

# Marianne Alton

Call to Bar: 2014



Marianne is a diligent and persuasive advocate who prides herself on meticulous case preparation and client care. She enjoys a reputation for hard work and sound judgement. As well as undertaking work typical of her call, she has acted as junior counsel in a series of significant pieces of criminal litigation including cases rooted in organised crime. Alongside maintaining a busy practice in England, Marianne is a trustee of a legal charity Evolve – FILA that provides pro bono assistance in Uganda to improve access to justice, build capacity within the legal profession and promote fairness, integrity and efficiency within the Ugandan criminal justice system. In November 2018, Marianne was selected as Young Pro Bono Barrister of the Year at the Bar Council’s Annual and Young Bar Conference in recognition of her pro bono work in Uganda.

## Crime

Marianne is regularly instructed in a wide range of criminal defence and prosecution work, including offences of serious violence, dishonesty, drugs, sexual offences, public disorder, regulatory offences and confiscation proceedings. Marianne prepares and presents legal applications and arguments, such as dismissal, abuse of process, disclosure, applications to exclude evidence and submissions of no case to answer. In addition to rapidly developing a successful defence practice, Marianne is regularly instructed to prosecute both in private prosecutions and on behalf of the Crown Prosecution Service. Marianne has been appointed to the CPS General Crime Panel at Level 3, the CPS Serious Crime Panel at Level 3, the CPS Fraud Panel at Level 3 and the CPS Counter Terrorism Panel at Level 3. She has also been appointed to the Serious Fraud Office ('SFO') Panel C List

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## Practice areas:

Business Crime & Financial Regulation  
Criminal Law  
Health & Safety  
Prison Law  
Regulatory  
Road Traffic Law

## Professional appointments:

GDL - College of Law - Distinction  
CPS General Crime Panel (Level 3)  
CPS Specialist Serious Crime Panel (Level 3)  
CPS Specialist Fraud Panel (Level 3)  
CPS Specialist Counter Terrorism Panel (Level 3)  
Serious Fraud Office Panel C List

## Examples of her criminal cases include:

### Organised Crime & Homicide

**R v MO & others** (Operation Tradite North 2) – importation of class A drugs (ongoing), Manchester Crown Court. Led prosecution junior in a case involving 25 defendants, three trials (each with an estimate of around five months), over 100,000 pages of served evidence and a potential street valuation of £2 - £7 billion. Instructed by the International Justice and Organised Crime Division (IJOCD) of the CPS

**R v TAD & others** (Operation Gradative 2) – modern-slavery and conspiracy to supply cannabis, Manchester Crown Court. Instructed as junior prosecution counsel. The Prosecution case involved allegations of enslavement in the domestic context and later in the context of cannabis farms. Instructed by the IJOCD.

**R v JHS & others** (Operation Poppy) – conspiracy to murder, Central Criminal Court. Case relating to a ride-by shooting outside of a nightclub in the North East of England. The investigation was rooted in organised crime and involved a complex and heavy disclosure burden. Marianne was instructed by the CPS as disclosure counsel for a year and a half and throughout the 11-week trial at the CCC. Instructed by the IJOCD.

**R v PC & others** (Operation Gaines) – murder, Manchester Crown Court. Instructed as junior prosecution counsel. The deceased suffered a catastrophic brain injury after being struck to the head with a metal bar. Instructed by Manchester CPS.

**R v ZA and another** (Operation Clumber) – murder, Manchester Crown Court. Instructed as junior prosecution counsel. The deceased was stabbed to death with a large hunting type knife. Instructed by Manchester CPS.

**R v GW** (linked to Operation Surveying) – firearms, Liverpool Crown Court. Instructed to prosecute the defendant for possession of a shotgun and a sniper rifle. Instructed by the IJOCD.

### Violence

**R v JW** – attempted murder, Preston Crown Court. Instructed as junior defence counsel. Stabbing in which the victim was left in a coma from which he never recovered. Instructed as junior defence counsel. Defendant acquitted of attempted murder following trial.

