



# Barnaby Shaw

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## Barnaby Shaw has prosecuted and defended a broad range of publicly and privately funded criminal cases for 25 years.

As a grade 4 prosecutor since 2010, he has been regularly instructed on multi-handed cases involving the activities of organised criminal groups' participation in people smuggling, sex trafficking, modern slavery, drugs importations, Op. Venetic supply networks and County lines operations.

Barnaby specialises in defending and prosecuting RASSO cases involving both adult and juvenile defendants and complainants; murder; gang-related violence and associated criminal activity such as kidnap and drugs supply and fraud; trading standards prosecutions; Court Martials and private advisory work on criminal matters.

Based in the Midlands, instructions are accepted for work nationwide.

## Expertise

### Murder & Manslaughter

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In the last 18 months Barnaby has prosecuted as junior in two murder trials:

- (i) a two defendant murder seeking to rob an elderly victim; and
- (ii) a 6 defendant murder by stabbing of a 14 year old victim, with a racially motivated undercurrent.

His role involved cross-examining two of the defendants in the latter case, as well as –

- liaising with police building the case presentation material;
- liaison with victims' family at court and family meetings;
- preparation of presentation of case for leading counsel.

### Notable Murder & Manslaughter cases

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**R. v. DAY and BROWN Winchester Crown Court September / October 2020**

**R. v. KHAN and others Birmingham Crown Court February / March 2022**

## **Modern Slavery**

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Barnaby Shaw prosecutes and defends in cases involving organised gang related international and national trafficking and the subsequent exploitation by forced and compulsory labour – agricultural workers, charity clothes collecting, building industry and exploitation by prostitution.

He routinely prosecutes and defends on cases under the 2015 legislation. This was very soon after it came into force including defending in Hampshire's first prosecution under MSA 2015 involving the trafficking and exploitation by a Romanian family of other vulnerable / susceptible Romanians and prosecuting Wiltshire's first case for recruitment, trafficking and exploitation of Eastern Europeans into and within the UK.

### **Notable Modern Slavery cases**

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**R. v. Edani and Stanley HARROW CROWN COURT August 2021**

As leading counsel prosecuted a man and woman for sex trafficking women from Brazil and their subsequent exploitation in London.

## **Sexual Offences**

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Barnaby Shaw is a specialist RASSO prosecutor at Grade 4 level since 2010 and as such has regularly prosecuted the most serious of sexual offences. Part of this work involves accepting instructions to provide pre-charge advice to the Crown Prosecution Service and taking cases through to trial. Barnaby prosecutes and defends such cases and he has become skilled at the thorough analysis of voluminous material generated from mobile phones and documents to be assessed for disclosure under 3rd party protocols – fundamental to the proper scrutiny required for such cases. The cases involve sexual offences against children – both single and multiple victims, stranger rapes, date rapes, rapes within relationships.

He has developed through experience and training the specialist skill in the interaction with and examination of child witnesses.

### **Notable Sexual Offences cases**

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**R. v. Lake CHICHESTER CROWN COURT (P) - August 2020**

Prosecution of rape by intoxicated defendant of intoxicated victim.

## **Historic Sexual Offences**

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About 50% of the cases Barnaby is instructed in are 'non recent' offences involving the rape and sexual abuse of complainants that tend to accentuate the fundamental feature of the allegations involving one person's word against another's. This requires exploration of the dynamics between complainant and defendant to determine the veracity or otherwise of the allegations when both prosecuting and defending. Frequently these cases involve multiple complainants requiring the need for either effective presentation when prosecuting or comprehensive cross-referencing when defending.

An important area of expertise is taking instructions and assisting defendant who are elderly and sometimes in stages of dementia.

## Notable Historic Sexual Offences cases

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### **R. v. Whiles and another (D) TEESSIDE CROWN COURT June 2017**

Foster parents charged with the physical and sexual abuse of foster children in their care in the 80's and 90's; the defendant being deemed unfit to stand trial through dementia in the first 3 days of the trial and the trial continuing as a trial of whether he did the acts.

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### **R.v. Philpotts (D) Colchester Barracks November 2016 and Carlisle Crown Court September 2018**

An ex-RAF officer standing trial for sexual offences against 7 complainants (partial acquittals) when a Scout Leader on posting in Germany in the 1980's and a further allegation (acquittal) of rape against one of the same complainants in the UK.

