



**Crime Issue 3**

---

JUNE 2026

**QEB**rief  
HOLLISWHITEMAN

# A Word from the Editor

**Welcome to the third edition of QEBrief Crime, our newsletter covering developments in criminal law.**

In this issue, Spotlight features the indefatigable David Jeremy KC's success (at the third time of asking) in the Maids Moreton murder appeal of *R v Ben Field*. We endorse these words in the Court of Appeal's judgment: "Mr Jeremy's remarkable tenacity in these proceedings does him great credit."

As usual, our current pupils provide an update on six recent cases in the Court of Appeal, we cross-examine our brilliant three new tenants, Katie McLean, Nora Nanayakkara and Gabriel Neophytou, and Faye Stimpson gives us all the recent news from the chambers engine room.

I must express my gratitude to the whole team of contributors and sub-editors for so expertly putting this edition together and I wish all our readers a wonderful summer; a season in which the biggest issue in the criminal justice system is the government's proposal to curtail the right to trial by jury.

Very many members of the profession are working commendably hard to cause this policy to be either defeated or abandoned. I hope that we'll be able to celebrate some good news on that front in our fourth edition of QEBrief Crime later this year.

**Ali Naseem Bajwa KC (Editor)**



## Case Round Up

**R v Martin [2025]**  
EWCA Crim 1760

M smuggled cannabis from California to the UK. In January 2019, M's fingerprints were identified on seized parcels and in June the same year he failed to surrender to bail. In October 2024, M surrendered to custody and in December the same year he pleaded guilty to the smuggling offences. The judge gave him 10% credit for his guilty plea and sentenced him to 3 years 7 months' custody. M appealed, arguing for the full one-third discount because he had entered his plea at the first hearing at which an indication of plea was sought. The CACD said where an absconding defendant causes no delay once apprehended, the evasion should be treated as an aggravating factor whilst giving due credit for the plea. Accordingly, M should have been given full credit. However, the court said that given the sophisticated international operation and the appellant's previous convictions, the sentence should have been higher than 4 years. Even with full credit, the correct sentence would roughly match the actual sentence passed, and the appeal was therefore dismissed.

**R v Lakeman [2026]**  
EWCA Crim 4

L, a developer for the online video game RuneScape, accessed 68 player accounts and stripped them of 705 billion virtual 'gold pieces' with a real-world trading value of £543,123. He then sold them on to purchasers, receiving crypto and fiat currencies. The CACD held that the gold pieces were 'property' within the meaning of s. 4 of the Theft Act 1968. The meaning of "other intangible property" included anything that could be described as being capable of being stolen, unless there were good reasons why such a thing should be excluded. Here, the coins were not "pure knowledge" because they exist as identifiable assets separate from their underlying code and outside people's minds. They have ascertainable monetary value and are traded for value both within the game and outside of it. They also fulfil the Ainsworth criteria and the Law Commission's rivalrousness definition - their use is not unlimited; one person's use prejudices another's ability to make equivalent use. The court held that meeting all private law criteria is unnecessary when defining property in a criminal context.

**R v HCF [2022]**  
EWCA Crim 917

HCF was accused of assault by beating and sexual assault against his wife. Whilst awaiting trial, he covertly audio recorded on his phone conversations with his 12-year-old daughter, H, in which she contradicted the account in support of her mother she had provided to the police. At a pre-trial hearing, the judge indicated that legal argument was needed to determine whether the recordings were admissible. Defence counsel mistakenly believed that the judge had ruled the recordings were inadmissible, and as a result no legal argument was had to seek to admit them as evidence. Following his conviction, HCF, represented by Ali Bajwa KC (who did not appear below), appealed based on fresh evidence consisting of the recordings in question. The CACD considered its powers to receive fresh evidence and found (1) although there was an imbalance of power and abuse of trust involved in the recordings, they were capable of belief, (2) the recordings were admissible, and (3) there was a reasonable explanation for the failure to adduce the evidence at the trial as the defence proceeded under a genuine misapprehension that the judge had ruled the recordings inadmissible. Accordingly, the convictions were quashed and a re-trial ordered.

### **R v Cunningham [2025]** **EWCA Crim 662**

The three applicants, S (murder) and C and L (manslaughter) were convicted in a joint enterprise case arising from the fatal stabbing of a young boy. In the route to verdict and legal directions, the trial judge directed that the jury could convict the secondary parties, C and L, if they found that their "...acts were not or may not have been defensive".

