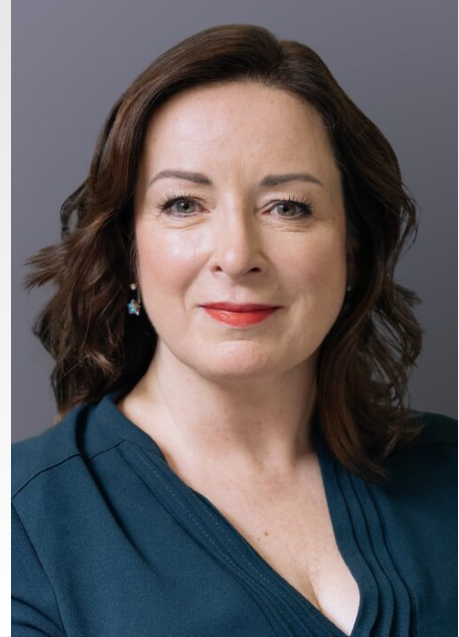


# Denise Breen-Lawton

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Denise Breen-Lawton is an extremely experienced **Fraud** and **Criminal** lawyer, both for the Defence and Prosecution in complex cases of the most serious nature.

Denise has all of the skills required to take large amounts of documents and distil the relevant evidence into usable formats to effectively manage, and present hugely complex and cumbersome cases to the jury. Provides legal advice on, and representation in, all areas of Fraud and serious crime.

Denise was elected Joint Head of Chambers in September 2022, alongside **Sam Green KC**.

Denise has an exceptional ability to get to grips with large volumes of material very quickly. She has excellent organisational skills, which combined with her intellectual ability, legal knowledge and tactical dexterity, means she has a heavyweight serious Crime practice.

Excellent advocacy and client care skills mean she is able to deal with all types of clients, from the extremely vulnerable to the very robust, in the most serious and difficult cases. She has an ability to present or challenge all types of expert evidence in a clear and effective manner.

Experience in the Business Crime Department at Irwin Mitchell and a First-Class Degree in Business Management before coming to the Bar, provide for particular strengths in large and complex Fraud cases.

Denise has appeared at the Court of Appeal on numerous occasions, alone and led, including defending an Attorney General's Reference on sentence, Defence appeals against sentence and various appeals against conviction.

## Key Skills

- Has the ability to take a hugely complex case and make it simple for the jury
- Puts the jury at ease and speaks to them in language they understand
- Concise and clear advocacy
- Thorough, with attention to detail
- Particular strengths in cross-examination and closing speeches
- Tailors her approach to deal easily with people from all walks of life
- Financial and Business experience with particular expertise in Fraud cases

# Expertise

## Fraud

### Notable Fraud cases

#### R v T

Defended a woman charged with defrauding her 95-yearold father, who had serious health problems, under a Power of Attorney granted many years ago. The case involved many years of financial evidence. If she had been convicted, she would have faced a lengthy prison sentence given the vulnerable 'victim' and the amount of money involved. The Prosecution tried to get the case adjourned due to the ill-health of the complainant. Denise argued against that and the Judge refused the Prosecution application. Co-Defending Counsel was willing to allow the Prosecution to play the DVD evidence of the complainant at trial, Denise was not and properly forced the Prosecution into serving a hearsay application. After mounting a legal argument on behalf of the Defendant, to oppose the application to have the DVD simply played to the jury, the Judge refused the application and the Prosecution were forced to drop the case against her client.

#### R v ER

Defended a woman charged with Fraud against various charities by whom she was employed in the role of Treasurer. The offending spanned many years. The evidence included a large volume of complex financial, banking evidence and business records. Denise instructed a Defence Forensic Accountant and directed the detailed work and financial analysis to be done in the case because the Defendant did not agree the sums alleged by the Prosecution. Ultimately, Denise reduced the amount of the Fraud significantly which had an effect on the Sentencing Guidelines to be adopted and successfully made an application to dismiss some of the charges. She also successfully mitigated to obtain a non-custodial sentence for the Defendant who was in her 60's and of good character.

