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## Practice Profile

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***Paul specialises in criminal appeals. He has developed a particular expertise in cases involving fresh expert forensic evidence (including GSR, DNA, CCTV), homicide, and offenders with mental disorders. He is head of the 5KBW Criminal Appeal Unit.***

### England and Northern Ireland

Paul represents appellants before the Court of Appeal (Criminal Division) (being instructed at the appellate stage), and the Court of Appeal in Northern Ireland, (most recently representing James Smith in the first CCRC referral in NI based on the changes in the law following Jogee).

He has also extensive experience in drafting submissions to the Criminal Cases Review Commission.

### The Caribbean

Paul has appeared before the Judicial Committee of the Privy Council, (as junior counsel) in capital appeals from the Caribbean, and as leading counsel in **Philips v The Director of Public Prosecutions (St Christopher and Nevis)**, (a murder appeal from St. Kitts and Nevis) and **Williams v Supervisory Authority**, (an appeal challenging the constitutionality of the Antiguan money laundering regulations [Watch the hearing: [here](#)],) and in **Roger Watson v The King (2023)**, (in which the JCPC quashed Mr. Watson's sentence of 50 years imprisonment for manslaughter and remitted his case to the Court of Appeal of The Bahamas to be resentenced.)

Paul has appeared (remotely) before the local appellate courts in the Caribbean. He appeared before the Eastern Caribbean Supreme Court in **Kenyatta Boynes v The Queen** (a murder appeal from the British Virgin Islands), and before the Court of Appeal of Trinidad and Tobago in **Roger Mootoo v The State**. (Mr. Mootoo had been convicted of manslaughter and sentenced to 28 years imprisonment with hard labour. His conviction was quashed and no retrial ordered.)

Paul is currently seeking to challenge an historic murder conviction in the British Virgin Islands on the basis that the jury selection process violated the right to a fair trial.

### Publications and training

Paul is the general editor of the **third edition of Taylor on Criminal Appeals**, (published by Oxford University Press in 2022), the leading practitioners' textbook dealing with procedural aspects of criminal appeals and review. The second edition of the book (2012) was well received, with positive reviews, click [here](#), and it has been cited in judgments of the Court of Appeal (Criminal Division), Court of Appeal in Northern Ireland, Final Court of Appeal in Hong Kong, the Eastern Caribbean Supreme Court and the Caribbean Court of Justice.

Paul has also written case commentaries for the Criminal Law Review and lectures on appellate matters in

England and Northern Ireland. He has provided training in the Cayman Islands and Bahamas, and (virtually) to members of the Organisation of Caribbean Commonwealth Bar Association and the Law Association of Trinidad and Tobago. He is currently assisting the Bar Council Law Reform Committee with submissions to the Law Commission on its review of the criminal appeal system.

Paul also hosts Appealcast, an occasional podcast dealing with appellate crime.

Paul is licenced under the Direct Access Scheme and can accept instructions directly from members of the public in appropriate cases.

Paul was appointed a Recorder in 2019 and sits in both the Crown Court and the Family Court.

Paul's Privacy Policy can be downloaded [here](#).

## RECENT CASES

***Roger Watson [2023] UKPC 32:*** The Appellant was convicted of murder after a trial in the Supreme Court of the Bahamas. In 2007, he was sentenced to death. In 2009, the Court of Appeal of the Bahamas quashed the Appellant's conviction for murder and substituted a conviction for manslaughter, imposing a sentence of 50 years' imprisonment. The Appellant appealed to the Privy Council against his sentence of 50 years imprisonment. The sentence was quashed and the case was remitted to the local Court of Appeal for sentencing.

***James Smith [2023] Northern Ireland Court of Appeal:*** Appeal against murder and firearms convictions. First CCRC reference in Northern Ireland based on Jogee. Grounds also included fresh evidence (CCTV, GSR and DNA).

***Roger Mootoo (and others) [2021] Court of Appeal of Trinidad and Tobago:*** The Appellants had been convicted in 2017 and sentenced to 28 years imprisonment with hard labour. The prosecution alleged that the deceased had been killed in a drug related revenge attack, and relied on the accomplice evidence of Roderique. The Court made comprehensive findings in relation to adverse publicity, non-disclosure (describing the prosecution stance at trial as having generated "profound disquiet"), the need for an accomplice warning, misdirection on lies, and the unviability of the prosecution case on manslaughter. They further found for the appellants on the rare ground of lurking doubt. The prosecution did not seek a retrial.

