

ABIGAIL PENNY

CALL: 1999

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AREAS OF EXPERTISE

Longstanding experience of defending in heavy weight cases involving murder, armed robbery, kidnap, large scale drug conspiracies and those accused of being involved in organised crime.

Substantial experience of “white collar” crime including banking fraud (including breach of trust), long firms, “phoenix” companies and frauds against the government.

Experience of defending those facing high profile allegations including:

- The 2017 case involving the attempted bombing of the London Underground www.bbc.co.uk
- The successful defence in 2016 of an innocent man who found himself in the full glare of substantial media attention in www.mirror.co.uk
- A police officer accused of misconduct in public offence for failing to investigate sexual allegations fully. Case involved substantial documentation and required knowledge of extremely intricate aspects of police procedures www.dailymail.co.uk
- In 2016 representing the man who was shot by the Metropolitan Police firearms officers after a six hour siege in Brixton www.theguardian.com

Successful appeal against conviction in circumstances where the Crown conceded that it had failed to deal with disclosure adequately in the context of an alleged violent rape allegation see [Regina v Matthew Poole \[2017\] EWCA Crim 208, 2017 WL 01032027](#).

Professional disciplinary defence work, confiscation and cash seizures.

CASES OF NOTE

Explosions

R v DS (2017) Defence of young man with autism who built a viable homemade bomb and left it on the Jubilee line train on the London Underground. DS was alleged to have developed an interest in extremism and to have built the improvised explosive device in accordance with the directions provided in an Islamic State publication. Led by Richard Carey-Hughes QC. [See www.bbc.co.uk](http://www.bbc.co.uk)

Attorney General's Reference (Nos.74, 75, 76, 77 and 78 of 2014) (R. v Cassidy) [2014] EWCA Crim 2535; [2015] 1 Cr.App.R.(S.) 30 Defence (Junior alone) 2008

Defence of Cassidy who pleaded guilty to explosion offences where ATM/cash machines were targeted. The Attorney-General referred the case to the Court of Appeal on the basis that the sentence passed was too lenient and it has become the leading case in this area.

R v TM and others (2016) Defence (Leading junior) 2007

Defence of a man accused of causing a significant number of ATM explosions in London and elsewhere as part of an organised crime group. [See www.mirror.co.uk](http://www.mirror.co.uk)

Murder and other serious violence:

R v OL (2016)

Defendant convicted of unlawful wounding but acquitted of attempted murder, where a drug dealer was stabbed all the way through the abdomen in a "County Lines" style drug dispute.

R v JF (2016)

Defence of a man who pleaded guilty to assaulting a sports journalist causing substantial brain injury. [See www.itv.com](http://www.itv.com)

R v AVN (2014)

Successful defence of a man accused of attempted murder where the issue was identification in a Vietnamese gangland shooting in a restaurant led by Patrick Upward QC.

R v Braithwaite (2009-10)

Murder of a young man where self-defence advanced. Background of gang violence with significant issues arising in relation to the admissibility of the bad character of numerous prosecution witnesses, giving rise to the widely reported Court of Appeal judgment: [R v Braithwaite \[2010\] EWCA Crim 1082; 2 Cr App R 18 \(2010\) 174 JP 387.](#)

Organised Crime and Drug Offences:

R v DG and others (2017)

Defended DG who pleaded guilty to "one of the UK's biggest ever cannabis operations". [See www.standard.co.uk](http://www.standard.co.uk)

R v CH and others (2013) & (2017)

Widely reported case where a chain of convenience stores were targeted by a gang with firearms. CH gave Queen's Evidence and was sentenced to 6 years' imprisonment on the basis that the starting point should have been 18 years: See www.mirror.co.uk and See www.telegraph.co.uk When CH was released in 2017 he committed further armed robberies. See news.met.police.uk

R v NS (2015)

Defence of NS who was alleged to be the head of a conspiracy to supply 30kg of 90% pure cocaine. See www.standard.co.uk

R v JC and others (2015 - 6)

Defence of a man who avoided an immediate custodial sentence in circumstances where he allowed an organised crime group to use his outbuildings to produce industrial amounts of cannabis. See www.ilkestonadvertiser.co.uk

R v GW and others (2014 - 5)

Defence of a man accused by the NCA of large-scale importation of drugs as part of an alleged organised crime group. See www.theguardian.com

Serious Sexual Offences:

R v JH (2017)

Successful defence of a step-father accused of abusing his step-daughter.

R v PP (2016)

Successful defence of a man accused of raping his Botox nurse in the street. See www.mirror.co.uk

R v AJ (2014)

Successful defence of a man accused of raping his girlfriend in the context of a "controlling" relationship.

R v BK (2013)

Successful defence of a prominent member of the Roma Community who was accused of raping his niece over a prolonged period of time.

R v KY (2009)

Successful defence of police officer accused of assault by penetration where there was a sound recording of the alleged attack and DNA evidence. See www.thisissussex.co.uk

Cases involving children:

R v LK (2014)

Child Cruelty - Successful defence of a father accused of assaulting his autistic son.

R v MF (2014)

Defence of a mother with learning difficulties who was accused of breaking her 5 week old baby's arm. Prosecution agreed that the most appropriate way of dealing with the case was to caution the defendant.

Fraud:

R v SS (2013)

Deputy Official Receiver of Croydon convicted of breach of trust fraud. See squaremileneeds.blogspot.co.uk

R v CR (2012)

Accountant convicted of substantial breach of trust fraud in the context of phoenix companies. Case concerned unwritten agreements/work culture, careful consideration of banking evidence and the relevance of the importance of the employee to the business structure.

R v Leon Dussard (2009)

Bank Clerk defended in a banking fraud and money laundering enterprise where money eventually laundered in a bureau de change and sent to Cyprus. Sentence of 30 months reduced to 15 months by Court of Appeal [Regina v Payaspyrou and Leon Dussard \[2009\] EWCA Crim 1065](#).

R v PS and another (2008)

Prosecuted by Queen's Counsel and a junior in the successful defence of a Company Director who was alleged to have signed a statement that was used in the High Court in an effort to defeat a bankruptcy petition. Case existed in the context of a large-scale fraud.

R v A-D & Others (2007)

Leading Junior in the successful defence of high value mortgage and benefit fraud trial. Case included direct challenge to the standard forms of the claim and the relevant definition.

HMRC v T & another (2006 - 2009)

Large scale, complicated fraud in excess of £1 million concerning various branches of HMRC and the DWP in the context of an alleged franchising scheme.

PROFESSIONAL MEMBERSHIP

South Eastern Circuit

Criminal Bar Association



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ACADEMIC BACKGROUND

BA (Hons) English Literature 2:1 (1995)

Common Professional Examination (1998)

Bar Vocational Course (1999)