihadi bride" case in which the allegation of assisting in the preparation of a terrorist act arose solely from internet communication.
- **R v Incedal** (Central Criminal Court, 2015): The trial was held under unprecedented levels of security and secrecy on the grounds of national security. The trial was originally ordered to be held entirely behind closed doors but, amidst widespread criticism across the political spectrum, the Court of Appeal (*Guardian News and Media Ltd & Ors v Incedal* (2014) EWCA Crim 1861) varied the order slightly to allow accredited journalists to be present for small parts of the case.
- **R v Tahari** (Central Criminal Court, 2014): This case, linked to that of Moazzam Begg, related to allegations of terrorist funding. Eventually, the cases against all three defendants were dropped.
- **Troitino v Spain** (Westminster Magistrates Court, 2014): Attempt by Spain to extradite former ETA prisoner who had fled the impact of the 'Parot doctrine'.
- **SSHD v Z** (SIAC, 2014)
- **R v Islam** (Kingston Crown Court, 2013) Prosecution for terrorist offences arising from the capture of two journalists (including John Cantlie) in Syria who were shot as they tried to escape and treated by one of the defendants, an NHS doctor.
- **R v A and others** (Central Criminal Court and Court of Appeal, 2013): Prosecution for terrorist offences arising from a plan to bomb an EDL march in Dewsbury.
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A v Police (2013): Cash forfeiture proceedings against a person convicted of a terrorist offence.

Homicide and Related Grave Offences

Richard has extensive experience of homicide cases, both at trial and on appeal.

Recent cases include:

- **R v Abedi** (Central Criminal Court, 2020): Defendant charged with 22 counts of murder arising from the bombing of the Ariana Grande concert at the Manchester Arena in 2017. Ongoing.
- **R v Broughton** (Winchester Crown Court, 2019): The defendant was tried for manslaughter by gross negligence following the death of his girlfriend at Bestival. The two had taken drugs together which the prosecution said he had provided. The case was legally complex: A drug dealer is not criminally responsible for the death of the consumer as the choice to take the drug breaks the chain of causation (*R v Kennedy* (No.2)) and yet by taking the drugs together and remaining with her it was said a duty of care arose (following *R v Evans (Gemma)*).
- **R v Stubbs & Davis** (Privy Council and Court of Appeal Bahamas, both 2018): Stubbs and Davis had been convicted of the murder of a police officer after three trials. Their appeal had been refused by the domestic Court of Appeal but that decision was quashed in July 2018 by the Privy Council on the grounds that one of the judges should have recused himself for apparent bias. The case was remitted to the Court of Appeal of the Bahamas in November 2018 where the appeal against conviction was again refused but the appeal against sentence allowed. The appellants are appealing again to the Privy Council.
- **R v Barghouthi** (Central Criminal Court, 2018): Allegations of conspiring to murder multiple victims. The prosecution allegation was that the plan was stopped at the last minute as a result of audio surveillance, with a co-defendant being shot during the arrest.
- **R v Sardar** (Central Criminal Court, 2015): Defendant tried for murder and conspiracy to murder relating to a number of IED attacks in Iraq during the Second Gulf War in 2007, one of which resulted in the death of a US soldier. Complex trial proceedings

involving evidence arising from an FBI investigation based primarily on a forensic examination of remnants of exploded IEDs. First known use of universal jurisdiction to prosecute for conspiracy to murder.

- **Khan and Hunte v The State** (Privy Council, [2015] UKPC 33): Appeals against murder convictions in the Republic of Trinidad and Tobago and the sentence of death. Seven Judge Board of the Privy Council convened to re-visit the recent previous decision of the Board in *Ramdeen* [2015] AC 562.
- **R v Abdul Hannan** (Canterbury Crown Court, 2014): Defendant acquitted of the murder of a woman whose body was found under the floorboards of his shop.
- **R v Bruce Childs** (Court of Appeal [2014] EWCA Crim 1884): Appellant pleaded guilty in 1980 to 6 murders and gave Queen's Evidence against his co-defendants. The appeal was described by the QC instructed by the Crown as "the most complex forensic case in modern criminal history". The appeal was based on the impact of the appellant's personality disorder on his plea. The appendices to one of the four expert reports ran to 49 Lever Arch files.
- **Jahmel Blakeney v The State**: Application for leave to appeal to the Privy Council from the Court of Appeal of Bermuda against convictions for attempted murder. Issues arising as to admissibility of "gang" expert evidence and the accuracy of expert evidence of low copy-number DNA and gun-shot residue (GSR). Richard is currently instructed in a number of cases on appeal to the Privy Council in which the use of GSR evidence is challenged.
- **R v Jewell** (Court of Appeal [2014] EWCA Crim 414): Appeal against murder conviction. Challenge to role of the trial judge in removing the defence of loss of control.
- **R v M** (2014): Application to the Criminal Cases Review Commission following conviction of a youth for murder on a joint enterprise basis.