***Kenyatta Boynes [2021]: Eastern Caribbean Supreme Court (Court of Appeal: British Virgin Islands).*** Mr. Boynes had been convicted of murder and attempted murder. The prosecution alleged that this was a revenge attack arising out of a drug deal. The grounds related to prosecution impropriety, CCTV and identification evidence.

***Adrian Jones (Deceased): [2021] EWCA Crim 929:*** Mr. Jones had been convicted of the murder of a stranger in 2008. Following an unsuccessful appeal by trial counsel, Paul drafted submissions to the CCRC who referred the case back to the CACD. The grounds were based on fresh psychiatric evidence about Mr. Jones mental state at the time of the killing, the presence of schizophrenia, the interplay with drug abuse and its impact on his behaviour. Fresh psychiatric evidence was called by both parties. Sadly, Mr. Jones died before the appeal hearing. The Vice President of the CACD (Fulford LJ) stated: Mr Taylor and [prosecution counsel] have guided the court with skill through a factual, psychiatric and jurisprudential labyrinth."

***Ahmed Williams v Supervisory Authority [Antigua and Barbuda] [2020] UKPC 15:*** The Appellant challenged the constitutionality of the Civil Forfeiture regime and argued that it amounted to a criminal penalty.

## NOTABLE CASES

### Homicide

***Gary Robinson [2017] EWCA Crim 923:*** Paul was assigned by the Registrar of Criminal Appeals to represent GR who had been convicted of murder in 2007. The case involved fresh expert evidence relating to the analysis of

CCTV footage.

**Warrington Philips v State of St. Kitts and Nevis [2017] UKPC:** Paul was leading counsel in this murder appeal from St. Kitts and Nevis to the Privy Council. The grounds were based on fresh DNA expert evidence, errors in the summing up, and criticism of prosecutor and trial defence counsel

**Baker [2012] EWCA Crim 2843:** B had been convicted of murder. Paul argued that the Judge misdirected the jury in relation to diminished responsibility.

**Petrolini [2012] EWCA Crim 2055; [2012] MHLR 308:** P had been convicted of murder in 1994 when he was 19; the defence of diminished responsibility having failed. He had carried out a random killing with his co-defendant as part of a fictional "SAS initiative test". The conviction was quashed and manslaughter and a hospital order substituted on the basis of fresh psychiatric evidence.

**Jones (aka Malik) [2012]:** J had been convicted of murder. The grounds criticised the judge's failure to leave self-defence to the jury.

**Ahad [2011] EWCA Crim 2736:** A's murder conviction was quashed on the basis of a misdirection on joint enterprise. Manslaughter was substituted together with a determinate sentence.

**Lewis [2010] EWCA Crim 151:** L had been convicted of manslaughter after he chased after a student who then ran into an oncoming car and was killed. The grounds criticised the judge's directions on foresight.

**Hill [2008] EWCA Crim 76:** H's murder conviction was referred back to the CACD by the CCRC. The grounds were based on fresh neuro-psychiatric evidence relating to brain damage caused by alcoholism, and its impact on defences of diminished responsibility and provocation.

#### As junior counsel

**Mark Dorling [2016] EWCA Crim 1750:** MD was convicted of murder and sentenced to life with a minimum term of 25 years. The appeal against conviction was based on fresh post trial evidence (in unrelated civil judgments) that undermined the credibility of key prosecution witnesses.

**Williams (Dean) [2013] EWCA Crim 2749; [2014] 1 Cr App R 23.** DW was convicted of murder. Paul drafted submissions to the Criminal Cases Review Commission based on a critique of the psychiatric evidence prepared for trial. The CCRC initially refused to refer the case back to the Court of Appeal. Paul then drafted proceedings for judicial review of the CCRC's refusal. The CCRC agreed to re-consider and then referred the case back to the CACD. Paul was lead at the appeal by Rebecca Trowler QC (now HHJ Trowler KC). The conviction was quashed and a retrial ordered.

**Evans [2009] EWCA Crim 2243; [2010] Crim. L.R. 491:** E had pleaded guilty to murder. It was argued that the plea had been entered on erroneous legal advice and that fresh psychiatric evidence, and expert evidence relating to memory recall, supported defences of diminished responsibility and provocation.

