



New Park Court

Matthew Donkin

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Contents

Crime	1
Inquests & Inquiries	2
Regulatory	2
Homicide & Serious Violence	2
Representative Cases	2
Serious and Organised Crime	5
Representative Cases	5
Serious Sexual Offences	7
Representative Cases	7
Fraud, Financial Crime, Confiscation & Associated Cases	8
Representative Cases	8
Inquests & Inquiries	10
Representative Cases	10
Senior Courts Experience	10
Representative Cases	10
What the directories say	11
Appointments & Memberships	12

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Matthew Donkin

Year of call 2004

For enquiries please call +44 (0)113 243 3277 or email

Matthew Donkin is a much sought-after barrister, trusted to conduct cases of gravity and complexity and recognised for his expertise in handling demanding and technical evidence and legal issues.

Crime

Having developed a strong reputation for defending and prosecuting cases of general crime, Matthew is now typically instructed in cases of homicide and organised crime including drug, firearm and fraud offences. He also accepts instructions in cases involving allegations of sexual offending with particular complicating or unique features. He has a long history of acting as junior alone, being led by Queen's Counsel and also as leading junior.

At only ten years call, Matthew was appointed to the CPS panel of prosecutors at level 4 and has also been appointed at level 4 to the Rape and Serious Sexual Offences panel. Matthew's expertise in handling some of the most demanding cases before the Crown Court has also seen him recently appointed to the Specialist Panel for Serious Crime, so marking him as one of a select group of junior advocates to be considered for instruction in the most serious cases in which a junior would be instructed.

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Inquests & Inquiries

Matthew accepts instructions to appear in Inquests and has done so in cases concerning fatal traffic accidents and police misconduct.

Regulatory

Matthew accepts instructions to represent diverse parties in a broad range of regulatory proceedings.

Homicide & Serious Violence

Representative Cases

- *R v Keith Hall - Manslaughter. Teesside Crown Court*

Led by Jonathan Sandiford Q.C. Instructed by Northumbria CPS Complex Case Unit.

The prosecution of Keith Hall for the killing of Rachel Wilson, a vulnerable teenager, in 2002. The defendant had disposed of his victim's body by dumping it in a drainage ditch on farmland where it remained undiscovered until 2012. By then the state of decomposition was such that the cause of death could not be determined. This investigation and subsequent prosecution was the longest and largest homicide enquiry in Cleveland Police history.

- *R v Jamie Gray - Attempted Murder*

Attempted Murder. Newcastle Crown Court. HH Judge Moreland.

Junior alone. Instructed by CPS Northumbria.

In a pre-planned attack the defendant broke into the complainant's home address and proceeded to attack him, delivering multiple blows with a meat-cleaver before leaving the flat and complainant with significant head injuries.

- *R v Jonathan Garner and Samantha Gregson - Murder*

Murder and Allowing the Death of a Child. Sheffield Crown Court. Mr. Justice Goss.

Led by Robert Smith QC. Instructed by Complex Case Unit of CPS Yorkshire and Humber.

The prosecution, some time after the event, of Jonathan Garner for the murder of Mia Gregson aged 23 months, and her mother for allowing the death of a child. The original post-mortem investigation was inconclusive as to cause of death but subsequent review by a Home Office approved pathologist identified injuries to the mucosal surface of the lips which had not been referred to in the original pathological report and which were consistent with smothering. Significant areas of expert evidence included forensic

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odontology, paediatric pathology, paediatric cardiology, radiology. This case also required the exclusion of natural disease or cause of death or infliction of injury during resuscitation.

- *R v AC – Manslaughter*

Junior to Robert Smith QC. Newcastle Crown Court. 2018. Prosecution of a father for the manslaughter of his fifteen-week old son. Issues of neuropathology, paediatric cardiology, ophthalmic pathology and other complex medical evidence to prove that the causation of the sudden deterioration and subsequent death of the child was due to traumatic head injury arising from an episode of shaking.

