



Charlene Sumnall

2003

Charlene has a mixed criminal practice balancing both defence and prosecution work. She has a calm, approachable and easy going manner which makes her particular suitable for dealing both with difficult or vulnerable clients and those cases where vulnerable witnesses are involved. She has experience of being a sole junior, leading junior and led junior advocate in a range of offences including murder, manslaughter, GBH, rape and other serious sexual offences (including historic), Arson and Serious and complex fraud. She has a strong reputation in those cases where telephone or complex banking evidence requires close attention. She is increasingly instructed in cases where there are complicated issues arising over the biological evidence, its storage and its testing. Charlene is increasingly instructed in cases where the defendant is a youth facing serious charges before the Crown Court.

Charlene has a strong background in consumer rights and regulatory law. She has a wealth of experience in offences arising out of the Consumer Protection from Unfair Trading Regulations, Copyright and Trademark offences and Food and Product safety and recall. She is a contributing author to the Blackstones Guide to the Consumer Rights Act 2015 and has had articles published in Trading Standards Journals. She has appeared in all levels of proceedings for both local authorities and defendants including appearing before the High Court (Civil Division) on injunctive relief proceedings. She regularly provides training for Local Authorities on all aspects of regulatory law and is able to advise business on compliance regimes and due diligence.

"A strong personality who is a fierce performer in court. She's very knowledgeable, brings a lot of energy to a case, and is good with tricky clients"

- Chambers and Patners

"She has developed into a leading junior"

- Legal 500

Current and Recent Cases

Operation Foremark (ongoing) – sole prosecution advocate in a substantial insurance fraud. The allegations arise out of a staged burglary at the home address of the defendants. The case involves the alleged theft of over £250,000 of antiques and as such involves a significant amount of expert evidence.

Both defendants face charges of fraud and perverting the course of justice.

Operation Dobson (ongoing) – Charlene is the prosecution junior instructed by the CPS Specialist Fraud Group on this large scale income and Capital Gains Tax evasion fraud. She has been instructed alongside Julian Christopher QC on this case prior to charge to look at both the individual subscribers to the scheme and the scope of the scheme itself. The evidence gathered so far exceeds 100,000 pages and involves evidence gathered from foreign jurisdictions.

R v ED (ongoing) – Charlene is instructed by the London Borough of Camden into the prosecution of this defendant arising out of a referral by the Advertising Standards Agency. The defendant holds himself out as a doctor operating from Harley Street, and offers services known as Live Blood tests. He claims to be able to cure all manner of diseases and illness including HIV and Cancer. He faces a number of technical regulatory offences as well as fraud.

R v AN – (ongoing) – Charlene is instructed to defend this 89 year old man into allegations stemming from over 45 years ago into sexual abuse of family members. Her client is medically unwell and as such should a trial take place she has already successfully argued that the courts case management powers allow the defendant to appear via video link from his home address for the duration of the scheduled 3 week trial.

Operation Pileated (2017) – sole instructed prosecution advocate in a 7 handed courier fraud. All the victims were vulnerable and elderly. The case involved over 20,000 pages of complex telephone and vehicle tracking data, as well as observation evidence. The trial lasted 6 weeks. All defendants were convicted and all received substantial sentences of immediate imprisonment.

R v CM – (2017) – Following a 2 week trial Charlene secured acquittals on all counts for a 74 year old man who was alleged to have been sexually abusing his granddaughters. The case involved the cross examination of young and vulnerable witnesses.

East Riding of Yorkshire v Stephen Parry - (2017) – Charlene was instructed in this case pre charge in order to provide specialist advice to the Local Authority into the offences under the Copyrights Designs and Patents Act 1988. The case involved the “jail breaking” and “modchipping” of various games consoles. Mr Parry also faced charges of money laundering. He pleaded guilty to over 20 charges. He received a lengthy sentence of immediate imprisonment which is rare for Copyright cases. Charlene also conducted the Proceeds of Crime hearing to a successful conclusion earlier this year.

Luton Borough Council v Mohammed Ashraf –(2016) – Charlene acted on behalf of the local Authority in this prosecution of a serving councillor who was found guilty after a 2 day trial of falsifying documents and making fraudulent claims out of the running of his travel agency. The case also involved offences under the Civil Aviation (Air Travel Organisers' Licensing) Regulations 2012.

R v DA and 5 others – (2016) – Following a successful application made at half time Charlene’s client was acquitted of violent disorder arising out of an incident at the Croydon branch of “Tiger Tiger”. Following careful cross examination of both door staff and police on appropriate restraint techniques and the danger of positional asphyxiation the judge acceded to the submission that the danger to the restrained person was such that the behaviour attributable to her client was no more than necessary to protect another from the risk of serious injury and death. Other defendants were convicted.

