

## Charlotte Kenny

Call 1993



### Clerks' Details

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### Memberships

- Criminal Bar Association

### Education

- BA (Hull) Philosophy (First Class);
- Diploma in Law (City);
- Bar Vocational Course (London).

### Criminal CV

#### Overview

Charlotte is an accomplished advocate, regularly instructed for the defence with a comprehensive and wide-ranging experience of serious and complex criminal cases. A Category 4 Prosecutor, Charlotte is regularly instructed as a leading junior in heavyweight cases by the specialist divisions of the Crown Prosecution Service.

Appointed to the CPS specialist Rape and Serious Sexual Offences Panel Charlotte has extensive experience and recognized expertise prosecuting and defending cases involving serious sexual offences and indecent images of children.

Charlotte has extensive advisory and litigation experience in a wide range of substantial fraud cases including:

- Tax evasion
- Evasion of excise duty and multimillion pounds oil fraud
- Carousel fraud
- Advance fee, confidence and misrepresentation fraud
- Investment scheme fraud (involving international/offshore aspects)
- Land banking and mortgage fraud
- Frauds against the NHS

She is regularly instructed in other areas of serious crime including large scale drug importation and drug supply cases, homicide, conspiracies to commit armed robbery, firearms, child cruelty and neglect cases.

Complex proceeds of crime applications cases also feature in Charlotte's practice. She has a comprehensive knowledge of criminal restraint and asset protection.

## Recommendations

“Charlotte is an exceptional barrister. She commands the court room and she is an excellent advocate.”

**The Legal 500 2024**

‘Charlotte is a rigorous, commanding and engaging advocate, known for her meticulous trial preparation and forensic cross examination, she gets results. She has exceptional client care skills and puts people at ease. Clients really trust her to represent them.’

**The Legal 500 2023**

“Able to put clients at their ease from the outset of a case, good analysis of the issues and advice throughout, strong trial advocate.”

**The Legal 500 2022**

“Her cross-examination of vulnerable witnesses is skilled and sensitively undertaken.”

**The Legal 500 2021**

“Meticulous with her preparation and has a very analytical approach to cases.”

**The Legal 500 2020**

“A fierce advocate who commands the courtroom.”

**The Legal 500 2018/19**

## Cases

### Recent notable cases

#### Fraud and Money Laundering

**Operation N (2019)** Burnley Crown Court; Instructed to prosecute this multi handed high-profile fraud by false representation which followed an expose by Panorama in February 2014 revealing widespread fraud within language schools offering TOEIC (the Test of English for International Communication) the successful completion of which was required for visa applications.

The defendants conspired to run various language schools in the Greater Manchester area and to recruit both fake sitters or pilots and persons in need of guaranteed test marks to secure various objectives but principally Visas. The case was complex and involved a challenge to the integrity of the computer system used during the tests and expert recognition evidence. The trial resulted in the conviction of all principal defendants.

**Operation M (2018)** Liverpool Crown Court; Instructed to defend client alleged to have participated in money laundering the multi- million pounds proceeds of the commercial importation of tobacco products into the UK through companies. Following a forensic and detailed cross examination of the key-investigating officers on the contents of voluminous business documentation and telephone downloads the case against the client was exposed as flawed. The client maintained she had been duped and detailed examination of telephonic material and cross-referencing with business documentation established that key documentation required for the formation of businesses and transactions had emanated from other co-conspirators. A successful submission of no case to answer secured an acquittal.

**Operation P (2018)** Liverpool Crown Court; instructed for defence in conspiracy to evade excise duty involving fuel laundering on an industrial scale, systematic disclosure failures unearthed during cross -examination of witnesses resulting in a successful abuse of process argument and acquittal of client and co accused. The collapse of this case it attracted national headline news within the UK.

**Operation A (2018)** Burnley Crown Court; Instructed to prosecute a multi handed sophisticated money laundering ring. The gang operated out of a commercial office space in Burnley and were responsible for collecting, counting and depositing into over 800 bank accounts in banks across Greater Manchester and Lancashire in excess of 3.5 million pounds of criminal money. An expert was instructed to review the evidence to consider whether this was a form of Hawala banking or cuckoo smurfing with the use of international controllers directing criminal money into the accounts of unsuspecting legitimate clients. The trial resulted in the conviction of the defendants.

