



# RUPERT HALLOWES

YEAR OF CALL: 1995

## EXPERTISE

Rupert exclusively handles criminal cases. Having spent the first 15 years of his practice both prosecuting and defending, he is now a specialist defence advocate with considerable experience of appellate proceedings, including judicial review and appeals by way of case stated.

His willingness to pursue all legal avenues on behalf of his clients is reflected in the fact that, since 1999, Rupert has appeared in the Court of Appeal Criminal Division on over 90 occasions, usually defending. Of his appeals against conviction, eleven have resulted in the appellant's convictions being quashed. The three appellants whose convictions were most recently overturned (all the subject of separate appeals) were all separately acquitted at their respective retrials. Rupert has also previously been instructed by the Crown Prosecution Service to represent the Crown's interests, both in the Divisional Court and in the Court of Appeal.

Rupert's Crown Court defence practice, which is focused primarily in London and the South East encompasses sexual crime and, in particular, offences against children, due to Rupert's experience in dealing with vulnerable people and those with mental health problems. He was one of the first to undertake the Advocacy and the Vulnerable Course run by the Inns of Court.

His practice more recently has involved longer and more evidence heavy cases involving firearms, large drug importations, money laundering and fraud. He has substantial experience of representing those charged with benefit fraud. Rupert is especially comfortable in and enjoys defending in multi-handed cases, particularly when cut-throat defences are involved.

Rupert is an extremely thorough advocate who prepares his cases meticulously. He can be robust or sensitive when dealing with witnesses at trial depending upon what the situation demands. He has a wealth of experience of defending in complex trials, multi-handed or otherwise. He is willing to raise any arguable point of law and enjoys exploring interesting legal issues. He gives his clients practical and comprehensible advice in conference and does not attempt to avoid difficult clients or apparently hopeless cases.

## RECENT CASES

**R v Jackson (David Gareth)** [2019] 4 WLR 43, CA – judgment of the Vice President of the Court of Appeal clarifying the mens rea ingredients in offences of indecent assault.

**KK v DPP** [2016] 4 WLR 162, [2016] Crim LR 868 - conviction for knifepoint robbery quashed consequent upon District Judge taking into account of the inadmissible evidence of a co-defendant who had pleaded guilty giving evidence in a Newton hearing heard simultaneous to Appellant's trial in the Youth Court.

**R v NC** [2016] 10 Archbold Review 3, CA - approach of the Crown Court to the making of Sexual Harm Prevention Orders.

**R v Varma** [2013] 1AC 463, [2013] 1 Cr.App.R. 115, [2013] Crim LR, The Times, October 29, 2012 - junior counsel for the Respondent (on appeal from the Court of Appeal's reported decision from 2010) - The Supreme Court delivered judgement on 10th October 2012 reversing the decision of the Court of Appeal and ruling that the Crown Court can combine a confiscation order with a conditional discharge.

**R v Wright (Barrington)** [2012] 2 Cr.App.R.(S) 46(11) - reduction in sentence for a member of the public gallery found in contempt of court for shouting out to his son as a jury found the son guilty of serious offences.

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**R v Evans**, The Times, January 16, 2012 - junior counsel for the Crown. Court of Appeal clarified the meaning of surrendering to bail in the Crown Court for the purposes of section 2(2) of the Bail Act 1976. Reported at [2012] 1 WLR 1192.

**R v Chrysostomou** [2010] Crim LR 942 - whether text messages fall within statutory definition of hearsay; conviction quashed due to unfairness of allowing such evidence to be adduced as bad character where purpose purely to blacken D's name.

**R v Magro; R v Bissett; R v Smith; R v Varma** [2010] Crim LR 787; The Times, August 26, 2010; [2010] 2 Cr.App.R 25 - Extent to which a five-judge court can overrule a decision of a three-judge court in the Court of Appeal (Criminal Division); whether Crown Court empowered to combine confiscation order with conditional discharge (N.B. Point of general public importance certified by Court of Appeal - application for leave to appeal to Supreme Court pending).

**R v Lancaster** [2010] 2 Cr.App.R.7, The Times, June 2, 2010 - definition of "omits a material particular" under ss.17(1) and (2) of the Theft Act 1968.

**Burwell v DPP** [2009] Crim LR 897, (2009) 173 JP 351 - a prosecutor's certificate under the Computer Misuse Act 1990, s.11(4) normally determinative of jurisdiction.

**R v Ellis** [2009] 2 Cr.App.R.(S) 73 - reduction in sentence for offence of aggravated burglary

**R v Freeman; R v Crawford CA** [2009] 1 Cr.App.R 11 - judgment clarifying legal principles in relation to cross-admissibility of counts in indictment under bad character provisions.

## NOTABLE CASES

**R v Glidewell** [1999] 163 JP 557, The Times, 14/5/99 - Forgetfulness as a reasonable excuse for possession of offensive weapon.

**R v Kartal & Ors** [1999] 10 Archbold News 2, 31 Criminal Law Week 1, 16/8/99 - Excessive judicial intervention infringing D's right to a fair trial.

**R v Denton** [2001] 1 Cr.App.R 16; [2001] Crim LR 225; The Times, 22/11/00 - Reading of statements under s.23 CJA 1988. Failure to give reasons in ruling.

**R v Lee Oosthuizen** [2006] 1 Cr.App.R. 73 – circumstances in which judge may withhold discount for early guilty plea or impose deterrent sentence in view of guidelines issued by the Sentencing Guideline Council.

**R v Ashton, Draz, O'Reilly**, The Times, April 18, 2006, CA – impact of procedural or jurisdictional failures in the Crown Court on the safety of convictions.

**R v Jean-Paul Holman** (2007) 1 Cr.App.R.(S) 52 – reduction in sentence for offence of false imprisonment in domestic circumstances

**R v David Curtis** (2007) 2 Cr.App.R.(S) 52 – applicability of guideline case in burglary with significant aggravating features committed by offender with bad record

**R v Jales and Lawrence** [2007] Crim LR 800 – judge's findings of contempt of court quashed due to substantial failures of legal procedure

**R v Noble**, The Times, July 21, 2008, CA - failure to answer a summons cannot be an offence under Bail Act 1976 nor a common law contempt.

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## QUALIFICATIONS

BA Classics (First Class) – University of Bristol

## PROFESSIONAL ASSOCIATIONS

Criminal Bar Association  
South Eastern Circuit  
Inner Temple

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