



SERIOUS CRIME

Birds | Solicitors

SERIOUS CRIMINAL OFFENCES

A Guide to Our Services

Serious Criminal Offences: Our Experience

Birds Solicitors has a wealth of experience in representing individuals charged with serious criminal offences. These offences include murder, manslaughter, drugs offences, sexual offences, robbery and offences of serious violence not causing death.

Whatever offences our clients are charged with, we have the experience to assist and represent them throughout their case from the police station to the higher courts.

We can provide specialist advocacy either from our in house team of experienced Higher Court Advocates or by the instruction of independent Counsel including leading Queens Counsel.

For any individual accused of a serious criminal offence, it is imperative that they obtain immediate expert legal advice.

Legal advice at the police station is free of charge and obtaining that advice will not cause unnecessary delay to the person detained. Legal aid thereafter is means tested but, in all but the very exceptional case, it will be granted, sometimes subject to a contribution from income or capital.

Birds Solicitors represents individuals under legal aid or on a privately funded basis.



Murder

The firm regularly represents individuals charged with murder. These cases often involve very lengthy and detailed police investigations. It takes an advanced level of experience and forensic skill to prepare such cases for trial and to represent suspects in the police station. Clearly on such cases, the outcome for those convicted is catastrophic and it is essential that the defendant can rely on the expertise of their lawyers to defend the case robustly.

Murder cases often involve a large amount of evidence and in particular evidence of mobile telephone usage and connections between individuals including connecting them to various areas at certain times. It is important that the defence solicitor has the ability to interpret and use this detailed data in preparing the client's defence.

In recent years developments in forensic science have meant that defence solicitors have to be comfortable with complicated scientific material especially relating to

DNA and the interpretation of profiling from microscopic particles of DNA often in a mixed profile. The firm has been involved in two of the three main cases involving the interpretation of low template DNA profiling and the match probability in mixed profiles: *R v Broughton [2010] EWCA Crim 549* (not a murder case) and *R v Dlugosz [2013] EWCA Crim 2* (in which we represented the only successful appellant known as MDS). Our expertise in relation to the interpretation and reliability of DNA evidence is therefore considerably more advanced than it may be for other solicitors without this recent specialist knowledge.



These cases often involve psychiatric issues and defences related to such conditions, namely diminished responsibility and/or insanity. We are accustomed to instructing and working with forensic psychiatrists and neuropsychiatrists in relation to often complex conditions and legal issues around the mental well being or otherwise of the client and whether such a defence exists such that the charge can be reduced to manslaughter.

Examples of Murder cases we have acted in previously

The following are examples of some of the murder cases we have been involved in over recent years. We acted for:-

- the main defendant in a highly publicised murder of a banker in his own home and the attempted murder of his wife. This was an extremely complex investigation involving a large number of documents including CCTV analysis, telephone data and DNA.
- the main defendant in a contract killing of a man then on bail for serious drugs offences in the Hastings area in 2003. The police investigation took 2 years before our client was charged with the offence. This was an extremely complex case again involving a huge amount of documentation.
- a man charged with the murder of a well known literary agent who had been stabbed many times whilst tied up at his own flat. Our client was claiming manslaughter by way of diminished responsibility.
- a young Asian man who was charged with the murder of a young white male who had been attacked and stabbed by a group of Asian youths in East London following an attempted robbery on one of the group of Asian youths. This was a particularly difficult and racially sensitive

case which led to the acquittal of our client.

- a woman who was accused of murdering her husband with an axe. She claimed diminished responsibility and her plea of guilty to manslaughter was ultimately accepted.

- a man who was tried on a re-trial at the Old Bailey for the random and unprovoked murder of a man on a bus in Vauxhall. Again the issue in this case was diminished responsibility.

- a young man accused of the fatal shooting of a man in Battersea following an altercation in the street. This is another highly complex investigation which produced a large amount of documentation and a lengthy trial before the case was dismissed after the close of the prosecution case.

- a man who was charged with a conspiracy to murder a man in Liverpool by way of a proposed contract killing. The other defendants pleaded guilty to conspiracy to blackmail but our client was acquitted after a lengthy trial.

- two men accused of stabbing a male in the chest in a nightclub. Again the police investigation was extremely lengthy and the case ended in the acquittal of both clients on the murder charge.

