



PUMP COURT

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ANDREW STONE

“Thank you for your tenacious and calculated defence”

Client

Call: 2011

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Andrew Stone joined Chambers after defending Death Row prisoners in Pakistan. He enjoys a busy Western Circuit practice with Criminal Law at its heart. Defending and prosecuting, Andrew has a broad portfolio that embraces Regulatory & Disciplinary Law as well as appearances in the Courts Martial. He is developing expertise at the Coroners Court and holds a long-term interest in Environmental Law.

Andrew’s criminal practice encompasses serious offences including rape, GBH and ‘county lines’ drug conspiracies. He has recently been successful in a long and complex multi-defendant trial concerning the theft and manufacture of illegal firearms on MOD premises. Recently he successfully appealed against a manifestly excessive sentence in the Court of Appeal. Andrew has also appeared in an important case before the Administrative Court that clarified the extent to which public order offences can take place on private land (see [DPP v JD \[2017\] EWHC 2244 \(Admin\)](#)).

Described by judges as “always manifestly well prepared and in command of his brief”, with closing speeches “persuasive”, Andrew derives particular pleasure from supplementing oral advocacy with strong written submissions. Recent examples include arguing abuse of process where key evidence had been destroyed, an application to dismiss in the case of an autistic defendant accused of multiple burglaries, and challenges to restrictions of cross-examination of complainants in a multiple rape trial.

A CPS Grade 2 prosecutor, Andrew has also been appointed to the List of Specialist Regulatory Advocates in Health and Safety and Environmental Law

Criminal

Selected Cases

R v SP & Ors

This lengthy and complex trial, which originally contained 33 allegations, concerned the theft and manufacture of over £100,000 of firearms belonging to the Ministry of Defence. Andrew Stone represented Stuart Pemberton, a former long-serving Green Jacket and sniper instructor. He was acquitted unanimously by the jury of receiving a stolen sniper rifle that was subsequently sold, along with additional equipment, for £50,000.

For further details of the case as reported nationally, please [click here](#).

DPP v JD

Criminality and sentence length can sometimes depend on whether an incident occurs on public or private land. This important case settled the law regarding whether a garden is part of the dwelling or in public for the purposes of the Public Order Act 1986. Lindblom LJ held that “the concept of a ‘dwelling’ as defined in section 8 of the 1986 Act, for the purposes of the exception in section 5(2) of that Act, will not include a domestic garden to the front or rear of a dwelling-house. Whether or not this is so will always depend on the particular facts and circumstances of the case in hand”.

R v JH

This incident of road rage involving an ABH assault on a school bus driver attracted a sentence starting at 2 years. It was successfully argued in the Court of Appeal that, however repugnant the incident, the sentencing judge erred by not giving sufficient credit for significant mitigating factors including immediate remorse, the taking of full responsibility, the relatively out of character nature of the attack, and a very difficult mental health background. The sentence was reduced to one of 8 months.

R v TC

Acquittal was secured in a rather unpleasant allegation of GBH with a machete in broad daylight in front of a number of independent eye-witnesses. Success hinged on applications relating to bad character and admissibility of evidence together with a closing speech focused on the element of doubt and an inherent danger in relying on assumptions.

R v FQ

Advisory work played a key role in keeping FQ, accused of defrauding Slough Borough Council of a considerable sum, out of prison. She had previously been advised to advance a defence of no dishonest intention that I suspected was based on the old subjective test set out in Ghosh. Advising that the test today pays less regard to what she may

have believed herself, focusing rather on what a reasonable and honest person would consider to be dishonest in the circumstances, the result was a change in plea followed by a judicial remark that immediate custody would have been inevitable had there been a trial.

R v RL

RL was acquitted of burglary following an application to dismiss the case against him. A jury, properly directed, would not be able to dismiss the possibility that due to an extensive history of rather eccentric but not criminal behaviour there was no intention to permanently deprive. RL was autistic, and a keen understanding of how this influenced his behaviour was key.

Regulatory & Disciplinary

Selected Cases

BF v CdV

15,000 litres of wine were seized at the UK border, suspected of being part of a shadow consignment fraud. In such cases multiple trailer-loads with similar goods on board are carried through customs with identical paperwork until one of them is stopped. That one proceeds to a bonded warehouse for delivery as per the documentation, while the previous uninspected loads enter the country having evaded the payment of duty. This case involved a detailed understanding of Customs and Excise law, its application, and the careful cross-examination of Customs Officers.

TS v JS

Prosecuting on behalf of Trading Standards on the Isle of Wight, this case involved a series of frauds where elderly residents were vastly overcharged for substandard home maintenance work. The Council had taken the view that a critically ill, bed-ridden witness was not in position to give evidence, yet her evidence was key. Advising on special measures, and application was duly made and granted for her to give video evidence from her bed. This directly resulted in a successful prosecution

MP v SR

This busy restaurant had its licence revoked by the local Police Authority because it was found to have employed overstayers from the Indian subcontinent, at least one of whom was also living in the basement of the premises. I successfully argued that the restaurant owner, as a significant contributor to the local economy, was perhaps lax in applying proper checks but demonstrably innocent of any deliberate attempt to flout the law. Revocation was found to have been disproportionate and his licence was duly restored.

SCC v AJ, HM

Successful second appeals against revocation of a taxi licence, based on proportionality.

SM v RSPCA

Successful removal of a lifetime prohibition on keeping animals.

Courts Martial

Selected Cases

R v Cpl M

This Fusilier was accused of a serious and unprovoked assault on another soldier in a public bar, where very clear CCTV evidence existed. Arguing self-defence involved careful presentation of mental health evidence concerning PTSD from duty in Afghanistan. This played an important role in hypervigilance, where he may perceive threats that others would not in similar circumstances.

R v LCpl T

This Lance Corporal was accused of defrauding the Army by claiming married couples living quarters when she was single. Her acquittal was secured despite evidence that not only had she been divorced some time ago, she had not previously been in the physical presence of her husband for over a decade.

R v Pte T

Representing a Private that had deserted the Army some ten year previously, it could be shown that although a lengthy custodial sentence was to be expected in such cases it would not be appropriate here. Successful mitigation resulted in a Service Community Order.

Qualifications

- Sir Joseph Priestley Scholarship (2013)
- BPTC, University of the West of England (2011)
- ADR Group Mediator Course, University of the West of England (2010)

- GDL, University of the West of England (2010)
- BA (Hons) Philosophy, University of Sheffield (1993)

Professional associations

- Honourable Society of the Inner Temple
- Western Circuit
- Criminal Bar Association
- Association of Regulatory and Disciplinary Lawyers
- UK Environmental Law Association