

# Clare Ashcroft

Call to Bar: 2001



**"Clare Ashcroft is highly regarded for her skilled handling of complex criminal cases. She defends clients facing serious allegations, such as murder, sexual offences and conspiracy to supply Class A drugs. She is noted for her particular knowledge of sentencing law, in which she has a doctorate."** - Crime - Chambers and Partners 2024

**"Clare is nothing short of exceptional in all fields of work, on her feet and in private conference with lay clients."** - Crime - Chambers and Partners 2024 Tier 1 - Crime (General and Fraud) - Legal 500, 2024

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**'Clare is an outstanding advocate who cares about the work. She puts an enormous amount of effort into each case and leaves no stone unturned. As a Senior Junior, she has an encyclopaedic knowledge of the law and is not afraid to submit and pursue legal arguments in the face of adversity.'** – Legal 500 2023

**'Clare has an eye for detail. She focusses on the key issues and is always on top of her cases. She is always fully prepared and knows the case papers inside out. She is efficient and provides full written advices for instructing experts and is very hands-on during the case'** – The Legal 500, 2022.

Clare Ashcroft is ranked in the 2023 Edition of The Legal 500 as a leading junior in general crime. Clare represents those charged with the most serious criminal offences.

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## Practice areas:

Criminal Law

Inquests & Inquiry

Regulatory

# Clare Ashcroft

Clare is renowned for her significant experience in representing young defendants across a range of serious criminal offences. She is regularly instructed to represent those accused of joint enterprise and gang related murder. A very common element of Clare's practice involves dealing with complex evidence, including cell site, encrypted devices, firearms and ANPR in cases ranging from murder through to drugs, firearms and trafficking conspiracies.

Clare has developed a wealth of experience in "baby shaking" cases and the handling of highly specialised complex medical evidence. She has successfully acted for a father accused of the murder of his daughter (led); of a mother accused of inflicting life changing injuries upon her baby son and; of a mother accused of causing/allowing the death of her baby son (alone). Clare is well used to approaching cases involving the dual jurisdictions of the Crown and Family Courts.

Clare has achieved success for her lay clients as the result of legal arguments including applications to dismiss (causing/allowing death of a child; attempted murder); abuse of process; exclusion of hearsay (absent complainant; deceased witness); exclusion of late-served evidence and exclusion of bad character. Her knowledge and understanding of sentencing law, for which she gained her D.Phil, has seen Clare develop a successful appellate practice regarding appeals against both conviction and sentence, including those which are "out of time". Clare has successfully responded in a number of sentences referred to the CACD by the Attorney General.

Clare continues both to develop and to draw upon her considerable experience representing those with complex mental health needs and the very young. She is able quickly to assist in the instruction of the correct experts to address issues such as possible fitness to plead, ability to form the necessary intent, diminished responsibility, psychological and/or neurological factors (such as autism or ADHD) that might impact upon the ability of the client to engage in and understand proceedings. Her knowledge and understanding regarding disposals and sentencing pursuant to the Mental Health Act 1983 (including so-called "Hybrid Orders") is exceptional.

Clare's empathetic manner together with her experience of the use of intermediaries both for the lay client and witnesses has resulted in her representing those charged with very serious sexual offences. Clare is experienced in defending historic sexual allegations often featuring multiple complainants and substantial third party disclosure. She accepts instructions to defend sexual allegations on a private basis only.

## NOTABLE CASES

### Murder/Manslaughter

**R v OS** – defence of young male "single punch" manslaughter.

**R v BJ** – (led) defence of 3rd defendant; joint enterprise stabbing murder alleged.

**R v MN** – (led) defence of young male accused (along with another) of murdering another young boy by stabbing.

**R v EH** – (Leading) defence of young adult multi-handed trial initially charged as conspiracy to murder (application to dismiss then resulted in review to conspiracy to commit armed robbery); voluminous telephone, CCTV evidence; complex application to exclude hearsay (foundation of Crown's case) and part of the CCTV evidence. Following legal argument, case resolved by way of plea to single count of PWITS Class B.

**R v AK** – defence of former soldier accused of attempted murder, successful application to dismiss

**R v DA** – Attempted murder by a 14 year old boy of his twin brother, both suffered from rare neurological condition; fitness to plead; complex psychiatric, neurological and psychological evidence, took the lead in adducing evidence of all defence experts and cross-examination of prosecution experts; MHA 1983 disposals and ongoing review of fitness post-MHA 1983 disposal.

