



# David Richards

**Year of Call:** 1989

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## Crime

David believes those caught up in the criminal process: defendants facing charge and the fear of the consequences of conviction; witnesses required to attend court to talk about stressful events; victims appearing in court just because their rights have been abused: all deserve the best service and assistance in coping with and navigating the experience of the court case.

From 2015 to 2020, David has deliberately chosen to focus on the more complex casework. His study of maritime law and international criminal law, together with his work as the Principal Legal Adviser to the Director of Service Prosecutions and a background as an army officer (1992-1996), his interest span a variety of sub areas within criminal and regulatory law.

Noted for his sympathetic manner with clients and complainants he is often instructed to prosecute or defend in cases requiring a particularly sensitive approach e.g. with vulnerable victims or witnesses, and cases where deaths have been caused through driving. One recent case concerned a 15 year old accused charged with the rape of younger children.

His cases have involved murder, manslaughter, multi million pound fraudulent importations, multi handed drugs conspiracies, maritime fraud and collisions at sea; he has prosecuted and defended in cases of historic child abuse, rape and domestic abuse.

### Recent cases include

- R v Gayle and Others – Portsmouth Crown Court Sept 2019 and February 2020: led for the prosecution in 7 handed county lines conspiracy. Following discharge of original jury at end of the prosecution case, retrial resulted in all accused convicted.
- R v M – Lewes Crown Court December 2019: prosecution of fisherman charged with Merchant Shipping Act offence arising from the deaths of 3 leisure fishermen.
- R v X - Kingston Crown Court April - August 2019: David led Audrey Archer of 3PB in the defence of man charged with coordination of a £12.2million evasion of the duty on hand rolling tobacco by two organised crime groups. The case against their client turned on detailed financial and telephone evidence together with extensive undercover work by HMRC.
- R v Hicks and others: Operation Attica - the successful prosecution of conspiracies to supply heroin, cocaine and cannabis in Bristol, the West Midlands and Reading. David led for the prosecution in this 6 week trial.
- In May and June 2018 David was led by Nigel Lickley QC in the successful prosecution of an Army Captain for the gross negligence manslaughter of a soldier on ranges he was running in Castlemartin, Wales in May 2012. The case concerned the safe operation of a live firing range; experts in ballistics, pathology and range management were called to address the key factual issues of where the fatal round came from and the extent of the fault that attached to the accused.
- Also tried by the same court were a Lieutenant Colonel and Sgt Major both of who were convicted of negligent performance of their duties in the planning for, setting up and running of these ranges. The prosecution followed

investigations by Dyfed Powys police, the Health and Safety Executive, the Army's Land Accident Investigation team and a coronial inquest. Despite complex legal challenges and an extremely complicated factual scenario the case was brought to trial and successfully prosecuted.