**Erskine [2009] Crim EWCA 1425; [2009] 2 Cr App R 29: ("The Stockwell Strangler".)** The CACD quashed E's 7 murder convictions and substituted manslaughter and a hospital order. This was a guideline case on raising fresh psychiatric evidence on appeal in support of diminished responsibility.

**Symmons [2009] EWCA Crim 734; 173 C.L. & J. 270.** S had been convicted of murdering his wife. Fresh psychiatric evidence was relied on in relation to S's fitness to give evidence at trial, provocation and diminished responsibility.

**Dass: [2009] M.H.L.R. 288:** D had been convicted of the murders of his grandparents and uncle. The convictions were quashed on the basis of fresh psychiatric evidence showing that D was suffering from paranoid schizophrenia, substitution of manslaughter and discretionary life sentences.

**Coard and others [2007] UKPC 7.** C was the former deputy prime minister of Grenada. In 1986, C and others were convicted of the murder of the then Prime Minister and ten others. C and the others were sentenced to death. Although the sentences were later commuted to natural life imprisonment by the Governor General, the Privy Council agreed that the mandatory death penalty was unconstitutional, and that the substituted life sentences had been wrongly imposed without any judicial consideration. The cases were remitted to the local court for re-sentencing.

**Waters [2006] EWCA Crim 139:** W's conviction for murdering his baby referred back to the CACD by the CCRC on the basis of fresh medical evidence relating to the time of death.

**Hendy [2006] EWCA Crim 819; [2006] 2 Cr App R 33:** H was convicted of the random murder of a stranger. The conviction was quashed and manslaughter and a hospital order substituted on the basis of fresh psychiatric evidence supporting diminished responsibility.

**Bath [2006] EWCA Crim 862:** B pleaded guilty to murder and to an offence of arson with intent to endanger life. The murder conviction was quashed on the basis of fresh psychiatric evidence and manslaughter and a hospital order substituted.

**Anciaux v CCRC (17.3.06) Admin Court.** This was an application for permission to judicially review the CCRC's refusal to refer A's murder conviction back to the CACD. It was argued that the CCRC had erred in rejecting fresh psychiatric evidence, and the submission that the trial judge had misdirected the jury in relation to diminished responsibility.

**Graham Coutts [2006] UKHL 39; [2006] 1 WLR 2154:** GC was convicted of murder. The conviction was quashed and a retrial ordered. This guideline case was argued before the CACD and then the House of Lords. It sets out the circumstances in which a trial judge is under a duty to leave an alternative defence open to the jury, even if the prosecution and defence object.

**The Queen (On Application by Nicholas Farnell) v The Criminal Cases Review Commission [2003] EWHC 835 (Admin); Times, June 2, 2003; Independent, May 2, 2003:** This was a challenge by way of Judicial Review to the decision of the CCRC not to refer NF's murder conviction back to the CACD. Paul was instructed on behalf of the CCRC.

**Mackenny [2003] EWCA Crim 3643; [2004] 2 Cr App R 5 CA.** The CCRC referred M's four murder convictions to the CACD. The issues raised at appeal were the admissibility of psychiatric evidence as to the co-defendant's ability to give credible evidence for the prosecution, the difficulty in detecting that his evidence was not reliable, and other evidence undermining his credibility. Expert evidence was relied upon in relation to psychiatric issues and from an expert in fire damage. The CACD quashed all four murder convictions.

**Hampton and Brown [2004] EWCA Crim 2139; (2004) Times, October 13, 2004; [2006] Crim LR.** This was an appeal against murder convictions based on fresh alibi evidence.

**Mahwhinney [2004] EWCA Crim 2234:** M had been convicted of murder. The appeal was based on fresh evidence undermining a witness at trial, and criticism of the direction on joint enterprise direction.

**Gibbs [2003] EWCA Crim 1435:** G's murder conviction was quashed on the basis that fresh psychiatric evidence supported a defence of diminished responsibility. A retrial was ordered.

**Davidson (Leroy) [2003] EWCA Crim 2428; (2003) 147 S.J.L.B. 1088:** D was convicted of murder. He was aged 15 at the time of the killing. The conviction was quashed as a result of misdirections regarding joint enterprise and adverse inference.

**Foster [2003] EWCA Crim 178 CA:** F had been convicted of murder. He had made admissions to the police and then in evidence at trial. The CCRC referred this historic conviction to the CACD. The grounds centred on breaches of PACE, the Judges' Rules, and fresh psychological evidence relating to F's vulnerability.

