



JOHN WALLER

YEAR OF CALL: 2015 (ADMITTED AS SOLICITOR: 2007 - HIGHER RIGHTS: 2012)

EXPERTISE

John was called to the Bar in 2015 following a successful career as a Solicitor Advocate. John has specialised in criminal law since 2005. During that time he has built an extensive knowledge of criminal law from the police station to the Court of Appeal. Since 2012 John has practised solely in the Crown Court.

John is regularly instructed in serious cases of violence, drugs offences, sexual offences and fraud. In recent years John has been concentrating on serious organised crime and county lines drugs cases. John also has a particular experience in court martial work.

John has an open and friendly manner with his clients but is robust in his defence of them. He is able to adapt to the needs of each client and has a reputation for giving sensible and realistic advice at all stages during proceedings. John is meticulous in his preparation of cases. He has been praised by clients and Judge's alike for conducting hearings in a thorough and measured way. The judiciary have described him as: "an attractive and able advocate who is always well prepared" and has "an engagingly common sense manner which can appeal to a tribunal, though without any sacrifice of thoroughness".

Some of John's clients have described him as follows:

"Mr. Waller was extremely professional at all times. He was very courteous and respectful in dealing with my case. He was empathetic and non judgmental while being extremely realistic in managing my expectations... God forbid I would ever need another defence barrister but if I did I would not hesitate in hiring Mr. Waller"

"Outstanding attention to detail. Belief in me and whole hearted honesty. The best result that I could ever have expected. I did not expect to be found not guilty and I may not have been if not for John".

"This Mr John Waller did justice. The case was all or nothing and I just got it all. I am so excited right now and I thank this guy from the bottom of my heart. If you need a guy to take your case seriously and tell you the truth straight away – John Waller is that guy"

"John was fantastic – he advised me on the law in a way that I understood. He really helped me when I was facing serious charges. He was able to negotiate with the prosecution and put forward my account to the Judge which meant that I did not go to prison. I would recommend John to anyone who faces a criminal prosecution"

"I was overwhelmed with his professionalism and determination to do everything in his power to obtain a favourable result for me".

While his roots lie in defence work John also prosecutes serious offences on behalf of the Crown. John has been prosecuting since he joined Chambers in December 2015 and became a Grade 3 Crown Prosecutor in December 2018.

In addition to his Crown Court practice John is able to accept direct instructions in relation to all matters but has a particular specialism in driving offences. He has extensive experience defending in matters of excess alcohol, careless driving and speeding. John can offer advice and argue special reasons and matters of exceptional hardship.

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NOTABLE CASES

Sexual Offences

R v A (2020) – ‘A’ faced trial in relation to two allegations of Rape on two different victims. Severance was ordered after successful legal argument. The defendant was acquitted of both offences over the course of two trials.

R v T (2020) – Successful Crown Court appeal against the imposition of a Sexual Risk Order. Prior to the appeal legal argument was heard on the points of necessity and proportionality. The submissions made resulted in the respondent not responding to the appeal.

R v C (2016) – Successful appeal against sentence. In short, ‘C’ pleaded guilty to sexually assaulting a schoolgirl on a bus. The offence was aggravated by the fact that ‘C’ had previous convictions for the same offence and was prohibited from boarding buses outside of school hours. ‘C’ received a sentence of 25 months immediate imprisonment for Sexual Assault and Breach of Sexual Harm Prevention Order. John argued that the sentence was manifestly excessive. The Court of Appeal agreed and reduced the sentence to 18 months – a significant reduction of seven months.

R v K (2015) – Defendant acquitted unanimously of two offences of Sexual Assault. This case was notable, as ‘K’ had pleaded guilty to offences of Attempted GBH with Intent and Robbery, these offences immediately preceded the alleged sexual assaults. ‘K’ was tried for these offences with his co-defendant who faced trial for the robbery and GBH offences as the Learned Judge had not allowed a severance application. Despite the prejudice that ‘K’ faced as the jury was made fully aware of the offences to which he had pleaded guilty, ‘K’ was unanimously acquitted of both offences.

R v S (2015) – ‘S’ was alleged to have placed his hand up the complainant’s skirt and touched her bottom whilst they walked home late at night. ‘S’ denied that he had touched her sexually and that he simply walked past the complainant. ‘S’ was unanimously acquitted in spite of the evidence of the complainant and her partner who stated that he had witnessed the entire incident.

R v G (2014) – Led by junior counsel in a court martial regarding a historic case of sexual abuse of a number of young boys. It had been alleged that ‘G’ had committed buggery, indecently and grossly assaulted the boys whilst he was a Scout Master at RAF Gatow in West Germany. Due to the fact that ‘G’ was in the service of the RAF at the time the offences were committed he was tried by court martial. ‘G’ was acquitted of the most serious offences of buggery, which he had always denied. This case attracted international press attention.

