



Richard Padley

2011

"Presents his cases in the most effective way possible to get the best out of the case"
- Instructing Solicitor

Overview

Richard joined chambers in October 2014 following successful completion of pupillage in chambers.

Richard represents both Defendants and Prosecuting authorities in a broad range of criminal and regulatory matters through difficult and complex proceedings. Richard has worked with a variety of professional witnesses, including accountants, scientists and veterinary practitioners in both his defence and prosecution work.

Before coming to the Bar Richard worked as a paralegal for a number of firms of solicitors specialising in a range of street legal aid cases to large scale international fraud and bribery.

Richard was appointed as a CPS Level 2 prosecutor in January 2018, and subsequently appointed at the senior panels for Fraud, Proceeds of Crime and Serious Crime matters.

White Collar Crime and Fraud

Richard joined the bar having spent a number of years working at Peters & Peters Solicitors LLP assisting with money laundering both on a national and international scale. Richard holds a keen interest in this area and draws on his experience when advising and assisting clients faced with these matters. In January 2015 Richard re-joined the firm for a second time, amongst other matters, he worked on the ongoing investigation into Barclays-Qatar funding arrangements in respect of allegations of conspiracy to defraud, and allegations of bribery against a director to secure a £5m loan.

Additionally, whilst working as a paralegal at Birds Solicitors Richard assisted in the preparation of the case concerning insider trading in Operation Saturn, at the time the largest insider trading case prosecuted by the FCA. Working closely with Pople QC, Richard assisted in the analysis of financial and communication evidence and general preparation for the 3-month trial to assist Counsel on a day to day basis.

Richard holds a keen interest in matters of bribery, corruption and financial crime that stems from trading financial markets. In chambers Richard's white-collar crime practice has continued to grow from strength to strength. During 2014

Gherzi at his pre-trial hearings (subsequently represented by QC at trial) in relation to allegations of conspiracy in an investment bank in respect of the sale of a financial product. In 2016 Richard represented Alex Pabon, a US citizen, in relation to allegations of manipulation of the LIBOR benchmark whilst employed at Barclays Bank. The matter culminated in a three-day trial with a significant amount of communication evidence.

Richard's recent cases within the ambit of white collar crime:

R v Lynden Scourfield and others (Southwark Crown Court – November 2015 – January 2017): Instructed to advise and represent Lynden in relation to the exercise of extensive banking documents relating to £1bn plus fraud by employees of HBOS.

<https://www.ft.com/content/ff5aa796-e963-11e6-967b-c88452263daf>

R v Alex Pabon (Southwark Crown Court – July 2016) – Libor Trial 3 - Richard, led by Tom Allen QC and Alex Pabon in relation to allegations of dishonestly manipulating the LIBOR benchmark over a two-year period.

Fraud and Revenue Offences

Richard is regularly instructed to both prosecute and defend matters of fraud, money laundering and allegations of tax evasion. Richard has a keen attention to detail in assessing financial statements, transactions and calculations. He has extensive experience in assisting to build a case, such as forensic accountants to assist with the explanation of transactions and calculations. He is also experienced in HMRC prosecutions, and regularly is instructed to prosecute and defend matters involving evasion of tax and fraud. He has prosecuted pre-trial hearings relating to fraud allegations involving in excess of 20 defendants. He can confidently provide a clear understanding of a complex case and the evidential position. Building on his white-collar crime experience Richard has extensive knowledge of figures, financial practices and the requirements of HMRC.

Recent instructions have included:

Revenue Fraud

R v MM (Harrow Crown Court – December 2016) – Representing an individual who had previously pleaded guilty to the fraudulent evasion of VAT. The Crown originally placed the value of the fraud at approximately £185,000. Richard's representation supported by documentary evidence this was reduced without the need for a Newton Hearing to £20,000.