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### **R.v. Bradshaw (P) Derby Crown Court December 2021**

A 5 victim prosecution of historic sexual abuse by a family member and friend when the complainants ranged between the ages of 7 and 15.

## Gangs & Organised Crime Groups

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International people smuggling gangs:

- covering involvement of those at the head of the operation, negotiating fees for movement from place of origin (frequently Kurdistan) across Europe to the UK;
- those participating in the movement through Europe – taxi drivers, lorry drivers;
- those facilitating payment and laundering criminal property through Hawala banking devices. Presentation of evidence from multiple sources – mobile phone data and communication platforms; banking transactions; ANPR; covert surveillance; CCTV and eye-witness testimony.

County lines gangs operating networks with associated criminal activity – kidnap, torture, drugs supply, modern slavery.

## Notable Gangs & Organised Crime Groups cases

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### **R v. HOGER and others WOOLWICH CROWN COURT Sept 2018 – June 2022 (P)**

Leading counsel in rolling prosecutions of 20 participants in a people-smuggling ring utilising the final chance for European Arrest Warrants. Presentations of evidence from 140 mobile phone handsets communicating in Sorani dialect using VIBER.

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### **R. v. Jaye and others IPSWICH CROWN COURT February-March 2020 (D)**

Leading counsel in a county-lines case with associated kidnap and false-imprisonment. A successful submission of no-case

to answer.

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### **R. v. Clarke and others IPSWICH CROWN COURT 2021/2022 (P)**

An early ENCROCHAT prosecution of 3 and then 5 linked individuals to commercial supply of cocaine during lockdown.

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### **R. v. Khan and others SOUTHWARK CROWN COURT 2020/2021 (D)**

Defending a £40 million drugs supply using Encrochat gang.

## **Firearms**

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Barnaby's expertise in this field includes:

- Shotgun and firearms licensing.
- Appeals of refusals and removal of licences.
- Prosecuting and defending possession of illegal firearms and components.

## **Military Law**

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During his career Barnaby has regularly been instructed to represent service personnel at court martials for service offences and non-military offences both in UK court centres and overseas. This has included ex-service personnel for offences alleged to be committed whilst serving.

### **Notable Military Law cases**

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#### **R. v. Philpott COLCHESTER COURT MARTIAL CENTRE January 2017 (D)**

Defence of ex-serviceman before military court – historic sexual offences. Acquitted on the majority of charges.

## **Sexual Harm Prevention Orders**

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Drafting and responding to SHPO's and tailoring to particular cases.

## **Driving fatalities/causing serious injury**

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Defend  
DEATH BY CARELESS AND DANGEROUS DRIVING.

Barnaby advises and represents parties in driving fatality cases, whether publicly or privately funded.

### **Notable Driving fatalities/causing serious injury cases**

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### **R.v. Pink Northampton Crown Court 2020-2021(P)**

Causing death of a pedestrian by dangerous driving in darkness in the early morning.

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### **R. v. Taha Peterborough Crown Court September 2021 (D)**

Causing the death of a pedestrian by dangerous driving when attempting to play a practical joke.

## **Proceeds of Crime: confiscation**

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Frequently instructed in post-conviction POCA proceedings.

## **Restraint Orders & Account Freezing Orders**

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Specialising in the early challenge of restraint and account freezing orders. Taking client through the various options open to them and challenging the pre-conceptions and procedure behind such orders to seek the early setting aside of orders.

## **Money Laundering**

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A specialist in analysing the use of the Hawala banking system to launder the proceeds of criminal conduct; following the practice of multiple cash deposits around the country and distinguishing legitimate and illegal transfers of money.

### **Notable Money Laundering cases**

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#### **R. v. Hoger and others Woolwich Crown Court 2018-2022 (P)**

A large scale people smuggling operation funded by sums transferred by Hawala banking involving hundreds of transactions and multiple participants.

## **Fraud**

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The prosecution of multi-million pound frauds against charitable organisations and businesses.

### **Notable Fraud cases**

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#### **R v. Arckless St Albans Crown Court 2021 (P)**

Prosecution of one half of a couple that defrauding and then laundering the criminal proceeds from a charity, that resulted in the loss of £4m.

## Memberships

- Criminal Bar Association

## Languages

- English

## Awards