#### R v H

The case involved a company who dealt in mobile telephones in the UK, in Europe and other countries. The six Defendants were charged with conspiracy to defraud Customs & Excise of over £6.5 million in VAT. Denise defended the Company accountant. The case involved a massive volume of evidence and unused material. It included complex business records, banking, and financial evidence. Denise successfully argued that the Indictment be quashed due to complex case law in the area of Carousel and Missing Trader Frauds that emerged at the time.

#### R v W

Instructed to defend a woman charged, alongside her husband with a complex 'Ebay', mortgage and loan fraud. The 'Ebay' fraud involved advertising tickets to concerts and other events as an 'agent' whereby the customer would buy the tickets online and then they would never materialise. The evidence was voluminous and complex in that it involved hundreds of separate transactions online and through various bank accounts. The Defendant was acquitted of the main indictment after trial by jury, her co-defendant was not. She accepted some minor offences and received a non-custodial sentence at the end of the case which allowed her to stay out of prison and care for her three children.

#### R v Z

Denise was instructed to defend a man charged with an extremely complex Inland Revenue and Customs Prosecution worth Millions of pounds. The alleged offending covered four businesses, over a period of six years. Each of the businesses had to be analysed in detail over that period of activity and outside of it. The money flowed between the businesses regularly adding a further layer of complexity to the case. A favourable deal was struck with the Prosecution regarding charges and the Defendant received a favourable sentence. Extremely complicated and intricate confiscation proceedings followed which included arguments regarding hidden assets.

### Operation Epworth

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Prosecution of six Defendants without a junior. Complex and sophisticated fraud committed by a bank employee who compromised a customer's personal information in order to drain £150,000 from their accounts and then dissipate the money into forty recipient accounts. All Defendants ultimately pleaded guilty.

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#### Operation Darnley

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Prosecuted a half million pound bank fraud which was highly complex due to computer evidence, volume of paper recovered and sophistication of methods used by bank employee and his associates. Successfully represented the Chief Constable on civil confiscation that followed.

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#### Operation Tartare

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Prosecution of three Defendants in a long running prosecution brought by the CPS Complex Casework unit following joint investigations by the West Yorkshire Police and the City of Stoke Trading Standards Unit. The most serious offence was a sophisticated and complex conspiracy to handle over £400,000 worth of vehicles stolen in Hanoi burglaries. The vehicles were given false identities supported by faked documentation. Many of them were then shipped to Japan where they were sold at auction. Others were sold to innocent purchasers or retained by the defendants. Two of the Defendants also admitted a conspiracy to defraud which involved purchasing high mileage vehicles, "clocking" them and forging MOT certificates and service histories to support the false mileages before selling them via the internet. The case was complicated by the decision of the third defendant to unsuccessfully apply to stay the indictment asserting that he had been promised he would not be prosecuted. When that failed he ran duress claiming that he had been threatened by his co-accused. He was convicted and received 9 years imprisonment. The two other defendants pleaded guilty to both offences and received prison sentences of 6 ½ years and 4 years 9 months.

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## Trading Standards Prosecutions

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### Notable Trading Standards Prosecutions cases

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#### Operation Dougal One

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Prosecution as lead and junior at the same time as Denise was one of three Barristers instructed by National Trading Standards in the biggest fraud ever prosecuted by them. The five Defendants ran numerous copycat government websites mimicking sites such as DVLA, ESTA, travel VISAs, and Passports. They conned the public out of tens of Millions of pounds and the served evidence in the case amounted to over 70,000 pages. The case was presented electronically on iPads to the jury. It involved complex computing and financial evidence covering many years. In particular, Denise presented all of the financial evidence which took over a week, called many other witnesses and cross-examined the only Defendant who chose to give evidence: the company book-keeper. All of the Defendants were convicted and the appropriate lengthy prison sentences followed.

