



# Aparna Rao

**2013** (Bar of England & Wales, Middle Temple)

**2009** (Solicitor, Supreme Court of New South Wales, Australia)

"Her ability to provide clear explanations and reassurance to a wide range of clients sets her apart"

- **Instructing Solicitor**

## Overview

Aparna qualified in Australia in 2009. She worked at the equivalent of the Supreme Court, as an Associate to the Hon Justice Dyson Heydon AC QC, Justice of the High Court of Australia (the final appellate court in Australia). She has also taught as a Lecturer in Law at the Australian National University in Canberra.

In 2013, Aparna cross-qualified and was called to the Bar of England and Wales. Her practice in England and Wales has focused on serious fraud and high profile crime. She is regularly instructed by both prosecution and defence in the Crown Court, in cases involving violence, burglary, robbery, fraud, theft, motor vehicle offences, and sexual offences. Aparna is also instructed in healthcare disciplinary and regulatory work, and has recently appeared in the Health and Care Professional Council, Nursing & Midwifery Council, and the British Association for Counselling and Psychotherapy.

Additionally, Aparna has undertaken junior work in several murder trials at the Old Bailey. She has worked extensively on the prosecution of Rolf Harris (historic sex offences), confiscation proceedings following large-scale money laundering convictions, and one of the very few cases of corporate manslaughter brought in the UK (Mobile Sweepers Ltd).

Aparna has security clearance. She frequently instructed in confidential and sensitive matters involving public interest immunity and legal professional privilege.

Aparna is a registered public access practitioner, with particular experience in fare evasion cases. Members of the public can instruct her directly.

## Notable Cases

## **Crown court**

*R v RG* (Basildon Crown Court). Client acquitted of assaulting three young women and handling stolen goods belonging to one of the complainants.

*R v JL* (Maidstone Crown Court). Secured acquittal for a client charged with possession of a firearm.

*R v BM* (Inner London Crown Court). Represented client charged with possession with intent to supply several class A and B drugs in different quantities.

*R v AW* and others (Mold Crown Court). Prosecution junior dealing with extensive confiscation proceedings against a number of defendants convicted of large-scale mortgage fraud

*R v AB* (High Court of Justice; Colchester Magistrates' Court). Represented a terminally ill defendant charged with historical sexual offences. The Magistrates' Court purported to send the case to the Crown Court in his absence, citing a supposed principle of 'voluntary frustration by the defence'. An application for Judicial Review of this decision on the grounds that there was no legal power to send in absence was successful, with the Magistrates' Court conceding the point without the need for a hearing.

*R v B* (Basildon Crown Court). Led by Ben Douglas-Jones, representing a defendant who was charged with numerous serious historical sexual offences, against several different complainants, dating back to the 1980s. The case involved substantial disclosure of historical records, medical records and material relating to all parties, which required skilled organisation and considerable attention to detail.

*R v K* (Basildon Crown Court). Successfully avoided activation of a Suspended Sentence Order, despite the client having been convicted of a sexual offence against a medical professional.

*R v H* (Isleworth Crown Court). Defendant acquitted of affray in a nightclub, where several prosecution witnesses alleged that he had been violent and aggressive. In cross-examination their identification of the defendant was shown to be inconsistent and mistaken.

*R v B* (Oxford Crown Court). Secured acquittal for client charged with assault occasioning actual bodily harm against a police officer, allegedly inflicted during the course of arrest. Self-defence was successfully relied upon after the jury heard evidence from both police officers present, and from the defendant and his family.

*R v Otunga* (Central Criminal Court). Noting junior for the Crown (led by Timothy Cray, Senior Treasury Counsel) in this successful murder trial. Assisted in preparation of agreed facts, schedules of evidence, research on points of law (including loss of self-control and sentence), and communications throughout the trial with CPS, police and defence counsel.

*R v Cozma and Cozma* (Central Criminal Court). Noting junior for the Crown (led by Sasha Wass QC), prosecuting two brothers who were convicted of murder. Assisted with several aspects of the conduct of the case, such as admissions, jury bundle preparation, exhibits, and other matters normally dealt with by junior counsel.

## **Magistrates' Court**

*R v S* (Willesden Magistrates' Court). Acquittal at half-time (at close of prosecution case) where client

charged with careless driving. The bench were persuaded by defence submissions about the pattern of traffic lights at the relevant junction, showing that the defendant could not have been at fault.

