



# Elaine Freer

2011

## Overview

Elaine joined chambers in October 2016, following the successful completion of her pupillage. During pupillage she defended in a range of criminal matters, and away from court, she worked on disclosure in Operation Hornet, a large-scale fraud tried in autumn 2016. She is a member of the CPS Advocates Panel at Grade One and a member of the Government Legal Department's 'Junior Junior' scheme.

Since gaining tenancy Elaine has become a Grade 1 Prosecutor for the CPS. She has also been instructed to prosecute on behalf of BEIS, Afterthefact, Croydon Borough Council and Brent Trading Standards. She continues to defend in a wide range of matters in both the Magistrates' and Crown Courts and has appeared before the Court of Appeal.

Prior to pupillage Elaine completed a PhD at Keele University on an ACORN scholarship in September 2015. This was jointly funded by The Honourable Society of the Inner Temple and Keele University, examining the extent to which a professional organisation such as an Inn of Court could influence its profession's demographic. The research focussed on the provision by Inner Temple of the Pegasus Access and Support Scheme, a scheme aiming to increase socio-economic diversity amongst new entrants to the profession through the provision of work experience in the form of mini-pupillages. A book based on the resulting PhD thesis will be published in March 2018 by Routledge.

Elaine combined her PhD with being a College Teaching Associate at Robinson College, Cambridge where she supervised undergraduates in Criminal Law and Criminology, Sentencing and the Penal System. In October 2016 she returned to Robinson on a part-time basis. She combines practice with being a Fellow and part-time College Teaching Officer in Law. She is on the defence advocate panel for students accused of disciplinary offences at Cambridge and is particularly interested in the crossover between disciplinary and criminal proceedings in these matters.

## Recent Cases

**R v S** – appeal against sentence in an indecent images case. Having been refused leave by the Single Judge, successfully argued before the full Court that the Sexual Harm Prevention Order imposed was manifestly excessive and wrong in principle.

**R v K** – Using the precedent of R v N Ltd, successfully made a submission of no case to answer on a charge of dangerous driving before a jury had been empanelled on the basis of the observing officers' statements. The client had already pleaded to a charge of careless driving.

**R v N** – Maidenhead MC – Secured an acquittal for a defendant charged with drink driving by successfully challenging the Crown's identification evidence of two police officers.

**R v K & N** – Croydon MC – D (a youth) was charged with one count of common assault against store security guards and one of criminal damage to the store. Cross-examination uncovered corroboration between Crown witnesses which led to a successful application to exclude their evidence under s78 at the close of the Pros case. This meant that there was no case to answer on the assault. The incident leading to the criminal damage charge was shown on CCTV, but after giving evidence the Defendant was acquitted on the basis of lawful excuse.

**R v O** – Croydon CC – D pleaded on a basis at PTPH to PWITS Class A. He had previous Class A possession convictions and was serving a community order at the time of this offence. Successfully argued for a lower category for sentencing on the Guidelines, and D was sentenced to 32 months' imprisonment.

**R v F** – Chelmsford CC - D had breached an SSO (20 months suspended for 24 months) imposed on her in July 2015 for assault PC and threats to kill against her ex-partner and young daughters. During the operational period she was arrested for being drunk and disorderly and assaulted 2 arresting PCs. The Court's options in relation to the SSO were limited as the operational period was already at its maximum. Successfully argued for the SSO not to be activated - 30 RAR days were added to the existing SSO, and a Community Order was imposed for the new offences.

**R v H** – Feltham MC – D was charged with stealing a bike, with the entire incident captured on CCTV. Secured an acquittal by successfully challenging the Crown's identification evidence of two police officers, including one was a 'super-recogniser'.

**R v P** – Isleworth CC – D had received an SSO for a domestic incident with a former partner which he breached by harassing his new partner. Sentence was not activated, and D was order to pay a £10 for the breach of the SSO and sentenced to a community order for the new offence.

## Education/Professional

### Qualifications

2016: PhD (Keele)

2012: MPhil Criminology (Cantab)

2011: BPTC (Kaplan Law School)

2010: BA (Hons) Law (Cantab)

## Scholarships

Hardwicke Entrance Scholarship (Lincoln's Inn)

Lord Denning Scholarship 2010/2011 (Lincoln's Inn)

Cloth Fair Scholarship 2011 (Kalisher Trust)

Levitt Pupillage Scholarship 2015 (Lincoln's Inn)

## Publications

Causing or allowing the death of a child: challenges to working out 'which of you did it'? (2016) *Criminal Law Review*, 9, 616-624

Punishment and Rehabilitation: Uneasy bedfellows under s.44 of the Crime and Courts Act 2013?(2016) *Australian and New Zealand Journal of Criminology* (forthcoming – currently available via OnlineFirst)

Yes, no, maybe – recent cases on consent and freedom to choose (2016) *Archbold Review* 1, 6-9

Case in detail: R v Hunter (2015) *Archbold Review* 5, 4

Lies, damned lies and [criminal] statistics (2014) *Archbold Review* 6, 6-9

Bristow: A dangerous intervention? (2014) *Archbold Review* 1, 6-8

First-time offender discount: the justifications (2013) *Journal of Criminal Law*, 77(2) 163-171

Courts: In camera or on camera? (2012) *Criminal Law and Justice Weekly*, 176 (41) 585

From Chicago to Malta: possible explanations for avoiding jury service (2012) *Archbold Review* 6

R v Gnango - The Curious Case of Bandana Man, Parts 1 and 2 (2012) *Criminal Law and Justice Weekly*, 176 (13) 181 and (15/16) 218