- a young man accused of killing a 21 year old man after an altercation

concerning a sweet wrapper being thrown into the deceased's car. This matter was concluded with a plea of guilty to manslaughter rather than murder following representations as to the nature of the charge.

- one of six young men accused of killing a 21 year old man in an apparently unprovoked attack when he was shot at close range with a shot gun in south London

- a man who was attacked by the person he was selling drugs to and who the jury accepted killed him in self defence inflicting over 20 stab wounds in the process

- a man accused of killing a minder in a north London brothel which raised extremely complicated issues of DNA and which went through the Court of Appeal and back to the Crown Court on a re-trial (2012-2016 – three trials and two appeals);

- a man who was accused of pushing his brother from a balcony on the third floor of a block of flats when the brother died six months after the incident having sustained crippling injuries;

- a man who was accused of murdering a drug dealer in a robbery for his supply of drugs in Leeds (2105);

- a man who killed a stranger in a pub in an unprovoked attack by stabbing

him in the chest and back several times whilst experiencing a psychotic episode. His plea to manslaughter on the ground of diminished responsibility was accepted (2015);

- a woman who killed her 7 month old child while mentally unwell. Her plea of guilty to infanticide was ultimately accepted by the prosecution (2014-15);
- a man accused of killing his wife who was a trans-sexual sex worker, both only having been in the UK for a short period of time (2015).



Serious Sexual Offences

Allegations of a sexual nature against an individual are extremely damaging to that individual's reputation whether or not they are convicted.

Conviction for such offences can have catastrophic repercussions for family life and the individual's future. In most cases, a conviction will lead to an immediate custodial sentence and lengthy reporting requirements on the Sex Offender Register. It may also lead to a Sexual Offences Protection Order which can limit

contact with certain types of person (such as children) for a considerable period. Such orders can have long lasting impact on the individual's life long after any sentence has been completed.

We deal with cases involving sexual offences on a regular basis. Such matters are often highly sensitive and complex in nature. All of our lawyers have extensive experience in representing individuals facing the full spectrum of such allegations including but not limited to historical sexual abuse, rape, controlling of prostitutes, child sex offences including large paedophile rings, indecent images and allegations brought against those in a position of trust such as teachers and medical professionals.

We are appreciative of the emotional distress experienced by those individuals facing such charges and provide an excellent standard of care to support our client through an understandably difficult time.

Over the years, we have acted for a wide range of individuals including celebrities, professional footballers, doctors and professional carers as well as the most vulnerable of individuals through mental health problems or learning difficulties.

Our cases are often met with significant media attention or raise matters of the utmost importance in law. We have recently acted in a case concerning two three year old complainants and secured

pioneering expert evidence resulting in our client's acquittal. This particular case now features in judicial training on vulnerable witnesses in addition to leading psychological research at an international level.

The majority of cases do not involve well known individuals or attract a lot of publicity. They are nonetheless extremely stressful and important cases for the individual concerned and we do our best to ensure that the procedure is properly explained throughout and that everything that can be done to prepare the case for trial is done in a timely and efficient manner.

We are well versed in preparing cases for trial which concern young and vulnerable witnesses.

Members of our team have attended training programmes within this area to ensure that we are up to date with current practice procedures.

Examples of our previous cases involving sexual offences

Examples of our recent cases involving sexual offences include:-

- A former rugby league player accused of rape who was acquitted.
- A 12 year old accused of rape and sexual assault following a game of truth of dare. The complainant suffered significant

learning difficulties and mental illness. Our client was acquitted.



- A father accused of sexual assault upon two minors who were video interviewed aged 3 to be cross examined aged 5. Our client was acquitted.
- An individual who was charged with attempted rape of an ex-partner who was a past victim of large scale incestual sexual abuse. The client suffered from sexsomnia and was acquitted.
- A student who was accused of raping a fellow student causing serious injuries. Our client denied the offence, the issue being consent and was acquitted at trial

- The alleged rape by four young men of a 15 year old girl in a town centre shopping arcade late at night. Our client was acquitted at trial.
- A man acquitted of the alleged rape of his estranged wife during a separation pending divorce
- A professional in a healthcare capacity acquitted of the rape of a client during a treatment session involving an intimate procedure



Serious Drugs Offences

The firm has a wealth of experience in handling serious drugs cases such as large scale drug importations and conspiracies to supply or manufacture drugs.