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#### Operation Dougal Two

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Prosecution leader on behalf of National Trading Standards of five Defendants charged with Conspiracy to defraud and, Perverting the Course of Justice. Each Defendant was represented by two Counsel. The trials took several months. The scam was a follow on from Dougal One, whereby the main man had committed further offences on bail by setting up further copycat government websites to con the public, using phoenix companies and new people to front them. They made millions of pounds. One of the Defendants pleaded guilty and 'turned Queen's evidence' and gave evidence against his co-accused. Further convictions followed, as did the requisite prison sentences.

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#### Operation Cleo

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Prosecution as lead and junior at the same time because Denise was one of three Barristers instructed by National Trading Standards of four Defendants charged with committing fraud by copying the HMRC website. All four Defendants had a Silk and a junior and the served case exceeded 60,000 pages of evidence. The case involved complex financial, email and computing evidence.

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## Terrorism

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### Notable Terrorism cases

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#### Operation Catorze

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Prosecution on behalf of the CPS Counter Terrorism Unit at the Old Bailey of three young Kurdish women accused of petrol bombing a Turkish club in North London in revenge for an airstrike by the Turkish air force that killed over thirty Kurds in December 2011. The Defendants all pleaded guilty to arson being reckless as to the endangering of life. The two older Defendants were sentenced to 6 years 8 months imprisonment. The third, younger Defendant received 6 years. Successfully argued against three Silks that the offence should be regarded as aggravated by both the defendants' political motivations (which included expressions of support for the proscribed PKK) and racial motivation given that the club was selected because it was Turkish.

#### R v Sheppard & Whittle [2010] EWCA Crim 65

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Prosecution on behalf of the Counter Terrorism Unit to prosecute an extremely complex case of racial hatred against Jewish, Black, Asian and other people. Several complicated and difficult legal arguments undertaken such as jurisdiction of the court, definition of 'publication' on the internet, definition of 'written' words, and the admissibility of the truth or otherwise of Holocaust material, and a defence 'expert' report on the Holocaust. Complex expert evidence was also called regarding whether Jews are an ethnic group or a religion for the purposes of the Public Order Act. Appeared in the Court of Appeal on numerous legal issues in the appeal against conviction. This is now a leading case on the issue of internet jurisdiction.

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## Crime

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### Notable Crime cases

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#### R v D

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There were eight Defendants charged with a complex drug dealing conspiracy lasting several years. The case involved evidence of telephone contact between drug dealers and observations by undercover Police. There was also evidence of a probe covering conversations between defendants, analysis of drug traces on money and scientific evidence regarding fingerprints and DNA. Denise defended the girlfriend of the main man, who had allegedly spent drugs money on houses, cars, high living and various items of plastic surgery on her own body. Denise eventually persuaded the Prosecution to drop the case against her client.

#### R v O

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Defended in eight Defendant, complex, money laundering of the proceeds of drug dealing. The drugs had a street value of £7 Million. The conspiracy covered a three-year period and the evidence included many hours of police observations, complex property deals in Bulgaria, bank transfers, complex property deals in the UK, complex property deals in Dubai, blackmail, the purchase of premium cars such as Lamborghinis and Ferraris, complex land transactions, business purchases in the UK, and perverting the course of justice by falsifying documents. There was much expert evidence and complicated evidence of land transactions in many other countries which had to be scrutinised carefully. There was also a great deal of complex telephone evidence tied in with observations in timelines.

#### R v P

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Instructed to defend a young woman in her 20s who was a student in Leeds charged with perverting the course of justice by falsely accusing a taxi driver of sexually assaulting her. She and the taxi driver had fallen out over payment for the fare and she then decided to report that he had sexually assaulted her in a taxi. The taxi driver was arrested and kept in custody for many hours and he lost his licence to drive taxis and therefore, his livelihood. It had a dramatic effect upon his life as he was a Muslim and a family man. Complicated psychological evidence was obtained which was served on the Court. The Defendant had confessed and so

had to be sentenced. She received a favourable sentence considering the previous case law. This was an extremely serious and sensitive case which attracted national press attention.