**R v JB** – defence of a woman charged with section 18 assault. The injuries were three incised wounds as a result of an alleged ‘glassing’, with one of the shards of glass having penetrated through the chin and into the base of the tongue. Acquitted of section 18 assault following trial at Preston Crown Court.

**R v MM** – defence of a man charged with section 18 assault and robbery. The Prosecution case was that the defendant had beaten the complainant around the face with a cricket bat and threatened him with a knife. Marianne drew attention to caselaw that indicated that the facts of the case could not found a robbery allegation. On the day of trial, the Prosecution accepted a guilty plea to section 20 assault only.

**R v MM** – defence of a man charged with violent disorder. Offence alleged to have taken place during the ‘Million Mask March’ in London. Defendant acquitted following trial at Southwark Crown Court. Marianne successfully applied to exclude the statement of a police officer purporting to identify the defendant.

**R v PW** – defence of a man charged with ABH. Defendant contended that the injuries sustained by the complainant were self-inflicted. Acquitted following trial at Preston Crown Court.

**R v YH** – defence of a man charged with ABH. Defendant argued that he acted in self-defence. Acquitted following trial at Preston Crown Court.

**R v GM** – defence of a man charged with ABH, Manchester Crown Court. Successful half time submission on the basis of fundamental weaknesses and inconsistencies in the prosecution evidence.

**R v KM** – defence of a youth charged with a knife-point robbery. The trial centred on evidence of recognition given by the two complainants and a police officer. The officer was cross-examined by Marianne in relation to numerous breaches of the PACE codes of practice. Defendant acquitted after trial.

**R v RW & HP** – represented two defendants in relation to allegations of assaulting a police officer. Marianne drafted legal submissions on behalf of both defendants contending that the officers concerned were acting outside of the lawful execution of their duties. The Crown discontinued the case after receiving her submissions.

## Drugs

**R v BM** – defence of a man charged with possession of cocaine with intent to supply. Defendant acquitted following trial at Preston Crown Court.

**R v KC** – defence of a man charged with possession of cocaine with intent to supply. The defendant pleaded guilty and Marianne persuaded the Judge to disapply the sentencing guidelines and to suspend his sentence – notwithstanding the fact that the offence placed the defendant in breach of a previous suspended sentence order.

**R v OH** – defence of a man charged with possession of ecstasy with intent to supply. The defendant pleaded guilty and Marianne persuaded the Judge to disapply the sentencing guidelines and to suspend the defendant's sentence.

## Fraud

**R v AC & others** (Operation Lithium) – multi-million-pound MTIC VAT fraud, Sheffield Crown Court. Marianne was instructed by the CPS as disclosure counsel.

**R v DB** – led defence junior in a complex investor fraud case, Manchester Crown Court. **RSPCA v JK** – defence of a man charged with fraud in the context of alleged puppy farming. Following submissions on abuse of process, Marianne secured a stay of proceedings.

## Burglary and Theft

**R v DT** – defence of a man charged with two counts of dwelling house burglary, Burnley Crown Court. The defendant had a very lengthy record for similar offending and was likely to receive a sentence of around 4-5 years imprisonment had he been convicted of burglary. At trial, following Marianne's successful application to exclude evidence, the Crown dropped the burglary charges and accepted a plea to handling stolen goods. The defendant was sentenced to 12 months' imprisonment

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**R v DM** – defence of a man charged with a dwelling house burglary and theft of a motor vehicle, Preston Crown Court. The defendant (who was 19) had three previous convictions for dwelling house burglaries accumulated as a youth. Marianne drafted written submissions in relation to the sufficiency of the evidence. Following receipt of those submissions, the Crown dropped the burglary and theft charges and accepted a plea to aggravated vehicle taking and the defendant received a suspended sentence.