- CPS & MCA v Doug Innes and Stormforce Coaching (Cheeki Rafiki) (2018) Prosecuted defendant charged with 4 counts of manslaughter by gross negligence after failing to ensure the safety of the yacht Cheeki Rafiki that capsized in the Atlantic causing the deaths of the four crew. Technically complex. Led by Nigel Lickley QC.
- R v W (Winchester Crown Court April 2016) Prosecution of 15 year old charged with multiple rapes of 11 and 13 year old children.
- R v Brown (Winchester Crown Court December 2016) - led by Nigel Lickley QC in the prosecution of mother who murdered her 19 day old baby.
- R v T (Winchester Crown Court April 2017) - prosecution of attempted murder
- R v TB - Newcastle Crown Court July 2015 - Accused charged with substantial fraud on the European Fisheries Fund. Negotiated pleas with the prosecution to regulatory offences; fined £2,800 total.
- Re: HP June 2015 - Inquest into the death of marine scarp yard worker.
- R v A [2015] 2 Cr App R (S) 12 - The Court of Appeal gave guidance on the drafting of multiple incident counts and indictments.
- R v F (Bournemouth Crown Court August 2014) - Successfully argued the accused, suffering acute psychotic disorder, was not guilty by reason of insanity
- R v Conlin (Winchester Crown Court July 2014) - Led by Nigel Lickley Q.C. in the successful prosecution of a father for the murder by shaking / trauma of his 4 and a half month old daughter. Case involved complex expert evidence relevant to causation and timing of injury.
- R v S 2013 - Defence of soldier charged with causing death of two civilians in road traffic collision Afghanistan.
- R v G 2013 - Defence of high value watch trader charged with substantial VAT fraud.
- R v F 2011 - Defence of man charged with serial rape and sexual assault of five victims from 1980 to 2010.
- R v AL (2011) - Child cruelty - parent causing severe injuries (multiple fractures) to 5 month old child.
- R v P (2011) - Haulier carrying catering trailer charged with causing death by dangerous driving when hatch opened and collided with traffic lights, resulting in death of pedestrian.
- R v W and S (2011) - Defence of accused charged with wide ranging conspiracy to steal from fruit machines at service stations across the midlands and south of England.
- R v B and B (2010) - Two men charged with the rape and buggery of a school friend when in Cyprus in 1988; neither had further connection with military but due to location and date of offence court martial the only available venue; successfully challenged terminating ruling by Judge Advocate.
- R v S (2010) - Defence of the first ever prosecution by trading standards for selling legal highs.
- R v F (2010) - Prosecuting international conspiracy to clone and distribute false credit cards.
- R v MoD (ex p Al Sweady) (2009) - Judicial review of conduct by British Army at the 'Battle of Danny Boy' in Iraq.

## Articles

Appeal against Court Martial sentences: has anything changed? [1999] Crim L R 480

The Armed Forces Act 2006 - Civilianising Military Justice? [2008] Crim L R 191

## Military

As the PLA at the Service Prosecuting Authority, David has been responsible for overseeing the entire case work of the prosecution at courts martial. He has introduced new arrangements for coordination between the service police and the SPA. Working on behalf of the DSP and JAG he has helped guide the introduction of Better Case Management to the UK military courts.

Having appeared in military courts for defence and prosecution throughout his career and having written and lectured on the

Armed Forces Act 2006, he is a pre-eminent expert on the service justice system.

## Publications

3PB's David Richards, Head of the national chambers' Public & Regulatory Law team, and pupil barrister Dr Tagbo Ilozue have reviewed three new regulatory key cases, covering environment regulation, food safety and housing regulations, all handed down since the UK went into lockdown.

[View Publication](#)

3PB Barristers' regulatory counsel David Richards, Head of the national chambers' Public & Regulatory Law team and pupil barrister Dr Tagbo Ilozue have published a digest of recent criminal law developments and relevant case law since the UK went into lockdown.

[View Publication](#)

## Recommendations

'An experienced advocate who has excellent client skills.'

**Legal 500 2020**/Crime - Tier 1

'Thorough, hardworking, and excellent at marshalling evidence.'

**Legal 500 2020**/Regulatory, health and safety, and licensing - Tier 1

"A winner with judges and juries."

**Legal 500 2018/19**/Crime - Tier 1

"I owe him and my solicitor everything": BB - client charged with fraud on the European Fisheries Fund

**Client testimonial**

"A credit to the profession"

**HHJ FS - following trial of two police officers**

"Outstanding"

**HHJ JB - following rape trial of officer cadet**

## Academic qualifications

- MA (Cantab) 1988
- Bar Finals 1989
- New York State Bar 2000
- LLM Maritime Law Southampton University 2015

## Professional qualifications & appointments

- Principal Legal Adviser to the Director of Service Prosecutions 2015-16
- Grade 4 prosecutor
- CPS Rape Specialist
- Recorder, Midlands Circuit

- Legal Assessor Nursing and Midwifery Council
- Specialist Regulatory Advocates in H&S and Environmental Law List

## **Professional bodies**

- Western Circuit
- Health and Safety Lawyers Association