



Crime Issue 1

AUGUST 2025

QEBrief
HOLLISWHITMAN

Welcome

I am delighted to welcome you to the inaugural issue of QEBrief Crime!

The title is the brainchild of Alex Mullen, and the contents the product of the hard work of a marvellous team of sub-editors and contributors, who are named throughout this newsletter.

The idea is that this quarterly newsletter should be an inviting breakfast or train journey read for crime practitioners and students, providing a summary of recent appellate judgments, a feature on an important chambers case, a

short article of practical value, a less formal insight into a member of chambers, and an update on chambers' news and events.

My thanks to the whole team, in particular our new marketing manager, Tilly Hawkins. Do come back to me with any feedback or ideas for future issues.

In this issue, Oliver Mosley explores the issues in the 'Manchester 10' appeal, Tom Lambert tells us who would play him in a movie, Alex Felix KC and Steve Bird advise practitioners to check the

location of the defendant's charge, and Faye Stimpson summarises recent chambers news and events.

I hope you enjoy reading this as much as we have enjoyed compiling it and that QEBrief Crime becomes a regular addition to your working life.

Ali Naseem Bajwa KC (Editor)



Case Round Up

R v Russo and others [2025] **EWCA Crim 169**

The appellants appealed against their convictions for conspiracy to commit an offence under s. 46 of the *Serious Crime Act 2007* (encouraging or assisting offences believing one or more will be committed) relating to the supply of encrypted mobile phones to persons involved in drug trafficking. They argued that the offence with which they were charged was not known to law.

The CACD dismissed the appeals, holding that conspiracy to commit an offence under s. 46 is an offence known to law and is distinct from aiding and abetting or attempting to commit an offence. The court also held that there was sufficient evidence for the jury to infer the appellants knew the devices would be used for drug supply and that questioning by the judge did not render the trial of one appellant unfair.

R v Hallam and others [2025] **EWCA Crim 199**

The appellants had been sentenced for offences committed in connection with climate change protests in the name of Just Stop Oil in 2022. Immediate custodial sentences had been imposed. **Jocelyn Ledward KC** appeared for the Crown in one of a series of conjoined appeals.

The CACD emphasised that normal sentencing principles apply in cases of non-violent protests, as per *R v Trowland*. Conscientious motivation fell to be assessed under culpability. ECHR Articles 10 (freedom of expression) and 11 (freedom of assembly) were relevant even if they did not amount to a defence but they did not preclude findings of high culpability. The fact that expressions of opinion involved criminal trespass and the commission of offences "significantly weakened" these ECHR protections.

The court cautioned against referring to sentencing outcomes in different cases and to treating a sentence imposed by an authority like *Trowland* as a benchmark due to the risks of "undesirable and unwarranted sentence inflation." However, the Court held that the sentencing judges were entitled to find high culpability and significant harm, given the disproportionate and extreme nature of the protests rather than the mere expression of views. The court largely upheld the sentences imposed but allowed some appeals in part for being manifestly excessive, failing to account for conscientious motivation/Articles 10 and 11 and to "reduce sentence inflation".

R v Vania [2025] **EWCA Crim 172**

The appellant was involved in an attempted robbery in 2018, when he was 19 years old.

The incident involved significant violence, including the use of a knuckleduster. He was convicted after trial and sentenced to 7 years' imprisonment.

Despite the offending being described as "vicious and serious", the CACD reduced the sentence to one of 5 years' imprisonment. The court held that various aspects of mitigation were not given sufficient weight, and in fact "almost balanced off" the aggravating factors present. Importantly, five years had passed in between the attempted robbery and the eventual sentence for the same. The court held that the recorder had not sufficiently accounted for the appellant's young age at the time of the offence and the rehabilitation efforts made in the years since.