**Downing (Stephen) [2002] EWCA Crim 63 CA.** SD had been convicted of murder in 1974 when he was aged 17. He had subsequently served 27 years in prison. The CCRC referred the case back to the CACD. The conviction was quashed on the basis that there had been significant breaches of the Judges' Rules prior to SD making "admissions", and that the forensic evidence at trial was flawed.

**Smalling [2001] UKPC 12; (2001) 58 WIR 341 PC:** This was an appeal to the Privy Council from Jamaica. S was convicted of three murders and sentenced to death. The grounds raised fresh psychiatric evidence that impacted on S's culpability. The matter was remitted to the local court.

**Charlie Smith [2002] EWCA Crim 840 CA:** The CCRC referred the murder conviction back to the CACD on the basis of fresh psychiatric evidence that had been produced after CS killed his prison cell mate whilst serving life for the first killing. The murder conviction was quashed and manslaughter substituted.

**Solomon [1997] UKPC 59; (1999) 57 WIR 432 PC:** This was an appeal to the Privy Council from Trinidad against a murder conviction. The grounds related to fresh evidence of mental illness. The matter was remitted to the local court.

**Ravalia (16.10.1998) CA:** R killed his wife and was convicted of murder. The conviction was quashed and a retrial ordered on the basis of serious errors by the trial lawyers and fresh psychiatric evidence.

**Hobson (Kathleen): [1998] 1 Cr. App. R. 31:** This was an appeal against a murder conviction based on fresh psychiatric evidence of "Battered Women's Syndrome". The conviction was quashed and a retrial ordered.

**Campbell (1997) 1 Cr App R 199:** The Home Secretary referred this murder conviction back to the CACD. The appeal was allowed on the basis that expert neuro-psychiatric evidence showed that C suffered from brain damage to the front temporal lobe arising from epilepsy and this supported a defence of diminished responsibility.

**PHenry (1996) WIR C:** Appeal to the Privy Council against conviction for murder, sentenced to death. Grounds based on the improper use of emotive language by the judge.

**Holder [1996] UKPC 27; (1996) 49 WIR 450 PC:** This was an appeal to the Privy Council from Trinidad against a murder conviction. H had been sentenced to death. The grounds criticised the directions on joint enterprise and jury irregularity.

**Alfred Codrington [1996] UKPC 6; (1996) 48 WIR 86:** In this appeal from Belize against a murder conviction to the Privy Council it was argued that as a result of flawed legal advice C had been denied the opportunity of stating his defence to the jury. The appeal was allowed.

**Logan [1996] UKPC 64; [1996] AC 871 PC.** In this appeal to the Privy Council from Belize against a murder conviction (sentenced to death), the issues of the PC's jurisdiction and the misdirections on provocation were considered. Conviction and sentence of death were quashed, and manslaughter substituted.

**Taylor [1995] UKPC 35; [1995] 46 WIR 318 PC.** T appealed to the Privy Council against his conviction for murder in Jamaica. The grounds argued that it had been an abuse of process to order a retrial.

**Hopson [1994] UKPC 20; [1994] 45 WIR 307 PC.** In this appeal to the Privy Council from Jamaica H's murder conviction (sentenced to death) was quashed. The grounds raised criticism of the judge's direction on identification and the dying declaration of the deceased. The conviction was quashed.

## SEXUAL OFFENCES

**CS [2016] EWCA Crim 2135:** CS was convicted of 3 counts relating to sexual assault against a child under 13. The grounds contended that the judge should have given an alibi direction when there was evidence that CS was living elsewhere during the indictment period, and that the verdicts were inconsistent with acquittals on 7 other counts.

**P (J) [2007] EWCA Crim 2707:** P had been convicted of 7 counts relating to sexual offences against his young daughter and sister in law. Some years after the trial his daughter contacted the police and retracted the allegations she had made at trial. The appeal centred on the approach that the CACD should take to the "fresh" retraction evidence.

**A(M) [2006] EWCA Crim 905:** A was convicted of 4 counts of rape against his step son. The prosecution case was based in part on the findings of a medical expert. The grounds challenged the reliability of this evidence and relied on a critique of the expert's methodology in an unrelated civil case. The convictions were quashed.

