

Naomi Gilchrist

Year of Call: 1996

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Introduction

Naomi began her professional career as a solicitor at what is now a national and international law firm where she practiced in regulatory work, licensing/gaming and white collar crime. She transferred to the Bar in 1996 and has been a specialist advocate in those fields ever since. Her background as a solicitor gives her a rare understanding from the perspective of the professional client and is just one of her unique selling points. She places great importance on understanding the inner workings of law firms and the pressures faced therein and more recently took a secondment within the regulatory department of a tier 1 law firm.

Naomi's experience is considerable and wide-ranging. She regularly deals with high profile complex matters. Her approach is user friendly yet professional and meticulous. She has a razor-sharp legal mind and is an extremely persuasive advocate. Her flexible manner makes her equally effective in front of the varied types of tribunal encountered in these fields, from the Magistrates Court to the Administrative Court and before disciplinary panels.

She is regularly instructed to defend in privately funded cases in all courts across the country and has a reputation for being commercially minded and cost sensitive. She encourages the use of fixed / capped fees where appropriate providing certainty of costs for clients.

What the Directories Say:

- *"She prepares well and is extremely client friendly."* and *"A very safe pair of hands."* – Legal 500 2019
- *"Very client-friendly, extremely capable in court and very thorough. Clients love her. She puts a lot of time into cases."* – Chambers UK 2019
- *"Her advocacy style is fearless yet appealing to judge and jury."* – Legal 500
- *"Unshakably confident and firm in advocacy."*, *"A great lawyer, who is to the point, economical and realistic."* – Legal 500
- *"A former solicitor whose heavyweight crime practice is highlighted by solicitors due to her exemplary client care skills. She defends and prosecutes in cases ranging from white-collar crime to regulatory offences."* – Chambers & Partners
- *"She is extremely client focused and an extremely good advocate."*; *"She provides a top service to solicitors"* – Chambers & Partners
- *"She has a head for tactics, and is a good all-rounder."*; and *"(she is) someone going very far indeed, almost certainly to silk and then to the Bench"* – Chambers & Partners
- *"(She is) meticulous in her preparation."* and *"(she) has exceptionally good judgment, persuasive arguments and impressive cross examination skills."* – Legal 500

Organised Crime and Terrorism

Operations Brattice & Flesh [R. v. Farooq & Others]: Conspiracies to import hundreds of kilos of heroin in to the UK from Pakistan together with associated money laundering conspiracies. Complex and voluminous. Instructed to represent principal defendant said to be at the head of the conspiracies [defence, led]

R v Rajcoomar & others: Large scale conspiracies to import/supply drugs. Use of proactive policing tactics including Dutch surveillance and intercept [defence, alone]

R v Hughes & others – Long running conspiracy to import cannabis tones at a time. Complicated by underlying MTIC fraud [defence, led]

R v Ali – possession with intent to supply (40 kilos heroin). Complex disclosure issues and expert evidence [prosecution, led]

R v Henry & Others: 5 handed armed robbery of a jewellery store. Complex telephone and cell site evidence. Detailed analysis of phone/cell site material led to successful application to dismiss following full argument before the Court. [defence, alone]

R v Hartshorne & others – Prosecution of large scale conspiracy to import/supply drugs. Shared conduct of trial with leader. In particular, conducted voir dire and arguments in relation to Dutch intercept evidence

R v Gill – Conspiracy to supply drugs. Complex legal arguments [prosecution, led]

R v Scott & others; R v Lambie & others: both large scale conspiracies to supply drugs [prosecution]

R v McDonald & Fenwick – drug importation conspiracy [prosecution, leading junior]

R v Valentine & Breen – armed robbery of Post Office [prosecution, alone]

Operation Breithorn: Multi-hander involving a number of separate conspiracies each of which was fraudulent in nature: Sophisticated large scale conspiracy to obtain leave to remain in the UK by deception involving over 30 separate applications; Numerous conspiracies to obtain mortgage advances by misrepresentation; Conspiracies to obtain various benefits by misrepresentation. [Prosecution, leading]

R v Lordache & Lordache– trafficking of young girls for the purpose of prostitution [prosecution, alone]