**R v SM** – Murder, successful defence on basis of “single punch” manslaughter. “Baby Shaking” R v DA Murder (led) – Defence of “baby shaking” case involving complex expert evidence including neuropathology, neuroradiology, ophthalmic pathology, histopathology (“the Triad”).

**R v LB** – Causing/Allowing serious injury “baby shaking” case, acting for vulnerable client. The case involved dual jurisdiction owing to proceedings in the family court, together with voluminous disclosure. Complex expert evidence including neuroradiology, ophthalmology, psychiatric and psychological evidence ( the latter adduced to establish that the client was not capable of forming the intent required). Successful application to dismiss.

**R v BB** – Causing/allowing death of a child (“baby shaking” case). Featured complex medical evidence including neuropathology, neuroradiology. Adduced psychiatric evidence to establish client unfit. Successful application to dismiss

**R v NB** – (leading) defence of father accused of causing serious life changing injury to 8 week old son. Dual proceedings in family court; expert evidence in paediatric neuroradiology, paediatric radiology.

## Firearms

**R v MH** – Defence of individual in multi-handed conspiracy to supply prohibited firearms and Class A drugs; large volume evidence (telephone/cell site/surveillance) across a multi-agency prosecution.

**R v LK** – Defence of individual in multi-handed people trafficking conspiracy involving kidnap and the use of firearm (multi-agency prosecution).

**R v CB** – Defence of alleged “leading” conspirator in multi-handed drugs and firearms conspiracy (multi-agency prosecution).

## Drugs

**R v JM** – Defence of female accused of importation of 150kg heroin; intelligence led investigation featuring international mutual assistance.

**R v IK** – Defence of lorry driver accused of importation of significant quantities of cocaine and cannabis; intelligence led investigation featuring mutual assistance. Targeted disclosure request led to PII application and matter discontinued.

**R v VdL** – Defence of individual in multi-handed conspiracy to import Class A drugs; international mutual assistance case.

## Appeals and Legal Arguments

**ER v R** – (Rex v Emmanuel Richards [2022] EWCA Crim 1470) full appeal conviction and sentence encompassing fresh evidence; bad character; disclosure and appeal sentence (convictions for rape; appellant a dangerous offender).

**R v HS** – (R v Hakeem Silini [2019] EWCA Crim 2089) CACD judgment regarding sentencing guidelines re s.18, the assessment of harm and the danger of “double counting” culpability factors

**R v JP** – (R v Mark Roberts and Others [2016] EWCA Crim 71) Full court CACD judgment (Lord Chief Justice) regarding IPP and the assessment of dangerousness.

**R v MG** – (R v Mark Golds [2014] EWCA Crim 748) Murder and diminished responsibility; the meaning of “substantial impairment”; evidence of multiple experts (psychiatric and psychological).

**R v PY** – Historic sexual offences; multiple complainants (significantly reduced in number following successful applications to dismiss); application to exclude evidence of deceased complainant.

**R v MM** – (R v Maria Mellor [2016] EWCA Crim 1445) instructed re “out of time” appeal; CACD judgment regarding prohibited firearms and the circumstances where mandatory minimum sentence is not applicable.

**R v DLF** – Successful application to stay prosecution for abuse of process. Client scaled the Manchester Wheel and had been prosecuted for public nuisance. <https://www.theguardian.com/uk-news/2014/may/06/manchester-gangster-scalesferris-wheel-protest>

## Sexual Offences/Rape

**R v MH** – Historic intra-familial sexual offences featuring multiple complainants and significant third party disclosure.

**R v RN** – Defence of familial serious sexual offences. Young complainant cross-examined under s.28 procedure and with use of an intermediary. Featured dual jurisdiction and significant third party disclosure.

**R v BM** – defence of historic rape allegations, featured previous civil proceedings, care homes.

**R v PY** – defence of multiple complainant historic rape allegations featuring familial and non-familial offending; deceased complainant.

**R v X** – defence of youngster with learning difficulties accused of multiple rapes; Toolkit cross-examination; intermediary for complainant and defendant.

## Inquests

Clare is instructed to represent bereaved families during inquests. She has experience representing those whose relatives have died in custody or otherwise in the care of the state (Article 2 inquests). Clare’s experience of police and criminal law has enabled her to consider the wider issues that arise in such cases. Her knowledge of PACE, Codes of Practice, Police Law and the Mental Health Act 1983 ensures that she is able quickly to identify and develop arguable issues.

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