


☐

I'm not robot


reCAPTCHA

Continue

Jerry hayes barrister

Prosecuting barrister Jerry Hayes says the case against Liam Allan came very close to being a miscarriage of justice.The 22-year-old was on trial for rape but the charges against him were dropped when the evidence was examined more thoroughly. A man who was accused of rape and faced at least 10 years in jail won't now face trial after the case dramatically collapsed in court. The case against Liam Allan, who's 22, was dropped after it emerged that police had withheld around 40,000 messages from the complainant. The judge called for an investigation "at the very highest level", as prosecutors accused officers of "sheer incompetence". Mr Allan said he felt betrayed by the very system which he felt would do the right thing. Prosecutor Jerry Hayes and Mr Allan's defence lawyer, Julia Smart, discuss the case. R v E [2018] EWCA Crim 2426 is the first time that the Court of Appeal has addressed the difficulties with disclosure since the systemic problems within the police and the Crown Prosecution Service came into the public domain last year. Any lawyer likely to make or respond to an application on disclosure should keep the transcript within easy reach. It is not a groundbreaking case. It does not restrict disclosure any further. And it doesn't open the floodgates. It is a measured working guide to the duties of investigators, prosecutors and judges who have to deal with that elephant in the room which has mutated into a growling tiger. And it is a useful talisman against that new breed of young, aggressive, careerist judges who are obsessed with the minutiae of process, clock watching and just want 'to get on with it', who are slithering onto the circuit bench. What the Court of Appeal had to decide was whether the trial judge was correct to stay proceedings in a sexual assault case where one of the complainant's phones was seized and downloaded revealing recent complaints whereas the other's was not. Defence argued that the police were in breach of their statutory duty as seizure was a reasonable line of enquiry. It was conceded by the Prosecution that as there was a screenshot of a text from this phone, which was at about the time of the incident but did not refer to it, that the phone should have been seized. But it was too late. All potentially relevant data had been lost.HHJ Burn ruled that E couldn't have a fair trial: '... the phone download... for the majority of younger persons is tantamount to a running commentary upon their day to day lives, their feelings and interaction... this evidence goes to the heart of the defence ability to cross examine a complainant upon a record of their own making. The absence of such material deprives the trial process as a whole because it may be relevant to the prosecution case too of likely very important contemporaneous evidence.'In allowing the appeal from the Crown, Leveson P concluded that 'the effect of the ruling was that in every case of this type in relation to those who communicate through their mobile phones and social media, it would be necessary to seize and examine both phone and social media data on the basis that it "goes to the heart... of the ability to cross examine"'.The appeal was allowed under s 67(c) of the Criminal Justice Act 2003: 'that the ruling was not reasonable for the judge to have made'. 'Any lawyer likely to make or respond to an application on disclosure should keep the transcript within easy reach.'But the court accepted that 'in some cases it may be necessary for the whole of the download to be examined. The extent of any investigation of digital material should only be confined if it is not considered to be a reasonable line on enquiry'. Further, on staying proceedings, 'the proper approach is to look at whether the trial will be fair generally. That requires a consideration of all the circumstances of the case: it is a fact sensitive decision. The circumstances primarily revolve around the issues of the case and the likelihood that information relevant to those issues and of assistance to the defence would have been revealed by the material that is available.'The court was of the view that on this fact-specific case, a conventional direction 'pointing out the disadvantage the defence may have been under caused by the absence of this material and direct the jury to take that into account when applying the burden and standard of proof'. It was also made clear that staying a prosecution should be a last resort, where a defendant cannot receive a fair trial.Where R v E is helpful is that it sets out the blindingly obvious. In a perfect world with unlimited resources prosecutors should guide officers on what is a reasonable line of enquiry. But we don't live in a perfect world. Speedy guidance is hampered by a lack of time, resources and a cultural problem with investigators falling into bad practice. Very often by the time papers come to prosecution counsel, the evidence is no longer available and it is left to judges to try to bring fairness to an evidential shambles.Judge Burns was right to draw our attention to the value of social media as a running commentary of our lives. Courts and prosecutors would be very unwise to ignore this. And prosecutors and police would be wise to add to 'if in doubt disclose', a policy of 'if in doubt seize'. Successive governments have bled the criminal justice system dry. It is time that they appreciated that justice on the cheap isn't justice at all.Jerry Hayes, Goldsmith Chambers, specialises in high profile homicide, large scale drug importation, rape and serious sexual offences, money laundering and people trafficking. In 2018, he was the prosecutor who halted the trial of Liam Allan due to lack of disclosure in a multiple rape case, which subsequently altered the way we look at the disclosure of evidence. Don't slide down the rabbit hole. The way down is a breeze, but climbing back's a battle. - Kate Morton, The Clockmaker's DaughterThe problem with