- *R v Adam Parkin - Murder*

Murder and attempted murder. Newcastle Crown Court. The Honorary Recorder of Newcastle. Led by Robert Smith QC. Instructed by CPS Special Crime and Counter-Terrorism Division. The defendant was accused of the murder of his wife and the attempted murder of his two step-children. Issues of the defendant's psychiatric state of mind and background. The defendant had been employed in a management role at CPS Northumbria with regional and national responsibilities. Immediately after the charge of the defendant, Matthew was instructed to conduct the prosecution of this sensitive case.

- *R v Brendan Teague - Attempted Murder*

Attempted murder. Newcastle Crown Court. HH Judge Moreland. Junior alone. Instructed by CPS Northumbria. The defendant carried out a pre-arranged plan to attend at his victim's home under the pretence of supplying him with cannabis, and when his attention was diverted, he stabbed him three times with a kitchen knife before fleeing the scene. The victim survived only by virtue of the prompt arrival of the emergency services.

- *R v Daniel Johnson - Murder*

Murder. Newcastle Crown Court. Mr. Justice Males. Led by Robert Smith QC. Instructed by CPS Northumbria. The defendant came across a male late at night, robbed him and took his house keys. He then used those keys to access the male's flat where he found his victim asleep in bed and brutally murdered him. The defendant then left the scene and remained at large for fifteen months. The case involved issues of digital image and facial morphology comparison, gait and height comparison, DNA analysis and voice and accent recognition evidence.

- *R v Liam Morris - Manslaughter*

Manslaughter. Sheffield Crown Court. Mr. Justice Goss. Junior alone. Instructed by Law24 solicitors, Sheffield. Defence of a young man accused of a 'one-strike manslaughter' who had been in Sheffield city centre with friends when approached by the deceased who wished to sell a watch, which he had recently stolen from a shop, for the purpose of receiving cash to buy some heroin. In a short scuffle the defendant swung his arm once, causing a blow to the deceased that knocked him to the ground. The deceased's head struck the



ground causing a fracture to the skull and fatal subdural haemorrhage. Issues of self-defence and causation of death.

- *R v Duggan, Lamont & Others - Murder*

Murder. Newcastle Crown Court. Mr. Justice Globe.

Led by Robert Smith QC. Instructed by CPS Northumbria.

Prosecution of four defendants for the horrific killing of a man using knives and a pipe-cutter of a man in an alley in Sunderland. The deceased had attended following a report of an attack on his own son, and when he arrived the perpetrators emerged from a rear yard armed with weapons. Issues of causation, infliction of injury and joint enterprise – primary and secondary offenders.

- *R v VB & CN - Causing the death of a child*

Causing/Allowing the Death of a Child. Newcastle Crown Court. Mr. Justice Jay.

Led by Robert Smith QC. Instructed by CPS Northumbria.

A baby girl was found limp and not-breathing and died shortly thereafter. Her mother and partner had been involved in an alcohol and drug-fuelled row in the early hours of the morning, although neither would account for the collapse of the child or her injuries. Issues of causation of sudden collapse and death and the identification of how she had come about her injuries.

- *R v Michael Parkin - Attempted Murder and Arson*

Attempted Murder. Sheffield Crown Court. The Honorary Recorder of Sheffield.

Junior alone. Instructed by CPS Yorkshire and Humberside.

Against a background of domestic violence and control, the defendant beat his partner and doused her in petrol and attempted to spark a lighter to set fire to her and then to the home, causing the victim to flee leaving her infant son inside the house.

- *R v O'Brien, Walters, Walters and Poppe - Murder and Perverting the Course of Justice*

Murder, manslaughter and perverting the course of justice. Sheffield Crown Court. The Honorary Recorder of Sheffield.

Led by Robert Smith QC. Instructed by CPS Yorkshire and Humberside.

