



# Carolina Bracken

2012

"She is extremely knowledgeable without an ounce of arrogance. Very grounded and a pleasure to work with"

- Instructing Solicitor

## Overview

Carolina's busy practice encompasses a broad variety of criminal cases. She is regularly instructed in drugs and fraud cases for her proficiency throughout the criminal trial, and during confiscation proceedings. Recent instructions include representing the defendant who was the link between the cocaine importers and the Organised Crime Group subject to the indicted conspiracy, a benefit fraud dismissed at half time, and securing a suspended sentence for a care worker who had pleaded guilty to neglect.

## Professional Discipline

Carolina frequently represents professionals before their disciplinary tribunal. She is often instructed to act in disciplinary proceedings having represented the professional during the linked criminal prosecution. She has particular experience representing medical professionals, appearing before the GPhC, NMC, GDC, and HCPC, as well as police officers.

## Regulatory and Consumer

Carolina is instructed by several trading standards departments in relation to a wide range of consumer cases. She is often instructed prior to charge, and is sought after for her ability to act from that early stage, throughout the trial, and during the confiscation stage. Current instructions include a large scale travel agency fraud, and a contractual dispute involving unenforceable penalty clauses.

During her secondment as Senior Prosecutor at the Brent and Harrow Trading Standards Service, she was involved in the Service's civil forfeiture caseload, and provided advice in relation to the Enterprise Act 2002.

In addition, Carolina prosecutes on behalf of Local Authorities in a variety of criminal cases, including Town and Country Planning Act offences, environmental offences, and health and safety prosecutions. She also acts for the police in applications for Football Banning Orders, including contested applications.

## Confiscation

Carolina has conspicuous expertise in representing interested parties under the new section 10A of the Proceeds of Crime Act. She is able to deploy her knowledge of property law and trusts in order to protect her clients' assets from confiscation. Through experience, she has learnt how the involvement of a third party can also assist the defendant in reducing the assets available for confiscation. Carolina is often instructed by third parties on a direct access basis.

For the defence, Carolina is regularly instructed in high-value confiscation proceedings, particularly arising out of convictions for supplying drugs and fraud. Additionally, she advises and represents Local Authorities in POCA proceedings, often following a successful trial.

## Fare Evasion and Road Traffic

Carolina's clients charged with fare evasion often have no experience of the criminal justice system, and she understands their concerns about the ramifications of having a criminal record. Drawing on her considerable experience of fare evasion cases, Carolina frequently persuades prosecuting authorities to discontinue proceedings against her clients through written representations, without the need for a court hearing. Carolina is a registered direct access practitioner and welcomes instructions from members of the public. On a direct access basis, she is able to advise and represent clients at each stage, from the moment they are stopped by ticket inspectors, up to and including the trial.

## Notable cases

### NHS England v A Pharmacy

Instructed to advise a pharmacist in relation to a potential judicial review of NHS England's delayed decision-making, which would have frustrated her client's change of ownership application. The case was settled ultimately without the need for a court hearing following representations drafted by Carolina.

### R v P (Swindon Crown Court)

Defendant pleaded guilty to fraud by false representation, and received a suspended sentence with unpaid work. The defendant accepted forging documents to secure employment as a pharmacist, when he had failed his qualifying exams.

### R v C (Mold Crown Court)

Carolina represented the wife of the defendant, who had been convicted of mortgage fraud. The wife was made a party, under section 10A POCA, to confiscation proceedings in which the prosecution identified in excess of £300,000 benefit from general criminal conduct. Following written and oral submissions on *Waya*, the court found nil benefit, and acknowledged the wife's interest in the relevant property.

### R v S (Swansea Crown Court)

Led by Ben Douglas-Jones. Secured a confiscation order limited to particular criminal conduct and a six-figure benefit figure in respect of the leader of an Organised Crime Group where the focus of the investigation had been on a multi-million pound mobile phone insurance fraud. The case received national

media coverage: <http://www.bbc.co.uk/news/uk-wales-south-west-wales-34615963>.

#### **R v W** (Canterbury Crown Court)

Secured acquittal in trial for assault by penetration, in which the complainant's DNA was found under the defendant's fingernail.

#### **R v S** (St Albans Crown Court)

Defendant pleaded guilty, and was sentenced to 100 hours unpaid work as part of a community order, having been prosecuted for conspiracy to rob. This was a 'honey trap' case, where the complainant was beaten with a dog chain.

#### **R v N** (Isleworth Crown Court)

Successful application to dismiss in case involving the sale of fraudulent jewels. The defendant was linked to the location of sale by DNA and fingerprint evidence.

#### **TfL v S** (Lavender Hill Magistrates' Court)

DPP intervened in private prosecution following representations that the prosecution was not in the public interest.

## **Education/Professional**

### **Qualifications**

- LLB (Hons), First Class (LSE)
- BPTC, Outstanding (City Law School)

### **Professional Memberships**

- Young Fraud Lawyers Association
- The Female Fraud Forum
- Association of Regulatory and Disciplinary Lawyers

### **Scholarships and Prizes**

- Barstow Scholarship (4th in order of merit, City Law School)
- Inner Temple Prize for BPTC
- Inner Temple Major Scholarship
- Inner Temple Duke of Edinburgh Entrance Award
- Sweet & Maxwell Prize, Best Performance in Part II (3rd year LSE exams)

## **Publications and seminars**

## Publications

- “Bespoke Goods”, TS Review. With Andrew Johnson
- “Toughening the Confiscation Regime”, TS Today. With Dominic Lewis:  
<http://portfolio.cpl.co.uk/TS-Today/201512/legal/>
- Contributing Author to the 2013 edition of “Consumer and Trading Standards: Law and Practice”

## Seminars

- “Criminal Prosecutions and Disciplinary Proceedings: Cross-admissibility and tactics”, London Criminal Courts Solicitors’ Association. With Miles Bennett
- “Proceeds of Crime: Third Party Time”, West London Law Society. With Ben Douglas-Jones
- “Proceeds of Crime: Serious Crime Act 2015 Update”, London Trading Standards Authorities. With Dominic Lewis
- “Doorstep Crime: A Practical Approach”, London Trading Standards Doorstep Crime Group
- “Trading Standards Prosecutions in a New Era of Criminal Litigation”, CTSI Conference 2016. With Andrew Johnson
- “Powers of Entry Code of Practice 2015”, CTSI Conference 2015. With Andrew Johnson