R v Karim [2025]
EWCA Crim 206

The 70-year-old appellant was convicted in 2024 of indecent assault against a 13-year-old pupil while he was a sports coach in the early 1990s. He had previously been sentenced in 2018 to 10 years' imprisonment for sexual offences against six other pupils at the same school. The single ground of appeal was that insufficient weight was given to the temporal overlap between the offending in the present case and the offending relating to his prior sentence.

The CACD found the original 12-month term did not sufficiently reflect the sentencing principles in *R v Cosburn* and *R v Green*. To ensure proportionality, the sentence was reduced to one of 15 months' imprisonment.

Compiled by QEB HW pupils:

Katie McLean, Jonathan Waghorne-Brown,
Nora Nanayakkara, Gabriel Neophytou

Sub-editor: Alex Mullen

R v ALJ [2024]
EWCA Crim 1600

The appellant had faced charges of sexual assault. His defence amounted to a straight denial and consent was never raised. In his legal directions, the trial judge said he did not intend to give the jury the legal meaning of consent as it was not D's case, but that they could request further directions if they felt assistance was needed. On appeal, it was argued the trial had been unfair as consent was an element of the offence and therefore required jury direction.

The CACD disagreed, holding that the direction was not unsafe as there was no evidence on which a properly directed jury could have concluded that the complainant consented. The Court noted that "*The Crown must of course satisfy the jury by proving any element of an offence that is in issue. But that does not mean that the Crown must go through the rigmarole of proving matters that are not.*"

R v Kurtev [2025]
EWCA Crim 149

During an argument, the appellant hit another man over the head with a chair. He was charged with s. 18 GBH and pleaded not guilty. When the victim later died, the appellant was charged with murder. He again pleaded not guilty. At arraignment, the Crown indicated that a plea to manslaughter would not be acceptable. However, on the first day of trial, it reversed its position, causing the appellant to change his plea. The trial judge found that in light of the "rather unusual" circumstances, a reduction of 25% was appropriate.

The CACD held that the "vacillation" by the Crown was irrelevant. The appellant had consistently maintained self-defence, which did not arise on the facts. The exception of F3 of the Reduction Guideline did not apply and a reduction of 10% was substituted. The sentence was increased from 3 years 9 months' to 6 years' imprisonment. **Philip McGhee** appeared for the Crown.

Case Spotlight

The 'Manchester 10'

Gangs evidence unravelled and mistaken identity

In November 2020, following a series of violent clashes between the M40 and RTD gangs, including the murder of John Soyoye, Ademola Adedeji and nine others were alleged to have conspired in a Telegram chat to attack and kill members of RTD.

Four men were subsequently convicted of conspiracy to murder and six, including Adedeji, of conspiracy to cause GBH with intent. Seven of them challenged their convictions (*Oni & Others* [2025] EWCA Crim 12).

Oliver Mosley, instructed by Clifford Chance LLP and led by Tunde Okewale OBE, intervened in the appeal of Adedeji on behalf of JUSTICE.

JUSTICE's intervention exposed a familiar picture: the M40 evidence was central to the Crown's case but it rested on weak assumptions. Adedeji's membership was evidence by drill videos, his friendship with Soyoye, his occasional wearing of a blue bandana, and a picture of him holding cash to his ear. The Crown had failed to call a qualified expert on gangs, relying instead on the officer in the case. JUSTICE raised issues about racial stereotyping, adultification of black defendants, and the misinterpretation of drill music as evidence of criminal activity, without appropriate judicial directions to remedy the inevitable prejudice.

One of Adedeji's problems on appeal was that most of the gang evidence had not been challenged at trial. In the Court of Appeal's view, there was no compelling reason to admit new expert evidence undermining the gang narrative.