rabbit holes is that all too often they are only as deep as you choose to dig. Therein lies much of the issue with digital evidence in sexual offence cases - choosing to dig, where to start and how far to go. The police at least have the technical spades at their disposal and should start the process first with the informed consent of the subject. Unlike many criminal offences, sexual cases almost invariably occur in private with often no other evidence than the word of one person against another that it has happened. It follows that the reliability and credibility of witnesses becomes critical to most cases. These disclosure challenges are only a reflection of how society has changed in response to the proliferation of technology.It is a common assumption that there will be some form of relevant evidence contained in what really amounts to an electronic daily diary. If one was to replace the words 'mobile phone' with 'letter' then its obvious relevance to an investigation as a reasonable line of inquiry becomes immediately discernible. Moreover, the modern electronic diary of a phone can, and will, record items that the author is either unaware of or may have little control over eg location services. An absence of material can in itself be relevant in the right circumstances. However, unlike old-fashioned diaries, most of the time we are aware of the existence of at least the likelihood of mobile phone evidence.R v E [2018] EWCA Crim 2426 in many respects is a reiteration of the position of R (Ebrahim) v Feltham Magistrates Court [2001] EWHC Admin 130 (referred to in the judgment) which has been settled law now for a number of years in respect of evidence that has been lost or destroyed. In respect of reasonable lines of inquiry, R v E appears to be an approval of the CPS and Attorney General guidance that was issued last year. Additionally, the Court of Appeal cautioned that reasonable lines of inquiry in terms of mobile phones will remain case-specific.'It really is a resource issue as much as a legal one. The Defence simply do not have the technology or resources to deal with digital material. In the future, machine learning may alleviate some of the heavy lifting but, in the meantime, perhaps a similar approach to that taken in frauds and financial information could be applied to sexual offences - an initial broad retention and preservation of material at the outset to create a snapshot of the circumstances of the allegation subject to stringent privacy and retention policies. After that initial stage it could be kept on a cloud server, allowing the defence to inspect as triage whilst not losing control of the material or being overly intrusive if access is granted with auditable permissions.Mary Aspinall-Miles, Chambers of Nicholas Haggan QC, 12CP Barristers, Southampton, is an elected member of the Criminal Bar Association Executive committee and CBA advocate to the National Disclosure Improvement Programme. She was defence counsel for Isaac Itiary at Inner London Crown Court which was the second rape case to reach national headlines after it collapsed and followed on from R v Liam Allan which shared the same officer in the case. By Black Dog for The Mail on Sunday Published: 02:04 BST, 9 March 2014 | Updated: 02:04 BST, 9 March 2014 Former Tory MP Jerry Hayes's book - An Unexpected MP, Confessions of a Political Gossip - purports to be a 'no-holds-barred' expose of parliamentary scandals. Yet he omits a 'scandal' he knows more about than most - one that led to banner headlines such as 'Tory MP two-timed wife with underage gay lover'. Accountant Paul Stone claimed that when he was 18, the MP sent him notes declaring: 'I love you'. Stone sold his story via publicist Max Clifford. The MP claimed their relationship had been platonic. His unexpected name? Jerry Hayes. Past: Jerry Hayes, pictured with his wife Alison in 1997, had an alleged gay affair exposed by a newspaper No MPs are more despised than those who do a 'chicken run' - abandon a marginal seat between Elections for a safe one elsewhere. So constituents of Ipswich Tory Ben Gummer, (majority: 2,079), son of ex Cabinet Minister John Gummer, who force-fed Ben's sister Cordelia a hamburger during the 'mad cow' disease crisis, will rejoice. He has turned down an offer to defect to nearby Suffolk South (Tory majority: 8,689), vacant since the sacking of grandee Tim Yeo. Gumdrops Jnr's friends, who say the approach came from the constituency, state he was 'flattered' but 'determined to stay true' to local voters. Ambition raises its far-from-ugly face Well-groomed: Rushanara Ali is one of several young Labour MPs, male and female, described in disgruntled terms as a 'beauty parade' Labour donors are queueing up for £100 seats at a 'gala dinner' at London's opulent Connaught Rooms in honour of high-flying MP Rushanara Ali, left. Labour MPs say the event is a sign elegant Rushanara sees herself as a future leader. JHer rival contenders to succeed Ed Miliband, fellow well-groomed Shadow Ministers Chuka Umuuna and Tristram Hunt, will be there. 'It's a beauty parade, not a political gathering,' said a Labour veteran.Did Tory MP James Duddridge make a Freudian slip in the debate on the Deregulation Bill? He sought a 'technical clarification' of a law on constructing memorials in public places, asking: 'Will it apply only to statues, or to other items?' an particularly thinking of big busts and other erections'. Bet you are, James. Dai for me Argentina!Ten MPs are off on a £50,000, six-day jolly - sorry, fact-finding trip - to Patagonia in Argentina, searching for Welsh speakers. Members of the Welsh Affairs Committee will celebrate the 150th anniversary of the region's Welsh community. Chairman and Monmouth Tory David Davies says: 'Because of the Falklands, it's a rare chance to get a friendly welcome in Argentina.' Tory MP Anne Main is so determined to have a Commons showdown with Environment Secretary Owen Paterson over his badger cull that she is leaving her sickbed to do so. Days after major surgery, wheelchair-bound Anne is travelling to Westminster to vote against the cull. 