



GARDEN COURT CHAMBERS

# Lee Sergeant

YEAR OF CALL: 2016, 2007 - SOLICITOR



Lee is a formidable criminal defence advocate with significant experience of representing individuals accused of the most serious offences including murder, attempted murder, rape, armed robbery, kidnap and large-scale drug trafficking.

He has undertaken leading work and is regularly instructed on criminal appeals, some of which have resulted in reported authorities.

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**CRIMINAL DEFENCE**

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Lee has practised as a criminal defence advocate since 2007. In 2007, he qualified as a solicitor and gained higher rights of audience. From 2007 to 2016, he worked for two major London solicitor firms, where he was solely deployed as an advocate in the Crown Court. He gained vast experience during those nine years, undertaking many serious trials, as well as being led in a number of multi-handed murder trials. In 2016, he decided to transfer to the Bar and has operated as an independent barrister ever since.

Lee passionately believes that every person accused of a crime has the right to first-class representation, and will always fight his lay client's corner, whether that be by robustly challenging a witness' account in cross-examination, delivering a persuasive closing speech, or advancing powerful mitigation at sentence.

Lee is tactically astute and recognises that good judgment is a must for any successful trial advocate. He combines that with assiduous and methodical preparation and is always alive to potential legal points, which has helped him secure many acquittals over the years by persuading the court to dismiss or stay proceedings, or to exclude the decisive evidence.

## **NOTABLE CASES**

### **Drug and Firearm Trafficking**

*R v KM* [2023] - Leading counsel representing KM in a six-week multi-handed conspiracy to supply drugs trial, in which KM was said to be the London upstream supplier of multiple kilograms of heroin to South Wales.

*R v ML* [2023] - Representing ML who was accused, along with a number of other defendants, of being part of a London-wide Class A and B drugs supply network. On day three of trial, the prosecution accepted a lesser plea on a basis and ML subsequently received a suspended sentence.

*R v TH* [2022] - TH was accused of being involved in commercial scale production of cannabis. The prosecution insisted on continuing the case notwithstanding a Conclusive Grounds decision that TH was a victim of trafficking. Following lengthy legal argument at trial, the judge stayed proceedings on grounds of abuse of process.

*R v GS* [2020] - Representing a lorry driver accused of being part of a conspiracy to import 36 kilograms of cocaine worth £1.5m. GS contended that he had no knowledge of the cocaine packages hidden in the lorry's exhaust stacks. Following a three-week trial, the jury returned a unanimous not guilty verdict.

*R v DC* [2019] - Two-handed trial involving allegations of possession of a firearm and possession with intent to supply several kilos of cannabis. A number of legal issues were involved, including strict liability (firearms), confessions and duress. DC ran duress against his co-defendant and was found not guilty of all counts

*R v JH* [2015] - Represented JH in a seven week, six-handed trial that concerned the alleged supply of firearms and ammunition. JH was acquitted by the jury of the ammunition charge he faced.

### **Serious violence, robbery & kidnap**

*R v JG* [2023] - Securing not guilty verdicts after trial for JG, who was accused of being one of two masked members of an organised criminal group who carried out a targeted robbery of a residential home.

*R v PS* [2021] - Securing not guilty verdicts for PS who was tried, along with another, of attempting to murder a man in a shooting using a double-barrelled sawn-off shotgun.

*R v ED* [2021] - Two-handed cut-throat defence trial in which both defendants had stabbed the other, causing potentially life-threatening injuries, and in which both were claiming self-defence against the other.

*R v RM* [2019] - Representing the first defendant in a three-handed trial of allegations of conspiracy to commit armed robbery involving the use of GPS trackers.

*R v BM* [2018] - Acting on behalf of BM in this multi-handed kidnap and wounding with intent trial.

*R v JM* [2017] - Representing at trial JM, who was alleged to have stabbed a man in the chest and head during a robbery causing the man permanent brain damage.

*R v CH* [2016] - Multi-handed GBH with intent trial concerning the stabbing of a young man in South London.

*R v WS* [2015] - WS was one of seven defendants tried in respect of allegations of conspiracy to commit kidnap, false imprisonment and blackmail. WS was acquitted following a successful submission of insufficient evidence at the close of the prosecution case.