**R v PC** – secured an acquittal for a defendant charged with theft following his trial at Liverpool Crown Court.

## Regulatory

**R v JK** – led defence junior in a Trading Standards prosecution concerning the sale of £1.5 million worth of counterfeit toys, Preston Crown Court. Defendant received a suspended sentence.

**R v RU** – defence of a man in a Trading Standards prosecution concerning the sale of counterfeit wheel caps, Burnley Crown Court. The Prosecution calculated the loss to trademark holders to be £84,570. The defendant pleaded guilty and Marianne persuaded the Court to impose a Community Order. The Prosecution had served a 42-page authorities bundle supporting the contention that the starting point should be custody.

## Sexual Offences

**R v FT** – assisted Suzanne Goddard QC in the defence of a well-known TV weatherman over the course of a three-week trial at Manchester Minshull Street Crown Court. The defendant was charged with a series of historic sexual offences against children. The allegations dated back to the 1960's through to the 1980's.

**R v SR** – represented a youth at his ground rules hearing and trial in relation to an allegation of sexually assaulting a girl under the age of 16.

## Confiscation & Forfeiture

**R v PC** – instructed for confiscation proceedings on behalf of the defendant. The case resolved on the basis that the recoverable amount was nil and the benefit figure was a third of the figure originally advanced by the Crown.

**R v MP** – instructed for confiscation proceedings on behalf of the defendant. The case resolved on the basis that the recoverable amount was half of the figure originally put forward by the Crown.

**R v CF** – instructed for confiscation proceedings on behalf of the defendant. The Prosecution alleged hidden assets. The case resolved on the basis that the recoverable amount was a sixth of the figure originally put forward by the Crown.

**R v YC** – the appellant wished to appeal to the Crown Court against an order for the forfeiture of over £50,000 of cash by the Magistrates Court. Marianne drafted a skeleton argument and provided written advice in relation to a number of complicated areas of law. Prior to the final hearing, a settlement was reached resulting in the return of a significant proportion of the seized monies to the appellant.

## INTERNATIONAL CRIME & DEATH PENALTY WORK

Marianne has a keen interest in cases involving an international element and is a trustee of a legal charity Evolve – FILA whose volunteer barristers have assisted hundreds of people on death row in Uganda: <https://evolve-fila.org> Through the charity, Marianne has worked on numerous capital cases heard before the High Court and appellate courts of Uganda, almost all of which have resulted in the death sentence being set aside. Examples include:

**RI v Uganda** – drafted submissions under the supervision of senior counsel. This was a novel application in which the Supreme Court of Uganda was persuaded that their own decision to uphold a death sentence was a nullity as they had failed to apply their own caselaw. The application was allowed and the applicant’s death sentence was quashed. The case was remitted to the Kampala High Court. Marianne drafted submissions on sentence and a determinate sentence was imposed.

**BM v Uganda** – drafted submissions in a capital case before the Kampala High Court. The defendant suffered from mental health problems and had served around 20 years in prison following his conviction for murder. Marianne’s submissions addressed international and Ugandan caselaw on the test for the death penalty and the approach to be taken to cases involving individuals with mental disorders at the time of the offence and/or sentence. The death sentence was not maintained and instead a determinate sentence was imposed.

**KD v Uganda** – assisted drafting written submissions in an appeal against conviction (murder) and sentence (death). The Court of Appeal of Uganda allowed the appeal, quashed the conviction and released the appellant.

## ROAD TRAFFIC

Marianne provides advice and representation in all areas of road traffic law. Cases include:

**R v TA** – defence of a man charged with failing to provide a specimen of blood for analysis. Acquitted following trial.

**R v IB** – defence of a man charged with careless driving. Acquitted following trial.

**R v MH** - defence of a man charged with careless driving. Drafted legal submissions in relation to a number of areas including the definition of a ‘road’. The Prosecution discontinued on the day of trial.

