



NINESTJOHNSTREET

CRIMINAL TEAM BULLETIN

ISSUE 6 – TUESDAY 2ND JUNE 2020

CHANGING THE NEW NORMAL...

Issue 6 already?! Just as we start to get used to the new ways of working, the team find themselves focused on the tentative steps that the criminal justice system is taking towards re-opening its doors and resuming in-court work. The Magistrates Courts continue to sit on emergency and custody work (including trials), the Crown Courts are getting used to their daily diet of videolink hearings and the initial pilot of trials is largely succeeding.

As always through this period, the team and the clerks remain on hand for all of our clients and colleagues to assist with whatever might be needed. Case reviews, advice, conferences, training, career development, a (socially distant!) coffee and a chat...Just call us. Even though we are largely out of court, we are all working as hard as ever and are here if you need us.

The full range of chambers facilities remain available, and our senior clerk [Chris Swann](#), stands poised to help with whatever you need – just click his name.

TEAM UPDATE

- Flexibility is key to successful working at the moment, as [Nigel Booth](#) and [Helen Longworth](#) ably demonstrated by appearing together in a hearing at Liverpool Crown Court last week – Nigel appearing on the videolink while Helen was present in the building, managing the hearings, conferences and a psychiatric assessment in the case. Their hard work resolved the case on the day.
- [Peter Cadwallader](#)'s groundbreaking trial at Minshull Street has concluded without a hitch – see below.
- [Jaime Hamilton QC](#) will be hosting a Zoom seminar on 9th June 2020 about alternative routes into the legal profession. Speakers – including [Alison Heyworth](#) – will give some insight into their personal journeys. The course is aimed at aspiring lawyers. To request a place, applicants should send two sentences about the stage they are at on their career paths to internship@9sjs.com. Further details of the seminar will be emailed to successful applicants.

9 SJS BLANKETY BLANK NIGHT

We mentioned last week that we will be challenging Zoom-Quiz-Fatigue with the first ever 9 SJS criminal team "[Blankety Blank Zoom Night](#)". Last-ditch negotiations with Walliams are proving more complex than at first thought, so we've put the date back to **Friday 12th June at 8.00pm**. Call Chris if you want a place. In the event that we're not being *entirely* truthful about David, you'll have to put up with [Nigel Booth](#) and [Geoff Whelan](#) instead...



UPDATES FROM COURTS

- [Peter Cadwallader](#)'s trial at Minshull Street Crown Court – the first effective trial on the Northern Circuit since the lockdown began – ended last week. The general feedback on the experience was positive. Use of the court building was safely and sensibly managed, and fears that the arrangements would massively extend the trial length proved unfounded. The court looked somewhat different, with the jury spread about the room, but on the whole it was a success. Problems remain, of course – the building cannot sensibly accommodate more than one trial at a time whilst social distancing is required, and there is no possible way to accommodate multi-defendant cases which, of course, make up a lot of the workload. One step at a time.
- Preston Combined Court (Ringway) provided us with a very simple message yesterday: “We are open.” A specialist clean of the building means that a potential closure of the court has been avoided.

The Criminal Team

- Charles Garside QC
- Nicholas Clarke QC
- Simon Jackson QC
- Jaime Hamilton QC
- Peter Cadwallader
- David Bruce
- Gordon Hennell
- Nicola Gatto
- Mark Monaghan
- Darren Preston
- Nigel Booth
- Geoff Whelan
- Vanessa Thomson
- Alison Heyworth
- Jonathan Savage
- Robert Smith
- Fiona Wise
- Simon Blakebrough
- Phil Barnes
- Hayley Bennett
- Andrea Lock
- Helen Longworth

- Bolton Crown Court is also about to open – from Monday of next week (8th June) hearings will be taking place at Blackhorse Street whereas previously the Bolton judges have been sitting at Manchester (Crown Square). Professional court users will still be permitted to attend by videolink if appropriate, but it is good news for people local to the court, and for the staff there.

- We mentioned the imminent arrival of CVP in the last issue. We've all spent time getting up to speed with it. Guidance can be found on the Northern Circuit website – [here](#). It also contains guides on arranging prison videolink conferences. If you need help with that, contact chambers for assistance.

CASE NOTE

- A brief update on sentencing in sexual offences, with thanks to [Jon Savage](#) for flagging it up.
- Back in 2014, in [AG's Ref \(94 of 2014\) \[2016\] 4 WLR 121 \(aka R v Baker\)](#), the Court of Appeal had said that “harm” in offences of inciting a child to engage in sexual activity (s10 SOA 2003) would always be categorised by the activity the child had *actually* engaged in, rather than the activity *incited*. Where no activity had taken place, harm would therefore always be limited.
 - Four appeals against sentence in relation to offences of arranging/facilitating a child sexual offence (s14 SOA) were heard together by the Court of Appeal at the end of April – [R v Privett et al \[2020\] EWCA Crim 557](#). The appellants had been speaking not to real children but to “decoys”, as is quite common now. They each sought to argue, based on [Baker](#), that the absence of a real child meant that harm had to be category 3, not category 1, on the guidelines. Their appeals were dismissed. The Court suggested that the Sentencing Council might want to consider whether the definitive guideline on sexual offences should be updated or clarified to assist in future cases. Feel free to contact us for the judgments, or for a more detailed discussion, if you find yourself dealing with such a case.

9 ST JOHN STREET CHAMBERS

9 St John Street
Manchester
M3 4DN
Tel: 0161 955 9000
Email: chris.swann@9sjs.com

USEFUL LINKS

Chambers website – www.9sjs.com

Twitter: <https://twitter.com/9StJohnStreet>

YouTube: <https://www.youtube.com/channel/UCxOjCmDIqQ98fWVScro0iu>