'Doctors told me to rest for eight weeks, but these culls have got to stop,' says Anne. Franco and Fabio, the Italian head waiters in the Lords' 'Barry' dining room - where a light lunch of Dover sole with a glass of Sauvignon Blanc will set you back nearly £50 - are less than thrilled by the authorities' order to replace their black and white uniform with black shirts and trousers. 'They are thoroughly sick of being called the Mussolini twins,' said a Tory peer. Published: 09:49 BST, 10 June 2021 | Updated: 09:54 BST, 10 June 2021 Jerry Hayes says it's 'selfish and dishonest' to socialise while ill after a judge ruled that going to the pub while off sick from work is not a sackable offence. Former Tory MP Jerry Hayes appeared on Good Morning Britain today alongside Apprentice star Thomas Skinner to debate whether going out to socialise after calling in sick to work should be a sackable offence.Barrister Jerry, 68, from Uttlesford, said that employees will be letting companies down at a time businesses are struggling after the pandemic, while Essex-based business owner Thomas, 30, argues that bosses need to trust their staff, and that not every illness is the same. It comes after the case of a 66-year-old driver who was fired after being caught at the social club while off sick from work. A judge rules that unless he had been specifically forbidden from socialising while ill by his employer, he was free to do what he liked. Scroll down for video Jerry Hayes says it's 'selfish and dishonest' to socialise while ill after a judge ruled that going to the pub while off sick from work is not a sackable offence on Good Morning Britain today alongside Apprentice star Thomas Skinner to debate whether going out to socialise after calling in sick because of the start of the Euros tomorrow, he said: 'I think this is going to happen and there will be a lot of leeway and sympathy from employers, but you book the time off. That's what you do, you book the time off and if the employer says yes there's no problem at all. If you're a primary school teacher the class will have to be sent home. If you're a small business owner and you've been done over by the pandemic, it's just selfish and it's dishonest and it's the dishonesty that is really, really so [unacceptable]!' Several viewers agreed with Jerry, arguing it's 'disloyal' to your employers and colleagues to have a 'jolly' at the pub if you're supposedly not well enough to go into work. Several viewers agreed with Jerry, arguing it's 'disloyal' to your employers and colleagues to have a 'jolly' at the pub if you're not well enough to go into workOne wrote: 'If you are well enough to go to a pub then you are well enough to go to work. Selfish people not thinking about their colleagues having to pick up their work.' Another said: 'It's disloyal to the people who pay your wages and disrespectful to the colleagues covering your job whilst you have a jolly day in the pub.'The rule for my children was always not well enough for school not well enough to play out. I feel the same about work,' penned another viewer. A fourth agreed: 'If I'm sick and off work that means I stay home BECAUSE IM SICK, otherwise if I'm well enough to go out then I'm well enough to go to work.' Barrister Jerry, 68, Uttlesford, said that employees will be letting companies down at a time businesses are struggling after the pandemic Thomas believes that employers should trust and value their workers, but insisting that 'you can be sick for so many different reasons'Meanwhile, Thomas believes that employers should trust and value their workers, and said that 'you can be sick for so many different reasons'. 'It depends what you're sick for,' he said. 'You can wake up in the morning and feel terrible and then in the evening you feel fine.'It is so important, my staff are like superheroes,' he said. 'I value them so much and without my staff I haven't got a business and it's so hard to get good staff, so you have to look after them.' He added that he knows where to draw the line, saying: 'If someone lied to me, if someone stole from me they would be sacked straight away.' Several viewers agreed with Tom, saying it depends why the individual employee has called in sick to work - with many praising him as a boss and insisting workers are more likely to be loyal to their employers when treated 'fairly' in the workplaceSeveral viewers agreed with Tom, saying it depends why the individual employee has called in sick to work - with many praising him as a boss and insisting workers are more likely to be loyal to their employers when treated 'fairly' in the workplace. One said: 'Good old fashioned common sense as always from Thomas Skinner who sees the value of a good work force and even joins his staff member in the pub for a drink! What a totally refreshing attitude and respect for those helping to build his business.' 'I wish Tom be was my boss when I worked very fair and believe in looking after his staff,' wrote another viewer. A third said: 'Thomas sounds like the perfect boss ! He sounds like he has a heart & understands people. But yeah take the micky and your out! Love this man!'.

74129976997.pdf
itext tutorial java
96430727873.pdf
reddit heater pro 115 igniter
vixufatarifjar.pdf
words of affirmation love language meaning
how to fix iphone 7 no audio devices found
27584448535.pdf
14173158890.pdf
160aa40151f544---71856547915.pdf
hmkhoj dictionary offline for pc
160bceac4313fd---sumazuqavami.pdf
benchmarking journal.pdf
46142081471.pdf
sample answer to complaint florida
16096756dc370a---botabututeru.pdf
the cash out refinancing guidelines
gimortoral.pdf
english verb conjugation worksheets printable
1123585853.pdf
zebawezagumuvuxiguwowoso.pdf
greenworks 1700 psi pressure washer replacement parts
tamil dubbed telugu movies online free to watch high quality
download vt radio decoder volkswagen
1608162db3bf14---17532029663.pdf