**C (A) [2005] EWCA Crim 2138:** D was convicted of 2 counts of rape against his wife. The CCRC referred the case to the CACD on the basis that there was fresh evidence that arose post trial which affected the credibility of the complainant. The fresh evidence Sexual Offences included statements on a benefits claim form and in an unrelated civil case. The convictions were quashed.

#### **As junior counsel**

**MG [2015] EWCA Crim 1462:** MG was convicted of rape and indecent assault against family members. He was sentenced to 14 years. The grounds centred on the failure of the CPS to make full disclosure, and on a report from an expert in genetics. Paul drafted submissions to the Registrar, Single Judge, and the grounds of appeal, as well as the submissions to the CCRC.

**EW [2012] EWCA Crim (Rape, fresh evidence, request to CA for CCRC investigation).** Paul's grounds related to the admissibility of expert opinion that purported to show the link between reported rapes and the absence of genital injuries, misdirections and criticisms of trial counsel.

**Hamadi (Z) [2007] EWCA 3048:** H was convicted of rape. The grounds of appeal centred on the extent of the restrictions imposed by section 41 Youth Justice and Criminal Evidence Act, and fresh expert evidence relating to DNA findings.

#### **DRUG OFFENCES**

**Qerkini [2016] EWCA Crim 2211:** This case involved the sentencing framework for the top tier of class A drug importations. The street value of the drugs was estimated to be in excess of £166m. The judge stated that it was difficult to imagine a much larger scale of organized Class A drug supplying. Paul argued that the sentence failed to take account of those passed in linked operations.

**Stringfellow [2008] EWCA Crim 2825; Times, November 14.** S was convicted of conspiracy to supply a class A drug. He was sentenced to 16 years imprisonment. The grounds related to the failure of the trial court clerk to follow the correct procedure when taking the verdicts.

**Iroegbu [2003] EWCA Crim 2317:** CCRC reference based on fresh evidence relating to the informant status of a prosecution witness.

**Martindale [2003] EWCA Crim 1975:** M's conviction for conspiracy to supply a class A drug was referred back to the CACD by the CCRC. It was quashed on the basis of previously undisclosed prosecution material that undermined the main witnesses credibility.

**Claydon [2001] EWCA Crim 1359; (2004) 1 WLR 1575 CA:** This was an appeal against the Judge's findings in a preparatory hearing, and raised questions of the CACD's jurisdiction in such cases. (junior csl)

## VIOLENT DISORDERS

**Islam [2007] EWCA Crim 1089:** I's conviction for assault was quashed on the basis of fresh evidence of civil proceedings that undermined the credibility of the complainant in the criminal matter.

**Iredale [2006] EWCA Crim 646:** I's conviction for gbh was referred back to the CACD by the CCRC. It was quashed on the basis of previously undisclosed police photographs.

**Allen [2001] EWCA Crim 1607:** Paul was junior counsel. A had been convicted of robbery. The CCRC referred the case back to the CACD. The conviction was quashed on the basis that A's alleged admissions had been wrongly admitted in evidence.

**Mulcahy [2000] EWCA Crim 106:** M had been convicted of robbery. The conviction was referred back to the CACD by the CCRC on the basis of fresh forensic evidence relating to fingerprints. The conviction was quashed.

**Fallon [1993] Crim LR 591 CA:** F's conviction was quashed as a result of misdirections regarding corroboration.

### As junior counsel

**Hussain [Dilwar] [2015] EWCA Crim 1967:** DH was convicted of attempted murder, conspiracy to cause gbh, and gbh following a petrol attack causing the victim 65% burns. He was sentenced to 25 years. The grounds centred on errors in the summing up and route to verdict document.

## SENTENCE APPEALS

**Minhas [2018] 2 Cr App R (S) 6:** Paul represented Mr. Minhas in his appeal against sentence. It was submitted that there were compassionate grounds to reduce his sentence to reflect the difficulties that he would face in prison as a result of his motor neuron disease (MND) and that a deterioration in his condition since the date of sentence had the consequence that he would face exceptionally severe hardship when serving his sentence.

**Colborne [2014] EWCA Crim 286; [2014] MHLR 381:** C had been sentenced to an IPP. Fresh psychiatric evidence demonstrated that C had been and was still suffering from paranoid schizophrenia. A hospital order was substituted.

