



Graham Gilbert

Year of Call: 2015

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Overview

Graham Gilbert handles criminal and public regulatory cases, particularly sports law matters. He undertook pupillage at a leading criminal set of chambers in London prior to taking tenancy at 3PB.

Graham is able to easily and quickly establish a rapport with clients and delivers simple, effective oral and written advocacy that has earned him praise from the tribunals he appears in front of.

Recommendations

"Just wanted to thank you for all of the hard work you put into what turned out to be a far from straightforward case! I could not have asked for a more thoroughly prepared case and very impressive legal argument which eventually lead to an excellent case outcome. Your client care was first class and I appreciated the ease and speed with which I could reach you for advice."

- **Instructing solicitor feedback**

"I am so grateful to you and Graham for all your help. You are absolutely right, its a great outcome and the legal advice and support made all the difference. Graham Gilbert was excellent." - **Client feedback** to instructing solicitor.

"Graham Gilbert was very professional and charming. Would recommend him highly." - **Client feedback** to instructing solicitor.

"Once again thank you for all your thorough help in this successful prosecution and the hours of hard work sifting through the late disclosure of the evidence bundle the night before trial." - **Feedback from Environmental Health Officer.**

Academic qualifications

- BPTC - City Law School - Very Competent
- GDL - City Law School - Commendation.
- BA Hons Ancient History - University of Exeter - 1st Class

Scholarships

- City Law School: 7 Bedford Row Criminal Law Prize Essay
- University of Exeter awarded a Dean's Commendation for "outstanding academic achievement"

Professional qualifications & appointments

- CPS Prosecutor – Grade 2

Professional bodies

- Western Circuit
- Sport Resolutions Pro Bono Panel
- Criminal Bar Association
- Bar Pro Bono Unit
- Health & Safety Lawyers Association (HSLA)

Expertise

Crime

Graham defends and prosecutes in both Crown and Magistrates' Court across Southern England & Wales, including London. His cases have covered a wide range of criminal offences, including child cruelty, possession of indecent images, cannabis cultivation, burglary and arson. He has also appeared in numerous proceedings concerning the breach of court orders, as well as prosecuting for several regulatory bodies, including the RSPCA, DVLA and TfL. Graham also handles driving offences and POCA cases.

Recent cases:

Crown Court cases

Trials

R v V

Breach of restraining order and disclosing private sexual images instruction at Bournemouth Crown Court.

R v N

Instructed in a sexual assault of a child case at Southampton Crown Court.

R v G

Briefed in a PWITS Class A at matter at Winchester Crown Court.

R v M & Ors

Junior counsel for the first defendant in a trial involving multiple allegations of fraudulent trading by the client's companies, as well as associated regulatory offences. Heard at Bournemouth Crown Court.

R v H & Ors

Junior counsel for the first defendant in a trial concerning an allegation of kidnapping. Heard at Winchester Crown Court.

R v C

Burglary trial at Bournemouth Crown Court. Graham secured the acquittal of a defendant charged with burgling a property. Despite the client being forensically linked to the scene, Graham was able to secure an unanimous acquittal for his client.

R v P

Burglary trial at Bournemouth Crown Court. Despite the evidence of two eye-witnesses, Graham's cross-examination lead to a hung jury and the Crown declined to pursue a re-trial.

R v L

Graham represented a client charged with possession with intent to supply class A, and other matters, at Bournemouth Crown Court. After Graham made representations to the Crown, the PWITs matter was discontinued and a charge of simple possession accepted.

R v W

Robbery trial at Bournemouth Crown Court. Graham was able to secure a favourable outcome for the client, who eventually pleaded guilty to offences of affray and theft, resulting in a community order being imposed.

R v R

Represented a client charged with controlling and coercive behaviour at Southampton Crown Court. After Graham made representations to the Crown, the prosecution offered no evidence on this matter and accepted a plea to a common assault.