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R v S

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Defence of a woman charged with a conspiracy to supply class 'A' drugs. The Prosecution was all based upon phone schedules, timelines, observations, cell-site, photographs of money and texts. There was more than 10,000 pages of phone evidence. Denise successfully argued to have the Defendant tried separately from all of the other Defendants which proved to be an excellent tactical move. She cross-examined the expert telephone analyst and the officer in the case on complicated timelines spanning many months which included observations by under-cover police officers. The Prosecution had failed to disclose some financial evidence which Denise cross-examined from the officer in the trial. It was used to the Defendant's full advantage. The Defendant was acquitted in three minutes.

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R v S

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Defence of a woman accused of harming her own baby and having a syndrome called 'Munchausen by Proxy'. In the background was voluminous material from care proceedings that had already happened. A Barrister that the Defendant had met initially had tried to get her to plead guilty. The case was founded upon complex and voluminous medical evidence and records, which Denise had to analyse in detail. After preparation of detailed cross-examination of a top paediatric surgeon in the UK, and requests for further records the Prosecution were forced to drop the case at trial. This was because of the deficiencies pointed out by Denise, in the detail of their medical evidence which meant they could not prove the case at all.

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R v R

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Defended the main man in a case involving four Defendants charged with conspiracy to launder money which lasted two months. It was a hotly contested, complicated and highly unusual case of money laundering which involved 'sheep rustling' in the farming community in Cumbria. The evidence involved experts from the farming industry and DEFRA who gave evidence about the workings of farms with livestock, how animals should be handled, recorded and identified, following the 'Foot and Mouth' epidemic. The evidence also included complicated and detailed records from auction houses and numerous bank accounts. Each sheep had been identified by photographs, records, and each of the farmers who had originally owned them. The animals had emanated from twelve separate farms across the region and ended up on land owned by one farming family many miles away. The press followed the case closely.

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R v C

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Instructed to defend a woman charged with a large-scale drugs conspiracy involving ten Defendants. It involved drugs of Class A, B and C. The case required difficult tactical handling and decisions. The evidence included complex timelines, telephone and financial evidence which were all challenged. Each of the downloads and call data of numerous telephones had to be scrutinised in detail to adduce helpful text messages in cross-examination of the intelligence analyst. Difficult decisions had to be made regarding how other Defendants should be cross-examined and which parts of expert evidence should be challenged.

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R v C.

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Defence of a man charged with two rapes which occurred within four weeks of one another, where the defence was 'consent' in both cases. It was an HMET prosecution with more than fifty clips of CCTV played to the jury in a complex timeline. Denise had to sensitively and appropriately robustly cross-examine the complainants who gave evidence behind screens. She also had to cross-examine various other witnesses to the events before and after the alleged rapes to build a different picture for the jury on behalf of the Defendant. The press took a close interest in this highly sensitive and factually complex case. The Defendant was acquitted of both charges.

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R v F

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Defence of a man charged with historic sexual abuse over many years. The evidence covered several decades and was extremely complex and emotionally harrowing. He had abused many female members of his family over many years to varying degrees and the case required a balance of delicate and sensitive but robust cross-examination. He was acquitted of some of the offences and the jury simply could not decide on many other charges. He was therefore ultimately only sentenced for a small proportion of the charges he originally faced.

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#### R v Panesar [2008] EWCA Crim 1643

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This was a Conspiracy to Supply Class A Drugs involving ten defendants. Complicated confiscation proceedings followed. Appeared at the Court of Appeal against a confiscation order, on the 'Moulden' point, of payments into the defendant's mortgage account from unlawful funds.

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#### Operations Raptor One & Howze

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Prosecution leader in a complex fraud involving seven Defendants whereby they targeted elderly and vulnerable people by phone pretending to be Police Officers, in order to con them out of their life savings. Led and managed a team of three Police forces. Two telephone analysts were involved in the analysis and presentation of evidence covering sixty telephones, with over a hundred offences spread over almost a year. This had to be presented to the jury in a clear and concise manner, so they understood. The Defendants are now serving lengthy sentences of imprisonment.