R v TT (Woolwich Crown Court – August 2016): Richard prosecuted TT in relation to an offence of cheating by obtaining £200,000 of tax. Continuing his instruction in the confiscation proceedings Richard successfully obtained a confiscation order for £200,000 successfully opposing arguments raised by the Defence surrounding the application of the UK-Switzerland Finance Act 2012 following disclosure of the Defendant's attempts to regularise tax affairs and to avoid the confiscation order.

HMRC Regulatory Offences

R v MA and JC Ltd (Wood Green Crown Court – March 2018): Representing a well-known brand of commercial property. Richard advised and mitigated on behalf of both in respect of offences relating to the payment of security for unpaid tax. Richard's representation reduced from close to £200,000 to £20,000 following written submissions on how the District Judge at the Magistrates' Court approached this calculation.

General Fraud and Money Laundering

R v NA (Bristol Crown Court – April 2017 - January 2018): Instructed to advise and represent NA who faced

defraud (disputed value of £66k) resulting from allegations of contaminating saliva samples and sending and to avoid paying child support. After trial, following extensive cross examination of the crown's forensic scientist three allegations he faced. At the resulting sentencing hearing the Judge agreed to sentence at the bottom of fraud resulting in a much-reduced sentence.

R v AR (Croydon Crown Court – October 2016 – April 2018) – Represented AR at both trial and retrial in respect of caution when making applications for teaching positions. At retrial the matter was withdrawn from the jury re-charge of the Crown's case.

R v AT (Isleworth Crown Court – February 2017) – AT was charged with three money laundering counts in respect of over £200,000 of criminal property. On the day of trial, and following negotiations with the prosecutor, accepted a reduced count at a value less than £100,000 with the Judge utilising a starting point of £50,000 on the sentencing guidelines.

R v EI (Isleworth Crown Court – September 2016) – Successfully prosecuted EI for five counts of fraud arising from the use of counterfeit credit cards over a number of days at Harrods.

Confiscation and Restraint

Building on his skills and experience of fraud and financial crime Richard is regularly instructed (both when facing allegations and when not) to deal with confiscation proceedings. He is well versed with the complexities of the law to ensure the best possible result for his client. Richard understands the importance of meticulous preparation, assessing financial information and its implications within the broader context of the case.

R v LC (Central Criminal Court – February 2018 – April 2018) – Advised the prosecution on an application for a confiscation order, and drafting said application, leading to an increased amount not opposed by LC.

R v AM and AM (Luton Crown Court – March 2018) – Negotiated the variation of a restraint order allowing for the release of funds, restraining the proceeds of sale.

R v AK (Maidstone Crown Court – January 2018) – Secured a nominal order for AK who had committed a criminal benefit figure of over £400,000.

R v KB (Isleworth Crown Court – September 2017) – Successfully argued that two pensions should be valued at nominal value rather than at full estimated realisation value (of over £200k) to ensure difficulties with enforcement.

LBB v KS and a K Ltd (Harrow Crown Court – August 2017): Representing KS and K Ltd in respect of 12 counts of fraud since 1994. Following representations and the collection of evidence the criminal benefit figure was reduced to £1 million amount of approximately £20k from over £100k.

R v SM (Southwark Crown Court – February 2017) – Richard was instructed to represent SM at his confiscation proceedings in respect of his involvement in a £2.5m carbon credit fraud. The prosecution alleged criminal benefit of over £500,000 found, following a contested hearing, at just over £50,000. The matter involved extensive arguments over the application of POCA and individuals who allow their bank accounts to move the proceeds of crime.

General Crime

Richard is regularly instructed by both the Prosecution and Defence in a broad range of general criminal matters. His recent years have included large scale drug conspiracies, firearm offences, armed robbery, terrorism and attempted murder.

A number of Richard's cases have involved expert evidence and Richard is well acquainted with the use of expert evidence, and how best to present these to juries.

Richard's recent cases include:

Firearms:

R v WB (Kingston Crown Court – January 2018) – Secured a community order for an individual in possession of a firearm in a public place following advice leading to an early guilty plea.