Operation Moccasin – (2015) – Charlene acted as junior defence counsel to two separate defence teams

in this 10 handed paedophile ring case. The case involved allegations emanating from 5 young siblings for which her clients were the maternal aunt and uncle. A novel approach was taken to the cross examination of these young witnesses whereby rather than putting questions to the witnesses a schedule of “inconsistencies” was put before the jury. Charlene was responsible for the creation of this document which involved cross referencing thousands of pages of material from the family court alongside the numerous ABE videos and diaries of disclosures kept by the children’s foster carers. Charlene’s clients were acquitted of all charges after a 3 month trial.

Regulatory, Consumer and Product Liability

Charlene has prosecuted for a wide number of local authorities and Private Prosecutors in all areas of Trademarks, Copyright, Environmental, Food Safety and Consumer offences. She has particular expertise in all areas involving the entertainment industry.

She has prosecuted a multi-national food importer for contaminated food that had made its way to the consumer. The company had failed to notify the FSA and failed to issue a product recall. She has appeared in numerous cases involving products which fell foul of European Safety Directives.

Charlene has also appeared before the Civil Division of the High Court on injunctive relief proceedings arising out of the obligations placed on business under the Business protection from misleading marketing regulations 2008.

She has represented numerous businesses charged with regulatory offences and has provided advice and training on due diligence regimes.

Inquests

Charlene was instructed alongside Miles Bennett on behalf of Hertfordshire County Council in the Inquest of Mr Santosh Benjamin Muthiah. One of her roles was to assist the Coroner in devising a disclosure regime into the material held by the County Council which it had obtained only by virtue of its powers to compel material. She is increasingly instructed by local authorities when they are made properly interested parties to the proceedings.

Notable Cases

R v Stephen Sleaford (Murder) (Lincoln CC). Led by Julian Christopher QC in a case that caught the attention of the press as it involved the murder of a polish immigrant who was in the process of sexually assaulting a lone 18 year old female.

R v Thompson (Counterfeit children’s toys) (Hull CC and Court of Appeal) [2012] 1 W.L.R 571. Sole counsel instructed for the prosecution. Following a successful prosecution of Mr Thompson for selling counterfeit children’s toys the case was appealed on the basis that further counts should not have been added to the indictment post committal. The conviction was upheld and the case is now a leading authority

on the amendment of indictments

Oldham Metropolitan Borough Council v Worldwide Marketing Solutions Limited and Kay [2014] EWHC 1910 (QB) – Charlene acted on behalf of both defendant's in this case which considered the ambit of S222 of the Local Government Act when bringing enforcement action outside of the area of the local authority.

R v Leavesly (Money laundering and Mortgage Fraud) (Birmingham CC) Led by Nicholas Fooks. Successful defence of a male charged with money laundering cash via casinos for several high profile convicted drug importers. Case involved complex banking and casino evidence and the calling of a defence forensic accountant whose evidence lasted for 8 days.

R v Thompson and Langley (Counterfeit currency) (Hull CC). Instructed as the sole advocate in the successful prosecution of these two males for making and using counterfeit currency. The case involved calling expert evidence on the making of UK and Euro notes.

R v Green and Others (Importation of 280KG Cocaine) (Kingston CC) Led by Julian Christopher QC. Appeared for the first defendant in a case that involved the importation via "coopering" from container ship to lobster fishing vessel. The case involved assimilating large amounts of telephone and satellite phone data alongside the "olex" data from the plotter on board the fishing vessel.

R v L (Rape, indecent assault on a child) (Wood Green CC) Led by Nicholas Fooks. Appeared as a Led junior in a case involving 8 separate complainants and over 30 sample counts of sexual abuse arising out of the operation of a riding school in the 60's and 70's.

R v Canadian Timber Homes and Browne (Business Protection from Unfair Marketing Regulations) (Reading Magistrates). Successful defence of company and director on a number of counts arising out of the regulations. The issue was whether a school contracting with CTH in the buildings for schools project could be considered as a business rather than a consumer. They were not found to be a business.

Seminars and Training

Charlene has lectured on the Extreme Pornography Provisions and the way in which they are being used and misused by the CPS.

She has delivered seminars at the Trading Standards Conference for the last 14 years on a variety of topics involving all aspects of Consumer Law including product safety and product recall. She regularly provides training for prosecution authorities including the ever popular "how not to lose a perfectly good case".

Education/Professional

- LLB Law and European Legal Systems (University of East Anglia/ Universiteit Leiden)
- LLM Human Rights and International Criminal Law (Queens University Belfast)

Other

Scholarships

- Kalisher Scholar 2003 (BVC major award)
- Sheldon Scholarship (Lincolns Inn)
- Sir Thomas Moore Bursary (Lincolns Inn)

Memberships

- Criminal Bar Association
- Association of Regulatory and Disciplinary Lawyers
- South Eastern Circuit
- Committee for the Administration of Justice
- Amnesty International

Charlene is a keen musician having played in a number of brass bands and orchestras. She also enjoys most sporting activities, motivation permitting!