



Richard Padley

2011

"Presents his cases in the most effective way possible to get the best outcome for his clients"

- Instructing Solicitor

Overview

Richard joined Chambers in October 2014 following successful completion of pupillage in Chambers. Recent instructions have included:

- Representing an Albanian national in a £1m conspiracy to supply cocaine;
- Representing a nurse in regulatory proceedings alongside a concurrent gross negligence manslaughter investigation;
- Representing an alleged jewellery burglar as part of £1.5m gold smelting operation

Richard acts for both defendants and prosecuting authorities in a broad range of criminal matters. He confidently leads people through difficult and complex matters at all stages of criminal proceedings. Richard has worked with various professional witnesses, including cell site and telephone analysis experts, DNA and veterinary practitioners, undertaking extensive assessment and analysis of their evidence to assess the merits of the conclusions they seek to draw. He has a strong base of background experience in white collar crime and was instructed to represent Alex Pabon at trial in relation to allegations of manipulating LIBOR, as well as representing Alessandro Gherzi at pre-trial proceedings relating to allegations surrounding the fraudulent sale of Argentinian Warrants through a large investment bank.

Since February 2017 Richard became direct access qualified allowing him to accept instructions directly from individuals and organisations seeking advice and assistance with criminal proceedings.

White Collar Crime and Fraud

Prior to joining chambers Richard spent a number of years working at leading white collar crime firms assisting with matters of fraud, bribery and money laundering both on a national and international scale. Richard holds a keen interest in this area and draws on his extensive previous experience when advising and assisting clients faced with these matters.

Richard has recently represented Alex Pabon, a US swaps trader, charged with manipulation of the LIBOR benchmark whilst employed at Barclays Bank. Further recent instructions include prosecuting an individual charged with cheating the public revenue by failing to disclose income that had been paid into Swiss bank accounts (and the subsequent confiscation proceedings) and representing HMRC at a hearing in the First Tier Tax Tribunal in respect of a £1m MTIC fraud.

In January 2015 Richard was seconded for six months to leading white collar crime specialists Peters and Peters Solicitors LLP. Whilst there, amongst other matters, he primarily worked on 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.

Prior to joining 5 Paper Buildings Richard worked as a paralegal for Birds Solicitors representing an individual charged with inside 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 evidence and preparation for trial, whilst attending the 3 month trial to assist Counsel on a day to day basis. Richard also worked in a paralegal capacity at Peters & Peters Solicitors LLP. Working with the Head of Business Crime Richard was involved in the private prosecution of *Ketan Somaia*, which ultimately concluded in July 2014.

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

R v AT (Isleworth Crown Court – February 2017) – AT was charged with three money laundering counts alleging the acquisition and transfer of over £150,000 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 utilising a starting point of £50,000 on the sentencing guidelines.

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

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 this was reduced without the need for a Newton Hearing to approximately £75,000.

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

Confiscation

Richard regularly represents individuals and prosecutors throughout the course of confiscation proceedings. Richard understands the importance of meticulous preparation and attention to detail when assessing financial information and its implications within the broader context of the case. Richard regularly negotiates with the other side to ensure the best possible outcome for his client.

LBB v KS and a K Ltd (Harrow CC – August 2017): Representing KS and K Ltd in respect of 12 breaches of 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 criminal benefit of over £500,000 with the available amount being subsequently found at just over £50,000. The matter involved extensive arguments over the use of the proportionality 'safety valve' in POCA and individuals who allow their bank accounts to flush the proceeds of crime.

R v TT (Woolwich Crown Court – August 2016): Richard prosecuted TT in relation to an offence of cheating the 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 argument raised by the Defence surrounding the application of the UK-Swiss tax regularisation treaty and schedule 36 Finance Act 2012 following disclosure of the Defendant's attempts to his 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 cell site, DNA and other forensic evidence. Richard has also utilised SOCPA agreements in mitigation to ensure the best possible outcome for his clients.

Richard's recent cases within the ambit of general crime include the following:

R v NA (Bristol Crown Court – Ongoing): Defence of an individual alleged to have defrauded the potential mother of his children of child support by sending others to conduct blood samples and manipulating the results of mouth swab tests.

