

ADRIAN WATERMAN QC

Called to the Bar: 1988

QC: 2006

Recorder: 2004 (Authorised to try Class 2 cases.)

Education: London University. LLB (Hons), 1986.

General Outline

A specialist in criminal and quasi-criminal litigation and advocacy, including disciplinary, regulatory and crime-related judicial review.

Frequently instructed pre-charge by either the prosecution or the defence in the most serious, complex and sensitive cases.

Recommended for “criminal expertise” in Legal 500.

Lecturer and contributor to legal journals.

Areas of Practice

Crime

- Homicide.
 - Gang-related killings and other cases of joint enterprise.
 - Causation issues, involving medical/other expert evidence.
 - Psychiatric issues.
 - Gross negligence manslaughter in the context of deaths in custody/at the hands of state agents, or in other work-related contexts.
 - Health and Safety at Work Act prosecutions, including those involving death.
- Fraud.
 - SFO cases.
 - Proceeds of crime.
 - Fraud in the context of commercial disputes.
- Drugs.
 - Large-scale conspiracies.
 - Covert surveillance.
 - Public interest immunity.
- Sexual offences.
 - Rapes involving homicide.
 - Cold-case rape.

- Historic sexual abuse.
- Pre-charge advice as to law, strategy and tactics.
 - Advice to CPS in complex, high-profile and/or sensitive cases.
 - Advice to defence, particularly in relation to SFO cases.

Regulatory

- Offences, such as Health and Safety at Work Act offences.
- Preventive advice to organisations.
- Disciplinary proceedings, including rugby league, Health Professions Council and police disciplinary proceedings.

Appellate

- Appeals in relation to trials conducted.
- Appeals in relation to trials not conducted, where specific advice subsequently sought.
- Judicial review, including decisions of inferior courts/tribunals, and decisions whether or not to prosecute by the CPS.

Recent Cases

R v Murphy and others. Prosecution of a multi-handed, high-profile, racist murder of an Asian taxi driver.

R v Milakovic. Defence of a profoundly deaf social worker for the “mercy-killing” murder of his seriously ill baby son.

R v Mook. Prosecution of a woman for poisoning her husband with Amitriptyline to cover up extensive fraud.

R v Clark. Prosecution of a known sex offender for rape and murder of a 14 year old neighbour.

R v Ballantyne and others. Prosecution of a joint enterprise murder.

R v Walsh. Defending in a double murder of the accused’s partner and her daughter, with bodily mutilation and complex psychiatric issues.

R v O’Dowd. Defending singer Boy George for false imprisonment of a male escort.

R v Hunt. Defending a woman charged with murder and section 5 of the Domestic Violence Crime and Victims Act 2004, relating to her baby. (One of the recent notorious Doncaster cases.)

R v Mendez. Defending in a joint enterprise murder. Complex post-*Rahman* issues.

Operation Amarillo City. Prosecuting in a case of attempted murder, involving allegations of police officers deliberately listening to and viewing privileged material in the possession of a solicitor defendant.

R v Doherty. Defending a woman charged with murdering her ex-police officer partner.

R v Simpson. Defending in a cold-case review rape.

R (Hoare) v CPS. Instructed by the Treasury Solicitor in a judicial review of a decision by the CPS not to prosecute in a gross negligence manslaughter investigation.

Legal advice to suspects during the SFO investigations into BAe and Balfour Beatty.

Advice to a well-known national commercial organisation as to the criminal fraud and proceeds of crime implications of a compromise in commercial litigation.

Selection of Cases in Last Ten Years

R v Woodgate and others. Junior prosecuting counsel in a high-profile trial and re-trial of a number of Leeds United and England footballers.

R v Blackstone and Morrison. Conspiracy to commit armed robbery. It was the first of a series of cases filmed from its inception, with the approval of the judiciary, by a BBC documentary team for a program called “Anatomy of Crime”.

Donnygate cases. Prosecution and defence of a number of counsellors for fraud and election offences.

R v Dunlop. Prosecution of the accused for murder. The first ever re-trial of an acquitted person pursuant to the Criminal Justice Act 2003 provisions.

Many cases involving death at the hands of state agents. Before taking silk, the only person authorised to act on behalf of the DPP in such cases.

Appellate Cases

R v B [2003] 1 WLR 2809. The prosecution of an allegation of rape in which the accused was convicted and appealed on the basis that the question “Do you know of any reason why the complainant should have made the allegation up?” was impermissible. The highest judicial authority in some Commonwealth jurisdictions forbids the question. Considerable Commonwealth case-law was cited. The Court of Appeal held that the question was a proper question.

Pattison v DPP [2006] 2 All ER 317. A judicial review, in which the Administrative Court redefined how a court can prove that a memorandum of conviction related to a particular accused, overruling *R v Derwent Magistrates’s Court, Ex P Heaviside*.

R v D [2007] 1 WLR 1657. The first re-trial of an acquitted person under the provisions of the Criminal Justice Act 2003.

R v Mitchell [2009] 1 Cr App R 31. Court of Appeal. The legal principles of joint enterprise murder and withdrawal.

R v Mendez & Thompson [2010] EWCA Crim 516. Court of Appeal. Introduced the “altogether more life-threatening” test in fundamental difference joint enterprise cases.

Articles and Lectures

Abusing a Stay for a Grant, Covert Policing Review, 1 October 2005.

Bad Character: Feeling Our Way One Year On. [2006] Crim LR 614. An article with Tina Dempster, reviewing of the principles of admissibility of bad character evidence.

Be the Expert You Are. Advances in Psychiatric Treatment [2008]. An article on the role of the expert witness.

Lectured to senior journalists of a national broadsheet newspaper on the legal implications of undercover journalism [2009].

Prosecution Appeals – Too Much of a Good Thing? [2010] Crim LR 169. An article with Professor David Ormerod and Rudi Fortson, reviewing the provisions as to prosecution appeals.