R v Sardaru – trafficking of young girls for the purpose of prostitution [prosecution, alone]

Homicide (Murder and Manslaughter)

R v Hill & Others:High profile complex contract killing. Victim shot as he lay in bed. 6 men charged with murder. Co defendant, Anslow, escaped from prison van on route to a court hearing as a result of an organised ambush upon the van. Sparked international manhunt. Jury protection issues. [defence ,Led]

R v Ali – high profile and brutal murder of two sisters. Extremely sensitive issues involved. Vast and complex scientific evidence. Complicated hearsay and bad character issues relating to earlier complaints made by one of the deceased [prosecution, led]

R v Walters – murder of police officer by member of the 'Burger bar'. Involved numerous issues relating to RIPA 2000, arguments in relation to admissibility of covert recordings carried out in police cells/in prison, PII, cell site analysis and other complex expert evidence [prosecution, led]

R v Khan, Khan & another – three defendants charged with murder; drug/gang related [defence, led]

R v Belle & others – defendants charged with gang related revenge stabbing murder [defence, led]

R v Kennedy – woman charged with the murder of her six year old daughter by strangling her with a skipping rope. Issue, diminished responsibility [prosecution, alone against QC]

R v Cross – baby killing involving complex medical evidence [prosecution, led]

R v Powell – woman charged with murdering her partner [prosecution, led]

R v Louden – manslaughter [prosecution, leading junior]

Serious Sexual Offences

R v A – defendant charged with anal/vaginal rapes and other serious sexual offences [defence, alone]

R v Blackwood – rape of 101 year old woman. Issues included low copy number DNA [prosecution]

R v Jones – prosecution of police officer for sexual offences upon elderly and vulnerable lady

R v Holden – historical and recent rapes/sexual offences. Victim with severe learning difficulties. Use of intermediary and psychological evidence. Vast amounts of bad character material and arguments as to its admissibility [prosecution, leading junior]

R v Yusuf & others – gang rape. Prosecuted re-trial (alone). Original trial prosecuted by QC (alone) appointed to circuit bench before re trial

Fraud, Business and Financial Crime

Naomi has considerable experience within the field of business and financial crime. That experience includes advising in and/or conducting cases involving various methods of fraud, including, long/short firm, MTIC, advance fee, skimming, identity, and 'criminal cash back', as well as corruption and misconduct in public office and money laundering.

Cases include:

Operation Savate: Highly complex large scale building construction VAT/PAYE fraud. Long running covert operation leading to the arrest and charge of over 20 people. Defendants to be tried in a series of 3 trials. Instructed to represent one of the defendants said to be involved with the core group responsible for setting up and operating the conspiracy. High volume of material [60,000+ pages]. VHCC.

Operation Breithorn: Multi-hander involving a number of separate conspiracies each fraudulent in nature; Sophisticated large scale conspiracy to obtain leave to remain in the UK by deception involving over 30 separate applications; Numerous conspiracies to obtain mortgage advances by misrepresentation; Conspiracies to obtain various benefits by misrepresentation. [Prosecution, leading].

Operations Flesh and Brattice: Conspiracies to import hundreds of kilos of heroin from Pakistan. Related sophisticated money laundering involving international banking/money exchange bureaus, layering and subsequent integration. [defence, led]

R v Iqbal & Others: Multi handed conspiracy to steal. Complex conspiracy involving the theft to order of high value cars, fraudulent re-identification of the vehicles and onward sale. [defence, alone]

R v Price: NHS procurement fraud [defence]

R v Khurana & Others: Serious, sophisticated identity theft and credit card fraud conspiracy conducted over a long period of

time [defence]

R v Nally & others: Conspiracy to defraud and conspiracy to steal. 'Short firm' fraud and 'criminal cash back' [defence]

R v Patel & others: Banking conspiracy [defence]

Re The Moya Group Restraint orders pending prosecution of directors and others. Advising accountants regarding potential administration/appointment as administrator in light of the restraining orders and other complications

R v Lubamba & others: Conspiracy to steal and conspiracy to defraud. Complex conspiracies involving a network of criminals across the country with losses in the region of £52 million pounds to the DWP [defence, alone]

