



# Gerard Pitt

YEAR OF CALL: 2018



Gerard joined Garden Court Chambers in September 2021, he is a tenacious criminal defence advocate who quickly builds rapport with his lay clients.

Never one to shy away from a fight, clients appreciate Gerard's enthusiasm for advancing novel legal arguments, he has developed a particular interest in the jurisdiction to stay proceedings as an abuse of process in both the Magistrates' and Crown Court.

Gerard has already made several appearances in the Court of Appeal, where his advocacy has been described as "exemplary", "detailed" and "cogent" by the Court.

Gerard also represents those facing contempt applications flowing from alleged breaches of anti-social behaviour injunctions, and in other quasi-criminal proceedings relating to protective orders.

"Gerard's work is first-rate, surpassing his chronological level of experience. He is particularly thorough and deep thinking in his advocacy and written work."

MICHAEL BRENYAH - SAUNDERS SOLICITORS

"Gerard has been instructed on cases where previous advocates have suggested guilty pleas and he has gone on to find the nuance of the case and secured an acquittal. He received glowing feedback from clients time and time again."

SUNITA MEHTA - ABV SOLICITORS

If you would like to get in touch with Gerard please contact the clerking team:

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## CRIMINAL DEFENCE

Gerard has a keen eye for detail and excellent instincts. He is empathetic with clients and formidable in cross-examination.

He is regularly briefed in serious assaults, public disorder, robbery, PWITS, offensive weapons, terrorism, dangerous driving, and cases involving serious harassment, stalking, and breaches of protective orders.

Gerard also represents young people accused of the most serious offences in the Youth Court, often intervening early to assist with public interest representations concerning the public interest in prosecuting young people.

Gerard has experience advising in relation to expert evidence on DNA, intoxication, PTSD, insane and non-insane automatism, and the interrogation of complex digital evidence.

### NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of recent notable cases.](#)

#### **Defended in one of the first racially aggravated corona-virus assaults**

##### ***R v K***

Gerard defended in one of the first coronavirus assault cases to attract widespread public interest. The defendant entered a plea to s.20 GBH but denied that it was racially aggravated.

After hearing from five prosecution witnesses and the Defendant, the Magistrates could not be sure that the Defendant had said the words alleged to demonstrate racial hostility, but convicted in any event on a joint enterprise basis. The Court has agreed to state a case for the consideration of the High Court on whether this was correct in law.

Gerard successfully resisted a joint application by the Associated Press and the BBC to lift reporting restrictions and secured a YRO for the Defendant when he was sentenced.

### **Successful application to stay proceedings as an abuse of process**

#### ***R v R & others***

Gerard successfully applied to stay proceedings in relation to a conspiracy to commit theft as a second limb abuse of process. The Defendants had been promised by a police officer that they would not be prosecuted for conspiracy and they made prejudicial admissions in interview on the strength of that promise.

### **Partial acquittal in complex trading standards and VAT and fuel duty evasion fraud**

#### ***R v Chapman and others***

Gerard was junior counsel, led by Mark Harries QC of Serjeants' Inn Chambers, representing a company director in a multi-handed multi-million pound VAT and exercise duty evasion and trading standards prosecution.

The Defendant was acquitted of fraudulent trading and VAT evasion in respect of a company owing over a quarter of a million pounds of VAT, but convicted of two counts of VAT evasion and fraudulent trading confined to a single company.

### **Pressed CPS to discontinue overwhelming class B possession prosecution with complex limb two abuse of process argument**

#### ***R v T***

Gerard alleged that police officers had conspired to take advantage of powers of arrest under a Closure Order to affect an unlawful drug search. The CPS investigated following disclosure requests and discontinued the case in order to avoid having to defend the officers' conduct.

A summary only offence sent back to the Magistrates was also subsequently discontinued after Gerard persisted with the same abuse argument.