R v F (2014) – Successful appeal against sentence. ‘F’ had received a sentence of 32 months for possession of just over 247,000 indecent images of children. In sentencing the Learned Judge stated that “he had never come across such numbers” and therefore the sentencing guidelines did not apply. It was subsequently argued at the Court of Appeal that the sentence was manifestly excessive as the Learned Judge had adopted too high a starting point. The sentence was reduced to 24 months.

R v S (2014) – ‘S’ faced trial in relation to an offence of Sexual Assault on an eight-year-old child. This case involved the careful cross-examination of the very young complainant. ‘S’ was acquitted following a six-day trial.

R v R (2013) – ‘R’ faced trial in relation to an eleven-count indictment of various sexual offences, some of which were against children. It had been alleged that ‘R’ had been sexually assaulting staff and customers at the stables, which he ran with his long-term partner. There were five separate complainants and several witnesses of recent complaint. R was acquitted of seven of the eleven counts on the indictment over two trials.

Offences of Violence

R v S (2019) – Abuse of Process. It had been alleged by the prosecution that the defendant was involved in a joint-enterprise ABH, which resulted in the glassing of the complainant in the face. It was successfully argued that emails sent to the defendant from the officer in the case showed unequivocally that the

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case was not be pursued and that the defendant had acted to their detriment by not providing a statement to the prosecution when asked. Following three days of legal argument the Judge agreed with the submissions and stayed the prosecution as an abuse of process.

R v T (2019) – Unanimous acquittal in a case of a serious knife point robbery. 'T' was said to be one of three who robbed the victim of money while a knife was held to his throat. The victim was then stabbed twice in the arm. The entire robbery was captured on clear CCTV. The Crown submitted that 'T's role was to lure the victim down an alley where the other two defendants lay in wait. The Crown relied on the CCTV which they say showed the defendant removing property from the victim. 'T' advanced that the victim was his dealer and had no idea that the other two were going to rob him – this was despite the CCTV showing some interaction between the three of them prior to the robbery. The client said that he was 'fist bumping' his dealer in sympathy for his predicament. The jury was persuaded that there was significant doubt in this case through a strong closing speech. The jury unanimously agreed and returned a not guilty verdict in less than an hour.

R v K (2018) – Aggravated Burglary. The Crown alleged that 'K' was one of four men who used violence to force their way into the complainant's home. The complainant was beaten and restrained while a search of his home took place. 'K' was alleged to have produced a knife and made a threat to kill the complainant and his 4-year-old daughter. The complainant's wife and his daughter were present while all of this took place. The complainant said in his evidence that he recognised the client (who did not have a disguise) as he had met him a week before with a male called 'Harry'. Despite the positive identification 'K' was unanimously acquitted.

R v F (2018) – It had been alleged by the Crown that 'F' had picked up two knives during a drink-fuelled argument with the complainant. He then proceeded to attempt to stab the complainant in the chest, which resulted in defensive wounds to his hand – one of which severed a tendon and caused significant bleeding. It was advanced that this was a case of self-defence and that 'F' had picked up a single knife to defend himself from the complainant's violent behaviour. Through firm cross-examination the complainant's account was taken apart. Finally a strong closing speech meant that the Jury unanimously accepted this explanation.

R v W (2017) – Unanimous acquittal of a client who faced trial in relation to Aggravated Burglary. The Jury returned with an unanimous acquittal after only 25 minutes of deliberation. It was alleged by the Crown that 'W' had broken into his neighbour's flat and held a knife to his throat demanding both drugs and money. This was witnessed by another member of the household. The Crown also relied on the independent evidence of a neighbour who 'W' was alleged to have told that he was going to break into the flat and to not call the police if he heard something.

R v A (2017) – Unanimous acquittal of a defendant who faced trial for the armed robbery of a dry cleaners. It had been alleged that he had entered the commercial premises with a hand-held angle grinder and threatened to cut off the proprietor's hands if he did not open the till. He then punched him in the face several times before making off with a substantial amount of cash, a Rolex watch and a laptop. The defendant was arrested 70 minutes later within a mile of the dry cleaners riding a bike that the Crown said was the same colour and model as that seen on the CCTV. The defendant was also found to be carrying a bag, which contained both the angle grinder and distinctive clothing that the Crown said could be seen on the CCTV. The defendant had a significant criminal history, which adduced before the jury. The defendant denied that he was the person on the CCTV and advanced that he had lent the angle grinder to an unknown male who returned it to him in a bag, unbeknownst to him with the clothing, just after the robbery.

R v R (2015) – R faced trial in relation to a knifepoint Robbery. It was alleged that he and his co-defendant had attempted to break into the complainant's home whilst threatening him with a knife. In R's defence, it was advanced that the complainant was the aggressor and it was he who had threatened R with the knife. Following the successful cross-examination of the complainant and eyewitnesses, R was unanimously acquitted by the jury.

R v P (2015) – 'P' was one of four defendants charged in a serious case of Robbery and False Imprisonment. It was alleged that the four defendants had tied up and beaten the complainant and had stolen his car. The case involved numerous issues of bad character and forensic evidence.