R v Ahmed: Fraud over long period of time involving numerous false identities and money laundering [prosecution, alone]

R v Holder & Holder: Sophisticated fraud upon charity by director and wife. [prosecution]

R v Darko & others: Large scale conspiracy involving ATM 'skimming' and identity theft across London and the West Midlands [prosecution]

R v Sholl: Consumer Credit Act/'loan shark' [prosecution]

R v Basstoe: Consumer Credit Act/'loan shark' [prosecution]

R v Cannon & others: Money laundering/counterfeit cds/dvds [prosecution]

Restraint and Confiscation

Given the nature of her practice, which regularly involves serious financial crime and large scale drug conspiracies, Naomi necessarily advises upon matters relating to restraint and confiscation and conducts such proceedings.

Health & Safety, Corporate & Gross Negligence Manslaughter

Naomi is recommended by both Chambers UK 2014 and Legal 500 2014 for her work in the regulatory arena.

She is regularly instructed to appear on behalf of companies and individuals who are charged with regulatory offences. Recent Examples include:

Mid Suffolk DC v. 2SFG & 3 Others: Prosecution of supplier of poultry to numerous high profile supermarkets for breach of Remedial Action Notice/HACCP failures/failure to supply documentation upon request. 3 employees in management positions also charged with consenting to/conniving with the commission of the offences by the Company. Allegation of serious potential risk to public health. Complicated expert evidence involving policy at Government and EU level. Instructed to represent one of the managers. Involved various technical legal arguments to be conducted.

HSE v. R Ltd: Advised/represented R Ltd following accident in which an employees fingers were severed off in a power press. Instructed immediately post accident to advise and assist in respect of HSE interview and thereafter to represent the Company upon prosecution.

HSE v. SM: Representation of employee charged with S.7 offence following a serious construction site incident resulting in life threatening injuries and permanent brain damage/disability. Employer Company in liquidation by the time charges brought. Complicated abuse of process relating to delay/non availability of material due to company liquidation.

HSE v. JT Ltd: Representation of company charged with serious offences relating to the breach of asbestos regulations.

HSE v H: Representation of director charged with S.37 offence following the collapse of part of a building under construction.

Allegation of serious risk to children at the neighbouring primary school.

HSE v. T plc: Advised/represented multi-national plc in respect alleged breaches of improvement/prohibition notices and related appeals.

HSE v. RB: Representation of company director charged with S.37 offences relating to a serious work at height incident at a building site.

Naomi also has particular expertise in dealing with cases involving the Working at Height Regulations.

Trading Standards, Consumer Protection & Food Safety

BCC v.NSB: Representation of owner of high profile restaurant in respect of breaches of the Food Hygiene Regulations following emergency closure for imminent risk to public health due to cockroach infestation.

Various v. GK plc: Advising and representing a multi-national plc in relation to offences contrary to the Food Safety Act/General Food regulations/Food labeling Regulations

Various v P plc: Advising and representing a multi-national plc in relation to product liability offences/breaches of product safety regulations.

Sandwell Borough DC v MJC Motors & Emiliou: Prosecution of company and director in respect of breaches of the Protection from Unfair Trading regulations.

Solihull MBC v. KS (T/A CH Care Home): Representation of owner of care home prosecuted in relation to allegations of 99 breaches of the food hygiene regulations in respect of high risk foods.

Solihull MBC v. AP & Others: Representation of one of a number of individuals prosecuted for serious long running fraud and forgery/counterfeiting offences in relation to a windows business. **R. v.**

X & Others: Prosecution of group responsible for creating and selling 10s of 1000s of counterfeit CDs and DVDs, for offences relating to the infringement of copyright legislation.

R. v A: Representation of individual charged with various offences relating to breaches of copyright and trademarks legislation. Complicated legal and factual matrix.

R v AK: Representation of market stall holder in respect of consumer protection and trademark offences.

Licensing

Naomi's experience in the field of licensing and gaming is extensive and at all levels. She has the benefit of having specialised in the field both pre and post the Licensing Act 2003 and the Gambling Act 2005.