Regulatory and Financial Crime

Richard has been instructed in substantial fraud and money laundering trials and related confiscation proceedings. In addition, he has experience of the interconnected civil proceedings relating to asset forfeiture and the proceeds of crime and has been instructed in this regard in cases in the Administrative Court, the Chancery Division and the Court of

Appeal Civil Division. He has been instructed in numerous applications for certificates of inadequacy, in management and enforcement receivership proceedings in the High Court and regularly appears for respondents in civil cash forfeiture applications made by the Metropolitan Police and Revenue and Customs. Richard is recognised by Legal 500 to be a leading junior in the field of fraud and he is co-author of the *Blackstone's Guide to the Proceeds of Crime Act 2002* (OUP 2015, 5th ed.). Instructions include:

- **SFO v Gerald Smith:** The SFO and Receivers are seeking to realise the outstanding £70 million of the confiscation order from assets obtained by Dr Smith in commercial litigation. Over twenty individuals and companies are asserting competing proprietary rights and the case is listed for trial in the Commercial Court for ten weeks commencing January 2021.
- **R v Hassan Hussain:** Company Director acquitted of £25 million excise fraud.
- **Police v JW:** Application for an account freezing order over the client account of a leading firm of solicitors. The alleged criminality involves BitCoin trading and mining.
- **Private Prosecutor v A Company:** A commercial dispute between two companies escalated in the Israeli company commencing a private prosecution against the UK company and two of its directors. Judicial review proceedings were required to gain injunctive relief against unlawful investigative measures and the prosecution did not proceed beyond dismissal.
- **A v B:** A reputable commercial solicitor faced a private prosecution for conspiracy to defraud. An application for judicial review of the summons was made, achieving interim relief which stayed further progress of the case avoiding a court appearance, whilst simultaneously successfully applying to the Director of Public Prosecutions to take over and stop the case.
- **In the matter of X:** A Dubai based individual facing a s.2 SFO notice that ranged widely over his international business dealings.
- **In the matter of Company Y:** Operations of UK based but BVI registered company severely hampered by the imposition of a management receiver. Application to revoke the order.
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In the matter of Hidrey (High Court, CJA 46 of 2016): Application for a certificate of inadequacy arising from the inability to access financial assets in a war-torn part of East Africa.

- **R v Gohil**: Solicitor facing multi-million pound confiscation proceedings following his conviction, along with a former governor of the Delta province in Nigeria, James Ibori, for involvement in corruption in Nigeria.
- **R v X**: Operations manager facing fraud allegations arising out of the delivery of large government welfare to work contract (A4E).
- **R v Bharion**: £100 million + loss to Virgin Media arising from international fraud to decrypt transmission of digital television.
- **R v AY**: Defending solicitor at leading criminal firm charged with fraud.

Richard has a wide experience of regulatory work, defending both companies and individual directors: In recent years, this work has included representing individuals and companies facing prosecutions or other adverse measures by the regulators. Richard also represents individuals and companies facing and has represented both solicitors and barristers facing criminal charges. He advises organisations and companies seeking to manage the extent to which their activities in the UK and overseas might contravene terrorism and sanctions regimes.

- **In the matter of B**: Advising a charity seeking to undertake work relating to public authorities in Lebanon and Jordan as to how best to avoid contravening terrorism and sanctions laws.
- **In the matter of S**: Advising an organisation seeking to undertake research and investment in Somalia as to how best to ensure UK terrorist legislation and international sanctions regimes are not contravened. Worked in conjunction with US lawyers.
- **In the matter of Y**: Advising a large training organisation in India who were regulated by the Maritime and Coastguard Agency in the UK and whose licence had been suspended.
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Anwar v National College of Teaching and Learning ([2016] ELR 459 [2016] ACD 127): High Court appeal against prohibition orders made by the NCTL against teachers implicated in the 'Trojan Horse' controversy in Birmingham Schools. Findings made of serious procedural impropriety and appeals allowed.

