



Richard Padley

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"Presents his cases in the most effective way possible to get the best out of the case"
- Instructing Solicitor

Overview

Richard joined chambers in October 2014 following successful completion of pupillage in chambers.

Richard both prosecutes and defends in a broad range of criminal and regulatory matters. He confidently leads complex proceedings. Richard has worked with a variety of professional witnesses, including cell site expert witnesses, scientists, and has run a series of seminars on the use of expert witnesses in criminal proceedings. Richard has expertise in extradition law, having previously assisted in the drafting of the chapter on extradition proceedings in Blacks. Richard is a hardworking and dedicated advocate both on his own but also as part of a team acting as led junior.

Recent instructions include:

R v Imtiaz and others – 7 handed prosecution of individuals involved in fraudulently obtaining and dispersal of an employee as the inside individual. Led by Denis Barry;

Op Kraken – Disclosure junior to Robert O’Sullivan QC and Stephen Hopper in a 14 handed conspiracy to do with language tests;

For legal updates and commentary follow Richard on his LinkedIn page at: <https://www.linkedin.com/in/padley>

White Collar Crime

Richard joined the Bar having spent several years working at Peters & Peters Solicitors LLP assisting with matters relating to laundering both on a national and international scale. Richard holds a keen interest in this area and draws on his own experience when advising and assisting clients faced with these matters.

In January 2015 Richard re-joined the firm for six months on secondment. Whilst there, amongst other matters he acted for an individual charged in respect of their role in the Barclays-Qatar funding arrangements. Richard also assisted

allegations of bribery to secure a £5m contract.

Prior to working at Peters & Peters, Richard worked as a paralegal at Birds Solicitors. Richard assisted in the individual charged with insider trading in Operation Saturn, at the time the largest insider trading case prosecuted with Patrick Gibbs QC and Alison Pople QC, Richard assisted in the analysis of financial and communications for trial, and subsequently attended the three-month trial.

Richard holds a keen interest in cases involving allegations of bribery and corruption. Following joining chambers practice has continued to grow from strength to strength. During 2015 Richard represented Alessandro Ghisla in relation to allegations of conspiring with others to defraud a leading investment bank in respect of the sale of shares. Richard acted as lead junior in representing Alex Pabon, a US swaps trader, charged with manipulation of the LIBOR benchmark while employed at Barclays Bank. Richard has also acted as part of the disclosure team instructed by the CPS in *R v Scourfield and others* in respect of activities at HBOS in Reading.

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

- **R v Alex Pabon** – Richard, led by Tom Allen QC and Catherine Rabaiotti, represented Mr Pabon in respect of manipulating the LIBOR benchmark over a two-year period.
- **R v Lynden Scourfield and others**: Instructed by the CPS to assist in a disclosure exercise of extensive documents relating to a £1bn plus fraud by employees of HBOS. <https://www.ft.com/content/ff5aa796-e963-11e6-967b-c8845>

Fraud and Revenue Offences

Richard is regularly instructed to both prosecute and defend allegations of fraud, money laundering and matrimonial fraud. Richard has a keen attention to detail in assessing financial statements, transactions and calculations. He has extensive experience in assisting to build a case, such as forensic accountants to assist with the explanation of transactions and calculations.

Richard is familiar with HMRC prosecutions and is instructed to prosecute and defend matters involving evasion of tax and revenue. He can confidently and quickly gain an understanding of a complex case and the evidential position. With his extensive experience Richard is confident in dealing with figures and financial practices.

Recent instructions have included:

General Fraud and Money Laundering

- **R v AuR and others (St Albans CC)**: Led by Denis Barry, Richard was instructed to prosecute a severe case of fraud to defraud account holders at Barclays Bank. The case involved fraudulently obtaining approximately £1m from an individual and the subsequent 'smurfing' of the proceeds. Trial estimated to last 7 weeks.
- **R v LH (Croydon CC)**: Representing LH, the only defendant on the indictment to proceed to trial, in respect of a charge of false representation. It was alleged that LH had attempted to purchase a £21,000 watch using a vulnerable person's card. LH was the individual who went into the shop and attempted to purchase the card, before their arrest. Following trial which it was advanced LH was duped into using the card, LH was acquitted.
- **R v NU (St Albans CC)**: Representing NU, the second defendant on an eleven handed indictment for fraud. It was alleged NU was engaged as a controller in organising individuals to collect vulnerable individuals' personal information. Following plea and sentence, Richard was also involved in settling confiscation proceedings against NU.

- **R v DE & SA (Croydon CC):** Prosecuting DE and SA at a three-day Newton Hearing in relation to the currency. Investigated by the NCA the case involved extensive telephone data, surveillance logs and a period of 2 years. Following a contested hearing the Defendants' position was rejected in full.