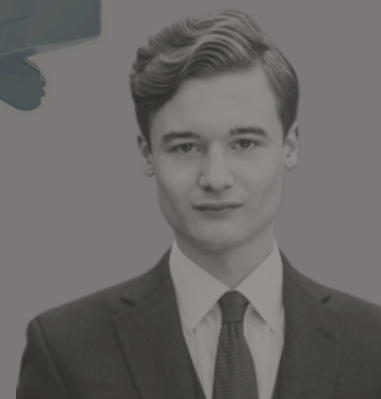
However, Adedeji had managed to locate a man named Tyrone Numa, who confirmed he and not Adedeji (who had always denied it) was the person in the M40 drill videos. The Court of Appeal allowed Numa's fresh evidence and found that the identification of Adedeji in that video was wrong.

The Court commented that, like other applicants, Adedeji's Telegram messages alone could have been enough to base a conviction, but it was impossible to ignore that the Crown had relied on the video as evidence of gang membership and to attack his credibility given his 'false' denial that he was the man in the video. Adedeji's conviction was unsafe and no re-trial was ordered.

Adedeji is ultimately authority as a fresh evidence case only; most of the gang evidence was held to be permissible. But the case demonstrates the danger of not challenging a 'gang narrative' at trial. Gang membership often rests on disparate strands of evidence. If, as in this case, one strand is found unreliable, the whole of the Crown's case can be caused to collapse.

Following his work in this appeal, **Oliver Mosley** was nominated for the *Advocate* Young Pro Bono Barrister of the Year award.

Compiled by:
Oliver Mosley



Under Oath

Tom Lambert

Can you tell us a little about your decision to become a barrister?

At 25, after four years as a professional actor, I became disillusioned with the uncertainty of that life. The pandemic pushed me into a slightly more stable career as a barrister. Friends joke I'm still acting, just in a wig and gown. However, being a barrister brings me greater fulfillment through direct client interactions and a more meritocratic profession. I am inspired daily by everyone I work with - barristers, clerks, solicitors and court staff alike.

If you weren't at the Bar, what would you be doing?

Probably still (mostly not) working as an actor.

What was the oddest question you were asked during the pupillage process and how did you answer?

It was during the pandemic and I had 30 seconds to list uses for a bucket. After the usual answers (fill with sand, change a lightbulb), I said "You can bang two buckets together to thank the NHS." I still cringe and sweat thinking about this, the most hideously virtue-signalling answer imaginable.

What has been your best moment in court so far?

Any acquittal (when defending!) is amazing. My heart races between the tannoy calling people into court and the verdict being given. When those two words 'not guilty' are uttered, you can feel the client's stress evaporate, and being part of that is hugely special.

And tell us about a court experience you'd rather not repeat!

I spent 30 minutes cross-examining a complainant in a joint-enterprise robbery trial. After showing the CCTV, the complainant identified my client, saying, "Oh, that guy didn't rob me, he helped me." The prosecution offered no evidence soon after, and I apologised for giving my client's saviour a hard time!

What criminal offence would your pet be charged with & why?

My parents have two dogs - Pepper and Minty. Pepper would be charged with coercive and controlling behaviour (very manipulative but would charm the jury). Minty? A repeat offender with a long record of butter theft.

Quick Fire Round

How would your friends describe you?
I dread to think.

Who would play you in a movie?

Let's be honest, I'd probably want to play myself.

Guilty pleasure: Singing 'Bad Day' by Daniel Powter at karaoke.

Mastermind subject
Swindon Town, 2011/12 season.

Desert Island Disks

You know the deal. Eight tracks, a book and a luxury item:

Track 1: *All My Friends* by LCD

Soundsystem: This song has soundtracked some of my most euphoric moments, and shouting its best lyric at my best mate Ben never gets old.

Track 2: *Racing In The Street* by Bruce Springsteen (*Live at The Paramount Theatre version*): The only sad song I've allowed, its haunting build and emotional weight make it unforgettable, especially the last 4 minutes when performed live.

Track 3: *Only God Knows by Young Fathers*: A blistering, brilliant track tied to the *Trainspotting 2* soundtrack and a lot of joyful memories.