- **R v Friend and others:** Defending a prosecution brought by DEFRA relating to the sales of unauthorised veterinary medicines. The allegation involved multi-million pound trading in India, Russia and Europe.
- **R v Guney:** Defending director of a cemetery prosecuted by the Environment Agency for alleged breaches of EC Waste Directive.
- **R v E:** Defending a director in a prosecution brought by the Department for Business Enterprise and Regulatory Reform relating to irregularities in winding up proceedings before the High Court.
- **R v A Ltd:** Advising a company in a local authority prosecution for breaches of EC food storage regulations.
- **R v P:** Defending a company in a Health and Safety Executive prosecution following two deaths on a farm.
- **R v X Ltd:** HMRC prosecution for breaches of VAT regulations.

Other Serious Criminal Offences

As a trial advocate, Richard has been instructed in cases of attempted murder and other allegations of serious violence, the importation of Class A drugs, and rape and other sexual offences. He is a contributing author to *Human Rights in the Investigation and Prosecution of Crime* (OUP, 2009).

Recent cases include:

- **R v Gurjee:** A grenade attack on a businessman's house as part of an attempt to retrieve funds lost in a failed investment in West Africa resulted in the defendants being charged with conspiracy to cause explosives and with blackmail.
- **R v Doyle and others:** The defendant faced conspiracy allegations arising from the raid on the Hatton Garden Safe Deposit Company by a gang of septuagenarians. The

case attracted widespread media interest and has now given rise to a string of second-rate films.

- **R v Rae:** The defendant sought to obtain automatic weapons and grenades from undercover police officers as part of a plan to attack the Family Court.
- **R v Williams:** The defendant was released from prison having served 27 years of a life sentence for manslaughter and then soon after attacked a neighbour stabbing him repeatedly. This case of attempted murder involved complex psychiatric evidence (which was obtained following a successful judicial review of the Legal Aid Agency's refusal to pay the hourly rate charged by the leading expert instructed by the defence).
- **R v X:** Rape allegation in which the Crown attempted to proceed both on the basis that the complainant was too intoxicated to consent or that she was able to consent but did not do so.
- **R v Collins and 8 others:** Multiple shootings by organised gang at the police on the ground and the police helicopter during the Birmingham riots. This was the most serious case arising from the nationwide disorder of summer 2011 and the only case to be charged as riot. Seven-week trial in front of the Recorder of Birmingham.
- **R v Flinders:** Significant importation and distribution of Class A drugs throughout the Midlands and North of England. Two-month trial involving a significant challenge to the use of probe evidence.
- **The 'Ratcliffe Power Station' protest:** The Crown offered no evidence following an abuse of process application made on the basis of evidence emerging that Mark Stone/Kennedy had been operating as an undercover police officer. The case led to the numerous public inquiries and investigations into undercover policing which are still ongoing.
- **R v X:** Attempted Murder involving a stabbing to the heart.
- **R v LB and 10 others:** Domestic and international car ringing conspiracy.
- **R v YB:** Defendant with mental health problems charged with rape.

Criminal Appeals

Richard has a substantial appellate practice and has been involved in many appeals against conviction and sentence to the Court of Appeal as well as the House of Lords, Supreme Court, Privy Council and European Court of Human Rights. Reported judgments have described his appellate advocacy as “*a model of an appeal before these courts*” (Fulford LJ, Wang) and “*a model of clarity*” (Carr J, Kelly). He also has significant experience of applications to the Criminal Cases Review Commission. He is regularly instructed at the appellate stage and reported cases in which he has been involved have addressed issues including constitutional arguments, abuse of process, Article 6 ECHR and reverse burdens, the incorporation of international human rights instruments and sentencing guidelines. He is a contributing author to the second edition of *Taylor on Appeals* (OUP, 2012)

Recent cases include:

- **Saunders v The Queen** (Privy Council, [2020] UKPC 4): Appeal from the Court of Appeal of the Bahamas on grounds of failing to disclose DNA samples and unfairness of the summing up.
- **R v Lane & Letts** (Court of Appeal, [2018] EWCA Crim 2602): The Court of Appeal rejected the Crown’s argument that the scheme of the Terrorism Act 2000 meant that defendants could not in principle rely on the common law defence of duress.
- **R v Davis and others** (Privy Council, [2018] UKPC 30): Appeal from the Court of Appeal of the Bahamas allowed on the basis one of the Court of Appeal judges should have recused himself for apparent bias.
- **R v Salman Malak** (Court of Appeal, [2018] EWCA Crim1693): Appeal allowed on the basis of the guilty plea was entered as a result of erroneous advice from his representatives at trial.
- **R v Lane & Letts** (Supreme Court, [2018] 1 ELR 3647): The Court considered whether the words “reasonable grounds to suspect” in section 17 of the Terrorism Act 2000 required actual suspicion on behalf of a defendant.
- **R v Lovelace** ([2017] UKPC 18): The mandatory time limits in death penalty cases in St Vincent and the Grenadines (and with it the Eastern Caribbean) which had been inherited on independence were declared unconstitutional: “*Different times, different mores*” (per Lord Kerr).
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R v Abdalraouf (Abdallah) (Court of Appeal, [2017] 1 WLR 1699): Cross appeal and A-G's Reference addressing the assessment of dangerousness in terrorism cases.

- **R v Sardar** (Court of Appeal, [2017] 1 WLR 917; [2017] 1 Cr App R 15; [2017] Crim LR 500): The appellant had faced trial for killing a US soldier in Iraq. He had sought to call witnesses who refused to give their names to the prosecution due to security fears but were prepared to give their names to the judge if they could be granted anonymity. The appeal addressed the anonymity regime, hearsay, and fresh evidence.
- **R v Gassama** (Court of Appeal [2017] EWCA Crim 86:) Appeal against sentence imposed for fraud offences.
- **SXH v CPS** (Supreme Court, [2017] 1 WLR 1401): A private law claim appeal relating to a damages claim following the quashing of a conviction.

Examples of his previous cases are:

- **R v Chikho** (Court of Appeal [2016] EWCA Crim 2300): Conviction following guilty plea quashed on the basis of inadequate advice from previous representatives.
- **R v Lewis** (Court of Appeal, [2015] 1 Cr App R (S) 38 [2015] Crim LR 235): Challenge to the use of consecutive sentences to circumvent the statutory maximum sentence for firearms offences.
- **Shazad Khan v The State** (Privy Council, [2015] UKPC 33): The appellants had been convicted of murder in the Republic of Trinidad and Tobago and sentenced to death. Seven-Judge Board convened to address the Respondent's application to re-open the previous decision of the Board in *Ramdeen* as to whether constitutional arguments can be raised for the first time in the Privy Council.
- **R v Bruce Childs** (Court of Appeal [2014] EWCA Crim 1884): The appellant had pleaded guilty in 1980 to 6 murders and gave Queen's Evidence against his co-defendants. The appeal was described by the QC instructed by the Crown as "the most complex forensic case in modern criminal history". The appeal was based on the impact of the appellant's personality disorder on his plea. The appendices to one of the four expert reports ran to 49 Lever Arch files.

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R v Chukwu (Court of Appeal, [2014] EWCA Crim 1405) Conviction of a soldier following his guilty plea overturned on the basis that advice given to him by his previous legal representatives was inadequate.

- **R v Jewell** (Court of Appeal, [2014] EWCA Crim 414): Judge's role in removing defence of loss of control.
- **R v Mateta and others** (Court of Appeal, [2014] 1 WLR 1516; [2013] 2 Cr. App. R. 35; [2014] Crim.L.R. 227): Special Court convened to give guidance on appeals arising from a failure to advise on the statutory defence in section 31 of the Immigration and Asylum Act 1999.
- **R v Jewell Uddin and others** (Court of Appeal, 2014) Appeal against lengthy EDS imposed for terrorist offences.
- **Jahmel Blakeney v The State** (Privy Council, 2014) Application for leave to appeal from the Court of Appeal of Bermuda against convictions for attempted murder.
- **Bauer and others v DPP** (Liberty intervening) (High Court, [2013] 1 WLR 1617): Appeal arising from the conviction of UKUncut protestors in Fortnum and Mason. Case addressed special relationship between Articles 10 and 11 ECHR and joint enterprise.
- **R v LZ** (Court of Appeal, [2012] EWCA Crim 1867) Conviction of victim of trafficking quashed despite guilty plea.
- **R v T** (Footwear Evidence) (Court of Appeal, [2011] 1 Cr App R 9): Murder conviction quashed following challenge to use of Bayesian analysis by forensic scientists.
- **Tillett v The Queen** (Privy Council, [2011] UKPC 21): Appeal against murder conviction from Court of Appeal of Belize.
- **R v Rahma Mohamed** (Court of Appeal, (2011) 1 Cr App R 35): Refugee's conviction overturned (despite guilty pleas) following erroneous advice as to the statutory defence.
- **R v Marangawanda** (Court of Appeal, [2009] EWCA Crim 60): Appeal against convictions imposed for s.20 GBH based on reckless transmission of disease.
- **R v Asfaw** (UNHCR intervening) (House of Lords, (2008) 1 AC 1061): Constitutional argument on extent to which defendants can rely on unincorporated human rights treaties.
- **R v Anthony Willis** (Court of Appeal, 2007, judgment withheld): Murder conviction

quashed.