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#### Operations Raptor Two & Solitude

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Prosecution leader in a follow-on complex fraud from Operation Raptor and Howze, involving ten Defendants whereby they targeted elderly and vulnerable people by phone pretending to be Police Officers, in order to con them out of their life savings. A complex web of financial transactions and transfers had to be untangled as the victims' money 'starburst' very quickly through many bank accounts. Led and managed a team of two Police forces. Worked closely with an expert telephone and intelligence analyst who was called to present complicated evidence covering numerous telephones, with fifty offences spread over almost eighteen months. More offences came to light during the trial. This had to be presented to the jury in a clear and concise manner, so that they understood. The Defendants are now serving lengthy sentences of imprisonment.

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#### Operation Stet

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Prosecution of Multi-million-pound drugs importation conspiracy. Two-part prosecution of sixteen defendants, now serving over a hundred years in prison in total. It included complex areas of international disclosure, Dutch wire taps, cell-site analysis, telephone and covert observation evidence.

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#### R v S

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Prosecution of a prisoner (one of the eight most dangerous men in the prison system) for two attacks on prison officers, whilst serving a sentence for double Murder. Complex and highly sensitive case of public interest regarding internal procedures and protocols at the prison. The case was further complicated by the Defendant running a psychiatric defence and so it involved evidence from two highly experienced and opposed psychiatric experts covering the detailed history of the Defendant's psychiatric conditions and treatment.

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#### R v J

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Prosecution of a man charged with sexually abusing a little girl who was only eight years old at trial. Careful and skilful advocacy was required at the pre-recorded cross-examination hearing, where an intermediary was used. A doll also had to be used as a 'prop' to assist the child in giving her evidence in order to clarify various complex legal and medical issues before the trial.

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#### R v K

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Prosecution of highly contested baby shaking case, with shifting accounts given by the defendant. Multi-disciplinary medical evidence and care proceedings in the background made this a complicated and difficult case. The Defendant ultimately pleaded guilty.

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## Operation Yates

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Prosecution of nine defendants, represented by twelve counsel, including silks, lasting many months. Exceptionally complex and sophisticated evidence of offences of importing over £8 million worth of Class 'A' drugs through the postal system into the UK. The Defendants utilised over sixty mobiles telephones between them and contested attribution. A complicated web of evidence to present to the jury in a sensible format including, telephone attribution, call patterns, cell site evidence, covert surveillance, and 'mass spec' analysis of drug traces on money. The main defendants were convicted by the jury and are now serving over a hundred and ten years between them.

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## Operation Clarity

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Prosecution Lead of multiple armed robberies upon bookmakers by three defendants. The evidence consisted of complex telephone data and cell site evidence coupled with incriminating items seized such as clothing and firearms. The main Defendant received a sentence of fifteen years on a guilty plea and the other two Defendants also received substantial periods in custody.

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## R v McShane & Others [2011] EWCA Crim 1944 [2011] WL 2748062

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Prosecution of four defendants, who had committed twelve Armed Robberies of bookmakers. Complex expert evidence in the areas of image analysis and comparison, footwear analysis and DNA. Won at the Court of Appeal on appeal against conviction on various points including the parameters of expert evidence that are admissible where no statistical data is available.

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# Public Access

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My name and professional title is Denise Breen-Lawton and I am registered under the Bar Standards Board under that name although I am employed by Denise Breen-Lawton Limited. I hold a current Bar Council practising certificate. I have professional indemnity Insurance with the Bar Mutual Indemnity Fund.

I am regulated by the Bar Standards Board (BSB). [The BSB Handbook](#) contains the rules about how barristers must behave and work. It also contains the Code of Conduct for barristers.

I am registered to undertake Public Access work on the [Bar Council Directory](#).

The Public Access Scheme allows for members of the public to engage my services on a direct basis. It is not a scheme that is suitable to all cases but in all cases, the clerks will consult with me and we will let you know if the scheme will suit your requirements.