Drugs cases attract very lengthy sentences in particular for offences involving class A drugs which means that such cases require considerable expertise. These cases also bring with them the confiscation of assets under the Proceeds of Crime Act 2002 from

individuals which can also lead to lengthy sentences in default of payment.

Large drug cases can be extremely complex and involve large amounts of evidence akin to a fraud case. We have acted in numerous cases involving serious drugs offences in the past and continue to do so. Such cases often involve a great deal of surveillance evidence and require detailed forensic examination of evidence such as telephone records, bank records, tachographs, etc.

We have the experience of such cases to be able to deal with the complexities that arise in handling cases with large volumes of paperwork and complex factual issues.

As an example, some of the cases we have acted in include:-

- R v S: Woolwich Crown Court: represented lead defendant in multi handed conspiracy to supply 128 kg of Cocaine at import quality investigated by the NCA. This case involved evidence obtained from both South America as to the importation of the drugs and multi jurisdictional surveillance by various enforcement authorities throughout Europe of the client.
- R v S: Liverpool Crown Court: acted for lead defendant in conspiracy to supply Class A drugs, 420 kg of cocaine at import quality imported from South America to Tilbury docks in the UK. Client extradited from Holland having been

placed on the NCA website as one of UK's most wanted. Attended Holland to advise client as to UK proceedings prior to extradition.

- R v W: Teesside Crown Court: acted for lead defendant in conspiracy to supply Class A & B drugs between North West and North East of England, relating to Amphetamine and Cocaine.

- R v S: Teesside Crown Court: acted for lead defendant in 17 handed conspiracy to supply both Class A & B drugs valued by the prosecution with a street value of £1billion. This case involved detailed analysis of both mobile telephone communications between lead defendants. It was also one of the first cases involving evidence obtained from PGP encrypted phones. The case was investigated by Cleveland Police and NCA.

Robbery

A theft from a person accompanied by violence will be charged as robbery which is one of the most serious types of criminal offence.

We deal with such cases on a daily basis, whether they involve relatively low level offending by youths, knife point robberies in the street or organised robberies with firearms on financial or other institutions.

Many youths are charged with robbery and appear in the Youth Court. These

cases are most often deemed to be serious enough to warrant a Crown Court trial notwithstanding the age of the accused.

Serious and organised armed robberies often involve complex conspiracy allegations and numerous robberies or attempted robberies by the same alleged gang.

These investigations are often conducted by the Flying Squad and involve a large amount of documentary and/or video evidence.

It is common to have a large amount of material from telephone call data and cell siting of individual phones around the planning stages and the actual robberies themselves. This has to be managed by the defence team and we have a wealth of experience in dealing with cases involving a high volume of material.

Consequently, we are very experienced in handling robbery cases wherever they fall within this spectrum.



Other Violent Offences

Assault occasioning grievous bodily harm with intent (known as GBH or a section 18) carries a maximum of life imprisonment and can only be tried in the Crown Court. The offence is set out in s18 of the Offences Against the Person Act 1861 and requires an assault on an individual with the intent that really serious injury be caused and the causing of that level of injury. Many stabbing incidents or assaults with weapons such as broken bottles or glasses are charged as GBH with intent.

Attempted murder carries a maximum sentence of life imprisonment. In these cases the prosecution has to prove that the defendant intending to kill the person assaulted during the assault. This is a higher level of intent than is required for murder itself where the defendant only has to intend to cause really serious injury but the person dies of their injuries.

Attempted murder cases include shooting incidents or cases where it is apparent from the nature of the assault that death was the intended outcome. On many occasions it is possible to negotiate a guilty plea to a GBH with intent charge where attempted murder has been charged as the hurdle for the Crown on attempted murder is so high.



Contact Birds Solicitors for further advice

In the first instance, please contact our Managing Director Steven Bird on s.bird@birds.eu.com or our Office Manager, Pawel Klus, on p.klus@birds.eu.com.

Steven Bird has huge experience in relation to defending serious cases over more than 25 years.



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