*R v S* (High Wycombe Magistrates' Court). Acquittal of client charged with assaulting a youth, against a background of a protracted neighbour dispute and police officers seeking a conviction as a precursor to obtaining a Criminal Behaviour Order. Both conviction and CBO successfully avoided.

*R v F* (Banbury Magistrates' Court). Secured acquittal of client charged with failing to give details of who was driving her car when it was caught speeding on camera. The client was unable to remember whether she or her husband might have been driving.

*R v S* (St Albans Magistrates' Court). Client acquitted of driving without due care and attention. Cross-examination of the other driver and the independent witness revealed a serious inconsistency between the two key prosecution witnesses about which side of the road the client was driving on.

*R v C* (Ealing Magistrates' Court). Client acquitted of making for sale or hire an article infringing copyright. He was arrested behind the till of a shop selling counterfeit DVDs. At trial, the Crown failed to show any "making" but sought to argue that "making" included "offering" for sale. Legal argument on s. 107 of the Copyright, Designs and Patents Act 1988 resulted in the bench finding that there was no case to answer.

*R v R* (Bury St Edmund's Magistrates' Court). Client charged with common assault against partner. Successfully objected to the Crown's notice to admit evidence of the client's bad character. The client was later acquitted at trial.

### **Regulatory**

*R v C* (British Association for Counselling and Psychotherapy). At this professional conduct hearing the client faced allegations of disclosing confidential information about a patient, failing to ensure a good quality of care, and contravention of the principles of good practice of the association. The case required working within the unique framework of the BACP, familiarity with their rules of evidence, procedure and due process. The panel eventually found that none of the allegations were upheld against the client.

*R v J* (Nursing and Midwifery Council). Successfully opposed an application to suspend a nurse who had assisted an elderly patient at her home in a non-professional capacity. No restrictions imposed.

*R v R* (Health and Care Professions Council). Secured conditions of practice for a social worker whom the authority was seeking to suspend from practice altogether.

Education Act prosecutions: on behalf of the London Borough of Haringey, prosecuting individuals who have failed (sometimes deliberately) to ensure regular attendance of their children at school.

### **Fare Evasion**

Recently, Aparna has achieved out-of-court settlements for clients accused of the following types of fare evasion:

- Using a travel pass in someone else's name;
- Failing to buy the correct ticket for the same type of journey on several occasions;
- Failing to purchase a ticket where the ticket machines were not working at the entry station;

- Failing to have the correct travelcard for travel zones used.

An out-of-court settlement means that the client does not have a criminal record and is not sentenced. Instead, the transport company agrees to settle for the payment of any evaded fare(s) and payment of its own administrative costs in the case.

### **Recent Publications**

'Section 74(1) of PACE: restating the limits', Arch. Rev. 2016, 6, 5-6, concerning the use of s.74 of the Police and Criminal Evidence Act 1984 to admit previous convictions into evidence.

Book Review, Remorse, Penal Theory and Sentencing (by Hannah Maslen, 2015), (2016) 132 Law Quarterly Review 346.

Book Review, Character in the Criminal Trial (by Mike Redmayne, 2015), (2016) 20(2) International Journal of Evidence and Proof: A tribute to Mike Redmayne.

## **Education/Professional**

In 2013, Aparna completed her Doctorate in Law at Magdalen College, Oxford. She was supervised by Professor Colin Tapper (author of Cross and Tapper on Evidence) and Peter Mirfield (editor of The Law Quarterly Review). Her doctoral thesis included an exhaustive study of more than 500 Court of Appeal decisions dealing with evidence of the defendant's bad character (s 101 of the Criminal Justice Act 2003). Her research is a valuable resource in her daily criminal practice.

During her time at Oxford, Aparna tutored in several undergraduate law subjects, and edited the Oxford University Commonwealth Law Journal.

While completing her undergraduate studies, Aparna was elected President of the Australian National University Students' Association (student union) in 2005. This was a full-time role as a student advocate and representative, with ultimate responsibility for the association and its activities.

## **Appointments**

Aparna appears on the CPS list as a Grade 2 prosecutor.

Aparna has security clearance and is frequently instructed in confidential and sensitive matters involving public interest immunity and legal professional privilege. She has recently acted for HM Treasury, the Foreign & Commonwealth Office, and for HM Courts & Tribunals Service.

Aparna is a registered public access practitioner and welcomes instructions from members of the public.