The victim was stabbed death over a drugs debt that the defendants had taken on as they attempted to exert their control over the Darnall area. There was no direct evidence of who was responsible for the murder. Issues of DNA comparison, telephone attribution and cell-site and voice recognition. A particular issue is that of the two male voices heard at the time of the stabbing one of them shouted “stop”. This defendant was convicted of manslaughter.

- *R v Wilson - Attempted Murder*

Attempted murder. Nottingham Crown Court. The Honorary Recorder of Nottingham.

Junior alone. Instructed by Elliot Mather Solicitors, Chesterfield.

The defendant had deliberately driven his car at his own father, then repeatedly driven backwards and forwards over him when on the ground. Convicted of causing grievous bodily harm with intent contrary to section 18. The issues surrounded the defendant’s state of mind and intention.

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- *R v Andrew Knapper - Murder*

Murder. Nottingham Crown Court. HH Judge Teare.

Led by Shaun Smith QC. Instructed by Elliot Mather Solicitors.

The defendant learned of an affair between his wife and best-friend and immediately drove to his home address and stabbed his wife repeatedly in the presence of their two sons. Issues of loss of control and mental health.

Serious and Organised Crime

Representative Cases

- *Operation Elba – 1, 2 and 3. 2020*

Matthew was instructed to prosecute three separate sets of proceedings arising from events in August 2019 when one defendant, KT, fired upon a vehicle in the Elswick area of Newcastle.

Following that shooting, seven hours later KT's son was then shot in retaliation by associates of the victim of the original shooting.

The first set of proceedings was brought against KT on the basis of evidence given by an, originally, anonymous witness who was asked to hide the gun.

The second set of proceedings were against KT's son and another for attacking that witness once his identity was disclosed.

The third set of proceedings was against those who conspired to carry out the retaliation shooting.

That case began in November 2020 and was the biggest trial heard on Circuit since lockdown in terms of size and length. The case involved over fifty separate participants, required two separate courtrooms using live-link between them and significant technology. This challenging prosecution was brought without any report from the victim of the shooting, no eye-witness and no scene of the crime established whether through scientific or other evidence at the location.

The case completed in the sixth week of sitting in Covid-safe conditions.

Matthew led Michael Bunch of the Crown Prosecution Service

- *R v Roemol Taylor and Others*

Conspiracy to Possess Firearm. Sheffield Crown Court. HH Judge Reeds QC.

Junior alone. Instructed by Law 24, Sheffield.

Following a covert surveillance operation following a co-defendant's movements around Sheffield, the defendant was observed getting into a red Audi vehicle following which there was an intercept carried out by armed police officers. The defendant was observed leaving the vehicle, following which a loaded semi-automatic pistol was found on the road surface under the vehicle.

- *R v Conroy, Appleby and others – Operation Eton 2*

Conspiracy to possess a firearm with intent to endanger life. Newcastle Crown Court 2019. HH Judge

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Batiste.

Leading junior, leading Richard Holland. Instructed by Complex Case Unit, CPS Northumbria.

Prosecution of six members of an organised crime group who – in furtherance of a feud with a rival group in the West end of Newcastle, carried out shootings targeting the homes of their rivals. This successful prosecution required the careful and structured presentation of a number of different areas of evidence including DNA and fingerprint comparison, mobile telephone attribution, call data and RF survey cell-site evidence, comparison of firearms and ammunition and the enhanced interpretation of recordings from CCTV cameras.

- *R v AB - Operations Haymarket and Sidra 2.*

Conspiracy to possess a firearm and conspiracy to supply cocaine. Newcastle Crown Court and Teesside Crown Court. HH Judge Moreland and HH Judge Sherwin.

Junior alone. Instructed by Michael Henderson & Co. Solicitors.

Matthew represented a client who was prosecuted in two separate trials for his alleged role in organised crime in Sunderland.

