



Richard Padley

2011

"Presents his cases in the most effective way possible to get the best out of his clients"

- 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 cases. He confidently leads people through difficult and complex proceedings. Richard has worked with a variety of professional witnesses, including cell site and telephone analysis experts, forensic scientists and veterinary practitioners. He undertakes extensive assessment and analysis of their evidence to assess the merits of the conclusions they draw.

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

White Collar Crime and Fraud

Richard joined the bar having spent a number of years working at Peters & Peters Solicitors LLP assisting with fraud, bribery and money laundering both on a national and international scale. Richard holds a keen interest in these matters and draws on his extensive previous experience when advising and assisting clients faced with these matters. In 2015 Richard re-joined the firm for six months on secondment. Whilst there, amongst other matters, he was primarily involved in the ongoing investigation into Barclays-Qatar funding arrangements, advising a Barclays employee in respect of allegations of conspiracy to defraud, and allegations of bribery against a director to secure a £5m contract.

Additionally, whilst working as a paralegal at Birds Solicitors Richard was representing an individual charged with insider trading in Operation Saturn, at the time the largest insider trading case prosecuted by the FCA. Working closely with Patrick Gibbs QC and Alison Pople QC, Richard assisted in the analysis of financial and communication evidence and the general preparation for trial. Richard was present during 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 products. Following joining chambers Richard's white-collar crime practice has continued to grow from strength to strength. During 2015 Richard represented Alessandro Gherzi at his pre-trial hearings (subsequently represented at trial) in relation to allegations of conspiring with others to defraud a leading investment bank in respect of a financial product. In 2016 Richard represented Alex Pabon, a US swaps trader, charged with manipulation of a benchmark whilst employed at Barclays Bank. The matter culminated in a three-month trial involving extensive use 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 CPS to assist in a disclosure 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 Rabaiotti, represented Mr 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 financial misconduct. Richard has a keen attention to detail in assessing financial statements, transactions and complex calculations. He has worked with a range of experts in assisting to build a case, such as forensic accountants and lawyers, with the explanation of transactions and calculation of loss. Richard is familiar with HMRC prosecutions, and is regularly instructed to prosecute and defend matters involving evasion of tax and cheating the revenue. Richard has represented clients at pre-trial hearings relating to fraud allegations involving in excess of 20 defendants. He can confidently and competently manage an understanding of a complex case and the evidential position. Building on his white-collar crime experience, Richard is confident in dealing with figures, financial practices and the requirements of HMRC.

Recent instructions have included:

R v MA and JC Ltd (Highbury Corner Magistrates' Court – January 2018): Representing a well-known comedy venues and its director, Richard advised and mitigated on behalf of both in respect of offences relating to the non-payment of security for unpaid tax.

R v AT (Isleworth Crown Court – February 2017) – AT was charged with three money laundering counts in relation to the acquisition and transfer of over £200,000 of criminal property. On the day of trial, and following negotiations with the prosecutor, acceptable pleas were taken in relation to one count at a value less than £100,000 with the Judge setting a starting point of £50,000 on the sentencing guidelines.

R v MM (Harrow Crown Court – December 2016) – Representing an individual who had previously pleaded guilty to being knowingly concerned in the fraudulent evasion of VAT. The Crown originally placed the value of the fraud at approximately £185,000 however after extensive written representation supported by documentary evidence the value was reduced without the need for a Newton Hearing to approximately £75,000.

R v EI (Isleworth Crown Court – September 2016) – Successfully prosecuted EI for five counts of fraud and possession of articles for use in fraud, in respect of the use of counterfeit credit cards over a number of days

Confiscation

Building on his skills and experience of fraud and financial crime Richard is regularly instructed (both when litigating with the underlying criminal allegations and when not) to deal with confiscation proceedings. He is well versed in the complexities of the legislation and practical requirements to ensure the best possible result for his client. Richard understands the importance of meticulous preparation and attention to detail when assessing financial and forensic implications within the broader context of the case.