**Operation A (2016)** Liverpool Crown Court-instructed for defence in voluminous and complex alleged Land Banking Fraud (investors purchasing plots of land in the belief that they will significantly increase in value). It involved a total of 259 investors who were alleged to have paid out £3.5 million in respect of plots of land at a site in Warwickshire in the belief that the plots would get planning permission and make a substantial profit when the whole site was sold to a developer. The issue of no prospect was challenged. The case involved forensic examination of bank accounts and an acquittal was successfully secured for client.

**Operation T (2016)** Leeds Crown Court -Successfully prosecuted a conspiracy to cheat the revenue and launder the proceeds of a VAT fraud (which exploited the zero -rating provisions on the processing of animal carcasses into food products) to make fraudulent applications for the repayment of VAT.

### Homicide

**R v M (2020)** Liverpool Crown Court- instructed to defend M who was charged with manslaughter. A single push resulted in the deceased falling to the ground. Death was a consequence of the brain being starved of oxygen following a loss of consciousness and heart attack. The defence was self -defence and a successful submission was made at the close of the prosecution case on the basis the crown was unable to rebut it

**R v W and another (2019)** Liverpool Crown Court – instructed to defend W who was charged jointly with another (M) with murder. In January 2019 the deceased was attacked and fatally injured at a Salvation Army hostel in Liverpool. W and M were the only persons present in the room when the assault occurred. The case involved a careful analysis of the evidence particularly the forensic evidence and the law on joint enterprise. legal submissions were advanced to the Crown Prosecution Service challenging the charging decision which were subsequently accepted. The charge of murder against W was not pursued and she subsequently entered a guilty plea to perverting the course of justice and received a non –custodial disposal due to the time served on remand for murder. The co-accused was convicted of murder after trial.

### Drug Trafficking

**Operation S (2021)** Liverpool Crown Court – Instructed to defend a vulnerable young mother who was indicted on two separate conspiracies to supply class A drugs immediately prior to the birth of her first child. The case called for careful submissions in mitigation and insight into the prison regime regarding mother and baby units to secure a lenient sentence.

**Operation T (2020)** Mold Crown Court -Instructed for the defence in Operation Tide which was notably the largest police operation in the history of North Wales Police. The defendant was part of a criminal organisation who ran a county lines drugs operation stretching from North Wales and Merseyside to Cornwall and Scotland. The drugs

involved were valued in excess of £2 million and were sold over a twenty-month period. Following submissions, the client pleaded guilty and was sentenced on a favourable basis.

**R v C and Others (2019)** Liverpool Crown Court Instructed for defence to represent C in case alleging involvement in the large-scale importation and supply of class A drugs (including crystal meth) through the dark web. The conspiracy to import spanned a period of two years and the value of the drugs purchased for onward sale (country wide including Scotland) was assessed as being a minimum of one million pounds. The case involved examination of computers and phones, which revealed the use of the dark web for the sourcing and sale of drugs and the use of crypto-currency wallets for payments. C was the alleged recipient and onward supplier of a number of shipments acting under the instruction of the principal R. The case involved a careful analysis of shipping records and arguments on admissibility of evidence. The defendant C was acquitted of all counts on the Indictment. The principal Reid was sentenced to 12 years imprisonment after his early guilty plea.

**Operation K (2019)** Bournemouth Crown Court-Instructed to represent defendant playing a leading role in sophisticated counties lines drugs operation, which transported drugs from Merseyside down to the South West of England. The case involved an analysis of complex telephone data with a business line operating a divert function meaning that calls to it were diverted to other numbers operated from abroad.

**Operation F (2019-20)** Liverpool Crown Court -Instructed for the defence in 2019-20 to represent a courier for an organised crime group. The investigation led by the North West Regional Organised Crime Unit and Merseyside Police identified over 100 drugs runs made across the UK between December 2018 and June 2019 with over £8m pounds worth of class A drugs being sold during the seven-month period.