R v RA (Inner London Crown Court – December 2017): RA was alleged to have been in possession of a CS spray and possession of a knuckleduster in a public place. Following a successful application to dismiss the allegation of possessing a knuckleduster. Following representations, the Crown also offered no evidence in relation to the disguised firearm. The CS spray was dealt with by way of financial penalty following advice on an early guilty plea.

R v TS and two others (Oxford Crown Court – February 2017) – Prosecuted three individuals, including a defendant in possession of imitation firearms, resulting in a combined sentence of over 17 years.

R v DJ (Kingston Crown Court - September 2015) – Richard represented DJ from his first appearance to his trial on a conspiracy to transfer a firearm. The evidence against DJ was based on cell site and telephone schedule evidence which was used to identify an individual which was subsequently used in a large-scale drug deal several days later. The sentencing judge was not aware of the ultimate use that the firearm would be put to thus avoiding a much higher sentence. DJ was sentenced to 18 months imprisonment.

Theft and Associated Dishonesty:

R v N, F, and S (Luton Crown Court – January 2018 – March 2018) – Prosecuting three individuals for multiple theft offences. The case involved extensive analysis of cell site evidence. Following service of further evidence upon the Crown, the case was resolved by way of financial penalty.

R v AK (Maidstone Crown Court – August 2017): Following guilty pleas entered to three domestic burglaries, taken into account, Richard secured a two-year custodial sentence for AK following mitigation at the sentencing hearing.

R v MN (Basildon Crown Court – April 2017): Secured acquittal of Defendant charged with burglary. Involved extensive evidence purportedly showing movement of the Defendant as well as a motorcycle expert on the identification of a motorcycle.

R v J O'B (Isleworth Crown Court – January 2016) – J O'B was charged with aggravated burglary, having possession of a knife and spanner, and assaulted an occupier in front of their grandchild. Richard successfully opposed prosecution offering no evidence.

Violence

R v DS (Guildford Crown Court – March 2018 – October 2018) – Presently instructed to advise and represent DS in relation to a charge of causing bodily harm leading to DS's partner to suffer a stroke and brain haemorrhage. Involves extensive analysis of evidence.

R v AJ and JR (Isleworth CC – May 2018) – Prosecuted two defendants over a five-day trial in relation to a charge of causing bodily harm.

R v MM (Isleworth CC – May 2018) – Represented D1 in a group robbery involving multiple Defendants. C whereas others convicted unanimously.

R v SB (Blackfriars Crown Court – November 2016) – SB was charged along with another of s18 GBH h assaulting a taxi driver leading to him suffering a fractured skull. Following a 6-day trial SB was acquitted of

R v IS (Isleworth Crown Court – August 2016) – Secured the acquittal of IS following a four day trial for A involving previous allegations in the form of bad character. Through detailed cross examination was able to purported dates and times of photographs of injuries.

R v MH (Woolwich Crown Court – November 2015) – MH was originally charged with soliciting murder an a terrorist (copies of Inspire magazine and The Anarchists Cookbook). Following Richard's representations ; the prosecution accepted a plea to recklessly encouraging terrorism, and therefore avoiding a potential life s

Drugs

R v PB (Ipswich Crown Court – January 2018) – Successfully secured community order for individual who Class A drugs, namely methadone, following the submission of a basis of plea.

R v LB (Croydon Crown Court – July 2017) – Trial of allegations of supplying Class A drugs

R v SI (Reading Crown Court – June 2017) – Trial of allegations of possession of Class B drugs with inten

Regulatory and Consumer Protection

Richard is regularly instructed by a range of local authorities to prosecute regulatory matters relating to use r restrictions, trademark infringements and safety regulations. Using his experience in prosecuting these matt advise and assist defendants in these matters. Previous matters include allegations contrary to the Food Lab Act 1994 and the Town and Country Planning Act 1990.

Further Richard regularly prosecutes on the instruction of the Federation Against Copyright Theft ('FACT') fo fraudulently receiving programmes contrary to the Copyright Designs and Patents Act 1988.

