



Miriam Smith

2016

Miriam Smith joined chambers in April 2018, following the successful completion of pupillage.

Miriam has developed a broad criminal practice, acting for prosecuting authorities and defendants in the magistrates' court, Crown Court and High Court and representing prisoners before the Parole Board. Miriam also has a growing public law practice and is regularly instructed by government agencies in litigious and advisory matters.

Miriam has security clearance and is vetted to SC level.

Crime

Miriam prosecutes and defends in the magistrates' court, youth court and Crown Court.

Miriam has experience of cases concerning a broad range of criminal offences including serious and domestic violence, theft and fraud, public order, offensive weapons, drugs, sexual offences and driving offences. She has represented a number of young and vulnerable individuals, in particular those with learning difficulties and mental health conditions, and has experience of working with intermediaries and interpreters. She has experience of a full range of witness handling involving young and vulnerable witnesses, including the cross examination of an illiterate eleven year old defendant with ADHD and low IQ.

Miriam has undertaken junior work in several homicide trials at the Old Bailey. She was instructed as a noting junior for the Crown in the high profile case of Charlie Alliston, a cyclist charged with manslaughter after he hit a pedestrian whilst riding a bicycle with no brakes. She was responsible for matters such as the jury bundle and drafting of admissions, matters ordinarily undertaken by junior counsel beyond her call.

In addition, Miriam has prosecuted cases on behalf of local authorities (for example, for offences under the Environmental Protection Act 1990 and the Education Act 1996), the Office of the Immigration Services Commissioner, the National Probation Service, the Federation Against Copyright Theft and Royal Mail.

Appeals

Miriam has conducted a number of appeals against conviction and sentence from the magistrates' court to

the Crown Court.

Miriam has also appeared in the High Court. During her second six pupillage, Miriam appeared as sole counsel for the second claimant in *Mishra v Colchester Magistrates' Court; Colquhoun v Stratford Magistrates' Court* [2017] EWHC 2869 (Admin), which confirms that there is no power to extend the 21-day time limit for an application to state a case from the magistrates' court. Following this judgment, Miriam acted for the same client in his appeal to the Crown Court and successfully appealed his conviction and sentence out of time on the same point of law raised before the Divisional Court.

Further, during pupillage, Miriam assisted with a number of post-Jogee appeals before the Court of Appeal (Criminal Division) including *R v Grant Murray and Henry* [2017] EWCA Crim 1228 and with a judicial review of the decision not to charge historic sexual offences in *R (on the application of D) v DPP* [2017] EWHC 1768.

Prison law

Miriam has represented prisoners serving life sentences and sentences of imprisonment for public protection at oral hearings before the Parole Board, both for pre-tariff reviews regarding release to open conditions and for parole reviews regarding release on licence.

Further, as a result of her experience at Prisoners' Advice Service, Miriam is familiar with the wide ranging of issues faced by prisoners during their time in custody and has experience of matters such as adjudications, categorisation reviews and the imposition of licence conditions and their respective means of challenge.

Public law and inquiries

Miriam is currently instructed by a key Core Participant in the Undercover Policing Inquiry chaired by Sir John Mitting.

Miriam has been instructed in civil litigation and advisory matters by a range of government agencies, including the DVLA, the Home Office and Ofqual.

Notable cases

R v MW (Wimbledon Youth Court) – following successful representations, the Crown offered no evidence and instead administered a youth caution to the 15 year old defendant for a charge of possession of category A indecent images with a view to distribution.

R v KL (Willesden Youth Court) – 18 year old defendant was sentenced to a Youth Rehabilitation Order with Intensive Supervision and Surveillance requirements for a third knife offence following a trial. The case was reported in the local press following legal argument about reporting restrictions applicable to youths who turn 18 during proceedings.

R v AE (Croydon Youth Court) – 15 year old defendant, an asylum seeker who travelled to the UK alone via the jungle and was in the care of the Local Authority, breached a Youth Rehabilitation Order with Intensive Supervision and Surveillance requirements imposed for over 20 offences for a second time by the commission of further offences of the same kind. Successfully argued for the order to be revoked and the defendant to be re-sentenced to a more onerous order, rather than sent to custody, on the basis that the new offences pre-dated the order and he had had little opportunity to show compliance since the last breach.

R v IE (Willesden Magistrates' Court) – successfully applied on the date of sentence to vacate the defendant's guilty plea to a charge of driving without insurance on the basis of previous erroneous legal advice. A not guilty plea was entered and the defendant was tried immediately and acquitted of the charge.

R v TL (Westminster Magistrates' Court) – raised the defence of insanity to a charge of assault by beating. An expert report and representations were served on the Crown and the charge was discontinued.

R v KB (Bexley Magistrates' Court) – successfully argued exceptional hardship on the basis that the defendant was self-employed and dependent on his driving licence for employment, he was the sole breadwinner, and his partner was imminently expecting twins following a complicated pregnancy and was dependent on him for assistance attending medical appointments.

R v NW (Kingston Crown Court) – secured an out of court disposal for a defendant charged with multiple counts of benefit fraud on the day of trial. All counts were left to lie on the file.

R v OO (Northampton Crown Court) – the defendant pleaded guilty on a basis to assault occasioning actual bodily harm, a bottling, some three years before the sentencing hearing. The Crown had offered no evidence against his co-defendant, who had been jointly charged with the same, on the day of trial because their witnesses did not attend. By the time of the sentencing hearing, the defendant was serving a lengthy custodial sentence for unrelated matters. Successfully argued for sentencing the category 1 offence on the basis of excessive self-defence and for a concurrent sentence to that already being served on the basis of delay. The defendant was sentenced to 8 months' imprisonment.

R v WM (Southwark Crown Court) – the defendant pleaded guilty to two counts of sexual assault and two counts of common assault on two different complainants, committed minutes apart at night on a busy street in central London whilst intoxicated. Successfully argued that the offences fell into the lowest categories of culpability and harm and that the intoxication was not an aggravating feature but a mitigating feature insofar as the offences would not have occurred without the consumption of alcohol. The defendant was sentenced to a community order.

Previous experience

Prior to pupillage, Miriam was an intern at Fair Trials International where she assisted with drafting policy submissions on the then proposed EU Directive on the presumption of innocence (2016/343), on the reform of Interpol's complaint mechanism and on the practice of pre-trial detention in the European Union. She was also an intern at the Centre for Criminal Appeals where she led research on the prevalence of loss of time orders made by the Court of Appeal (Criminal Division).

During her legal studies, Miriam was a student director of the School Exclusion Project and represented parents of children who had been permanently excluded from school at oral hearings. She also volunteered at the Prisoners' Advice Service where she advised prisoners on a wide range of prison law matters and the merits of potential civil claims and judicial reviews, drafted written submissions on behalf of prisoners for adjudications and hearings before the Parole Board, and assisted with legal advice clinics in prisons in London.

Education/professional

Education

2016: Bar Professional Training Course, City Law School (Outstanding)

2015: Graduate Diploma in Law, City Law School (Distinction)

2014: BA History, University of Leeds (Class I)

Scholarships

Inner Temple BPTC Major Scholarship

Appointments

CPS Advocates Panel Grade 1

Government Legal Department's Junior Junior Scheme

Professional memberships

Young Legal Aid Lawyers

Human Rights Lawyers' Association

Extradition Lawyers' Association

Young Fraud Lawyers' Association