



GARDEN COURT CHAMBERS

Elena Papamichael

YEAR OF CALL: 2021, SOLICITOR WITH HIGHER RIGHTS OF AUDIENCE SINCE 2018



Elena is specialist in serious crime, youth justice and protest rights.

Elena also accepts instructions representing families in inquests and actions against the police.

"Miss Papamichael presented her client's case with impressive diligence and real flair. Her pre-trial preparation was manifest. I have no doubt that the acquittal of her client was as a direct result of the tenacity and ability with which she fought her client."

CIRCUIT JUDGE

"Elena is a pleasure to instruct. She is precocious beyond her years in terms of legal knowledge and strategy. She is an impressively capable, resourceful and likeable advocate."

KATH JATTER, SENIOR ASSOCIATE, GT STEWART SOLICITORS

"My barrister was amazing! Completely thorough, didn't miss anything and ultimately brought the prosecution to it's knees."

LAY CLIENT

"In court, Elena was incredibly erudite, knowledgeable, and persuasive. Her passion for youth justice is genuine and obvious. I cannot recommend Elena highly enough."

LAY CLIENT, CROWN COURT

"Her cross examination was targeted and effective, demonstrating a great deal of preparation and real judgement. Her closing submissions to the jury were excellent. I was very impressed with Miss Papamichael and consider her a substantial talent."

CIRCUIT JUDGE

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

crimeclerkmailbox@gclaw.co.uk | +44 (0)20 7993 7600

You can also contact Elena directly:

elenap@gclaw.co.uk

CRIMINAL DEFENCE

Elena is regularly instructed in the most complex cases involving young defendants, trafficking victims and cases involving human rights. She has expertise in relation to cases involving gang evidence and she has appeared on numerous times in the Court of Appeal with leave in relation to conviction and sentence. She has had recent success in the cases of *R v Wiltshire* 2022 and *R v Khan Brown* 2023 and has been instructed to advise on fresh appeals against conviction.

She has experience as a led junior in multi-handed fraud, drug trafficking and judicial review.

Elena has a keen interest in judicial review arising out of criminal matters and was a led junior in a successful judicial review case of *Manchester v DPP* involving protest rights.

NOTABLE CASES

R v D [2020] – Elena's client was charged with s.18 wounding with intent at Inner London Crown Court. The Crown's case was that the stabbing of the victim was a gang-related revenge attack. Through legal argument, Elena was able to exclude the gang evidence and evidence of lyrics. The defendant was acquitted.

R v Z [2021] – Woolwich Crown Court. The defendant was charged with s.18 (wounding with intent) stabbing of his partner. A bloodied knife was found at the scene and the victim had a stab wound. She gave evidence that the defendant has stabbed her. Elena's client was unanimously acquitted.

R v T [2021] – Inner London Crown Court. The young adult defendant was charged with possession of a prohibited firearm. Elena successfully argued, on an application to dismiss, that there was insufficient evidence on which a jury could exclude the possibility that the illegal firearm was an antique held as an ornament or curiosity. The court dismissed the charge and her client was acquitted.

R v L [2022] – The defendant was 15 years old with previous convictions for robbery. He appeared in the Crown Court with two others and entered guilty pleas to a false imprisonment and theft which involved the 14 year old victim being held inside a property for several hours, tied up and hit with knives, which was filmed for social media. Elena secured a youth rehabilitation order for her client, whilst the other youth defendant received a custodial sentence of 3 years.

R v A [2022] – Harrow Crown Court. The defendant was charged with s.18 wounding with intent. It was alleged she stabbed the victim in the face. The complainant attended court to give evidence. Elena's client was acquitted of the s.18 charge.

R v A [2023] – Canterbury Crown Court. The defendant was charged with the trafficking of a child and being concerned in the supply of class A drugs. Through legal argument, Elena was able to persuade the court to exclude all the significant evidence in the case, which led to a terminatory ruling and her client was acquitted. The co-defendant had pleaded guilty on the same evidence.

R v J [2023] – Inner London Crown Court. The defendant, who was 18 at the time of sentence had entered guilty pleas to 6 robberies, 3 at knife point, fraud, theft and handling stolen goods. Elena secured a suspended sentence for her client.

R v C [2023] – Inner London Crown Court. The defendant was charged with possession with intent to supply cannabis. A search of his bedroom revealed a Rambo knife, around £1000 in cash, scales and 16 snap bags of cannabis. Her client was unanimously acquitted.

R v L [2023] – Birmingham Crown Court. Elena defended an adult defendant who was charged with false imprisonment and robbery of a victim who was taken into a vehicle for several hours and had money taken from his banking apps. The victim had £1000 transferred to the defendant's bank account and was seen on CCTV footage with the victim. Elena's client was acquitted.

R v A [2024] - Elena represented a 15 year old in a 5 week multi-handed Class A drugs conspiracy trial at Basildon Crown Court. Elena's client ran a modern slavery defence and was the only defendant acquitted.

R v N [2024] - 8 handed affray where Elena's client was charged with possession of an offensive weapon and affray. Her client was on CCTV taking a golf club to the scene of the affray and the prosecution called two alleged victims and one independent bystander as witnesses. Elena's client was acquitted.