The CACD held that the inclusion of the words "may not" was a misdirection on the issue of self-defence as it reversed the burden of proof, suggesting the jury could convict C and L if they were sure that they may not have acted defensively. While the burden of proof was correctly stated elsewhere in the legal directions, the court held this did not neutralise the inclusion of an incorrect statement in the route to verdict.

For this reason, C and L's manslaughter convictions were deemed unsafe and were quashed. S's conviction for murder was not impacted by this finding and his application for leave to appeal was dismissed.

### **R v Shah [2025]** **EWCA Crim 1459**

S was convicted of rape and assault occasioning actual bodily harm. The Crown's case was that he had been driving around in his car when he saw the intoxicated complainant leaving a nightclub, invited her into his car, and sexually and physically assaulted her.

The trial judge ruled that text messages exchanged between S and sex workers were relevant to an important matter in issue and were admitted as bad character evidence under s.101(1)(d) CJA. The messages included reference to rape, his interest in rough oral sex and degrading behaviour during sex. On appeal, S argued that the messages should not have been admitted as they related to consensual sexual activity and did not show a propensity to rape.

The CACD held the bad character evidence was properly admitted as it was relevant to an important matter in issue of why S was driving around that night and his mindset to seek out forceful sex that night. The court observed that the trial judge's directions failed to precisely specify the propensity to which these messages were relevant, but this did not impact the overall safety of the convictions.

### **R v Al-Shumari [2025]** **EWCA Crim 1317**

D1 and D2 were alleged to have jointly stabbed and killed C1 and injured C2 on a canal towpath. The case for D1 at trial was that he did not have a knife, didn't stab anyone and generally was not involved in the incident. D2's case was that D1 fought with C1 and that D1 was lying to cover up the truth.

The trial judge permitted D2 to adduce three items of bad character evidence in relation to D1, namely (1) allegations in a crime report that S had brought an 8-inch knife to school, (2) D1 having told a teacher he would stab another student, and (3) social media messages in which D1 offered to help another person buy a knife. The judge ruled that the evidence was capable of showing a propensity by D1 to carry a knife and had probative value.

The CACD, considering Braithwaite, held that the judge was entitled to find that the evidence, considered as a whole, had substantial probative value to the jury on the issue of who carried the knife and who stabbed C1.

---

**Compiled by QEBHW Pupils:**  
Charlotte Gamble, Dorothy Moorley,  
Tobias Robinson and Joel Rosen

**Sub-editor:** Alex Mullen

# Case Spotlight

## The Sixth Commandment

On 26 October 2015, 69-year-old Peter Farquhar was found dead in his home in Maids Moreton, Buckinghamshire. He appeared to have drunk himself to death. Unbeknown to Farquhar and the world, Farquhar's partner, a churchwarden named Benjamin Field, in his early 20s, had for some years deceived and manipulated Farquhar into leaving him his money.

A month after Farquhar's death, Field started a relationship with 83-year-old Ann Moore-Martin, who lived two doors away from Farquhar, and he set about deceiving and manipulating her into leaving him her money. In November 2017, Moore-Martin died.

During an investigation into Moore-Martin's death, the police reconsidered the death of Farquhar and carried out a second post-mortem. The pathologist found that the cause of Farquhar's death was a combination of acute alcohol toxicity and the use of Dalmane (a prescription drug for insomnia).

Field was charged with Farquhar's murder, and conspiracy/attempt to murder Moore-Martin. He stood trial in May 2019 before Mr Justice Sweeney and a jury in Oxford, represented by David Jeremy KC. In summing up, the judge directed the jury if they were sure that, with intent to kill, Field gave Farquhar alcohol in person, and Farquhar drank it, then it was open to them to conclude that Field's giving of drink was a cause of Farquhar's death. In August 2019, Field was convicted of Farquhar's murder and acquitted of conspiring/attempting to murder Moore-Martin. He was sentenced to a minimum term of 36 years.

In March 2021, the Court of Appeal (Fulford LJ, Whipple J, Fordham J) rejected Field's ground of appeal against conviction that the judge had misdirected the jury on the causation issue. In March 2022, the Court of Appeal (Dame Victoria Sharp P, Sir Nigel Davis, Sir Stephen Irwin) refused Field's application, pursuant to Crim PR rule 36.15, to reopen the March 2021 determination on the grounds that the constitution of the Court that dismissed the appeal had demonstrated bias and unfairness in doing so.