R v A

Graham appeared for a client charged with multiple offences of fraudulent identity documents. The client was not convicted

of any offences.

R v R

Instructed in a burglary trial at Bournemouth Crown Court.

R v B

Possession with intent to supply class A trial heard at Bournemouth Crown Court.

R v C

Represented a defendant charged with bilking and other offences at Bournemouth Crown Court.

R v G

Graham represented the defendant charged with making threats with a bladed article.

R v C

Affray trial at Bournemouth Crown Court.

R v Y

Appeared for a client charged with theft.

Other Matters

R v A'o

Graham successfully applied to vacate a client's plea to various drug offences after it emerged that there had been significant disclosure failings. After written representations by Graham, the Crown did not oppose the application.

R v H

Represented a defendant accused of intending to supply drugs to a value of £250,000 - heard in Winchester Crown Court.

R v B

Appeared for an appellant in an appeal against conviction and sentence. The client had been convicted of assault by beating. Graham successfully deployed medical expert evidence to show that the defendant was not capable of committing the acts alleged.

F v DPP

Graham appeared for the Respondent in an appeal against conviction and sentence for an offence under section 172 of the Road Traffic Act 1988 (failing to provide information about the driver of a vehicle to police). Following legal submissions from both parties on a preliminary point of law, the court agreed with Graham's submissions and the appeal was withdrawn.

R v B

Graham represented the appellant in an appeal against conviction and sentence at Southampton Crown Court. Graham secured an acquittal on one charge and a sentence of a conditional discharge on the other, the client having previously been convicted of both and sentenced to a community order in the lower court.

R v D

Successful appeal against a conviction for a breach of a restraining order at Bournemouth Crown Court.

R v W

Appeared in an appeal against conviction at Southampton Crown Court. Graham persuaded the court to overturn the client's conviction for an assault by beating and then successfully resisted the Crown's application for a restraining order to be made on acquittal.

R v ON

Graham managed to secure a suspended sentence for a client charged with running a cannabis farm and abstracting electricity.

R v F & Ors

Represented the second defendant in a cultivation of cannabis matter. The proceedings against the client were discontinued.

R v H

Secured a non-custodial sentence for client following several breaches of a suspended sentence order.

R v T

Appeared for the Defendant in a complex sentencing matter involving multiple different offences and matters, including consideration of whether an extended sentence should be imposed. Graham was able to persuade the court that his client was not dangerous within the terms of the statute and to not pass an extended sentence.

R v H

Secured a non-custodial sentence for a client who had breached his Sexual Offences Prevention Order by possessing multiple indecent images of children, including Category A images.

R v N

Secured a short custodial sentence for a client at Reading Crown Court following a conviction for two offences of possession with intent to supply Class A drugs. This sentence was passed at the conclusion of a Newton Hearing.

R v Q

Instructed to represent the defendant in a robbery matter at Southampton Crown Court.

Magistrates' Court Matters**R v R'u**

Represent a client charged with two counts common assault trial at Poole Magistrates' Court. Graham secured an acquittal on both counts.

R v McE

Assault by beating trial at Aldershot Magistrates' Court. Graham successfully persuaded the court to exclude the evidence of the clients interview and secured an acquittal.

R v R

Hendon Magistrates' Court. Graham successfully ran the difficult defence of automatism for a client charged with numerous offences committed late at night at a London train station.

R v Q & H

Graham defended two clients (one a youth) charged with assault by beating. Both claimed to have acted in self-defence; one pre-emptively and one to defend his friend. This was successful and both were found not guilty. The Judge remarked that the key piece of evidence was a comment ascribed to the complainant by the defendants in interview with the police. Under Graham's cross-examination the complainant stated that the comment was something he was likely to say and would say in the situation. This piece of evidence was key in undermining the complainant's account of being the victim.

R v D

Graham successfully represented a client charged with harassment by establishing that the behaviour complained of was not, under case law, capable of amounting to harassing behaviour.