The first trial alleged a conspiracy to possess a firearm associated with drug-related offending. The issues in the case concerned the extensive covert surveillance operation conducted by police, PII and the extent of the involvement of a registered informant and mobile telephone evidence.

The second trial was an allegation of involvement in a widespread conspiracy to supply cocaine over a period of over 12 months. The evidence in this case principally concentrated on the role of a registered informant and assisting offender – ‘CW’ – and the account that he gave about multiple persons, along with telephone evidence said to support those allegations.

- *R v Roman Rafael and others – Operations Cluster and Trojan*

Modern Slavery. Teesside Crown Court. HH Judge Armstrong.

Led by John Elvidge QC. Instructed by Complex Case Unit, CPS Northumbria.

Prosecution of nine members of a Slovakian organised crime family group based in Newcastle who had, for a number of years, trafficked targeted vulnerable EU citizens into the UK. Once in the UK the slaves were kept ignorant of their status and sufficiently housed and fed so that they would not complain. The defendants controlled all of their money, took out loans and made benefits claims in their names.

This was an enormous case, one of the most complex and high-profile cases brought under the Modern Slavery Act in the country, and which also involved the instruction of a second junior advocate, Richard Holland. The trial lasted for fifteen weeks.

The case attracted national media attention.

- *R v Zaman and others – Operation Emerald*

Conspiracy to supply Heroin and Cocaine. Newcastle Crown Court. HH Judge Moreland.

Leading junior, leading Graham O’Sullivan. Instructed by Complex Case Unit, CPS Northumbria.

Prosecution of members of an organised crime group who were importing bulk quantities of heroin and crack cocaine into the North East for distribution in Newcastle and Cleveland where it was disbursed to ‘street level’ dealers. The case relied upon the presentation of months of surveillance and mobile telephone evidence.



This case also involved the use of a police intelligence source known as 'XY', a convicted rapist who had assisted the broad police investigation as an informant. In October 2016 the defendants sought to have the proceedings stayed on the grounds of an abuse of process, along with other defendants in a case known as Operation Shelter. In the abuse of process proceedings Matthew acted as a further junior to John Elvidge QC.

The case attracted national media attention.

- *R v Hassan, Foster and Ismail*

Kidnap, False Imprisonment and Possession of Firearms. Sheffield Crown Court. HH Judge Moore.

Junior alone. Instructed by Complex Case Unit, CPS Yorkshire and Humber.

Prosecution of three defendants who had arranged a meeting for an apparent drug deal, but then produced a firearm and kidnapped the two complainants. Ransom demands were made and the police conducted an urgent live operation of negotiating with the defendants whilst identifying where they were holding the victims captive. The incident resolved when armed police officers intercepted the defendants who were driving to the arranged location for transfer of money and captives. Issues of identification, DNA evidence and voice recognition.

Serious Sexual Offences

Representative Cases

- *R v WO*

Rape. Assault by penetration and sexual activity with child family member. Newcastle Crown Court.

Junior alone. Instructed by RASSO unit, CPS Northumbria.

Non-historical case of a father of previous good character who for a number of years had committed serious sexual offences against his daughters.

- *R v NS*

Sexual Activity with a child family member. Newcastle Crown Court. HH Judge Sherwin.

Junior alone. Instructed by RASSO unit, CPS Northumbria.

Father who had sexually assaulted his daughter. The sole evidence was from his daughter who gave her account aged 3 and was aged 4 by the time of the trial.

- *R v Mohammed Ghani*

Indecent assault and sexual activity with a child. Leeds Crown Court. Mr. Recorder Wynn.

Junior alone. Instructed by RASSO unit, CPS Yorkshire and Humber.

Prosecution of a local Imam who was well-known and highly respected in West Yorkshire for many years of sexual abuse of a girl at times when he was teaching her Urdu and studying the Koran.