### **Private immigration 'Detainee Custody Officer' found to fall outside the definition of 'Emergency Worker'**

#### ***R v D***

Gerard persuaded a district judge to vacate a plea of guilty erroneously entered when the Defendant was represented by another advocate. Gerard successfully argued that a Detainee Custody Officer was not an emergency worker when they were conducting escort services. The case involved detailed scrutiny of statutory interpretation due to the absence of definitive case law authority.

### **Community order with no punitive conditions for client in possession of a taser following a drugs bust**

#### ***R v O***

Gerard secured a community order with no punitive conditions for his client with numerous previous convictions who had been arrested in possession of a taser following a drugs bust.

A basis of plea tailored to the guidelines and denying any intention to use the device was critical to the result. Gerard's submissions on the Guidelines were recognised as "helpful and persuasive".

## **CRIMINAL APPEALS**

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Never one to accept defeat easily, Gerard frequently drafts grounds of appeal against conviction and sentence for his own clients and for those who have sought new representation for their appeal.

### **NOTABLE CASES**

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### **Defendants acquitted of offences carrying mandatory disqualification from driving should not be disqualified under s.163 of the new Sentencing Act 2020**

#### ***R v Morgan (Darren) [2021] EWCA Crim 1293***

The CoA ruled that it was wrong in principle to disqualify a defendant under s.163 of the new Sentencing Act 2020, if they had been acquitted of an offence for which a disqualification would have been available. The Defendant was convicted of attempting to pervert the course of justice following a road traffic collision, but was acquitted of dangerous driving.

In quashing the disqualification, the CoA agreed that the result gave rise to the *appearance* that the Defendant had been sentenced for offences for which he had been acquitted. Gerard's submissions were recognised as "helpful and economical".

## **Successful appeal against sentence for s.18 wounding where significant age threshold crossed**

### ***R v Khan (Rajwan)* [2020] EWCA Crim 1617**

Gerard successfully appealed against the sentence of 50 months imprisonment for an 18-year-old following pleas to s.18 wounding. The Court of Appeal substituted a sentence of 42 months imprisonment.

The case involved a difficult application of the Youth Sentencing Guidelines with the crossing of a significant age threshold. The court praised Gerard's submissions as forceful and carefully pitched. [The case was covered in the local press.](#)

## **Defendant offering novel alternative pleas entitled to more credit**

### ***R v Stickells (Jordan)* [2020] EWCA Crim 1212**

Gerard was instructed to represent the Appellant for his appeal against sentence only following a guilty plea to coercive and controlling behaviour. The appeal was allowed in part, as the court expanded on the case law relating to credit for guilty plea where new charges are offered by the defence at a late stage in proceedings.

The CoA agreed that the sentencing judge's approach to credit was too simple. The CoA commended Gerard's "exemplary" advocacy, commenting that the "difficult appeal could not have been presented better by any advocate of whatever experience."

## **CoA refused permission to appeal conviction for attempt s.18 as Dangerous Driving said to be a suitable alternative**

### ***R v Uddin (Mohammed)* [2021] EWCA Crim 641**

Gerard was instructed to represent this appellant for his appeal against conviction and sentence only. Gerard was refused permission to appeal conviction but renewed his application for leave before the full court, arguing that dangerous driving was not a suitable lesser alternative to attempt s.18 GBH and that this failure represented a material misdirection in law.

## **BACKGROUND**

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Prior to coming to the bar, Gerard volunteered and worked for the National Council for Civil Liberties (Liberty) and worked as a writer for leading crime and public law firm Hickman and Rose.

## **AWARDS**

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1st Prize Kalisha Trust Criminal Pupils Essay Competition 2018

Middle Temple Jules Thorne Scholarship for the BPTC and GDL

Middle Temple Rosamund Smith Mooting Competition 2017-18 - Winner

## EDUCATION

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Politics Philosophy and Economics, University of Manchester, BA (Hons) 1st class

Graduate Diploma in Law – Kaplan Law School - Commendation

Bar Professional Training Course – University of Law – Very Competent

## PROFESSIONAL MEMBERSHIP

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**Criminal Bar Association**

**Youth Practitioners Association**

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