- **R v Kirton** (Court of Appeal, [2007] EWCA Crim 1908): Life sentence imposed on grounds of dangerousness quashed.
- **R v (1) Weng (Da Hua) and (2) Wang (Guo Xing)** (Court of Appeal, [2006] 1 Cr. App. R. (S.) 97): Chelmsford Crown Court criticised for approach taken in sentencing foreign nationals.
- **Soe Thet v DPP** (High Court, (2007) 2 All ER 425, [2007] INLR 71): The Lord Chief Justice's ruling emasculated the prosecutions regime introduced in section 2 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004.
- **R v Asfaw** (Court of Appeal, [2006] Crim. L. R. 906): Lord Chief Justice rules on extent to which defendants can rely directly on rights afforded under international human rights treaties. Abuse of process arising out of CPS policy.
- **R v Wang (Bei Bei)** (Court of Appeal, [2005] 2 Cr. App. R. (S.) 79): First sentencing case under new "no document" legislation. Sentence significantly reduced and recommendation for deportation overturned.
- **R v Embaye (Senait Tekie) and Navabi (Fraydon)** (Court of Appeal, The Times, December 5th 2005, [2005] EWCA Crim 2865): Compatibility of the reverse burden with Article 6 ECHR, statutory interpretation, the principle of legality and incorporation of international human rights instruments.

Crime Related Public and Private Law

Richard advises and appears in challenges by way of judicial review or case stated to decisions made relating to criminal justice. This includes challenges to investigative measures and interlocutory rulings in the early stages of a prosecution. He is also currently involved in a number of innovative private law claims in which clients are seeking damages arising from misfeasance in public office and wrongful prosecutions.

Recent cases include challenges by way of judicial review to a decision by an enforcing court not to adjourn the application for a warrant of committal; to the decision of a court to issue a summons in a private prosecution against a solicitor; against the issuing of witness summons to a private prosecutor which resulted in disclosure of confidential financial documentation; against a regulator for using improper procedure when withdrawing a licence; to the decision

to prosecute a victim of trafficking and to the decision not to prosecute the alleged perpetrator of a sexual offence; to the CCRC's decision not to refer a murder conviction to the Court of Appeal; and to the decision of the Central Criminal Court to award costs against a defendant acquitted of conspiracy to murder.

Courts Martial

Richard appears for military personnel charged with criminal offences both in the UK and when serving abroad, particularly Germany. He has experience of cases involving offences committed shortly after returning from operational service and issues surrounding whether the army have properly managed that return and the impact that tours in Afghanistan and Iraq had on the offending behaviour. He has been instructed to defend Army and RAF personnel charged with violent and sexual offences as well as the military offences of AWOL and desertion.

International Crime

Richard has been instructed in cases in, and appeals to the Privy Council from, Grenada, Turks and Caicos, Trinidad and Tobago, Bermuda, the Bahamas, St Vincent, the Grenadines, the British Virgin Islands, Malaysia and Hong Kong, and appeared in the final criminal appeal to the Privy Council from Belize. He has wide experience of working collaboratively with local lawyers and has a significant advisory practice in those jurisdictions. He has advised organisations operating in conflict zones globally as to the impact their activities may have on counter-terrorism and financial sanctions regimes. He has also represented a UK citizen who had been incarcerated in Laos for six years and negotiated, through the FCO, his transfer to the UK.

Media

Richard advises the print and broadcast media in relation to potential criminal liability arising from both the process of the investigation and the publication or broadcast. His experience as a criminal practitioner in high profile criminal trials attracting significant media interest allows him to give practical and robust advice. He has particular experience in counter-terrorism legislation. Richard was instructed in both the Crown Court and Court of Appeal proceedings in the first criminal trial to be held largely behind closed doors (*Guardian News and Media Ltd & Ors v Incedal*)

(2014) EWCA Crim 1861 and has recently appeared in another lengthy terrorism trial at the Central Criminal Court in which parts of the case are in camera. It follows he has a good knowledge of the law relating to reporting restrictions and the open justice principles.