Proceeds of Crime Act 2002

**R v P (2016)** Court of Appeal – 2016 EWCA Crim 1049 Proceeds of Crime Act 2002 Instructed for the prosecution and advised on appeal following dismissal of case at Crown Court. Palmer was convicted of an offence of engaging in licensable conduct otherwise than in accordance with a licence. He operated a security firm. The issue was whether the proceeds of his trade earned when operating without a Private Security Industry licence could be considered to be criminal benefit. The starting point of any analysis is the interpretation provision in section 76 of the Act. POCA; a person benefits from conduct if he obtains property as a result of or in connection with the conduct. The question where benefit has been obtained from criminal conduct must first depend on the proper interpretation of the statute which creates the offence. The Court concluded that Section 3 of the PSIA creates and defines a prohibited act and criminalised the activity of engagement in licensable conduct, not simply failing to obtain a licence. It therefore constitutes benefit.

Operation Redstart (2013), Preston Crown Court: substantial case involving a conspiracy to supply Class A and B drugs and to launder the proceeds of crime. The case involved the instruction of a forensic accountant to successfully disprove the prosecution allegation that “drug money” had been laundered through the defendant’s bank accountants over 6-year period.

**Operation M (2007-2009)** Liverpool Crown Court: instructed as leading junior at the appeal stage and for a high value and highly complex Proceeds of Crime Act application. The sentence was successfully appealed and the subsequent The POCA ruling was also successfully appealed and reduced by close on £1m pounds.

### Sexual Offences

**R v T (2021)** Liverpool Crown Court -Following his extradition in March 2020 the defendant who faced allegations of historic sexual offences refused to speak or to instruct counsel. The Court was in possession of medical evidence confirming that he was fit to plead and prior to his extradition had regularly communicated with officers in New Zealand. The defendant’s silence was therefore deliberate and was as traditionally termed “mute of malice”. Prior to the trial significant consideration was given as to whether the mute of malice procedure (which has not been formally revoked) has survived the more recent amendments to the Criminal Procedure Rules. The practitioners’ texts do not make any reference to the impact of the Crim PR 2020 and continue to refer to the issue being determined by jury. Prior to the trial date detailed legal submissions were made to the Court advancing that whilst the mute of malice procedure had not been formally repealed the facts of this case enabled the Court to conclude that as Thorn had declined to enter his plea and there was no evidence, he was not fit to do so Criminal Procedure Rule 3.32(4)(a) of Crim PR 2020 applied enabling the Court to enter not guilty pleas and proceed to trial. The Court accepted the argument.

**R v E (2020)** Liverpool Crown Court -Instructed by the Crown to prosecute a primary school teacher for multiple counts of sexual assault on six former pupils. The trial was complicated by a police previous investigation into an allegation of sexual assault which was not then proceeded with but which subsequently formed part of the investigation. Previous concerns reported by a former member of the teaching staff (re the defendant’s conduct with other pupils) was also the subject of a successful bad character application. The case also called for careful consideration of the law on cross admissibility and assisting the trial judge with the appropriate form of direction to the jury. The trial was conducted over 2 weeks and resulted in the conviction of the defendant.

### Novel Cases

**R v P (2014)** Derby Crown Court- A highly technical and novel case involving industrial scale distribution and storage of indecent images of children and computer misuse. D also disabled employer’s computer system. Undercover FBI agent recorded and downloaded images via Gigatribe from a computer with defendant’s admitted I.P.

address. The images could not be found on D's computer but evidence indicated use of virtual computer using Gigatribe and existence of a hidden container (storing images). D (a computer expert) denied any hidden container and maintained evidence was an encryption exercise. Case required a detailed command of highly complex computer programming data and knowledge of virtual computer systems.

**R v B (2013)** Liverpool Crown Court: locally high-profile case to represent taxidermist alleged to have illegally imported and traded in endangered species. The case commanded detailed knowledge of the control of Trade in Endangered Species (Enforcement) Regulations, EU Law and interpretations. The case involved expert evidence, which included opinion on what constituted a "worked specimen" as defined by Article 2(w) of Council Regulation (EC) No 338/97.

**R v B (2008)** Liverpool Crown Court: high profile and unique child abandonment case: a mother abandoned two babies on two separate occasions and traced through DNA. The case involved research into late discovery pregnancies.