R v O & Ors

Represented one defendant in a seven-handed youth trial where all defendants faced charges of assault occasioning actual bodily harm and witness intimidation. Graham's client was the only defendant acquitted.

R v S

Successfully argued there was no case to answer to a charge of going equipped when the alleged theft for which the defendant supposedly going equipped had, on the Crown's case, already occurred.

R v A

Successful defence of a man accused of exposing himself in a public park.

R v B

Secured an acquittal in a possession of a bladed article case. The defendant had the knife to use in the course of his

employment.

R v C

Secured an acquittal for a defendant accused of assault occasioning actual bodily harm on a security guard despite CCTV evidence.

R v P

Successfully ran a defence of no intention to drive to counter a charge of drunk in charge.

R v CB

Represented two clients. One was charged with driving offences and assaulting a police officer and the other with assaulting a police officer and obstructing a constable. Graham successfully argued that the Crown had not established a case to answer in relation to one of the driving offences resulting in that charge being dismissed at the close of the Crown's case. He then secured not guilty verdicts on all the remaining charges.

Motoring offences

Graham frequently handles motoring law offences, from first appearances through to trial and, if necessary, sentencing. His practice covers the full range of motoring matters, from dangerous driving through to documentary and lower level offences. He is adept at handling cases involving the intricacies of this area of law, and is a trusted advocate by lay and professional clients.

Examples of Graham's recent cases involving such points of law include:

- P v A: failure to stop. Graham secured the acquittal of the client on the basis of case-law which held that, if the court was satisfied the defendant had not been aware of the alleged accident, they could not be guilty of failing to stop.
- R v C: dangerous driving offence sent to the Crown Court. However, the matter had to be withdrawn by the prosecution as notice had not been sent to the defendant within the time-limit required by statute, a point noted by Graham.

Other examples of Graham's work include:

- P v Z: careless driving. Despite the defendant driving an HGV at the time of the incident, Graham secured a favourable result that meant the driver kept his licence.
- P v McL: speeding and failure to nominate. After discussions with the Prosecution, the failure to nominate charge was dropped and the client admitted the speeding offence.
- P v O: using a mobile phone whilst driving and no insurance. Successful dismissal of both charges.
- R v B-T: successful exceptional hardship argument following a careless driving offence.
- P v S: speeding matter. Despite the client's recorded speed being over 100mph, Graham was able to persuade the court to impose penalty points only, rather than a substantial period of disqualification.
- P v S: two failure to nominate offences. Graham persuaded the court that it was within its powers to limit the number of points imposed due to the offences being committed within an extremely close time-frame, meaning that the client kept their licence.
- P v W: failure to nominate. Successful statutory defence of client who did not have control of the vehicle at the time of the underlying speeding offence and, as such, could not reasonably establish who the driver was.

Military/Courts martial

Graham accepts instructions in military disciplinary proceedings. He has an ability to quickly and easily establish a rapport with serving personnel and assist them through the process. He is particularly adept at handling matters involving unusual or

tricky issues. For example, he recently represented a Royal Marine charged with assault occasioning actual bodily harm. Although the offence was admitted, the process was complicated by the serviceman's recent diagnosis and ongoing treatment for PTSD and other anxiety issues.

Similarly, Graham represented a RAF corporal charged with a domestic assault. Again, the offence was admitted, but any sanction higher than a fine would have resulted in serious career ramifications for the corporal. Graham was able to chart a course through the proceedings that resulted in the client receiving just a small fine.

Recent cases include:

MoJ v R

Appeared for a sailor charged with an offence under section 42 of the Armed Forces Act 2006, the underlying offence having occurred in Bahrain.

R v Stephen Aliwell

Guilty plea to assault, Aylesbury Mags.

R v Samuel Brown

Careless driving and failure to provide, s.36 appointment, Salisbury Mags.

