

## 3PB Barrister Profile



### Nicholas Robinson

Call 2006

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#### Academic Qualifications

BA Criminology & Sociology, The University of Liverpool (First Class Honours)

Postgraduate Diploma in Law, Manchester Metropolitan University

Bar Vocational Course, BPP London

#### Crime

Nick principally defends in the Crown Court and has appeared on several occasions in the Criminal Division of the Court of Appeal as well as the Privy Council in a Commonwealth Caribbean appeal against conviction.

Nick has conducted over 200 criminal trials. Recent Crown Court trials have involved indictments alleging rape, inflicting grievous bodily harm with intent, conspiracy to import cocaine, possession with intent to supply cocaine, possession of firearms without certificates, child cruelty and neglect, dangerous dogs and robbery (Defence); inflicting grievous bodily harm, exposure, indecent assault, possession with intent to supply, theft and burglary (Prosecution).

Nick is an expert in cases involving alleged dangerous dogs and charges brought under the Dangerous Dogs Act 1991; and cases involving football violence and football banning orders.

Nick is a Grade 2 CPS Prosecutor; he also prosecutes for the National Probation Service, Department for Work & Pensions, Revenue & Customs and Local Education Authorities.

#### Recent Notable Cases

##### Defence

##### Privy Council

*Peter Stewart v The Queen* [2011] UKPC 11 - Appeal against conviction for murder from the Court of Appeal of Jamaica to the Privy Council.

## **Court of Appeal**

*Layton Dillon v R* [2011] EWCA Crim 1454 - Nick represented an Appellant in an appeal against three convictions for sexual and indecent assaults on children. Owing to material misdirections in the Judge's summing up, Nick successfully argued before the Criminal Division of the Court of Appeal that the convictions were unsafe. The convictions were quashed.

*Juned Ahmed v R* [2011] EWCA Crim 775 - Successful appeal against sentence for a sexual offence. The Court of Appeal substituted a sentence of six months' imprisonment with a community order.

*Alvin Moss v R* [2010] EWCA Crim 2896, [2011] EWCA Crim 252 - appeal against conviction revolving around (i) the admissibility of recognition evidence of police officers, (ii) Turnbull, (iii) Code D of PACE 1984, (iv) the jury being invited to look at a still image (from CCTV footage) of a person that is alleged to be the accused, and (without the benefit of any body mapping evidence) contrasting this with the defendant in the dock.

*R v Timothy Jacobs* - a contested confiscation hearing where the Crown sought to confiscate over £200,000. This case was appealed to the Court of Appeal Criminal Division: [2010] EWCA Crim 3074.

*Klaus Klüber v R* [2010] EWCA Crim 3237 - successful appeal against sentence. The Court of Appeal reduced a compensation order of £23,000 to £2,880: see [Bournemouth Echo](#).

## **High Court**

*Fitch v R* - successful appeal against a conviction for failing to provide information, contrary to section 172 of the Road Traffic Act 1988, on the basis that the requirement to give information does not include an obligation to ensure its safe receipt (this was an appeal by way of case stated to the High Court).

## **Crown Court**

*R v Katia Pereira* - Nick's client was found not guilty (unanimous verdict) of being the owner of a dog that was dangerously out of control in a public place. The allegation related to an incident that occurred at Whitecliff Park in Poole, Dorset in the summer of 2011 and the case was reported in the national press. The jury found that the dog was not "dangerously out of control" as is required by section 3 of the (delphic) Dangerous Dogs Act 1991.

*R v Michelle Creech* - Nick's client was found not guilty (unanimous verdict) of inflicting grievous bodily harm. It had been alleged that Mrs Creech assaulted her neighbour with a spade during a neighbourly dispute.

*R v Sarah Draper* - Nick's client was spared jail when sentenced to a suspended term of imprisonment by HHJ Harrow with respect to a £35,000 benefit fraud committed over 5 years: see [Bournemouth Echo](#).

*R v Gary Dear* - leading junior representing a defendant charged with rape. The alleged offence was said to have occurred in the 1990s when the complainant and defendant worked as a waitress and DJ respectively at a well known hotel in Hampshire. The jury returned an unanimous verdict of not guilty after a week long trial at Bournemouth Crown Court.

*R v TP* - Nick mitigated on behalf of a youth aged 16 sentenced to a youth rehabilitation order for multiple counts of robbery and possession of a firearm: see [Bournemouth Echo](#).

*R v Ryan Dear* - Nick represented 1 of 5 defendants in a high profile case arising out of an armed robbery at a farm in Bloxworth, Dorset. The first four defendants were charged with robbery and Nick's client with handling stolen goods, namely 5 shotguns. After a 5-week trial before HHJ Harvey Clark QC and a jury at Bournemouth Crown Court, Mr Dear was unanimously acquitted: see [Dorset Echo](#).