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

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

LBB v KS and a K Ltd (Harrow Crown Court – August 2017): Representing KS and K Ltd in respect of 12 counts under the Trade Marks Act 1994. Following representations and the collection of evidence the criminal benefit figure was reduced to £100k from £350k, with an available 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 following a guilty plea to his involvement in a £2.5m carbon credit fraud. The prosecution alleged a criminal benefit of over £500,000 with the available amount being found, following a contested hearing, at just over £200,000. The matter involved extensive arguments over the use of the proportionality ‘safety valve’ in POCA and individualising the available amount to their bank accounts to move the proceeds of crime.

LBC v PK (Croydon Crown Court – August 2016) – Successfully opposed an application to vary a restraint order to the fulfilment of a confiscation order

HMRC v TT (Woolwich Crown Court – August 2016): Richard prosecuted TT in relation to an offence of evading public revenue in respect of over £200,000 of tax. Continuing his instruction in the confiscation proceedings Richard successfully obtained a confiscation order of approximately £200,000 successfully opposing arguments raised by the Defence surrounding the application of the UK-Swiss tax regularisation treaty and schedule 36 Finance Act 2004 following disclosure of the Defendant’s attempts to regularise tax affairs abroad.

General Crime

Richard is regularly instructed by both the Prosecution and Defence in a broad range of general criminal matters. Instructions over the past few 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 forensic evidence and other forensic evidence, and how best to present these to juries.

Richard was appointed to the CPS list of prosecutors at Level 2 in December 2017.

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 loaded realistic imitation 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 firearm, possession of CS spray and possession of a knuckleduster in a public place. Following a successful defence to dismiss no evidence was offered in relation to the allegation of possessing a knuckleduster. Following representation the Crown also offered no evidence in the week before trial of possessing a 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 charged with robbery of a bank using 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 sentencing for an offence of conspiracy to transfer a firearm. The evidence against DJ was based on cell site telephone schedule evidence. DJ was the supplier of a firearm to an individual which was subsequently used in a large-scale drug deal several days later. The sentencing judge accepted in mitigation that DJ was not aware of the ultimate use that the firearm would be put thus avoiding a much higher sentence. DJ was ultimately sentenced to 18 months imprisonment.

Theft and Associated Dishonesty:

R v NA (Bristol Crown Court – January 2018): Instructed on behalf of NA who faced three counts of conspiracy to defraud (disputed value of £66k) resulting from allegations of contaminating saliva samples and sending an individual to a place for a blood test sample to avoid paying child support. After trial, following extensive cross examination of the crown's forensic scientist, and without the benefit of a defence expert, the jury acquitted NA of two of the three counts he faced. At the resulting sentencing hearing the Judge agreed to sentence at the bottom of the range for the value of the fraud resulting in a much-reduced sentence.

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

R v MN (Basildon Crown Court – April 2017): Secured acquittal of Defendant charged with burglary. Involvement of cell site evidence purportedly showing movement of the Defendant as well as a motorcycle expert on the use of a motorbike used as part of the burglary.

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

Violence

R v SB (Blackfriars Crown Court – November 2016) – SB was charged along with another of s18 GBH having

alleged of repeatedly assaulting a taxi driver leading to him suffering a fractured skull. Following a 6-day trial he was acquitted of s18 GBH.

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

R v MH (Woolwich Crown Court – November 2015) – MH was originally charged with soliciting murder and possession of material likely to assist a terrorist (copies of Inspire magazine and The Anarchists Cookbook). Following representations and the submission of a basis of plea the prosecution accepted a plea to recklessly encourage terrorism, and therefore avoiding a potential life sentence.

Drugs

R v PB (Ipswich Crown Court – January 2018) – Successfully secured community order for individual who was guilty to the supply of 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 intent

Regulatory and Consumer

Richard is regularly instructed by a range of local authorities to prosecute regulatory matters relating to use of proper planning restrictions, trademark infringements and safety regulations. Using his experience in prosecuting these matters he is often approached to advise and assist defendants in these matters. Previous matters include allegations contrary to the Labelling Regulations 1996, Trade Marks Act 1994 and the Town and Country Planning Act 1990.