R v Jonathan Lewis

S.47 assault.

Publications

Graham Gilbert examines the relevance of a proposed amendment to the Offensive Weapons Bill currently making its way through Parliament, which will seek to introduce "Knife Crime Prevention Orders".

[View Publication](#)

Graham Gilbert explains the details of the cases involving Lavinia Woodward and Natalia Sikorska.

[View Publication](#)

3PB's Graham Gilbert examines the trend for lesser sentences in offences of reckless arson. 3PB's Graham Gilbert examines the trend for lesser sentences in offences of reckless arson.

Two recent appeals against sentences passed for offences of reckless arson have been successful and the sentences passed in each case have been reduced. It appears that this represents a growing trend for lesser sentences for this offence.

[View Publication](#)

3PB's Graham Gilbert on speeding convictions, avoiding them and their consequences. Graham Gilbert examines the recent sentencing decision of a man who used a device to avoid detection by police speed traps and asks if the penalty handed down was justified.

[View Publication](#)

3PB's Graham Gilbert examines the Attorney General's "imminent threat" criteria in the use of pre-emptive strikes. The Attorney General has said that the UK may use a preemptive attack against would-be terrorists in self-defence if an attack is "imminent". Graham Gilbert questions whether this is the best choice, given the difficulty the criminal courts have had with the concept.

[View Publication](#)

Public and Regulatory

Graham's advocacy skills, developed through his strong criminal law practice, transfer highly effectively to public regulatory work. He regularly appears for all manner of public and semi-public bodies, police forces and other such bodies. He also appears for individuals and companies charged with these types of offences.

Trading Standards

R v M

Junior counsel for the first defendant in a trial involving multiple allegations of fraudulent trading by the client's companies, as well as associated regulatory offences. Heard at Bournemouth Crown Court. For reporting of the original case: [Daily Echo](#).

Dudley Metropolitan Borough Council v M

Graham appeared for the defendant company in proceedings concerning offences under the Housing Act 2004. After representations, the Council dropped the case against the client.

Food Safety

Central Bedfordshire Council v Wang & Another

Graham appeared for the prosecuting council in a matter concerning a prosecution under the Food Safety Act 1990. [Media coverage](#).

Worcester Regulatory Services v A

Represented the defendant in proceedings brought under the Food Safety & Hygiene Regulations 2013.

Health & Safety

Central Bedfordshire Council v SoS

Assisted leading counsel for the prosecution in a prosecution arising from a fatal workplace accident. The prosecution involved unusual matters regarding jurisdiction as the parent charity was not based in the United Kingdom.

Police Matters

Graham regularly appears for police forces across the South East of England in applications for various injunctions and breaches of such. In particular, he frequently assists the constabularies with Domestic Violence Protection Order and Anti-Social Behaviour Order applications.

Education Offences

Graham regularly appears for Councils in prosecutions for offences committed under the Education Act 1996, including assisting Dorset County Council with its first ever prosecution for an offence under section 444(1A) of the 1996 Act.

Environmental Offences

Test Valley Borough Council v W

Successful prosecution on behalf of the Council for breaches of a noise abatement order.

R v B

Appeared for the defendant in an allegation of an offence of nuisance.

RSPCA v H

Appeared for the defendant in a case of animal cruelty.

RSPCA v G

Represented the RSPCA in an appeal against sentence at Swindon Crown Court.

Sports Law

BHA v Hayley Turner

Enquiry held on 14 December 2017 by the Independent Disciplinary Panel of the BHA as to whether Jockey Hayley Turner had broken the Rules of Racing on the grounds of bets placing. Graham Gilbert was Junior to Tim Naylor, the BHA's Head of Regulation. To read more about the enquiry, [click here](#). The case attracted press coverage in [The Guardian](#), [SBC News](#) and the [BBC](#) among others.