**In Re Gill [2012] 1 W.L.R. 1441 [2012] 2 Cr. App. R. (S.) 26:** Paul successfully argued that in pre-2003 cases a mandatory lifer's "exceptional progress" post sentence should result in a reduction in the minimum term.

**Roden [2006] EWCA Crim 1121:** R pleaded guilty to two counts of arson with intent to endanger life. A hospital order was substituted for his sentence of imprisonment on the basis of fresh psychiatric evidence).

**Bradish [2006] EWCA Crim 2829:** B was convicted of offences involving 23 armed robberies. The grounds challenged the imposition of life sentences or the length of the tariff.

**Hempston [2006] EWCA Crim 2869; [2011] MHLR 99:** H had been convicted of rape and an offence under section 21 of the OAPA 1861. He was sentenced to life imprisonment. He had been detained for 28 years. Paul drafted the application to the CCRC who referred the sentence back to the CACD. A hospital order was substituted on the basis of fresh psychiatric evidence.

**Ashbridge [2002] 2 Cr App R(S) 408:** A was convicted of kidnapping and malicious wounding. The appeal related to the length of sentence for kidnapping.

**S (Paul Lee) [2001] M.H.L.R. 46:** S was convicted of rape. The appeal was based on fresh psychiatric evidence regarding S's mental state. The sentence of imprisonment was quashed and a hospital order substituted.

**Sewell (2000).** S pleaded guilty to four counts of rape on a boy; a count of indecency on a male and gross indecency with a child. A sentence of discretionary life imprisonment was passed. The appeal challenged the calculation of the length of the minimum term. It was reduced from 10 years to 6 years.

**Mynors [1998] 2 Cr App R(S) 279:** M pleaded guilty to an offence of destroying property, being reckless as to whether life was endangered. The sentence was challenged on the basis of fresh psychiatric evidence.

#### **As junior counsel**

**Madden: [2010] EWCA Crim 2258:** The minimum term in the mandatory life sentence for murder was reduced as a result of fresh psychiatric evidence.

**Symmons: [2009] EWCA Crim 1304;** S had been convicted of his wife's murder. The appeal against sentence related to S's old age (78) at his earliest release date.

**Symmons: [2009] EWCA Crim 1304;** S had been convicted of his wife's murder. The appeal against sentence related to S's old age (78) at his earliest release date.

**Hamadi (Z) [2007] EWCA 3048:** H was convicted of rape. The appeal against sentence challenged the judge's finding that H presented "a significant risk of causing serious harm" which justified an IPP.

**Beatty [2006] EWCA Crim 2349; (2006) 92 B.M.L.R. 22; [2006] M.H.L.R. 333:** B pleaded guilty to rape, kidnapping and making threats to kill. He was given a discretionary life sentence. An application was made to the CCRC to refer the sentence back to the CACD on the basis of fresh psychiatric evidence. The CCRC initially refused. Paul then drafted proceedings for judicial review of the CCRC's refusal. The CCRC agreed to reconsider and then referred the case back to the CACD. A hospital order was substituted for the life sentence.

**Gibbs [2004] EWCA Crim 1762; [2005] 1 Cr App R 3:** This was a guideline case before a 5 judge Court of Appeal which set out the correct approach to the setting of minimum term of life sentences under the Criminal Justice Act 2003)

**Szczerba [2002] EWCA Crim 440; [2002] 2 Cr. App. R. (S.) 86:** The CACD set out guidelines for setting the "relevant part" of discretionary life sentences.

**Gabb (1999) CA:** Attorney-General's Reference; seeking to increase sentence to life imprisonment

**Daddow (1996) 2 Cr App R(S) 10 CA:** C was convicted of conspiracy to murder. Her husband was shot dead by a man whom C had paid to carry out the murder. Appeal against the sentence of 18 years' imprisonment based on psychiatric evidence.

**Hall (1996) 2 Cr App R(S) 406 CA:** H was convicted of the manslaughter of his baby. The appeal challenged the level of the sentence.

**Hefferman (1996) 1 Cr App R(S) 90 CA:** This appeal related to the level of sentence for terrorist offences. H was a member of the INLA and had been convicted of conspiracy to cause explosions.

#### **MURDER (MANDATORY LIFE) JUDICIAL TARIFF SETTING**

Under the Criminal Justice Act 2003 serving mandatory life sentence prisoners (that is, those convicted of murder) could have their minimum term or "tariff" set by a High Court Judge as opposed to the previous practice where it was set by the Home Secretary. Paul was involved in drafting a number of the written submissions in these applications.