I will undertake to confirm on receipt of your instructions that I have sufficient experience and competence to undertake the work necessary to carry out those instructions.

I am employed by a company, Denise Breen-Lawton Limited. Whilst I will provide the services you will contract with Denise Breen-Lawton Limited. The administrative support for the company is St Paul's Chambers. A set of Chambers is a practice where a collection of independent self-employed barristers and barristers who have incorporated their practices share premises and administrative services. Those administrative services are provided by staff that are referred to as clerks. My work may mean that I am not always in Chambers or that you are not able to contact me directly. You may find the best way to contact me is to leave a message with my clerks with either by telephone 0113 2455866 or email [clerks@stpaulschambers.com](mailto:clerks@stpaulschambers.com) and I will respond as soon as I am able to do so.

A Barristers Chambers is not a firm. I am the only person you are instructing and I will be personally responsible for doing all the work needed under the Public Access arrangement.

## Letter of Engagement and Terms of Engagement

On confirmation of instruction you will be provided with a letter of engagement and the terms of engagement. This will provide you with all the information you require before committing to the engagement.

## My professional appointments

## My background in Criminal Law

## My approach

## My Costs

My fee structure is straight forward and without hidden costs. If I am instructed on a piece of advice it is usual I will charge an hourly rate. You will be informed of how much it will cost before I engage in the work. Equally, if I am to attend court on your behalf, I will scope the case and provide you with a global cost with a breakdown of the cost per day and the preparation costs. The clerking team will guide you through the process and assist you with the options you have available to you.

Chambers can provide a fact sheet on request in relation to fees. It covers the pricing policy required by the Bar Standards Board for specific areas of law deemed to be those that attract a range of average fees.

## What my clients say

### If you wish to make a complaint

If you would like to make a complaint, please make reference to our [chambers complaints procedure](#). We will try to resolve it by following this procedure. Information on how to do this should have been provided to you in your client care letter. If you would like us to send you a hard copy by post please get in contact.

## The Legal Ombudsman

If you are not satisfied with the outcome of your complaint, then you can contact the Legal Ombudsman. The Legal Ombudsman is an independent organisation. It deals with complaints about the service provided by all types of lawyers in England and Wales. The Legal Ombudsman can decide whether or not the service you received from your barrister was satisfactory, and can:

- Award compensation for poor service;
- Consider whether the fees charged/paid should be reduced; and
- Decide whether you should receive an apology.

Any complaint to the Legal Ombudsman should be made within 6 months of receiving the final response to your complaint from your barrister or their chambers (as long as the response tells you about your right to complain to the Ombudsman and the six month time limit). A complaint to the Legal Ombudsman must also not be made more than 6 years after the problem arising, and not more than 3 years after you become aware of the problem. The Legal Ombudsman will review your complaint and decide whether there are any concerns about professional misconduct (professional misconduct is when a barrister has not kept to the BSB Handbook, and so disciplinary action might need to be taken). If your complaint raises concerns about professional misconduct, the Legal Ombudsman will refer those concerns to the BSB for consideration. If the Legal Ombudsman needs to make a referral, you do not need to do anything. The Legal Ombudsman will let you know if they have made a referral and the BSB will also contact you to confirm this.

## Legal Ombudsman Decision Data

It is important that when you are making the decision to instruct a barrister, you have consideration to the decision data of the Legal Ombudsman. This will show what providers received an ombudsman decision in the previous 12 months and whether the LeO required the provider to give the consumer a remedy.

See this link for details of the [Decision Data](#).

The Legal Ombudsman can give you more detailed information on how to make a complaint. You can contact the Legal Ombudsman:

By phone: 0300555 0333

By email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)

Through their website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)

By post: PO Box 6806, Wolverhampton, WV1 9WJ

Denise Breen-Lawton

# Appointments

- Joint Head of Chambers (2022)
- Bencher to the Honourable Society of Gray's Inn
- Grade 4 Counter Terrorism Unit



- Grade 4 Fraud Panel Specialist
- Grade 4 General Crime
- Grade 4 Serious Crime