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R v C (2014) – Led by Queens Counsel. ‘C’ was accused of causing two separate counts of GBH with Intent on his 18-month year-old son. This was an emotive case that involved considerable cross-examination of experts in relation to the injuries on the child.

R v S (2014) – ‘S’ was charged with an offence of ABH where he was alleged to have bitten the complainant’s ear lobe to the point where it almost became detached. ‘S’ argued that he used reasonable self-defence as he feared an imminent attack from the complainant. ‘S’ was unanimously acquitted by the jury.

R v C (2014) – ‘C’ was unanimously acquitted of Threats to Kill, False Imprisonment and Common Assault of his former partner. This case was particularly notable as the defendant was a convicted murderer who had been released on life licence. Therefore the risk of prejudice before the jury was considerable as was the risk of conviction due to his licence conditions.

R v T (2014) – ‘T’ was unanimously acquitted of GBH and ABH on two separate complainants. It was alleged that he had beaten and bitten both of his best friends (one of whom was female) following an alcohol-fuelled argument. ‘T’ denied that he had bitten either of the alleged victims, running a mixture of reasonable self defence and a factual defence that one of the alleged victims had attacked the other.

R v W (2013) – ‘W’ faced trial in relation to an alleged unprovoked attack on her housemate, which caused a fractured nose. The case involved a successful *voire dire* and the subsequent exclusion of damaging comments made upon arrest. The first jury was unable to reach a verdict, the second jury was able to unanimously acquit the complainant after thirty-five minutes.

R v B (2013) – ‘B’ was jointly charged with Section 18, the Crown described this case as a “sustained and brutal attack” and resulted in the complainant receiving a subdural hematoma. The Crown therefore argued that this was a ‘category one’ offence. It was successfully argued at sentence that this was ‘category two’ offence, which limited the sentence received.

Fraud and Theft Offences

R v B (2015) – Three-week trial relating to a large-scale fraud and subsequent money laundering. The trial required extensive consideration of complex financial material.

R v N (2014) – Four-week trial at Winchester Crown Court. The offences of fraud related to a deception on match.com website where the gang preyed upon single women by posing as a prospective partner. One victim handed over £174,000 to a person she had never met. N was a money launderer. This trial attracted significant press attention.

Firearms Offences

R v M (2020) – Successfully argued against mandatory minimum sentence of 5 years for possession of a disguised stun gun. This was achieved following extensive research and oral submissions on the application of *R. v Avis* [1998].

R v V (2017) – Suspended sentence achieved on the basis of ‘exceptional circumstances’ where the minimum sentence was 5 years’ imprisonment.

R v B (2015) – ‘B’ had been arrested following a raid on his property (a travellers’ site) which involved over 50 police officers and a police helicopter. He had faced trial on two-count indictment of Possession of Firearms whilst Prohibited and Handling Stolen Goods. The case involved the cross examination of several police officers and an expert in firearms. The jury returned in less than an hour with unanimous not guilty verdicts.

Miscellaneous Offences

R v W (2017) – Following a 12 day trial at Isleworth Crown Court the defendant was acquitted of Conspiracy to Pervert the Course of Justice. It had been alleged that the defendant had been trying to get her two young children to change their evidence at their father’s trial for child cruelty. The case involved

the cross-examination of two young children, numerous witnesses from Social Services and the careful examination of extensive Family Court material.

R v S (2015) – S had been charged with four co-defendants in relation to offences of Conspiracy to Burglar. The Crown contended that the gang had burgled a large number of homes in the Surrey area. They had targeted homes in order to steal prestige vehicles, which were never recovered. The case involved over a thousand pages of evidence: cell site and ANPR needed to be analysed. S was advised to plead guilty on the strength of the evidence and, with mitigation, received a low sentence of forty-eight months.

R v R (2014) – R was one of three defendants facing trial in relation to a large Affray at a wedding. The case involved the cross examination of a large number of the wedding guests who were witnesses to the disorder. R was first on the indictment and was unanimously acquitted by the jury after a five-day trial.

R v A (2014) – ‘A’ and his wife were charged with Child Neglect. It was alleged that A’s wife had been beating their son, causing injury, and that he had been complicit. ‘A’ received a suspended sentence.

R v J (2014) – ‘J’ faced trial in relation to an offence of Arson (reckless as to whether life would be endangered). It was alleged that she had set fire to her partner’s flat in an act of revenge causing considerable damage and risk to other occupiers. The trial involved the successful cross-examination of the Crown’s own fire expert and cell site evidence. ‘J’ was unanimously acquitted.

R v W (2013) – W was unanimously acquitted of Possession with Intent to Supply a Class A Drug, namely cocaine. W had been found in car with 31 wraps of cocaine and cash, which the Crown believed had come from drug use.

QUALIFICATIONS

Grade 3 Crown Prosecutor
Direct Access Qualified
Duty Solicitor
BA (Hons)
Post Graduate Diploma in Law

PROFESSIONAL ASSOCIATIONS

Criminal Bar Association
South Eastern Circuit
Inner Temple