Track 4: *Under Pressure* by Queen (and David Bowie): When I was younger, I had a chunky Philips CD/Radio player. The only two albums I had were Queen's Platinum Collection and Simon & Garfunkel's Greatest Hits, which I wore through on rotation before bed (I was/am not cool). Under Pressure completely blew my mind: two of the greatest voices of their generation at the top of their game.

Track 5: *Dancing On My Own* by Robyn: A flawless pop song and my DJ cheat code. Plus it fits, because on the island I will be dancing on my own.

Track 6: *Light of a Clear Blue Morning* by Dolly Parton: This song of hope would be my desert island pick-me-up.

Track 7: *Piano Concerto No1* by Tchaikovsky: I should include a classical song. I don't listen to much classical music, but my dad, a piano composer, is obsessed with it. Blasting this with him on Welsh mountain roads is a core memory I'd want to keep alive.

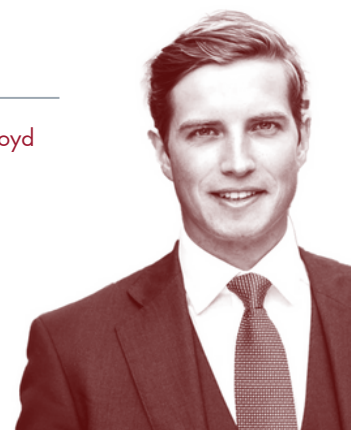
Track 8: *There She Goes, My Beautiful World* by Nick Cave: A barnstormer from my favourite poet in black, and a reminder to stay in awe of the world... even in isolation.

My book: *Any Human Heart* by William Boyd: A moving, sharply observed portrait of a flawed life through the 20th century, in which I reluctantly see a bit of myself.

My luxury item: *Goggles*: If I am on my own on a desert island, I would at least want to be able to swim around and see the fish.

Sub-editor: Katherine Lloyd

Find out more about Tom on our [website](#).



Opinion

Ideas outside their station

Does the magistrates' court have jurisdiction where the police purport to charge a defendant at his home, or indeed anywhere other than a police station?

The defendant was alleged to have committed a common assault on 21 August 2023, for which he was arrested four days later. He was bailed, to return on 22 February 2024 - the day of the 6-month statutory maximum for commencing proceedings (s. 127 *Magistrates' Courts Act 1980*).

On the evening of 21 February 2024, police attended his home, purported to charge him, and bailed him to attend the magistrates' court on 7 March 2024. He duly attended court on that date, unrepresented, and a trial date was fixed.

Where a matter is being prosecuted by the CPS, s. 15(2) *Prosecution of Offences Act 1985*, provides two mechanisms for instituting proceedings:

"(ba)... a written charge and requisition for the offence, when the written charge and requisition are issued;

(c) where a person is charged with the offence after being taken into custody without a warrant, when he is informed of the particulars of the charge; *[emphasis added]*"

In the factual matrix set out above, there was no suggestion that the prosecution had sought to adopt the written charge and requisition process.

As regards instituting proceedings by the charging process, s. 37B(8) (a) *Police and Criminal Evidence Act 1984* provides that a person is to be charged with an offence:

"when he is in police detention at a police station (whether because he has returned to answer bail, because he is detained under section 37(7) (a) above for some other reason)..."

There is then no power to charge outside a police station and proceedings will not have been instituted.

Any attempt to clothe the court with jurisdiction on the grounds that it can deal with a defendant whose attendance is secured by whatever means, provided that any other pre-condition for jurisdiction is satisfied, on the basis that it is the laying of the information which gives rise to the Court's jurisdiction, must fail.

Caselaw concerned with irregularity in form, service of execution of the summons and such appearance are to be distinguished and will not of itself give justices jurisdiction where they have none (*Johnson v Colam* (1875) LR 10 QB 544, DC).

In any event s. 29(4) *Criminal Justice Act 2003* precludes a relevant prosecutor (the CPS) from commencing proceedings by way of the laying of an information.