*R v Benjamin Philipp* - Nick mitigated on behalf of a defendant who pleaded guilty to five counts of sexual activity with a girl under 16 and arranging or facilitating the commission of a child sexual offence. He was found not guilty of a sexual grooming offence: see [Bournemouth Echo](#).

*R v Lee Cutler* - Nick mitigated on behalf of a defendant convicted of being involved in a conspiracy to supply cocaine, worth £25 million wholesale and £125 million on the street: see [Bournemouth Echo](#).

*R v Huggett* - After a four day trial at Southampton Crown Court, Nick's client, a National Express Coach driver, was found not guilty of two counts of Dangerous and Careless driving. Mr Huggett had lost control of his coach in the New Forest in the late evening, drifting onto the hard shoulder, up an embankment and into foliage before crossing three lanes of the motorway and coming to a stop on the hard shoulder. The 49 passengers on a journey from London Victoria to Poole, were said to have been shocked and frantic. Nick successfully argued that his client had not fallen asleep as alleged, but had suffered from an episode of automatism / unexplained loss of consciousness and the jury unanimously agreed. His further argument, that the driver's decision to proceed on to Ringwood soon after the initial incident did not constitute either dangerous or careless driving, was also successful: see [Daily Echo](#).

*R v Ali Tavakolinia and Others* - led Junior in a six-handed conspiracy to import Cocaine. The case involved a sophisticated international drug-smuggling operation utilising car fuel tanks. Multi-jurisdictional disclosure issues arose and the case reportedly involved the first ever extradition of a co-defendant from Brazil: see [BBC News](#).

*R v Nguyen* - this case involved a large-scale production of cannabis at factories in Hampshire.

*R v Fish* - represented a defendant charged with numerous counts of making indecent images of children. This case included legal argument as to the appropriate terms of the Sexual Offences Prevention Order, imposed post-conviction, which were ultimately determined by the recent Court of Appeal ruling in *R v Hemsley* [2010] 2 All E.R. 965, CA: see [Bournemouth Echo](#).

*R v Chappell* - defendant acquitted of causing grievous bodily harm with intent.

*R v Hirst* - case involved two aggravated offences of having a dog whilst dangerously out of control.

*R v Karl Edney* - mitigated on behalf of an 18 year old male sentenced to aggravated vehicle taking, failing to stop and having no insurance: see [Bournemouth Echo](#).

#### **Appeals against conviction**

*Gap v RSPCA* - successful appeal against two convictions for offences under the Animal Welfare Act 2006.

*R v Henley* - successful appeal against conviction. The Appellant had been convicted of using threatening, abusive and insulting words and conduct at a league football match (AFC Bournemouth v Swindon Town) so as to cause harassment, alarm and distress. On departing the ground he had shouted comments and directed derogatory gestures towards the away fans thereby provoking disorder. On appeal, despite the finding that his conduct was in fact threatening, the appeal was allowed on the footing that given the context no one was likely to have been caused harassment, alarm or distress.

#### **Youth Court**

*R v F* - successful defence of a youth charged with two offences, namely an offence of killing a deer contrary to the Deer Act 1991, and in the alternative cruelty to a deer contrary to the Wild Mammals (Protection) Act 1996: see the [Daily Mail](#).

*R v ME* - successful defence of a youth charged with indecent exposure.

#### **Magistrates? Court**

*R v M* - represented a serving police officer charged with careless driving.

*R v Houlston* - successfully defended a person charged with assaulting two police constables following argument as to the meaning of 'lawful execution of duty'.

*R v White* - represented a defendant who was acquitted of a sexual offence; the issue in the case was whether contact was 'sexual' in nature.

*R v Hobbs* - client acquitted of failing to provide a specimen of urine despite the absence of medical evidence; this followed legal argument as to what constitutes a 'failure to provide'.

#### **Prosecution**

*R v Rachel Harney* - prosecuted a defendant charged with handling stolen goods, namely Springer Spaniel puppies: see [Bournemouth Echo](#).

*Chief Constable of Dorset Police v X, JC & C* - successful applications for forfeiture orders under Proceeds of Crime Act 2002.

*DWP v G* - successful prosecution brought under the Forgery & Counterfeiting Act 1981.

*H-S v Secretary of State* - prosecuted in an appeal against sentence (appeal dismissed).

## **Police**

Nick has experience of defending Police Officers in actions brought against them, including a recent case where a serving officer was charged with careless driving having fallen asleep at the wheel of his police car whilst on duty. Nick's mitigation included a plea for leniency on the grounds of the excessive hours this officer had been working.

## **Professional Bodies**

- Bar Pro Bono Unit
- Criminal Bar Association
- Employment Law Bar Association (ELBA)
- Free Representation Unit
- Human Rights Lawyers' Association