

Victoria Smith-Swain

Call 2008



Clerks' Details

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Memberships

- Vicky is a member of Lincoln's Inn, the Criminal Bar Association and the Association of Regulatory and Disciplinary Lawyers.

Education

- Bar Vocational Course, Nottingham Law School, Jul 2008
- LL.B Law, Newcastle Law School, Jun 2007
- A Levels/AS Level, NEW College, Pontefract, Jul 2003
- Kalisher Trust Bursary, Criminal Bar Association
- No.1 High Pavement Plea in Mitigation Competition 2008; Crowther Shield Public Speaking Competition 2008; and Dickinson Dees' Senior Client Interviewing Competition 2007.

Criminal CV

Overview

Vicky is a specialist criminal practitioner acting for both the prosecution and defence. She has significant experience across the full spectrum of criminal matters including:

- Firearms offences
- Dishonesty and fraud offences
- Violent offences, ranging from common assault to murder
- Sexual offences
- Drugs conspiracies
- Public order offences
- Road traffic offences
- ASBO and football banning order applications
- POCA applications and confiscation enforcement proceedings
- DWP and local authority prosecutions

Vicky has considerable experience dealing with extensive disclosure, having acted as a disclosure counsel in the Hillsborough prosecutions. She is a tenacious advocate with sound judgement that makes persuasive applications for disclosure across a full spectrum of cases.

Vicky brings a clarity of thought and expression to the advices she drafts on appeal against conviction and sentence. She represents clients on appeal where she is the original trial advocate, but also represents those clients who wish to seek alternative representation for their appeal.

Cases

R v M – represented a soldier who was successfully acquitted of attempted murder and causing grievous bodily harm (s.18). The case involved expert pathology evidence regarding various wounds and the manner in which the throat had been slit.

R v [Youth] – represented a youth charged with attempted murder. Following pleas to a lesser alternative the sentence involved complex submissions regarding modern day slavery where exploitation did not directly relate to the commission of the offence.

R v S – represented a male charged with sexual assault with a family member and procuring a miscarriage. The case involved careful consideration by a pathologist as to the viability of the baby and whether child destruction charges should be added.

R v B – represented a male charged with multiple counts of rape. This was a case involving what the experts described as extremely unusual scientific findings relating to semen not containing acid phosphatase.

DAT v Leeds Crown Court – judicial review of a decision of the Lord Chief Justice that affected almost every defendant facing a jury trial during the Covid-19 pandemic, and especially those subject to a Custody Time Limit.

R v G – successfully prosecuted a male who was described by the media as ‘Bolton’s Most Wanted’. The Defendant was a litigant in person and the case involved a re-trial following a dock identification being made.

R v D – represented a male charged with a conspiracy to possess a firearm with intent to endanger life and causing grievous bodily harm (s.18). Was the only Defendant not to face trial following a successful application to dismiss all counts against him. The case involved extensive disclosure and careful consideration of cell site evidence and telephone data.

R v J – represented a male charged with aggravated burglary, multiple counts of armed robbery and numerous counts of drug supply. The court was persuaded that the Defendant was not a ‘dangerous’ offender, avoiding an extended sentence.

R v B – successful prosecution of a female charged with theft and fraud offences, relating to over £70,000 taken from an elderly relative. The case involved evidence relating to capacity, where formal assessment of a degenerative disease only took place part way through the indictment period.

R v M – represented a young male charged with multiple counts of robbery, including taking a vehicle with the victim’s 2 year old child in the back seat.

R v N – represented a female with extensive mental health difficulties who was unfit to participate in proceedings. The case involved substantial legal argument on the legal definition of ‘functions’

for the new offence of assaulting an emergency worker in the context of 3 unlawful acts by the Police Officers immediately before and at the time of the alleged assaults. The Crown offered no evidence on all counts following the Court's finding in favour of the Defence submissions.