Considering the matter to be closed, in 2023 the BBC broadcast a four-part dramatization about the case, called *The Sixth Commandment*. However, it is difficult to suppress a strong argument and in August 2025, the CCRC referred the case to the Court of Appeal on the same ground that the judge had misdirected the jury on the issue of causation. It did so for the first time in its history under the 'exceptional circumstances' provision which explicitly allows for referrals where there is no new evidence or point of law.

On 5 March 2026, Field's new appeal was heard before Edis LJ, Goose J and Butcher J. David Perry KC was now instructed for the Crown. David Jeremy KC's central submissions, as they had been since 2019, were that: (i) it is not possible to commit murder merely by 'giving' someone the alcohol and/or Dalmane that causes their death; and (ii) that the issue of causation was not left to the jury so that the directions permitted it to convict Field on the grounds of his mens rea alone.

On 16 April 2026, the court allowed the appeal and quashed Field's murder conviction. The court ruled that although Field may have given Farquhar the whisky with an undisclosed intention that he would die, the trial judge and first Court of Appeal had been wrong to state that his intention automatically invalidated Farquhar's autonomy. Accordingly, the legal direction to the jury that Farquhar's decision to drink the whisky could not have been a free, deliberate and informed act rendered the conviction unsafe.

A re-trial was ordered, however the court certified that a point of law of general public importance was involved in its decision and granted the Crown leave to appeal to the Supreme Court.

---

**Sub-editor:** Oliver Mosley

# Under Oath

**Gabriel Neophytou, Nora Nanayakkara & Katie McLean**

**Somewhat unusually, this edition features not one but three tenants, Gabriel, Nora and Katie, who all recently completed their pupillages and joined chambers. We are thrilled to welcome them into tenancy and it's only right that we find out a little more about them.**

**Gabriel** achieved a first class history degree before converting to law. He worked as research assistant to Professor David Ormerod and gained experience assisting with the prosecution of a wide range of offences whilst employed as a paralegal at a London borough council.

**Nora** came to the bar following a previous career in which she chaired FiP panels at the GDC and GOsC and was a member of the Regulatory Board at the ACCA. She has also served in non-executive roles within a broad spectrum of organisations including the UK Statistics Authority and the Intellectual Property Office.

**Katie** studied history and politics before converting to law. She then worked as a paralegal at Oxfam GB before taking up a position as a clerk to a High Court Judge.

**Gabriel – tell us about your favourite day of your pupillage?**  
Alongside the day I found out I had been offered tenancy, it was a sentencing hearing for a vulnerable client I had first represented at PTPH on my very first day on my feet. They had breached a suspended sentence order and faced activation alongside sentence for a new offence. The court was persuaded exceptionally not to activate the existing order and instead imposed a suspended sentence for the new offence. This case brought into focus what pupillage had been building towards: taking responsibility for a case from start to finish and seeing how the way a case is prepared and presented can materially affect someone's circumstances.

**Nora – what is one thing about pupillage at QEBHW that surprised you (for better or worse)?**

While life at the criminal Bar is undoubtedly hard work, it surprised me that pupillage was also a lot of fun! We were encouraged to attend social events from the very beginning, which was a great way to meet members of chambers and solicitors in an informal setting.

**Katie – if you could give one piece of advice to those applying for pupillage in the current round, what would it be?**

Be realistic but have confidence. Writing a strong application takes time, so think about the best way to spend that time this year. You know you will need a couple of mini-pupillages, some advocacy experience, evidence of academic skills and hopefully something that demonstrates interest in the area of law you want a pupillage in.

**Gabriel – what's the best piece of advocacy advice you've been given?**

Early on in our advocacy training, we were taught 'Newton's Rule' – the idea that persuasion follows the rule of equals and opposites: "If you push a tribunal, they push back. If you demand, they resist. Instead of telling the court what it must do, you invite; instead of insisting, you suggest." It's a simple point about human nature, which taught me that strength in advocacy doesn't come from telling a court what it must think, but from framing an argument in a way that allows the tribunal to reach that conclusion for itself.

**Nora – what is one non-law skill that actually helps you in practice?**

Interpersonal skills. So much of the job is getting on with people. I found that being able to put people at ease and relate to them made a huge difference to clients' confidence in me and in the process. Being able to get on well with opponents, those instructing, court and custody staff makes everything run more smoothly.