R v RA (Inner London Crown Court – Ongoing): Ongoing defence of a businessman alleged to have been in the possession of a disguised firearm.

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

R v TS and two others (Oxford Crown Court – February 2017) – Prosecuted three individuals, including one youth, for robbery of a bank using imitation firearms, resulting in sentences passed of over 17 years combined.

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

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

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 at Harrods.

R v IS (Isleworth Crown Court – August 2016) – Secured the acquittal of IS following a four day trial for ABH in respect 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 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.

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 Richard's representations and the submission of a basis of plea the prosecution accepted a plea to recklessly encouraging terrorism, and therefore avoiding a potential life sentence.

R v DJ (Kingston Crown Court – November 2014 - September 2015) – Richard represented DJ from his first appearance to ultimate sentencing for an offence of conspiracy to transfer a firearm. The evidence against DJ was based on cell site and 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 5 years imprisonment.

Regulatory and Consumer

Richard represents both Prosecuting authorities and Defendants in a range of regulatory and consumer offences. Previous matters include allegations contrary to the Food Labelling Regulations 1996, Trade Marks Act 1994 and the Town and Country Planning Act 1990.

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:

LBH v KS (Wood Green CC – Ongoing): Following a plea to offences contrary to the Town and Country Planning Act 1990 Richard is instructed in respect of ongoing confiscation and sentencing proceedings against KS.

LBB v KS and a K Ltd (Harrow CC – 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 mitigation.

LBH v AA (Highbury Corner MC – February 2017) – Prosecuting on behalf of LBH a landlord alleged to have acted in breach of a HMO licence.

MHRA v K & K (Chelmsford CC – February 2016) – Richard successfully prosecuted two brothers selling sexual enhancement products without the appropriate licenses or regulatory approval to do so.

EA v NP (City of London Magistrates' Court – September 2015) – Richard represented NP at his sentencing hearing in relation to multiple breaches of environmental and waste disposal regulations. This was NP's second set of breaches in relation to directorship and operations in the waste disposal industry. Following mitigation NP avoided a directors disqualification order and the imposition of a suspended sentence.

R v MM (Lavendar Hill Magistrates' Court – August 2014) – MM was charged with 15 counts contrary to Food Labelling Regulations 1996 and a further 9 counts contrary to the General Food Regulations. A financial penalty was imposed following mitigation.

Professional Discipline

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

Recent instructions have included:

NMC v ER (Ongoing): Representing ER in relation to allegations arising out of failing to correctly respond in an emergency situation alleged to have led to the death of a patient. Proceedings, both criminal and regulatory, are ongoing.

HCPC v CR (Ongoing): Allegations of malpractice within a social care environment relating to the administration of practice.

NMC v AOB (January – April 2017): Contested fitness to practice hearing in relation to the maladministration of medication. Following a final hearing, at which the Registrant did not attend to give evidence, an allegation of intentionally overprescribing medication was dismissed. Those allegations that had been accepted resulted in a conditions of practice order and avoidance of being struck off the register.

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 position of employment.

Road Traffic

Richard has represented individuals at all stages of proceedings for a range of road traffic offences

including dangerous and careless driving, driving without insurance and driving with excessive alcohol. He has successfully argued special reasons and exceptional hardship to avoid his clients receiving disqualification. This has included successfully arguing special reasons and obtaining an absolute discharge for an individual who pleaded guilty to failing to respond to a notice of intended prosecution. Richard has also successfully run the defence of duress of circumstance in a careless driving 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 reasons and an absolute discharge for an individual charged with driving without insurance, having been misled by her mother as to the status of the insurance position over the vehicle.

R v PD (Tottenham Magistrates' Court – November 2014) – Richard secured an absolute discharge and successfully argued special reasons for an individual who had previously pleaded guilty to an offence of failing to provide the identity 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 150mph, undertaking vehicles on the motorway on route, for a period of over 20 minutes whilst been followed by police covering a distance of over 30 miles.

R v D (Stratford Magistrates' Court – July 2014) – Secured an acquittal following successfully arguing duress of 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 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 articles for this publication during February 2015

Skiving, Truancing 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 – Autumn 2015