*R v TP* [2014] - Representing at trial a seventeen-year-old defendant with complex mental, learning and behavioural disorders, who was charged with wounding with intent and attempted murder.

*R v CC* [2014] - Representing a defendant accused of kidnap, false imprisonment and blackmail in a multi-handed trial and retrial.

*R v KY* [2014] - Representing the first defendant in a multi-handed trial of defendants accused of conspiracy to commit cash-in-transit robberies.

*R v MB* [2013] - The second trial concerning the murder of a young man in Islington who had been stabbed to death in an attack that formed part of a series of tit for tat stabbings perpetrated by rival local gangs. MB was charged with conspiracy to cause GBH with intent. Prosecution offered no evidence a week into the trial, following the exclusion of some identification evidence and further disclosure that contradicted the prosecution case against MB.

*R v GI* [2013] - A father accused by his eighteen-year-old daughter of throwing her off a third-floor balcony. Originally arrested for attempted murder but charged with GBH with intent. Successful submissions of insufficient evidence at close of prosecution case, following legal argument regarding the weight of the

daughter's original written statement as against her contrary oral evidence given at trial.

*R v RS* [2013] - Multi-handed trial involving allegations of gunpoint robbery of a vehicle and kidnap.

## Murder

*R v TA* [2014] - Led by Queen's Counsel in multi-handed murder trial involving rival drug dealers in Folkestone.

*R v AA* [2013] - Led by Queen's Counsel in multi-handed murder trial where it was alleged the deceased had been targeted and located using a tracker system. Acquitted of murder and convicted of manslaughter and conspiracy to falsely imprison.

*R v OS* [2013] - Led by Queen's Counsel in the first of two trials concerning the murder of a young man in Islington who had been stabbed to death in an attack that formed part of a series of tit for tat stabbings perpetrated by rival local gangs. OS charged with murder. It was successfully argued that the decisive evidence -the purported recognition of OS from CCTV footage by an Intelligence Analyst- ought to be excluded, as its admission would have such an adverse effect on the fairness of the trial; the jury acquitted OS upon the judge's direction.

*R v CG* [2011] - Led by Queen's Counsel in multi-handed gang-related murder of a young man in Sydenham, representing the first defendant in the second of two trials in respect of the murder. Acquitted of murder and convicted of manslaughter.

## Sexual Offences

*R v LW* [2023] - Representing a man accused of rape of a child under 13.

*R v AA* [2023] - Representing a man accused of multiple offences including rape, violence, and controlling & coercive behaviour.

*R v BG* [2022] - Representing at trial BG, who was accused of possession and distribution of indecent images of children. Following a two-week trial the jury found BG not guilty.

*R v MN* [2022] - Representing a man accused of child sexual offences at trial.

*R v KB* [2021] - Acting at trial on behalf of KB who was accused of the rape of a 16-year-old learning disabled girl.

*R v RL* [2019 & 2021] - Representing RL at two trials in which he faced rape and other sexual allegations made by a number of girls and young women

*R v JE* [2018] - Representing JE at trial facing historic sexual abuse allegations going back to the late eighties, when the Complainant was a young child.

*R v LW* [2018] - LW was accused of anally raping an eleven-year-old boy some years earlier. Acquitted by the

jury following a trial

*R v T* [2017] - T was accused of committing sexual offences, including a number of counts of sexual intercourse with a girl under 16, on his half-sister years earlier when she was a young child. The jury found T not guilty of all counts except for one count of indecent assault. The indecent assault conviction was subsequently quashed on appeal.

*R v RH* [2017] - Representing RH at trial where he was accused of multiple counts of anal rape on a man with learning disabilities, and who required the assistance of an intermediary during the trial.

*R v LC* [2016] - LC was accused of the oral rape and attempted vaginal rape of a young woman in a toilet cubicle in a public house. Following trial, the jury returned unanimous not guilty verdicts.

*R v KL* [2016] - Represented a young man who stood accused of attempted vaginal rape and anal rape of a fifteen-year-old girl. Following trial, the jury returned unanimous not guilty verdicts on both counts.