She regularly appears on behalf of many well known operators and has advised and appeared on behalf of the Gambling Commission and various local authorities. She also provides and assists in specialist training.

Current and recent cases include:

Clockfair v. Grosvenor & Sandwell BC: Divisional Court, instructed by Sandwell BC in relation to an appeal by way of case stated regarding the application of S.152 Gaming Act 2005 to the grant of converted premises licences; whether it was lawful to grant both a converted casino premises licence and a converted bingo premises licence in respect of the same premises; the rule against collateral challenge and its effect upon a statutory body's power to revoke or modify an authorisation where the original grant was unlawful. Against leading counsel. Complex and novel legal argument of considerable significance to

licensing operators/practitioners and also to public lawyers in relation to collateral challenge.

Wolverhampton City Council Small Casino competition: Wolverhampton CC is one of 8 local authorities in the country permitted to grant a small casino premises licence. Instructed as legal advisor in relation to contested proceedings in respect of stage 1 application for small casino premises licence. Leading counsel appearing on behalf of the applicant. Advised upon the management of the proceedings and objections and sat as legal advisor during the application hearings.

Gambling Commission: Advised and appeared on behalf of the Commission in relation to various aspects of gaming and the Gambling Act 2005 including: – The first prosecution ever conducted by the Gambling Commission – The high profile issue of house raffles and lotteries – Part 15 powers of entry and inspection – Reviews under S.116 – Making gaming machines available for use contrary to S.242(1) & S.243(1) – S.258: the promotion of lotteries – S42: the offence of cheat – The retention and disposal of property under S.317 – Extent of authority to prosecute – Policy generally

The Cottage, Earlsdon: Instructed on behalf of Coventry City Counsel in relation to a premises licence review hearing brought about as a result of noise nuisance issues.

Stoke CC v C Ltd: Instructed and appeared on behalf of a multi-national company in review proceedings following the failure of a test purchase.

Birmingham CC v. D: Instructed by premises licence holder in relation to an appeal against a decision to revoke the premises licence following a failed test purchase.

China Court Karaoke, Birmingham: Instructed to appear on behalf of appellant upon appeal against a refusal to grant a new premises licence. Difficult premises history. Extremely serious incident occurring under previous management led to the revocation of the premises licence. New application complicated by the premises being in a cumulative impact zone.

Taxi licensing appeal: advising and appearing on behalf of Wycombe DC in respect of extension of time to lodge an appeal to the Crown and power of the Crown Court to amend an order made to allow such an extension.

Inquests & Coronial

Naomi is an experienced Coroner's Court advocate. Additionally her extensive experience in dealing with both offences of homicide and serious criminal regulatory offences gives her an extra dimension in the ability to grasp and deal with the often complex issues that arise, to marshal voluminous papers and to understand the particularly sensitive nature of the proceedings. Recent and on going inquest work includes:-

Representation of care home company in respect of a sudden death in epilepsy. Involved complex technical issues relating to the use of assistive medical technology and expert evidence in respect of SUDEP.

Representation of care home company in relation to a death following a fall whilst mobilising unassisted at night.

Representation of local authority in relation to the death of a vulnerable adult in assisted care living.

Representation of local authority in respect of the death following a fall down fire escape stairs of an elderly man suffering from dementia.

Representation of the driver of a lorry involved in a fatal road traffic collision.

Representation of the driver of a vehicle fitted with a crane . The outrigger extension beam and its hydraulic jacking leg came out from the side of the vehicle as it was being driven along, the arm striking and killing a woman.

Representation of local authority following the death of a man as a result of a road traffic collision at a junction where road works were being carried out.

Presenter at Inquest Seminar Day with the Chief Coroner.

Training for Highways Engineers in respect of inquests involving road traffic collisions.

Disciplinary Tribunals & Professional Regulation

Naomi has a keen interest in work in front of disciplinary and governing bodies. She has advised in respect of and appeared in a range of disciplinary matters before a variety of tribunals. She has considerable experience with police misconduct proceedings. She has also been instructed both on behalf of the prosecution and on behalf of defendants in related criminal proceedings.