BHA v Graham Gibbons

Enquiry concerning Jockey Graham Gibbons testing positive for a Banned Substance and attempting to present a sample which was not his own. To read more about this enquiry, please [click here](#). The case attracted press coverage in [The Racing Post](#), [Sky Sports](#) and [the BBC](#) among others.

BHA v Dale Swift

Enquiry relating to the Jockey Dale Swift and his testing positive for a Banned Substance. To read more about this enquiry, please [click here](#). The case attracted press coverage in [The Times](#) and from [the BBC](#) among others.

Publications

Graham Gilbert examines the relevance of a proposed amendment to the Offensive Weapons Bill currently making its way through Parliament, which will seek to introduce "Knife Crime Prevention Orders".

[View Publication](#)

Sports

Having gained a wealth of knowledge in other areas, Graham has most recently begun accepting instructions in sports law matters and has a keen interest in regulatory and disciplinary aspects of the area, both domestically and internationally.

He regularly prosecutes in prohibited substance matters for the British Horseracing Authority, as well as assisting with other disciplinary matters on the Authority's behalf.

Graham is fantastic with professional and lay clients and his hard working ethic and down to earth approach makes him one to watch.

Recent cases:

- Enquiry held on 14 December 2017 by the Independent Disciplinary Panel of the British Horseracing Authority (BHA) as to whether Jockey Hayley Turner had broken the Rules of Racing on the grounds of bets placing. Graham Gilbert was Junior to Tim Naylor, the BHA's Head of Regulation. To read more about the enquiry, [click here](#). The case attracted press coverage in [The Guardian](#), [SBC News](#) and [the BBC](#) among others.
- Enquiry heard by the British Horseracing Association's Disciplinary Panel on 5 October 2017 concerning Jockey Graham Gibbons testing positive for a Banned Substance and attempting to present a sample which was not his own. To read more about this enquiry, please [click here](#). The case attracted press coverage in [The Racing Post](#), [Sky Sports](#) and [the BBC](#) among others.
- Enquiry heard by the British Horseracing Association's Disciplinary Panel on 28 September 2017 relating to the Jockey Dale Swift and his testing positive for a Banned Substance. To read more about this enquiry, please [click here](#). The case attracted press coverage in [The Times](#) and from [the BBC](#) among others.

- Enquiry heard by the British Horseracing Association's Disciplinary Panel on 10 August 2017 relating to Big Red, owned by Rebecca Bastiman, following her horse being administered a Prohibited Substance. To read more about this enquiry, please [click here](#).
- Enquiries heard by the British Horseracing Association's Disciplinary Panel on 3 August 2017 relating to Wotadoll and Links Drive Lady, both trained by Dean Ivory. The panel in [Wotadoll](#) considered the cross-contamination of the horse with O-desmethyltramadol, a metabolite of tramadol which had been prescribed to a stable lad following surgery. The stable lad had been urinating in Wotadoll's stable, causing the cross-contamination. The hearing attracted significant press coverage in [The Guardian](#), [The Telegraph](#) and [The Racing Post](#) as well as numerous calls to end the practice. The panel in [Links Drive Lady](#) concerned the cross-contamination of the horse with hayfever medicine, as a result of contacts between Links Drive Lady and his keepers, who were using hayfever medicine to alleviate their symptoms at the time.
- Enquiry heard by the British Horseracing Association's Disciplinary Panel on 29 June 2017 relating to Woodacre, owned by Richard Whitaker, and the alleged use of phenylbutazone and oxyphenbutazone. To read more about this enquiry, please [click here](#)
- Enquiry heard by the British Horseracing Association's Disciplinary Panel on 22 June 2017 relating to Urban Storm, owned by Norman Thomas and the alleged use of omeprazole. For more information, please [click here](#)
- Enquiry heard by the British Horseracing Association's Disciplinary Panel on 25 May 2017, relating to Geordie des Champs, trained by Rebecca Curtis and the use of caffeine. Please [click here](#) to read more about the enquiry.