R v S [2024] - Elena's client was 21 years old with two previous convictions from 2021 and 2022 for supply of class A drugs. He was charged with being concerned in the supply of class A drugs. Elena was able to argue against the admission of her client's previous convictions and her client was successfully acquitted following a modern slavery defence.

R v S [2024] – Elena's client was 16 years old and charged with racially aggravated public order offences. Following representations, the prosecution refused to drop the case. Elena served a pre-action judicial review letter on the Crown Prosecution Service who consequently agreed to discontinue the case, allowing her client to maintain her good character.

CHILDREN'S RIGHTS

Elena Papamichael is a crime and youth justice specialist, regularly instructed in complex and serious cases representing children in the Youth Court and Crown Court.

Elena co-authors the youth justice update for Legal Action (the legal magazine published by the Legal Action Group) and worked on a youth justice research project with Newcastle University & the Youth Justice Legal Centre where she provided expert advice. She has worked to develop the youth justice assessment for pupils in chambers.

Elena achieves particularly successful outcomes for child victims of criminal exploitation / trafficking through her forensic understanding of the guidance and case law.

Her practice has a particular focus on racial injustice in her work and was on the Advisory Board to the Racial Bias and the Bench report. Elena was previously the Chair of Directors to 4front, a youth justice and racial

justice youth led project.

Elena has written extensively on topics about children's rights, including on the age of criminal responsibility; drill music and gang injunctions and alternatives to criminalisation for children and young people. Elena is also a contributor to the Youth Justice Legal Centre's legal updates.

PROTEST RIGHTS

Elena is part of the specialist protest law team.

In *DPP v Manchester City Magistrates Court* [2023] EWHC 2938 (Admin) Elena was led by Tom Wainwright representing the first Interested Party. They were successful in the High Court in a judicial review by the DPP of an acquittal in relation to protest rights.

COURT OF APPEAL

Elena has appeared with leave in relation to appeal against conviction and sentence.

In *R v Wiltshire* [2022] EWCA Crim 1034, Elena argued that the court's duties to protect the welfare of her client's children and their Article 8 ECHR rights, as well as the principle of totality, meant that her client should not have received an immediate custodial sentence for serious fraud offences. The Court of Appeal, allowing the appeal, halved the sentence imposed by the sentencing judge and would have considered a suspended sentence, except for the time already spent, by the defendant in custody. The successful appeal allowed for her client's immediate release.

In *R v Amaan Khan Brown* 2023 EWCA Crim 99 the Attorney General referred the sentence of 3 years and 3 months to the Court of Appeal after Elena persuaded the sentencing judge not to impose the mandatory minimum sentence of 7 years for a third Class A drug trafficking offence.

In the Court of Appeal, Elena successfully argued that the sentence imposed was not unduly lenient, and significantly the Court of Appeal accepted her submission that her client's young age was an important aspect to the consideration of whether the imposition of the minimum term would be unjust. This marks a different approach to minimum terms for young adults post *R v Clarke*.

BACKGROUND

Prior to joining Chambers, Elena worked as a solicitor at Hodge Jones and Allen in the Specialist Youth Team, Protest Law Team, General Crime Team and as a Higher Court Advocate at GT Stewart Solicitors & Advocates.

Whilst studying for her law qualifications, Elena volunteered for the School Exclusions Project, representing young people who had been excluded from school. She also interned for Release, a drugs and Human Rights Charity and Runnymede Trust, a race equality think tank. Elena was a mentor at a youth project for several years and has run workshops for young people in schools, youth clubs and for the youth offending service about stop and search and the law and rights. She was previously a director of 4front, a social enterprise that seeks to tackle the root causes of youth violence.

PUBLICATIONS

Social justice and racial equality are at the heart of Elena's work and she has written several articles on topics such as racism, youth justice, protest rights and drill music.

Cut Short: Youth Violence, Loss and Hope in the City by Ciaran Thapar - Elena contributed to the criminal justice chapter by way of an interview

The Times – ~~Extinction Rebellion: Climate crisis in criminal courts~~

Elena has been quoted in *The Guardian* in relation to the use of Criminal Behaviour Orders and their implications for our civil liberties.

Criminal Law & Justice Weekly – Getting to the heart of knife crime in the UK

TRAINING AND SEMINARS

The Modern Slavery Defence post the Court of Appeal Decision in R v Breckin – GT Stewart Solicitors in-house training

Young Legal Aid Lawyers – Fighting racism in a systemically racist legal system

Garden Court Chambers- Challenging the admissibility of drill music in criminal trials

Garden Court Chambers - Disrupting Rebellion: The Public Order Bill and the government's latest crackdown on protest

Protest law introduction – GT Stewart Solicitors in-house training

Garden Court Chambers - Celebrating Universal Children's Day - Building a Community of Child Specialist Lawyers

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crimeclerkmailbox@gclaw.co.uk | +44 (0)20 7993 7600

You can also contact Elena directly:

elenap@gclaw.co.uk



57-60 Lincoln's Inn Fields, London, WC2A 3LJ

Email: info@gclaw.co.uk

Tel: +44 (0)20 7993 7600

DX: 34 Chancery Lane