Revenue Fraud

- **R v MM (Harrow CC)** – Representing an individual who had previously pleaded guilty to being knowingly evasive of VAT. The Crown originally placed the value of the fraud at approximately £185,000 however, following representation supported by documentary evidence this was reduced without the need for a Newton Hearing.
- **R v TT (Woolwich CC):** Richard prosecuted TT in relation to an offence of cheating the public revenue. Continuing his instruction in the confiscation proceedings Richard successfully obtained a confiscation order for £200,000 successfully opposing arguments raised by the Defence surrounding the application of the Interpretation Act 1978 and schedule 36 Finance Act 2012 following disclosure of the Defendant's attempts to regularise his affairs.

HMRC Regulatory Offences

- **R v MA and JC Ltd (Wood Green CC):** Representing a well-known brand of comedy venues and its directors. Richard mitigated on behalf of both in respect of offences relating to the payment of security for unpaid tax. Upper Tribunal compensation was reduced from approximately £200,000 to £20,000 following written submissions. The Tribunal had incorrectly approached the calculation.

Confiscation and Restraint

Building on his skills and experience of fraud and financial crime Richard is regularly instructed to advise and litigate in respect of confiscation. He is well versed with the complexities of the legislation and practical requirements that come with an application for confiscation. Richard is regularly instructed in respect of section 22 and 23 applications and is experienced in the preparation of these applications to ensure the best possible result for his client.

- **R v HS (Harrow CC):** Representing HS at a section 22 application following HS's conviction for the same offence. Richard sought an uplift of over £120k representing the increased value of the Defendant's family home. Following a contested hearing the Crown accepted £50k without the need for a contested hearing.
- **Re: SD-B (Wood Green CC)** – Representing SD-B as a third-party intervenor in the confiscation proceedings. Richard persuaded the CPS to remove from the available amount figure sought the value of real property established in *Stack v Dowden*. This avoided a vulnerable adult having to attend court and give evidence in respect of interest in the property.
- **LBH v AL (Wood Green CC)** – In a contested confiscation hearing based solely on legal argument over the period of time over which an enforcement notice had been breached, Richard secured a confiscation order for over £300k which had been sought to be reduced to approximately £100k by the Defence.
- **R v KB (Isleworth CC)** – Successfully argued that two pensions should be listed on a confiscation order rather than at full estimated realisation value (of over £200k) to ensure difficulties with enforcement were avoided. Richard opposed a subsequent s22 application made prematurely prior to the realisation of the pensions.
- **R v SM (Southwark CC)** – Richard was instructed to represent SM at his confiscation proceedings following a conviction for the same offence.

involvement in a £2.5m carbon credit fraud. The prosecution alleged criminal benefit of over £500,000 found, following a contested hearing, at just over £50,000. The matter involved extensive arguments on a 'safety valve' in POCA and individuals who allow their bank accounts to move the proceeds of crime.

General Crime

Richard is regularly instructed by both the Prosecution and Defence in a broad range of general criminal matters. 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 expert evidence, and how best to present these types of evidence.

Richard has also been involved in cases involving SOCPA agreements, as well as matters of PII.

Drug Offences

- **R v CG (Wood Green CC):** Representing CG, who was the first defendant, on an indictment alleging class A drugs and dangerous driving. CG and another were found in possession of a significant quantity of drugs. During a course of a police pursuit was emptied into drains. During the pursuit it was alleged CG purposefully crashed the car. Following a four-day trial CG was acquitted of both possession with intent to supply and dangerous driving.
- **R v IW (Blackfriars CC):** Successful prosecution of IW for being in control of a cannabis factory at his home. Cell site evidence to undermine the Defendant's alibi. Following a four-day trial IW was convicted.

Theft, Burglary and General Dishonesty

- **R v DI (Blackfriars CC):** Prosecuting DI in respect of an offence of perverting the course of justice. DI made a false statement to a murder, outlining what had taken place and who had been involved. Following analysis of the evidence established DI was not present and could not have seen who was involved. DI admitted perverting the course of justice to a period of imprisonment.
- **R v N, F, and S (Luton CC)** – Prosecuting three individuals for matters of burglary and associated drug offences. Extensive analysis of cell site evidence showing co location around key sites.
- **R v NA (Bristol CC):** Instructed to advise and represent NA who faced three counts of conspiracy to defraud resulting from allegations of contaminating saliva samples and sending another in his place for a blood sample. After trial, following extensive cross examination of the crown's forensic scientist the jury acquitted NA of the allegations he faced. At the resulting sentencing hearing the Judge agreed to sentence at the bottom of the fraud resulting in a much-reduced sentence.
- **R v MN (Basildon CC):** Secured acquittal of Defendant charged with burglary. Involved analysis of cell site evidence showing movement of the Defendant as well as the challenge of a motorcycle expert on the identification of the burglary.

Court Martial

- **Re: Tpr C (Colchester Court Martial):** Representing Tpr C who had gone absent without leave for a
- **Re: Sgt C (Catterick Court Martial):** Sgt C faced an allegation of sexual assault on a private following a trial in which he heavily relied upon telephone communications between the two in the run up to the incident, as well as the respect of the complainant's previous sexual history in the army. Following a two-day court martial he was found guilty and he was able to resume his career in the Army.