**Katie – what are you looking forward to most now that you're a tenant?**

Taking on more trials in the Crown Court and getting involved in the social life at QEB (making full use of the roof terrace)!

**Desert Island Discs**

**3 tracks; a book and a luxury item:**

**Gabriel**

**Tracks:**

Thunder Road – *Bruce Springsteen*

Isn't it a Pity – *Nina Simone*

Held Down – *Laura Marling*

**Book:** *The Wager: A Tale of Shipwreck, Mutiny and Murder* by *David Grann* (perhaps a little close to home if I were stranded...)

**Luxury Item:** A rice cooker (with rice and a power supply)

**Nora**

**Tracks:**

Do Anything You Want To – *Thin Lizzy*

Blackbird – *The Beatles*

Dog Days are Over – *Florence & The Machine*

**Book:** *There Are Little Kingdoms* by *Kevin Barry* – an early collection of beautifully written short stories of small-town life by an Irish author who later found recognition for novels like *Night Boat to Tangier* and *The Heart in Winter*

**Luxury Item:** Lindt 70% Chocolate

**Katie**

**Tracks:**

Does Your Mother Know – *ABBA*

(*Christine Baranski* version)

The Subway – *Chappell Roan*

Walking on the Waves – *Skippin'ish*

**Book:** *A Gentleman in Moscow* by *Amor Towles*

**Luxury Item:** Screen with a rotating live stream of West End shows

**Sub-editor:** Katherine Lloyd

**Find out more about Gabriel, Katie and Nora on our [website](#).**



# Opinion

## Candid Camera

**The case of R v HGF [2026] EWCA Crim 570, in which the Crown sought to appeal a Crown Court decision to stay proceedings as an abuse of process, is likely to have far-reaching effects on the consequences of a police failure to obtain material CCTV evidence.**

D was charged with sexual assault of C. C, her father, and D (her father's friend), were drinking in a hotel bar throughout the afternoon and into the evening. C went to her room, while D went out to get food. When he returned, C went to D's room, at which point he allegedly grabbed her neck with two hands, pushed her onto the bed, and thrust his crotch into her pelvic area and put his hand there, before she was able to push him away. C called 999, as did D, who claimed that a false allegation was being made.

On his arrest and in interview, D said that the CCTV in the hotel would support his account and would show that C had been flirting with him all evening. The police told D in interview that they would look at CCTV footage, but in fact they never did.

A later request by C revealed that there was no CCTV in the corridors outside the rooms, but there was CCTV in the lobby and reception area. The police did not ask for the CCTV footage and by the time that request was made, the recordings were no longer in existence.

The trial judge stayed the case against D as an abuse of process and the Court of Appeal refused the Crown's appeal against that decision.

The Court of Appeal found that, because the case "turned on credibility", the missing CCTV was central to the case. It was stated, at para. 34, "*The best independent evidence would be the CCTV footage of C and [D] together in the common parts of the hotel shortly before the alleged incident is said to have occurred. This was not a case where the prosecution failed to obtain evidence which might or might not have supported a prosecution. This was a case where the prosecution failed to obtain evidence which might have weakened the prosecution case – and was plainly relevant.*"

Although the ruling purported to follow the long-standing principles set out in R v Feltham Magistrates' Court, ex parte Ebrahim [2001] EWHC (Admin) 130 and R v Dobson [2001] EWCA Crim 1606, the Court gave greater weight to the decision in Ali v Crown Prosecution Service [2007] EWCA Crim 691, and held:

i. "*The relevant question here was that posed in Ali, namely: was the missing evidence important material by which C's credibility could be assessed? Implicitly, the judge concluded that it was.*" [Para 35]

ii. "*What was critical was not the strength of the remaining prosecution evidence, but the prejudice suffered by the respondent in being denied the means of challenging that evidence. It was conceded that the police were under a duty to obtain the CCTV recordings and, as we have indicated, they failed in that regard. The result was to deprive the respondent of his primary means of challenging C's allegation and accordingly to occasion the defence serious prejudice.*" [Para 36]

This ruling significantly alters the previous case law trend on this topic, which had placed an increasingly high burden on the defence to prove on the balance of probabilities that despite the safeguards already built into the trial process it was impossible for the defendant to have a fair trial.