**Trusler [2012] EWHC:** T pleaded guilty to two counts of murder. The minimum term recommended by the



sentencing judge was reduced as a result of fresh neuropsychological evidence of the effects of historic brain damage.

**Storey [2006] EWHC 3256 (QB):** JS's minimum term was reduced from the figure recommended by the trial judge as a result of her exceptional progress in prison.

**Steele [2005] EWHC 1176 (QB):** S, aged 19, had murdered her abusive partner.

**Erskine [2007] EWHC 2703 (QB):** E had been convicted of 7 counts of murder. The submissions were made on the basis that the medical evidence showed that E's mental state reduced his culpability. The minimum term was set at 40 years. [The convictions were later quashed on appeal and a hospital order substituted.]

**Cornelius [2007] EWHC 1010 (QB):** Guilty plea to murder of a 16 year old.

**Iqbal [2007] EWHC 516 (QB):** 8 murders of the members of one family in an arson attack. The minimum term was set at 22 years.

**Ali [2009] EWHC 1551 (QB):** The victim had been attacked by a group of men in balaclavas, and armed with a hunting knife and CS gas. The judge described the killing as a racially motivated murder. The submissions argued that A had a legitimate expectation that his minimum term should not exceed the 16 years recommended by the trial judge. The minimum term was set at 16 years.

## PUBLICATIONS

Paul has published the following book and articles:-

Taylor on Criminal Appeals (General editor: 2022: Oxford University Press)

Taylor on Criminal Appeals (Editor: 2012: Oxford University Press)

Taylor on Appeals (2000: Sweet and Maxwell)

*The following case commentaries were first published by Thomson Reuters (Professional) UK Limited in Criminal Law Review and are reproduced by agreement with the publishers.*

**Taylor (Bonnett): Fresh evidence on appeal** (Case Comment) [2013] Crim. L.R. 10, 844 - 848. Fresh evidence, whether Pendleton test applied correctly.

**R. v Pope (John Randall):** (Case comment) [2013] Crim. L.R. 421-425. Fresh evidence, safety of conviction - three trials - husband acquitted at first trial – appellant convicted at second trial following DNA evidence.

**R v McCook (Jason):** (Case comment) [2015] Crim LR 350. Requirement of fresh appellate legal representatives to contact trial lawyers.

**R v Gray and others** (Case comment) [2015] Crim LR 352. The Court of Appeal's approach to making loss of time directions and whether they are proportionate to the initial term of imprisonment.

**R v George (Dwayne)** (Case comment) [2015] Crim LR 715 Admissibility of fresh expert evidence on appeal.

**R v McCarthy (Jamie)** (Case comment) [2016] Crim LR 145 Challenging convictions based on guilty pleas; criticism of trial counsel.

Online book review of **Lil Scherdin ed. Capital Punishment: As Hazard to a Sustainable Criminal Justice System?**

[Statute Law Review [2015] 1 July].

**R v Stromberg:** Paul Taylor KC explains the practical effects of this case for those advising a defendant convicted after what are thought to be wholly flawed proceedings.

This article was first published on Lexis@PSL Corporate Crime on 16 April 2018

**The Jogee effect:** Paul Taylor KC considers the evolution of the law on joint enterprise and impact on potential appellants convicted under the 'old law' (Counsel Magazine, September 2018).

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## Areas of Practice

- 5KBW Criminal Appeals
- 5KBW Criminal Appeals Resources

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## What The Directories Say

"He is very good at appellate work." *Chambers UK 2025*

"A highly effective and meticulous barrister whose knowledge of criminal appeals is second to none." *Chambers & Partners 2023*

"One of the foremost appeals lawyers. He is tremendous." *Chambers & Partners 2022*

"Paul's expertise in appeal matters is exceptional. He has an impressive meticulous attention to detail - ascertains key issues and tactically is very astute. He's a pleasure to work with." *Legal 500 2022*

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## Education

- LLB (Hons) (CNA) (First class) (Polytechnic of the SouthBank)
- LLM (Cantab) (Downing College, Cambridge)

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## Memberships

- Called to the Bar of Northern Ireland
- Criminal Appeal Lawyers Association
- Criminal Bar Association
- Door tenant at Allum Chambers, Trinidad and Tobago

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## News

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### Listen to AppealCast5KBW

13 September 2024

Time for Change...The Law Commission Criminal Appeals Project

The Law Commission has been tasked with making recommendations for changes to the criminal appeal system.