New Park Court

- *R v DW*
Rape and Sexual Assault on a Child. Newcastle Crown Court. HH Judge Mallett.
Junior alone. Instructed by RASSO unit, CPS Northumbria.
The defendant raped and sexually assaulted his 10-year-old daughter on days when she would stay at his home as part of ongoing contact arrangements. The principle evidence arose from the child who was aged 11 at trial.
- *R v TB*
Rape. Sheffield Crown Court. HH Judge Kelson QC.
Junior alone. Instructed by Khan Solicitors.
Representing defendant in multi-handed case in which multiple complainants living in the care system in South Yorkshire alleged grooming and sexual abuse by large numbers of men.
- *R v CU*
Derby Crown Court. HH Judge Gosling.
Junior alone. Instructed by Elliot Mather Solicitors.
The defendant, a man with significantly reduced functioning following a road traffic accident and brain injury when aged 12, was known to the complainant and she accused him of entering her home when she slept and sexually assaulted her. The defence case was that this was a fabrication for the purpose of obtaining money from him, knowing that he had received a substantial compensation payment. The defendant had the benefit of an intermediary at trial. The successful defence included raising issues of disclosure, of motive and bad character of the complainant and the unique feature of being resolved at a re-trial in which a juror from the original trial was called to give evidence by the Judge hearing the case.

Fraud, Financial Crime, Confiscation & Associated Cases

Representative Cases

- *R v Colin Nesbitt*
Fraud by Abuse of Position, Theft, Supplying False Information to the Charities Commission.
2021. Bradford Crown Court. HHJ Gibson. Junior alone.
Matthew represented the defendant in this case that attracted considerable local and national media interest. The defendant was the sole carer for his grandson who had been diagnosed with cancer at a very young age and had years of being very unwell. Motivated by his experiences, the defendant founded and developed a local children's cancer charity for the purpose of supporting and improving the lives and experiences of sick children and their families. The defendant also developed a number of schemes and products for this purpose. The charity was extremely successful drawing high levels of corporate sponsorship and support and featured on the Channel 4 program "Secret Millionaire".
The prosecution case was that the charity had been founded with the correct intentions, but that over time

the defendant had used the charity money as his own, retained sole control of the charity finances contrary to Charity Rules and the explicit instructions of the Charity Commission and by using various different bank accounts he was able to take money for his own purposes. The total alleged misappropriated funds at the outset of the case was over four hundred thousand pounds. The defence case was that the management of the charity finances had been chaotic, but not dishonest. Over the five-week trial there was extensive examination of multiple bank accounts and the evidence of financial experts was a critical feature of the case.

The defendant was acquitted on five of the ten counts, and the value of the offences for which he was convicted was reduced to around ten percent of the original allegedly misappropriated funds.

- *R v CK and others*

Section 19 Costs Application. Newcastle Crown Court. HH Judge Spragg.

Led by Robert Smith QC. Instructed by Specialist Fraud Division of the CPS.

Following an unsuccessful prosecution of defendants for a large-scale insurance fraud, Matthew and Robert Smith QC. were instructed to represent the Crown Prosecution Service following significant applications for costs made on behalf of the defendants. Issues of the appropriateness of charge and continued prosecution, disclosure exercise, the conduct and responsibilities of legal representatives.

- *R v Roman Rafael and others*

Confiscation proceedings. Teesside Crown Court. HH Judge Armstrong.

Junior alone. Instructed by CPS Northumbria.

Matthew is conducting the confiscation proceedings arising from this Modern Slavery Case, with a combined total value of over £1 million.

- *R v Devalapally and others*

Fraud and Money-Laundering. Leeds Crown Court. HH Judge Mairs.

Junior alone. Instructed by CPS Yorkshire and Humberside.

The defendants were part of a nationwide network of criminals responsible for fraud and money-laundering of hundreds of thousands of pounds, money was then swiftly dissipated across dozens of bank accounts held in multiple names before being realised as cash or transferred out of the country.

- *R v Ali, Zaman and others*

Conspiracy to handle stolen goods and Trademarks Act offences. Bradford Crown Court. The Honorary Recorder of Bradford.