R v S – represented a male charged with aggravated vehicle taking, dangerous driving, child abduction, theft and frauds. Following lengthy discussions with the Crown the Defendant entered pleas to some of the allegations, as an acceptable resolution of the case and following mitigation was sentenced to 24 months custody.

R v H – represented a male for confiscation proceedings involving a successful and complex legal argument surrounding piercing the corporate veil.

R v S – represented a male charged in a large scale violent disorder. The case involved extensive CCTV compilations, issues of identification and the extent of each Defendant's conduct, and submissions relating to football banning orders whereby this would directly impact upon the Defendant's employment.

R v F – represented a male in an industrial cannabis production conspiracy.

R v B – represented a male charged in a large scale drugs conspiracy and money laundering. Following a successful half time submission the Defendant only then faced a count of possession with intent to supply and was one of only two defendant's to be acquitted in the case. The case involved extensive disclosure, Public Interest Immunity, undercover officers and extensive surveillance evidence.

R v C – represented a female who was jointly charged with three others for witness intimidation.

R v H – represented a male charged with multiple counts of burglary. The case involved complex footprint analysis and extensive legal argument over bad character and the admissibility of cell site data.

R v N – represented a male charged with a historic mortgage fraud. The case involved careful consideration of benefit figures during the confiscation proceedings that followed.

R v G – represented a female in contested confiscation proceedings involving a million pound benefit figure and multiple shared assets.

R v A – represented a male jointly charged with a cash in transit robbery.

R v H – represented a male charged with causing a police officer serious bodily harm by dangerous driving.

D v RSPCA – represented a male in his appeal against sentence for multiple charges of animal cruelty.

R v W – represented a female charged with conspiracy to burgle 14 properties, theft from multiple

motor vehicles and converting criminal property. The case involved complex expert evidence regarding the open access architecture of Gumtree and internet cookies in order to establish who placed the adverts selling the stolen property.

Recommendations

“From our first meeting, Vicky came across as a highly skilled, down to earth, competent Barrister who is passionate about what she does. Throughout the various meetings we had, I had confidence in her ability to do her very best for my defence. I was encouraged to send through any information that I thought was relevant and Vicky took the time to go through each point and explained why it was either relevant and what other information was needed, or whether it was of no relevance at all! I appreciated her straight-talking advice, but also her encouragement when I needed it. Her approach in the courtroom was fantastic and resulted in a successful defence of my case. I highly recommend Vicky without reservation and I cannot thank her enough for going the extra mile.”

Lay client testimonial following acquittal

“I assess Ms Smith-Swain to be a highly competent, professional, skilled, and down to earth advocate, who will go far. I base this opinion from client feedback (which I always obtain) and my own personal experiences from working with her. Ms Smith-Swain has also obtained good results at court in respect of my “difficult clients” who can be quite challenging and demanding... When Ms Smith-Swain covers my work, I know that all the issues will be dealt with and my clients will be well taken care of. This is of the utmost importance to my business as she is Counsel who I trust with my work.”

Claudia Francois, CFJ & Co Solicitors

“Vicky was great to have on side on the day. Clear, calm to the point and it was clear from talking to her that she genuinely loves what she does. When times like Monday come a long they generally make you take stock of things in life. Being around someone so passionate about what they do was a pleasure and refreshing, even in the circumstances – not quite a Martha Costello yet but still inspiring! ...I appreciate that a lot of the above is arguably a big part of your job but I can't help but feel like you've gone the extra mile. Sorry if this is all on the cringeworthy side but felt I had to thank you.”

Lay client's son, R v D

Beyond the Bar

Vicky enjoys travelling and experiencing new cultures and customs. She has travelled extensively and has lived in Australia and the Middle East. She has worked with orphaned and disadvantaged children in Argentina and volunteered at an elephant sanctuary in Thailand. Vicky is a PADI Advanced Diver and enjoys adrenaline sports such as skydiving, white-water rafting, horse-boarding and sand-boarding.