



# TOM NICHOLSON PRATT

YEAR OF CALL: 1986

## EXPERTISE

Tom has over 25 years experience of criminal practice at the Bar. He has regularly been instructed in serious cases for the Crown and defence, as a leading junior and as a sole advocate.

He combines excellent legal knowledge and advocacy with considerable client handling skills. His range covers the full spectrum of offences, from murder, gang related matters, sexual offences, to serious drugs and firearms cases, as well as fraud.

He also sits as a Recorder in the Crown Court.

Ranked as a Legal Expert in Crime by Legal Experts - Legal 500, [ww.legalexpertsdirectory.com](http://ww.legalexpertsdirectory.com)

## NOTABLE CASES

### MURDER

**R v J (2010)** - J, charged with another, with double murder and double kidnapping, dismissed his legal representation-mid trial. Tom, led by Queen's Counsel, was instructed at short notice to take over the trial, which had 4 weeks still to run. An application to discharge the jury was refused, but a short adjournment granted for the new team to familiarise themselves with several thousand pages of evidence and unused material. With his experience of leading a murder trial before, Tom was of considerable assistance to his leader in this period of intense preparation, and throughout the remainder of the case. Both defendants were convicted, despite having run 'cut throat' defences.

**R v L (2008)** - L was first on the indictment and one of four defendants charged with murder. Tom acted as leading junior in his defence. The case ran for seven weeks at the Central Criminal Court and involved all defendants running 'cut throat' defences - all were placed at the scene of the offence by forensic evidence. The deceased, who was said to have stolen significant quantities of drugs from a Triad group, was severely beaten to death with various implements. In addition to the nature of the defence, the case involved complicated pathological and neuro-pathological evidence on the issue of the cause, and timing, of death.

**R v M (2008)** - Led for the defence of M, charged with murder arising out of the killing of a "faith healer", alleged to have swindled a member of M's family out of a significant sum of money. Amongst those indicted with M in the two month trial were his brother and M's closest friend. The deceased had been lured to an address where he was tortured and then brutally killed. A significant part of the case for the prosecution rested on a huge volume of telephone traffic and cell site analysis, requiring detailed cross examination. This was tactically a difficult case, since M, who denied being involved in the murder in the days following its commission, had become aware of what had happened during the crucial time. He did not wish to implicate others by giving evidence of what he had heard, but simultaneously had to refute the allegations being made against him in a 'cut throat' defence with one of his co defendants. The defendant was acquitted.

**R v J (2007)** - Led by Queen's Counsel in the defence of a young man indicted with three others on murder and perverting charges in a two month trial at the Central Criminal Court. The defendants were alleged to have literally beaten the deceased to death and then dumped his body on common land. The case involved 'cut throat' defences. The defendant was acquitted of murder, but convicted of manslaughter.

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## GANGS/FIREARMS/VIOLENT CRIME

**R v W (2013)** - Currently instructed for W, one of 5 defendants charged with conspiracy to possess a firearm and ammunition with intent to endanger life. W is said to be associated with / or a “younger” of a gang based in South London. Trial due to last 7 weeks. The defence of W is duress applied by one of the older co defendants, thus the trial is a ‘cut throat’ with complicated arguments as to gang and bad character evidence.

**R v R (2011)** - Tom appeared as leading counsel for the defence in this multi handed trial, lasting 7 weeks. All defendants were alleged to be part of a conspiracy to rob and kidnap rival drug dealers at gunpoint. A large part of the evidence involved several months of covert recordings, together with telephone and cell site analysis. The client was acquitted.

**R v H (2010)** - H was charged with another with firearms offences. A search warrant based on information from an informant was executed by Operation Trident officers, leading to the discovery of a weapon. Forensic evidence linked the firearm and ammunition to a bag captured on CCTV in the possession of the defendant. The case had several PII hearings at the request of the prosecution. Initially, the judge upheld a prosecution application neither to confirm nor deny information concerning the informant. At the close of the case, both defendants having given evidence, the judge finally ruled that the prosecution had to disclose whether a named individual was or was not the informant. The Crown, having discussed the matter at senior levels with both the police and the CPS, declined to comply and offered no further evidence, resulting in the acquittal of the defendants.

**R v C (2010)** - Instructed privately to review a conviction for firearms offences, following the refusal of leave by the Single Judge. Having advised on fresh evidence, Tom secured leave to renew the application for leave, and at the full hearing persuaded the Court of Appeal to quash the convictions.