By contrast, this recent judgment supports the proposition that where, through fault on the part of the Crown, CCTV is missing, lost or unobtainable in a case which otherwise depends on the complainant's word against that of the defendant, an abuse application can succeed.

It remains to be seen whether this judgment will be appealed further and/or whether the Court of Appeal will rule on the matter again in due course and revert to former principles.

**Authored by:**

Tom Lambert, QEB Hollis Whiteman

**Sub-editor:** Adam King, QEB HW



# The Engine Room

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



## Investing in the Future

Supporting the next generation remains central to chambers life. We were delighted to welcome Gabriel Neophytou, Katie McLean and Nora Nanayakkara into tenancy following successful completion of pupillage. Alongside our recruitment efforts, members and staff have continued to engage with schools, universities and aspiring barristers through initiatives with Bacon's College, The John Roan School, the Dunelm Mock Trial Championships and a range of outreach and mentoring programmes designed to broaden access to the profession.



## Recognition and Achievement

We were delighted to celebrate Karen Robinson's appointment as King's Counsel, a richly deserved recognition of an outstanding career. Karen joined fellow silk Rebecca Harris KC in celebrating this significant milestone.

Recognition also came from across the profession. Chambers was shortlisted in multiple categories at The Legal 500 Bar Awards, whilst Katie McLean was shortlisted for Junior Clerk of the Year. Individual nominations for Adrian Darbishire KC, Selva Ramasamy KC and Orla Daly reflected the breadth and quality of talent.

We were particularly proud to see Fallon Alexis recognised as Diversity Champion of the Year at the Women & Diversity in Law Awards. Fallon continues to be a leading voice on access, inclusion and the future of the profession, both within chambers and across the wider Bar and industry.

Our congratulations also go to Selva Ramasamy KC and Fiona Robertson, who were recognised in the Pro Bono Recognition List for their commitment to widening access to justice.



## Access & Outreach

We continued our work to support access to the Bar. At the Bar Council Pupillage Fair, members and pupils shared insights with aspiring barristers. Through our partnership with Bridging the Bar, members delivered advocacy training to candidates preparing for pupillage interviews.

We also attended the Bishop Thomas Grant School careers fair and contributed to the BVL Model Law Commission, with Allison Clare KC and Nora Nanayakkara leading a session on corporate offending for students from non-fee-paying schools.

We remain proud to support the Schools Consent Project and its vital work promoting consent education and respectful relationships.



## Thought Leadership & Public Debate

Members of chambers continue to contribute to some of the most important conversations affecting the legal profession and criminal justice system.

Fallon Alexis' work with the Bar Council on widening access to the profession has generated significant discussion, whilst members including Anita Clifford and Adam King have contributed publicly to the debate surrounding the future of jury trial and proposed criminal justice reforms.

Elsewhere, Jocelyn Ledward KC was featured as The Times' "Lawyer of the Week", Ari Alibhai's work tackling large-scale digital piracy was highlighted in The Lawyer, and members have continued to contribute to conferences, seminars and industry discussions across our core practice areas. Recent events hosted by chambers have included discussions on criminal appeals following Hayes and Field, corporate criminal liability and fraud risk, and the impact of trauma and secondary traumatic stress within the inquiries sector.



## Community & Culture

Life at QEB is not all work. Members and staff once again took part in the London Legal Walk, raising funds to support access to justice.

We celebrated International Women's Day with a Sip & Paint evening, continued our support for community and sporting initiatives, and were delighted to congratulate the U12 girls' football team we sponsor on their League Cup success.



## Leadership, Legacy and New Chapters

This year marked an important moment in the history of chambers as Adrian Darbishire KC concluded his term as Joint Head of Chambers. Adrian's contribution to QEB over more than two decades of leadership and service - as Treasurer, Chair of Management Committee and Joint Head of Chambers - has helped shape the chambers we know today. We are immensely grateful for his dedication and leadership.