It is vital to ensure that proceedings have been properly instituted within the time limit. Any attempt to circumvent the statutory framework is likely to give rise to a lack of jurisdiction, precluding the Court from hearing the case.

Authored by:

Alexandra Felix KC, QEB HW
and Steven Bird, Hodge Jones & Allen Solicitors

Sub-edited by: Adam King, QEB HW



The Engine Room

Welcome to a news bulletin from the clerks' room hub at QEB Hollis Whiteman



Career Highlights, Appointments & Awards

We'll start with the wonderful news that Rebecca Harris was formally sworn in as King's Counsel in March — a major milestone in her distinguished career across crime, regulation, and public law.

Rachna Gokani, Tom Broomfield and Tom Doble have been appointed as Recorders, further enhancing their professional standing.

Lydia Barnfather has been honored with the title 'Professional Discipline Junior of the Year', while Fallon Alexis received the 'Future Leader for Diversity & Inclusion' award at the Chambers & Partners UK Bar Awards 2024.

Selva Ramasamy KC has taken on the role of Steward of Appeal for the British Boxing Board of Control (BBBC).

The Prime Minister has extended Nicholas Griffin KC's role on the Security Vetting Appeals Panel. This follows his appointment to the World Anti-Doping Agency Compliance Review Committee.

QEB Hollis Whiteman has been ranked Band 1 in Chambers & Partners' 2025 High Net Worth Guide, with ten members individually recognised for excellence. We have been praised for our intellectual depth, standout silks, and exceptional juniors.



Team Updates

In the clerks' room, we bid farewell to Sam Window in February and welcomed Nathan Warren and

Raphael Evangelista as Diary Clerks, Katie McClean as Junior Clerk, Tilly Hawkins as Marketing Manager, and Kiran Mangat as EDI and Outreach Officer.

Anna Draper joins QEB Hollis Whiteman following the successful completion of her pupillage. Additionally, Allison Clare KC, Jonathan Polnay KC, and Senghin Kong have joined chambers, further bolstering our team of advocates.



Inclusion Insights

As part of our ongoing commitment to Equality, Diversity, and Inclusion (ED&I), we hosted an immersive mock trial for Bacon's College in April. This annual event aims to make the Bar more representative and accessible to all. The mock trial followed our exhibition at their Career Fair, with Fallon Alexis leading efforts to inspire, connect, and empower young people.

We are delighted that Adrian Darbshire KC, Selva Ramasamy KC, Kyan Pucks, and Oliver Mosley of QEB Hollis Whiteman have all been featured on the Pro Bono Recognition List.

In June, the QEB Hollis Whiteman team took part in the London Legal Walk, joining thousands across the profession to raise funds for frontline legal services. We're proud to support access to justice and grateful to all who donated. Thank you to the organisers and everyone who walked alongside us.



Group Activities

In March, we continued our longstanding tradition with the mock trial against 6KBW Chambers at the Old Bailey. Our pupils competed against one another just before they took to their feet in the final part of their pupillage. We now have 4 pupils in action, supporting our clients across all areas of our practice.

In July, we continued our longstanding tradition of the summer cricket match against 3RB at Chiswick Cricket Pavilion. Play resumed during sunny pauses between biblical downpours and thunderstorms. The day also featured the annual Bake-Off, swiftly followed by an equally impressive eating 'competition' — decisively won by the attending toddlers.



Life Events and Milestones

We are delighted to share that Arabella MacDonald and Philip Stott welcomed their second son, Felix, in January, and Rachna Gokani gave birth to her daughter, Anjali, in late July.

With great sadness, we announce the passing of John Hilton KC on 28 May 2025. John was a beloved member of Chambers since the early 1970s — mischievous, cultured, brilliant — and a lasting influence on the Bar and on all who knew him. He died peacefully, surrounded by family, with opera playing. A memorial will be held in the autumn; details will be published on our website.

Compiled by Faye Stimpson





Keep up to date with all things QEB,
with news, insights and more on our socials.



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