Recent cases within the ambit of regulatory and consumer law include the following:

- **WMC v CG Ltd (Westminster MC – April – June 2018)** – Advising and representing CG Ltd, pound turnover, in respect of allegations contrary to Environmental Protection Act 1990.
- **PCC v KHC (Cambridge Crown Court – January 2018)** – Instructed in respect of sentencing mark and toy safety offences.
<http://www.cambridgeindependent.co.uk/news/crime/former-cambridge-businessman-sentence>
- **LBH v YK (Highbury Corner MC – January 2018)** – Instructed to prosecute YK on behalf of L to comply with a planning enforcement notice. Following conviction Richard is instructed in the
- **LBE v SM Ltd and three others (Highbury Corner MC – October 2017)** – Richard was instr companies and their respective directors in relation to the use of a premises for food production entered on the day of trial the matter concluded with financial penalties of over £100k imposed
<https://www.thesun.co.uk/news/4938969/baker-tennis-racket-mash-potatoes-fined/>
<http://www.dailymail.co.uk/news/article-5093233/Bakery-fined-using-tennis-racket-mash-potato>

- **LBB v KS and a K Ltd (Harrow Crown Court – August 2017):** Representing KS and K Ltd in respect of 12 breaches industry was calculated at almost £250,000. Secured 6 month suspended sentence following mitigation.
- **MKC v JM (Aylesbury Crown Court – August 2017)** – Successfully opposed an appeal against the grant of a closure
- **MHRA v K & K (Chelmsford Crown Court – February 2016)** – Richard successfully prosecuted two brothers selling s appropriate licenses or regulatory approval to do so.

Professional Discipline

Richard has represented a broad range of professionals at disciplinary tribunal hearings, including the NMC stages of the disciplinary proceedings process from initial conditions of practice applications to fully contested

Recent instructions have included:

- **HCPC v DS (April 2018):** Representing DS, a paramedic who admitted posting on social media photo dishevelled state. Following submissions a caution order was made against DS thereby allowing DS t
- **HCPC v CR (December 2016 - November 2017):** Richard represented CR in relation to over 20 sep social care environment relating to the administration of their practice and poor decision making, inclu Following an initial 6 day hearing the tribunal found as unproven over half of the allegations including further submissions only two allegations were found to constitute impairment and on the public interest sanction the HCPC made a caution order.
- **NMC v ER (June 2017):** Representing ER at an interim application hearing in relation to allegations a in an emergency situation leading to the death of a patient in their care.
- **NMC v AOB (January – April 2017):** Contested fitness to practice hearing in relation to the maladmini final hearing, at which the Registrant did not attend, an allegation of intentionally overprescribing med allegations that had been accepted resulted in the imposition of a conditions of practice order.

Publications

Should the Financial Conduct Authority's immunity remain sacrosanct? How does this compare with the US' Reuters Accelus) - 3 February 2015 – Top 5 most read commissioned articles for this publication during Feb

Skiving, Truancing or just plain Criminal? – Criminal Law and Justice Weekly – 16 February 2015 – Feature

Traffic Offences without Borders – Lexis PSL (Corporate Crime – 23 February 2015

The Resurgence of Res Gestae – Criminal Law and Justice Weekly – 7 June 2015 – Feature cover article

The Hound of Hounslow: Regulating against the 'flash crash' – Solicitors Journal – 9 June 2015 - Feature co

What use can 'Public Domain Information' have in dealing with allegations of insider trading– YFLA Newslet

Consultation on further safeguards on investigatory powers launched – Lexis PSL (Corporate Crime – Dece

Other Interests

Outside of law Richard enjoys running and has run the London Marathon twice raising around £3000 for the Manchester United FC fan.

Education and Professional

Qualifications

BPTC (2011) – City Law School

LLM International Business Law (2009) – UCL

LLB (2008) – London School of Economics

Scholarships/Awards

Otto Rix Scholarship – Inner Temple

BPTC Prize – City Law School