



## **Richard Kelly**

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Richard is a fearless advocate who acts for both the prosecution and the defence.

Early years of practice included work in civil litigation, family law and employment law; this developed over time into a practice specialising in the prosecution and defence of the most serious and complex cases of criminal offending.

For a number of years Richard has been cited by the Legal 500 as being a leading junior barrister and he has been ranked in 'Tier 1' in both 2016 and 2017.

Richard is regularly instructed in cases led by Queen's Counsel and as leading junior counsel. His meticulous attention to detail, his ability to quickly distil and tackle the real issues and his charming and persuasive jury manner make him a formidable opponent in any case.

### **Crime**

Richard has a broad criminal practice and has developed a particular expertise in serious sexual offences, particularly those with troublesome evidential elements. Recently Richard has been involved in defending a number of serious historical sexual offences in which disclosure issues have been particularly complex. In each one, the determined pursuit of disclosure has proved the turning point in the outcome of the case.

Richard is also very experienced in complex, often high profile, multi-handed homicide, armed robbery and drugs cases.

These cases often bring complex issues such as PII, young or otherwise vulnerable witnesses or defendants and contested DNA evidence.

### **Violent Crime**

Richard specialises in both prosecuting and defending in cases involving the gravest violent crimes. He regularly receives both Legal Aid and private instructions to defend in these cases.

- **R v JL (2016)** Privately defended a GBH on a youth late at night outside his home. The defence demonstrated that injuries claimed to have been caused by a motorbike chain used as whip were in fact naturally occurring stretch marks.
- **R v MC (2015)** Prosecuted a complex baby shaking case involving evidence from some of the country's most eminent paediatric experts. The defence that immunisations could have caused the baby to fit was rejected and the defendant was convicted.
- **R v SW (2015)** Defendant accused of stabbing his brother outside his brother's flat in a near fatal incident. The case involved covertly recorded confessions from an absent 3rd party and there were admissibility issues: acquitted but convicted of a less serious assault.

## Sexual Offences

- **R v SD (2017)** Prosecuted the attempted rape of a young female at a remote rural rail station in the hours of darkness. The defendant was convicted. Press Link: [Ipswich Star](#)
- **R v GJ (2017)** Prosecuted a PE teacher accused of sexually abusing several different female pupils at two Norfolk schools at which he taught in the 1980s and 1990s. Press Link: [Daily Mail](#)
- **R v AC (2016)** Successful defence serious sexual assaults and rape two sisters alleged committed almost 30 years ago. One sister had complained at the time but the defendant had not been prosecuted. The pursuit of disclosure from the prosecution eventually produced material which revealed the lie of the original complaint and the motivation for the other.
- **R v PQ (2016)** Defended an allegation of repeated rape of a vulnerable, but adult, daughter. Pursuit of disclosure over many months finally produced telephone evidence which seriously undermined the prosecution case. The defendant was acquitted of all the rape charges (although he admitted other consensual sexual offences).
- **R v TM (2016)** Prosecuted a case in which six separate complainants, including child witnesses, gave evidence that the defendant had on numerous occasions been seen masturbating at the window of his village home. He convicted of all counts after a lengthy trial. Press Link: [Braintree & Witham Times](#)
- **R v KM (2016)** Defend a young defendant said to have had sexual relationships with numerous underage girls: complex issues of culpability and dangerousness.
- **R v DC (2014)** Successfully prosecuted a 12 year old for sexual offences committed against a 4 year old.
- **R v PC (2010)** Defence junior in a 'cold-case' stranger rape case where the defendant had been identified 20 years after the event through low-copy DNA. The DNA evidence was subjected to detailed challenge: complex issues of old forensic techniques and annotations, and old DNA and serology techniques were explored to challenge the modern results.

## Organised Crime

- **R v SB and DC (2016)** Prosecuted an organised tobacco smuggling enterprise, where it was alleged that almost £2m of duty was evaded on each trip.

## Fraud & Proceeds of Crime (POCA)

- **R v BN (2016)** Defendant had been part of a conspiracy to cultivate cannabis. Issues arose over the apportionment of benefit where the co-conspirators had no assets, but the defendant did. After multiple hearings and submissions, the prosecution agreed to a confiscation order which was a fraction of that originally claimed.

## Murder

Richard has particular experience in defending and prosecuting in homicide cases, particularly those involving young and vulnerable defendants.

- **R v CC and others (2016)** Successfully defended the lead 15 year old, female defendant charged with murder said to be a vigilante revenge attack against a paedophile: acquitted after a five week trial. Press Link: [Daily Star](#)
- **R v JA (2016)** Lead prosecuting counsel in murder where the defendant attacked his mother in broad daylight in a residential street in Maldon, Essex, inflicting almost 40 wounds with a knife and a sword. Plea of manslaughter by reason of diminished responsibility accepted as the defendant suffered from paranoid schizophrenia.
- **R v DS (2013)** Defence junior for a female defendant who ran a 'cut-throat' defence against her former partner and primary defendant in the 'Chantry Park Murder' Press Link: [BBC](#)

## Recommendations

**Legal 500:** Recommended as a 'Leading Junior Barrister in Crime': Ranked 'Tier 1'.

- *"Recommended for complex sexual offences cases."* - **Legal 500 2017**
- *"His knowledge of criminal law is excellent and he acts with the utmost professionalism"* - **Legal 500 2016**
- *"Recommended lawyer and noted as having a 'heavyweight' practice of high-profile rape and murder cases and white-collar fraud"* - **Legal 500 2012**



## **Education**

BA Law/Economics (Joint Honours): University of Middlesex

## **Memberships**

Criminal Bar Association

South Eastern Circuit

Gray's Inn

Essex Bar Mess