General Crime

- **R v TI (Central Criminal Court)** – Richard represented TI at a six-day trial in respect of allegations of sexual assault. He was acquitted of the aggravated offence, with the jury unable to come to a decision on the simpler version. Following representations in respect of whether the simpler offence could be put on the indictment in its own right, and in respect of the aggravated form of the offence, the Crown conceded they could not proceed to a retrial.

<https://www.dailymail.co.uk/news/article-6825899/Film-producer-34-stalked-Gear-composer-ex-lover-court-trial>

<https://www.standard.co.uk/news/crime/theatre-composer-stalked-for-three-years-by-ex-girlfriend-too-scared-to-appear-in-court-10411111.html>

- **R v MH (Woolwich CC)** – MH was originally charged with soliciting murder and possession of material for the production of Inspire magazine and The Anarchists Cookbook). Following Richard's representations and the submission of a plea, the prosecution accepted a plea to recklessly encouraging terrorism, and therefore avoiding a potential life sentence.

Regulatory and Consumer Protection

Richard is regularly instructed by a range of local authorities and defendants in respect of regulatory matters including trademark infringements and safety regulations. Previous matters include allegations contrary to the Food Labelling Regulations 1980, the Trade Marks Act 1994 and the Town and Country Planning Act 1990.

Recent cases within the ambit of regulatory and consumer law include the following:

- **LBH v AM (Highbury Corner MC)** – Prosecuting on behalf of LBH in relation to an allegation contrary to the Health Act 2006. AM was found guilty after trial of failing to prevent smoking within a closed environment at his shisha bar.
- **ARB v JP (Westminster MC)** – Prosecuting on behalf of the Architects Registration Board. JP faced a fine for holding himself out as an architect without appropriately registering as such with the ARB. Guilty findings resulted in financial penalties.

www.arb.org.uk/john-priestley-convicted-of-three-counts-of-misusing-the-title-architect-nr2018/

<http://www.arb.org.uk/further-misuse-of-title-conviction-for-andrew-john-priestley-of-john-priestley-associates/>

- **WMC v CG Ltd (Westminster MC)** – Advising and representing CG Ltd, a property company with a view to the withdrawal of proceedings in respect of allegations contrary to Environmental Protection Act 1990. Following written representations, the proceedings were withdrawn against CG Ltd.
- **PCC v KHC (Cambridge CC)** – Instructed in respect of sentencing KHC following pleas to over 20 traffic offences.

<http://www.cambridgeindependent.co.uk/news/crime/former-cambridge-businessman-sentenced-for-selling-traffic-offences-10411111.html>

- **LBH v YK (Highbury Corner MC)** – Instructed to prosecute YK on behalf of LBH in respect of an alle planning enforcement notice. Following conviction after trial Richard secured a confiscation order aga
- **LBE v SM Ltd and three others (Highbury Corner MC)** – Richard was instructed by LBE to prosec respective directors in relation to the use of a premises for food production. Following acceptable plea the matter concluded with financial penalties of over £100k imposed. The matter was reported nation:

<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 CC):** Representing KS and K Ltd in respect of 12 breaches of the Tr industry was calculated at almost £250,000. Secured 6 month suspended sentence following mitigati

Professional Discipline

Richard has represented a broad range of professionals at disciplinary tribunal hearings. Richard has attend proceedings process from interim order applications to fully contested final hearings.

Recent instructions have included:

- **BAPC v SH:** Representing the complainant (the prosecuting regulator not represented) in respect of i towards her by her counsellor. Following extensive questioning of the registrant, significant allegation that the registrant was struck off.
- **NMC v MD:** Representing MD at a 5-day hearing involving over 30 separate allegations. Impairment i submissions a conditions of practice order was made.
- **HCPC v DS:** Representing DS, a paramedic, at a two days final hearing who admitted posting on soc vulnerable individual in a dishevelled state. Following submissions, a caution order was made againsi continue with his career.
- **HCPC v CR:** Richard represented CR at a 7-day final hearing in relation to over 20 separate allegatic care environment relating to the administration of their practice and poor decision making, including a the tribunal found as unproven over half of the allegations including those relating to dishonesty. Folk allegations were found to constitute impairment and on the public interest basis. Following final subm made a caution order.
- **NMC v ER:** Representing ER at an interim application hearing in relation to allegations arising out of i emergency leading to the death of a patient in their care.
- **NMC v AOB:** Contested fitness to practice hearing in relation to the maladministration of medication. the Registrant did not attend, an allegation of intentionally overprescribing medication was dismissed. accepted resulted in the imposition of a conditions of practice order.

Further Information

Education

London School of Economics – LLB Law

University College London – LLM International Business Law

City Law School – BPTC

Appointments

CPS General Panel – Level 2

CPS Specialist Panels (Fraud, Proceeds of Crime and Serious Crime) – Level 2

Specialist Regulatory Advocate Panel – Level C

Interests

Richard is a keen football fan, regularly dominating Chambers' Fantasy Football leagues. Unfortunately, how fan.

Publications

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

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

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 co

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

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