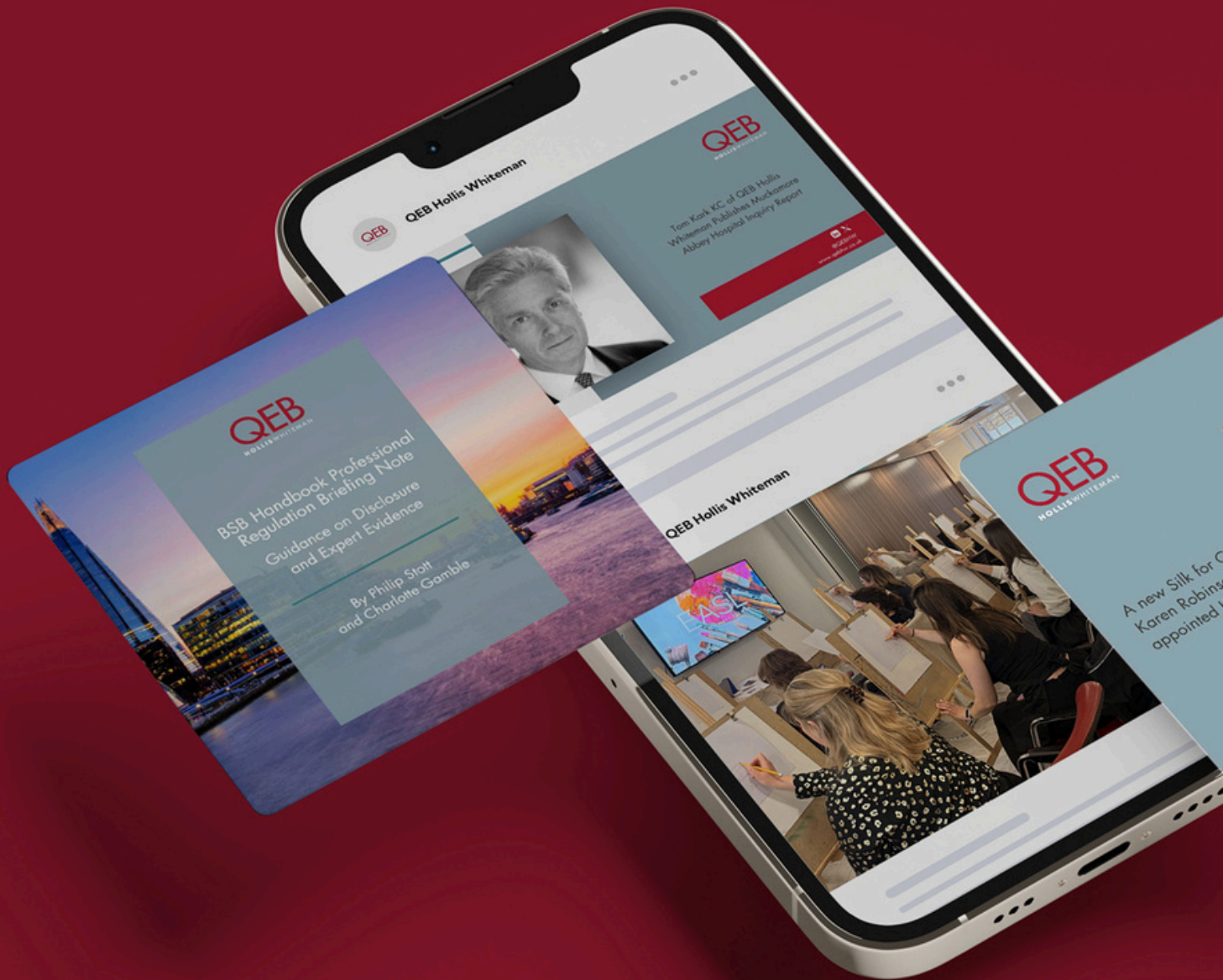
We also welcomed Anne Whyte KC as Joint Head of Chambers alongside Selva Ramasamy KC, beginning an exciting new chapter for the set whilst building upon the strong foundations established by those who have led before them.

The year also brought the retirement of Mark Ellison KC. Mark's influence on chambers, both as one of the country's leading advocates and through fifteen years of senior leadership, leaves a lasting legacy that continues to be felt across our set.

Sadly, we also said goodbye to our much-loved former colleague and friend HHJ Nick Wood. Nick's kindness, wisdom and unwavering support of generations of pupils and junior tenants left an indelible mark on chambers and he remains greatly missed.

**Compiled by:** Faye Stimpson





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



**QEB**  
HOLLISWHITEMAN

1-2 Laurence Pountney Hill, London, EC4R 0EU  
T - 020 7933 8855 | F - 020 7929 3732  
DX - 858 London City | E - barristers@qebhw.co.uk

QEBHOLLISWHITEMAN.CO.UK