

Mr James Palfrey

Call: 2016

James is an experienced and able advocate who is regularly instructed in a range of criminal and civil cases.

Practice Areas

- Crime
- Civil

James has appeared before the HCPC (Health Care Professionals Council) in respect of fitness to practice cases involving health, conduct and competence. James also specialises in licencing and has been involved in claims relating to whistleblowing and discrimination.

Notable cases

Murder & Violent Offences

R v F & Others (2014) - Led Junior representing one of five defendants charged with joint enterprise murder. This case involved a group of school boys who had gone as spectators to a fight. It was considered by the learned Judge to be on the very cusp of joint enterprise and was the subject of two half-time submissions that were unsuccessful. The jury acquitted four of the five defendants.

R v L & Others (2014) - Led Junior representing one of three defendants charged with murder and supply of Class A drugs. The defendant was part of a group involved in a gangland assassination of a rival competitor. As Junior counsel, James presented mitigation following conviction and advanced grounds for appeal against sentence in the Court of Appeal.

Sexual Offences

R v M (2015) - Junior alone representing a defendant in an allegation of rape. The case centred on the innocent transference of DNA found on a high vaginal swap. The defendant was unanimously acquitted after trial.

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R v S (2013) - Junior alone defending an allegation of rape by complainant female who had been co-habiting with a widower. The defence case, which was accepted by the jury, was that although there was sexual intercourse, this was part of an ongoing sexual relationship. The defendant was unanimously acquitted after trial.

R v B (2011) EWCA Crim 165 - This case was particularly sensitive involving a 12 year old complainant. The defendant in this case was originally charged with rape but following discussions with the Crown, a plea to assault by penetration was accepted, on the basis that the defendant had a genuine belief that the complainant was 16 years old and any sexual intercourse was consensual. In the first instance, the crown court imposed a suspended sentence of 9 months but on appeal, reduced to a conditional discharge.

Fraud and offences of dishonesty

R v L & Others (2015) - Junior alone representing one of seven defendants charged with a fraud on the access to work fund prosecuted by the DWP. The prosecution team consisted of 3 counsel led by a QC. An unusual aspect of this case was that all defendants in the case were deaf. James represented the only defendant in the 34 day trial to be acquitted.

R v P & Others (2015) - Junior alone representing one of three defendants charged with banking fraud. Of the three counts faced by the defendant, two were dismissed following defence submissions at half time. The defendant was acquitted by the jury of the remaining count. The 2 co-defendants were convicted.

R v A & Others (2014) - Junior alone representing one of seven charged with driving licence fraud. The case against the defendant was dismissed at half time.

Appeals

Appeal of Lewis (2014) - Citation not yet known

Appeal of Ojo [2012] EWCA Crim 2687

Appeal of B [2011] EWCA Crim 165 - See Rape and Sexual Offences

Appeal of Ellis (Junior) [2011] EWCA Crim 428 - Appeal against sentence (Restraining Order) - Following a guilty plea to a s4 public order offence, the defendant was made subject to an order prohibiting him from contacting a number of witnesses who were unknown to the defendant. The appeal was allowed.

Appeal of Takhar [2010] EWCA Crim 2316 - Appeal against conviction following inadequate representation at the original trial - The case was one of arson with intent to endanger life, the indictment having been amended from simple arson on

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the first day of trial. The court overturned the conviction for arson with intent, replacing it with one for reckless endangerment of life. The sentence was reduced to facilitate the defendant's immediate release and no retrial ordered.

Appeal of Vartolomel [2008] EWCA Crim 2039 - Appeal against conviction - Following conviction at Blackfriars Crown Court, the learned Judge revealed a note from the jury which showed that one of their fellow jury members had bullied the others in to conviction and that the verdict was not a true verdict. An appeal was lodged on the basis that a Watson direction ought to have been given before any verdict being taken. The appeal was allowed and no retrial ordered.

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