Leading junior, leading James Gelsthorpe. Instructed by Complex Case Unit, CPS Yorkshire and Humber.

Prosecution of seven defendants for conspiracy to handle stolen goods and selling counterfeit goods, including the two architects of this high value conspiracy. The defendants were close to criminal gangs responsible for thefts of bulk quantities of electrical goods which were then sold through an ever-changing network of eBay, PayPal and other accounts. Issues in the case included the identification of controlling email accounts and IP addresses to link the selling and money-receiving online accounts, and linking those to multiple bank accounts from which money was withdrawn.

In 2017 Matthew conducted the high-value Proceeds of Crime Act proceedings, in which the Benefit Figure



New Park Court

was in excess of £1 million.

Inquests & Inquiries

Matthew accepts instructions to appear in Inquests and has done so in cases concerning fatal traffic accidents and police misconduct.

Representative Cases

- *Inquest into the death of Irene Collins*

Matthew represented the family of the deceased who had allowed the police access to her property to carry out a search with a dog, but the police dog then attacked and savaged the deceased. The case attracted national media attention.

Senior Courts Experience

Representative Cases

- *R v Johnson and others [2020] EWCA Crim 482*

Appeal against conviction, with leave granted, to argue that the overall charge of conspiracy was not appropriate, was contrary to *R v Shillam* [2013] EWCA Crim 169 and did not show a common design and awareness and the case should therefore have been stopped at the conclusion of the prosecution case.

- *R v Shoulder (Michael) [2019] EWCA Crim 2072*

Appropriateness of length and form of sentence for causing serious injury by dangerous driving, including where the appellant has participated in the restorative justice program.

- *R v (Liaquat) Ali [2019] 1 Cr. App. R. (S). 27*

Appropriate sentence for causing death by dangerous driving. The application of the Criminal Practice Direction and Community Impact Statements.

Matthew accepted this instruction as a 'dock brief' and addressed the Court on these technical issues with only a very short time to read the papers and prepare submissions.

- *R v Nichola Collins [2018] EWCA Crim 2369*

The safety of convictions on adverse inferences and circumstantial evidence where there was unassailable evidence of conspiracy to supply heroin and the applicability to a charge of conspiracy to supply cocaine.

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New Park Court

- *R v Aamer Ali and Naveed Zaman [2017] EWCA Crim 2691*
Appropriateness of the terms of a Serious Crime Prevention Order
- *R v Jozef Gorol [2014] EWCA Crim 570.*
Appeal against sentence for an attempted robbery at knifepoint of a vulnerable female.
- *R v Dean Scrimshaw [2010] EWCA Crim 142.*
Sentencing of young offender for violent offending.
- *R v Jamal Richards [2009] Crim App. R. (S). 48. Court of Appeal (Criminal Division).*
Appropriate sentence for dog inflicting serious injury. Cited in Banks on Sentence as a guideline case.

What the directories say

'A very calm and smooth operator.'
Chambers and Partners 2022

"His written work is very thorough and he is meticulous in his preparation."
Chambers and Partners 2021 (Crime)

'Is able to assimilate heavy quantities of material and find the points that have not been considered by other advocates and deploys effective strategies to counter any perceived weaknesses in his case.'
Legal 500 2021 (Crime)

"He is extremely capable, thorough and a very good team player."
Chambers & Partners 2020 (Crime)

"He is very well respected and very hard-working."
Chambers & Partners 2020 (Crime)

"Frequently instructed on complex crime cases. His practice spans a broad range of matters, including homicide and fraud offences"
Chambers and Partners 2020 (Crime)

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Appointments & Memberships

CPS Level 4 Prosecutor

CPS Panel for Rape and Serious Sexual Offences at Level 4

Appointed to CPS Specialist Panel for Serious Crime at Level 4

Approved Advocacy Trainer

North Eastern Circuit

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