*R v AB* [2016] - AB faced a fifteen-count indictment containing multiple allegations of rape, assault by penetration, assault occasioning actual bodily harm as well as a count of perverting the course of justice. Following trial, the jury returned unanimous not guilty verdicts on all counts.

*R v GN* [2016] - GN faced eight counts of rape and rape of a child under 13 in respect of historic allegations made by his niece and nephew. Not guilty verdicts on all counts returned by the jury following trial

Fraud

*R v OAO* [2017] - This was a multi-handed, multi-million-pound fraud involving the theft of thousands of peoples' identities, which were used to fraudulently claim tax credits, the proceeds of which were laundered using numerous means. The Prosecution offered no evidence against OAO on the second day of trial.

## CRIMINAL APPEALS

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Lee is regularly instructed to advise afresh on the merits of an appeal to the Court of Appeal Criminal Division or the Criminal Cases Review Commission, sometimes many years after the original proceedings concluded. He has also been instructed on criminal-related judicial review and case stated applications to the High Court. He has appeared in reported cases, some of which set down important authority on areas such as abuse of process, life sentence minimum terms and restraining orders on acquittal.

## NOTABLE CASES

*Ferdos Rabani* [2022] EWCA Crim 325 - An application before the Full Court for leave to appeal against conviction out of time on the grounds of fresh evidence.

*Danny Mansfield v DPP* [2021] EWHC 2938 (Admin) - Case Stated in which the High Court found in our favour on both issues. The Magistrates' Court does have jurisdiction to deal with both type one and two abuse of process applications, with cases reserved for the consideration of the High Court 'very narrow indeed, perhaps comprising only executive misconduct in relation to extradition, as occurred in Bennett itself.' The broken promise in the present case did amount to an abuse of process and proceedings ought to be stayed.

*R v Aaron Mark McWilliams* [2021] EWCA Crim 745 - The Court of Appeal considered the effect of the Release of Prisoners Order 2020 on the correct proportion of the notional term that should be taken when fixing the minimum term for discretionary life sentences. Held, that the appropriate proportion should no longer be half but rather two-thirds.

*R v Huseyin Bolat* [2021] EWCA Crim 461 - Appeal against conviction application before the Full Court on grounds of deficiencies with the identification evidence that had been adduced at trial.

*R v DS* [2020] EWCA Crim 285 - A terminatory ruling case in which the Court of Appeal considered the scope of abuse of process applications made following a decision to prosecute as against a conclusive grounds decision made by the SCA that a defendant was a victim of trafficking.

*R v Hargit Singh Bariana* [2021] EWCA Crim 967 - Appeal against sentence for offences of forced labour and supply of drugs. Total sentence reduced from eight  $\frac{1}{2}$  to seven  $\frac{1}{2}$  years.

*R v Ryan Harrison* [2020] EWCA Crim 1926 - Sentence for offences of burglary reduced from four to three years.

*R v T* [2017] EWCA Crim 1774 - T had been convicted by the jury of one count of indecent assault and acquitted of the more serious counts of sexual intercourse with a girl under 16, alleged to have been committed by him on his half-sister years earlier when she was a young child. It was successfully submitted that the conviction was unsafe, based upon the way the case had been summed up by the trial judge, with Lord Justice McCombe observing that "... the tendency of the summing up was to undermine the credibility of the applicant and to enhance that of the complainant." Appeal allowed, conviction quashed.

*R v Mansaray(Mahammed)* [2014] EWCA Crim 1282 - Sentence imposed for offering to supply fake drugs reduced from eighteen months to fifteen months.

*R v Christopher Rowsell* [2012] EWCA Crim 1533 - Sentence reduced from two and a half to two years imprisonment.

*Davinder Kapotra and The Queen* [2011] EWCA Crim 1843 - Successful appeal to Court of Appeal leading to quashing a restraining order made on acquittal. Referred to at 19-358d Archbold 2016.

## BACKGROUND

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Lee practised as a Solicitor-Advocate from 2007 to 2016, working for two major London criminal defence firms. During his time as a Solicitor-Advocate, Lee exclusively worked as a Crown Court Advocate gaining considerable experience and undertaking ever more serious cases. In 2016 Lee decided to transfer to the Bar and has been practising at the independent Bar ever since.

## EDUCATION

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New College, Oxford University (BA Jurisprudence)

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