**R v DB** - defence of a man charged with careless driving, failing to stop and failing to report. Acquitted following trial.

**R v SM** – defence of a man charged with careless driving. Acquitted following trial.

**R v WB** – defence of a man charged with driving whilst using a mobile phone. Successful appeal to the Crown Court.

**R v ST** – defence of a man charged with failing to provide driver information. Successful appeal to the Crown Court.

**R v JR** – successful exceptional hardship argument.

**R v RF** - successful exceptional hardship argument.

**R v CM** – represented the defendant after he was committed to the Crown Court for sentence following a guilty plea to driving whilst disqualified which placed him in breach of a Crown Court Suspended Sentence Order. Following legal submissions, the Judge was persuaded that he had jurisdiction to reopen the question of ‘special reasons’ and that he should exercise his discretion to do so. The defendant’s special reasons argument was successful, he was absolutely discharged and received a nominal fine of £1 (deemed to be paid) in relation to the breach.

**R v GB** – defence of a man charged with five counts of dangerous driving. Following acceptable guilty pleas to three of the five counts, Marianne persuaded the Judge to suspend the defendant’s sentence.

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**R v SL** – defence of a man charged with dangerous driving, driving whilst disqualified and using a car without insurance. The defendant pleaded guilty and Marianne persuaded the Judge to suspend his sentence

## PRISON LAW

Marianne represents prisoners at Parole Board hearings including cases relating to post tariff lifer and IPP reviews. Many of her cases have involved contested expert psychological evidence. Recent cases include:

The Parole Board v AJ – successful application for release at an oral hearing for a post-tariff IPP sentenced prisoner.

## OTHER EXPERIENCE & PRO BONO WORK

After graduating from the University of Oxford with a degree in Philosophy and Theology, Marianne completed the Graduate Diploma in Law and the Bar Professional Training Course through the University of Law and was awarded a first class LLB.

During her studies, Marianne received a number of scholarships and awards including an Exhibition from Pembroke College, Oxford and the Hardwicke Entrance Award, Lord Denning major scholarship and the Sunley scholarship from Lincoln's Inn.

Gaining experience prior to the Bar, Marianne has been involved in a number of projects that have helped develop her skills with a wide variety of people from different backgrounds, including vulnerable people. This included spending a full-time, fully funded gap year working in a homeless centre in Salford. Marianne also volunteered for a number of charities and pro bono organisations, including the Free Representation Unit. For example, prior to commencing pupillage she acted pro bono in an employment case, resulting in an award of £24,000 in favour of her client.

Although she has now chosen to focus her practice on criminal and regulatory work, Marianne previously enjoyed a mixed practice and has a wide range of experience including in immigration and civil law. She has acted successfully before the First-tier and Upper tribunal – including in relation to cases turning on human rights arguments. In her civil work, Marianne undertook work for both claimants and defendants and acted successfully in small claim and fast track trials.

In 2014, Marianne was awarded a Kalisher Trust scholarship which enabled her to spend six months working on a capital mitigation project in Uganda. The project assisted those convicted of capital crimes at the sentencing stage as well as on appeal. All of the cases with which she dealt were extremely serious in nature, being either murder or aggravated robbery cases. Marianne continues to be involved with the project on a pro bono basis and is a trustee of a legal charity – Evolve FILA – whose volunteer barristers have assisted hundreds of prisoners on death row in Uganda. Marianne regularly assists with cases at the High Court and appellate courts through Evolve and is developing its access to justice project.

In January 2018, Marianne was amongst a group of barristers and judges who presented at the Annual Judges' Conference in Uganda on inconsistencies and disparities in sentencing practice and policy. As a result of the conference, a number of important reforms to sentencing practice are being implemented by the Ugandan judiciary, including revising their Sentencing Guidelines.

In November 2018 Marianne was awarded Young Pro Bono Barrister of the Year at the Bar Council's Annual and Young Bar Conference in recognition of her pro bono work in Uganda.