## DRUGS CASES

**R v T (2009)** - Leading junior for the defence of T, alleged to be a major supplier of class A drugs to one of the Home Counties. The case commenced with legal argument lasting a week concerning, amongst other issues, the prosecution’s relatively novel application to use the interviews of two co-defendants as evidence of the truth of their contents against T, under the hearsay provisions of CJA 2003. In the event, the trial that was due to last about four weeks did not take place; following discussions between counsel, T pleaded guilty on a basis that reduced his sentence, which would have been well over 10 years, by half.

**R v P (2007)** - Representing one of nine defendants in a two month trial alleging conspiracy to import several million pounds worth of cocaine. The case presented by the Crown was that the drugs were flown into the UK from Europe, a phone attributed to the defendant said to have been a central point of contact in the conspiracy. Tom was able to present evidence that disassociated the phone from the defendant, resulting in a successful submission of no case to answer at the conclusion of the prosecution case.

**R v F and Others (2006)** - Instructed by CPS Special Casework leading for the Crown. Ten defendants were arrested as a result of an investigation by the Serious Crime Division of the Metropolitan Police, assisted by HM Customs & Excise, following a six month covert operation. Found secreted in furniture imported from Mexico was 4.5 tons of cannabis worth £12 million. Material generated by the inquiry included a large amount of phone traffic, visual surveillance, covert audio and video recordings and financial evidence, in addition to substantial sensitive material. The target of the operation and those closely connected to him all pleaded guilty just prior to the start of the trial.

**R v R (2006)** - Acted for the defendant, one of 11 arrested following a year long police undercover operation into the sale of substantial quantities of Class A drugs and firearms in Essex. Voluminous transcripts were relied on by the Crown, obtained by undercover officers wearing covert audio and video recording devices. Tom negotiated a basis of plea that resulted in a considerably reduced sentence.

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## SEXUAL OFFENCES

**R v T (2012)** - Successfully defended emotionally vulnerable client charged with rape of his partner. His case was that the offence had never occurred. Tom's skilful cross examination of the complainant ensured a not guilty verdict.

**R v C (2012)** - The defendant was charged with historic allegations of sexual abuse of a child repeatedly over a number of years, commencing when the defendant himself was a minor but continuing after he had reached the age of majority. When arrested, his computer was seized and examined. It revealed evidence amounting to partial admissions to the offences as well as indecent images of children spanning all 5 levels. Despite decided cases being against him, Tom was able to persuade the trial judge not to allow the prosecution to use the images as evidence of propensity in relation to the abuse allegations, although on this occasion the trial did not result in an acquittal.

**R v G (2011)** – Tom defended G, who was charged with offences including making pseudo-images of children. The material involved was substantial and covered all 5 levels. The defendant also had convictions for child related offending. Although, following his guilty plea, the prosecution suggested an indefinite sentence was appropriate, Tom successfully persuaded the court to impose a determinate term.

**R v K (2009)** - Represented K, who was charged with a serious sexual assault on a female member of the public whilst in the course of his employment. He worked at a concert venue, where it was said he had committed the offence when the female left the hall during the performance. Defence requests of the prosecution led to the discovery of material that formed the basis of an application to cross-examine the complainant on certain aspects of her sexual history. As a result of the application, the prosecution made the decision to offer no evidence.

**R v H (2009)** - H was 19 years of age and charged with the attempted rape of a 13 year old. The two had met in a town centre and had wandered off together to the rear of a quiet residential area, where the attempt was said to have occurred. The principal witnesses for the Crown were the complainant and her equally young friend, who had been nearby, with an acquaintance of the defendant, at the crucial time. This case required careful cross-examination by Tom, given the age and maturity of the defendants. Due to an administrative error by the court, the trial had to be abandoned after the completion of their evidence, but before the close of the prosecution case. The case was thereafter reviewed by the prosecution, and no evidence offered.

**R v K (2008)** - This defendant was charged with rape. The complainant, a young student, was attacked whilst walking home along a secluded footpath at night. Having dragged her into some undergrowth, she was subjected to serious violence before being sexually assaulted. Significant scientific evidence was left on her and at the scene which resulted in the defendant's plea of guilty. Tom acted for the defendant and was able to secure what was a low sentence in the circumstances.

## PROFESSIONAL ASSOCIATIONS

Criminal Bar Association

## QUALIFICATIONS

LLB (Hons) London

## APPOINTMENTS

Recorder of the Crown Court (2004)  
Authorised to try cases of serious sexual offences (2008)

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