Paul Taylor KC discusses the project with Professor Penney Lewis (Law Commissioner for the Criminal Appeals Project), Matt Foot (co-director of APPEAL), and Dr. Hannah Quirk (Reader in Criminal Law at Kings College)

London, and editor of the Criminal Law Review.)

Topics discussed include the safety test, the CCRC, substantial injustice, and compensation for miscarriages of justice.

Listen now: <https://podcasters.spotify.com/pod/show/paul-taylor-kc/episodes/Time-for-change--The-Law-Commissions-Criminal-Appeals-Project-e2oaq5q/a-abh9ohp>

## The Appeal Brief - Issue 2

9 September 2024

The latest edition of **The Appeal Brief**, the 5KBW Criminal Appeals Unit newsletter is now live. **Click here.**

**Paul Taylor KC**, the General Editor of **Taylor on Criminal Appeals**, heads our team of contributors who are specialist criminal barristers from 5KBW; a set renowned for its expertise in both defence / appellant and prosecution / respondent work.

In this edition there are summaries and expert commentary on recent judgments from the Court of Appeal (Criminal Division) (on conviction, sentence, AG references, prosecution appeals, and financial crime), High Court (Administrative) (judicial review of prosecution decisions) and the Court of Appeal in Northern Ireland.

The featured article is "Potential Grounds of Appeal (2): Fresh evidence." This is the second in a series of articles analysing the approach of the CACD to particular grounds of appeal.

Visit the **Criminal Appeals** section of our website for more information on our Criminal Appeals Unit.

If you would like to discuss instructing the barristers at 5KBW, please contact our Senior clerk, Lee Hughes-Gage

## The Appeal Brief - Issue 1

22 April 2024

5KBW are delighted to announce the publication of the first edition of "The Appeal Brief", the 5KBW Criminal Appeal Unit newsletter.

In this edition there are summaries and expert commentary on recent judgments from the Court of Appeal (Criminal Division), High Court (Administrative) and the Court of Appeal in Northern Ireland.

Paul Taylor KC, the General Editor of **Taylor on Criminal Appeals**, heads our team of contributors who are specialist criminal barristers from 5KBW; a set renowned for its expertise in both defence / appellant and prosecution / respondent work.

Visit the new Criminal Appeals section of our website for more information on our Criminal Appeals Unit (including future seminars and podcasts), articles on appellate matters and links to resources for those considering or involved in an appeal or application to the Criminal Cases Review Commission.

Follow us @5KBW\_CrimAppeal

## Chambers Welcome Paul Taylor KC

27 February 2024

We are delighted to announce that Paul Taylor KC has joined 5KBW. He will head our new Criminal Appeals Unit and build upon and develop the appellate expertise within Chambers.

### About Paul Taylor KC:

Paul specialises in criminal appeals. He has appeared before the appellate courts in England, Northern Ireland and the Caribbean. He also has extensive experience in drafting submissions to the Criminal Cases Review Commission.

Paul is the general editor of Taylor on Criminal Appeals - the leading practitioner's text book on criminal appeals, now in its third edition. The earlier editions were cited in the House of Lords, Privy Council, Court of Appeal (Criminal Division), Court of Appeal in Northern Ireland, and Commonwealth appellate courts.

Paul has written case commentaries for the Criminal Law Review and has lectured on appellate matters in England, Northern Ireland, and the Caribbean. He is assisting the Bar Council Law Reform Committee with submissions to the Law Commission on its review of the criminal appeal system.

Paul was appointed a Recorder in 2019 and sits in both the Crown Court and the Family Court.

Paul is licenced under the Direct Access Scheme and can accept instructions directly from members of the public in appropriate cases.

### What the directories say

*"A highly effective and meticulous barrister whose knowledge of criminal appeals is second to none."* - Chambers and Partners 2023

*"One of the foremost appeals lawyers. He is tremendous."* - Chambers and Partners 2022

*"Paul's expertise in appeal matters is exceptional. He has an impressive meticulous attention to detail - ascertains key issues and tactically is very astute. He's a pleasure to work with."* - Legal 500 2022

To instruct Paul please contact our Senior Clerk, Lee Hughes-Gage.

## Recent Cases

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