Further Richard regularly prosecutes on the instruction of the Federation Against Copyright Theft ('FACT') for Sky TV in respect of allegations of 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:

- **PCC v KHC (Cambridge Crown Court – January 2018)** – Instructed in respect of sentencing KHC following pleas to copyright infringement, trademark and toy safety offences

<http://www.cambridgeindependent.co.uk/news/crime/former-cambridge-businessman-sentenced-for-selling-dangerous-toys/>

- **LBH v YK (Highbury Corner MC – January 2018)** – Instructed to prosecute YK on behalf of LBH in respect of an alleged breach of a planning enforcement notice. Following conviction Richard is instructed in the ongoing confiscation proceedings.
- **LBE v SM Ltd and three others (Highbury Corner MC – October 2017)** – Richard was instructed by LBE to prosecute SM Ltd and its three directors in relation to the use of a premises for food production. Following acceptable plea entered on the day of trial the matter concluded with financial penalties of over £100k imposed. The matter was reported in the Sun.

<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-potatoes.html>

- **LBB v KS and a K Ltd (Harrow Crown Court – August 2017):** Representing KS and K Ltd in respect of 12 breaches of the Trade Marks Act 1994. The loss to industry was calculated at almost £250,000. Secured 6 month suspended sentence following conviction.
- **MKC v JM (Aylesbury Crown Court – August 2017)** – Successfully opposed an appeal against the grant of a closure order.
- **LBH v AA (Highbury Corner MC – February 2017)** – Prosecuting on behalf of LBH a landlord alleged to have acted in breach of his HMO licence.

- **MHRA v K & K (Chelmsford Crown Court – February 2016)** – Richard successfully prosecuted two brothers selling s enhancement products without the 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 and HCPC attended at all stages of the disciplinary proceedings process from initial conditions of practice applications to fully cc hearings.

Recent instructions have included:

- **HCPC v CR (December 2016 - November 2017):** Richard represented CR in relation to over 20 separate allegations c within a social care environment relating to the administration of their practice and poor decision making, including alleg dishonesty. Following an initial 6 day hearing the tribunal found as unproven over half of the allegations including those dishonesty. Following further submissions only two allegations were found to constitute impairment and on the public in Following final submissions on sanction the HCPC made a caution order.
- **NMC v ER (June 2017):** Representing ER at an interim application hearing in relation to allegations arising out of failing respond 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 maladministration of medic a final hearing, at which the Registrant did not attend, an allegation of intentionally overprescribing medication was disn allegations that had been accepted resulted in the imposition of a conditions of practice order.
- **HCPC v SB (August 2016)** – Application to dismiss all allegations accepted by the tribunal.
- **HCPC v PT (December 2016)** – Application to vary interim conditions of practice to allow Registrant to take up new po employment.

Road Traffic

Richard has represented individuals at all stages of proceedings for a range of road traffic offences including and careless driving, driving without insurance and driving with excessive alcohol. He has successfully argu reasons and exceptional hardship to avoid his clients receiving disqualification. This has included successfu special reasons and obtaining an absolute discharge for an individual who pleaded guilty to failing to respon of intended prosecution. Richard has also successfully run the defence of duress of circumstance in a carele trial.

Richard's recent cases within the ambit of Road Traffic offences include the following:

R v SA (Willesden Green Magistrates' Court – August 2015) – Richard successfully secured special reas absolute discharge for an individual charged with driving without insurance, having been misled by her moth status of the insurance position over the vehicle.

R v PD (Tottenham Magistrates' Court – November 2014) – Richard secured an absolute discharge and argued special reasons for an individual who had previously pleaded guilty to an offence of failing to provide of the driver to which he was the registered keeper.

R v S (Guildford Crown Court – November 2014) – Richard secured a 6 month suspended sentence for his client who had pleaded guilty to one count of dangerous driving. Richard's client pleaded guilty to driving at speeds of over 100 mph on undertaking vehicles on the motorway on route, for a period of over 20 minutes whilst being followed by police over a distance of over 30 miles.

R v D (Stratford Magistrates' Court – July 2014) – Secured an acquittal following successfully arguing duress as a defence circumstance for an individual charged with two counts of careless driving.

Other Interests

Outside of law Richard enjoys running and has run the London Marathon twice raising around £3000 for charity. He also enjoys football and is a keen 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

Publications

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

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

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 cover article

What use can 'Public Domain Information' have in dealing with allegations of insider trading? – YFLA Newsletter – 2015

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