



# Giles Fleming

Call 2016

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Since joining Drystone in 2017, Giles has developed a busy practice both prosecuting and defending, with the large majority of his work in the Crown Court. He also appears in serious Youth Court matters, and accepts private instructions at all levels. He has appeared before the Court of Appeal on several occasions, usually with successful outcomes.

Giles has been instructed in a range of serious cases including people-trafficking, aggravated burglaries, and offences under s.18 of the Offences Against the Person Act. Cases in which he has been led have included allegations of murder, modern slavery, and multi-complainant historic sexual abuse.

Giles has in depth experience of complex white collar crime offences, having been instructed for several years as part of the team representing a global natural resources company facing a possible SFO prosecution for corruption offences. When instructed alone, he has represented defendants accused of high-value frauds, including successfully defending a client accused of conspiracy to commit a £270,000 romance fraud.

## Expertise

### Murder & Manslaughter

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Giles has experience of the most serious offence in the criminal calendar, despite his relatively junior call. He is a reliable and efficient junior.

#### Notable Murder & Manslaughter cases

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##### **R v F & D (2022)**

Led by Andrew Jackson. Prosecution of a murder case. Stabbing arising out of a feud between rival drug dealers.

## Modern Slavery

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Giles has taken a keen interest in Modern Slavery offences throughout his career, working during pupillage on the leading case of *R v Joseph & Others* [2017] EWCA Crim 36 on the defences available to victims of human trafficking; and as a result also assisted in the preparation of the practitioner text *Human Trafficking and Modern Slavery: Law and Practice* (Southwell, Brewer and Douglas-Jones), focussing in that context on the prosecution of the perpetrators of slavery and trafficking offences.

He has subsequently prosecuted and defended in a number of cases involving alleged victims, and has been instructed as junior counsel in the prosecution of 4 defendants alleged to have trafficked a 16-year-old from London to East Anglia to sell class A drugs.

### Notable Modern Slavery cases

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#### **R v B, H, R-W & W (2022)**

Led by Stephen Mather. Prosecution of conspiracy to traffic a 16-year-old boy from London to Huntingdon, and to coerce him into involvement with the supply of cocaine and heroin.

## Historic Sexual Offences

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### Notable Historic Sexual Offences cases

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#### **R v S (2020) – Led by Claire Howell**

Prosecuted a defendant convicted of sexual abuse of 4 different complainants, all of whom were children at the time, over a period of 4 decades.

## Gangs & Organised Crime Groups

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Giles has worked on a wide range of cases involving different aspects of organised crime, from the trafficking of people into the UK to high-value drug supply, and from organised fraud conspiracy to serious gang-related violence.

He is particularly adept at assessing and deploying detail-heavy evidential material, including complex phone and cell site evidence, and lengthy financial records.

### Notable Gangs & Organised Crime Groups cases

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#### **R v C, F & M (2022)**

Led by Stephen Mather in ongoing prosecution of conspiracy to supply wholesale quantities of cocaine, investigated by the NCA.

#### **R v H-B & L (2021)**

Prosecution of two defendants responsible for smuggling a group of Albanian nationals to the UK on board a sailing yacht, most of whom subsequently reported that they had been trafficked.

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### **R v M (2021)**

Represented defendant in a gang-related stabbing. The client's guilty plea amounted to his second conviction for a s.18 offence. Despite this, and despite the Crown arguing that this was a 1A offence on the guidelines (starting point 12 years), a sentence of less than 7 years was achieved, thereby also securing more favourable release provisions.

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### **R v K (2019)**

Represented the first defendant in a multi-handed trial for conspiracy to commit fraud, arising out of a "romance" fraud in which the two identified victims had lost more than £270,000 over the course of several months. Acquittal on a submission of no case to answer.

## **Proceeds of Crime: confiscation**

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Giles has appeared in a number of confiscation proceedings, some of which have been pursued to contested final hearings. He advises on the possible implications of confiscation in realistic and accessible terms from an early stage in proceedings. He has successfully avoided confiscation entirely for some clients. Where it cannot be avoided, he helps to mitigate its effects, whether a negotiated settlement or a rigorous defence is most appropriate.

### **Notable Proceeds of Crime: confiscation cases**

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#### **R v M (2019)**

Contested final confiscation hearing. After evidence from the defendant and his partner, the judge accepted the defence case that there were no available assets, and made a nominal order.

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#### **R v S (2017)**

Contested final hearing, in a case with alleged benefit figure of approximately £180,000.

## **Corporate Liability (Under Financial Crime/ Civil Recovery)**

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Giles' long-running instruction as part of the team representing a global natural resources company concerns a possible prosecution by the SFO for corruption offences. A key consideration has been the possible route or routes by which corporate liability might be found, from traditional principles of identification of the company with a directing mind and will, to the more recent legislative technique of imposing strict liability with a tightly-limited defence (such as in the Bribery Act 2010).

## **Fraud**

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Giles has in depth experience of complex white collar crime offences, having been instructed for several years as part of the

team representing a global natural resources company facing a possible SFO prosecution for corruption offences. When instructed alone, he has represented defendants accused of high-value frauds, including successfully defending a client accused of conspiracy to commit a £270,000 romance fraud.

He is particularly adept at assessing and deploying detail-heavy evidential material, including financial records and extensive historic correspondence. He is familiar with document management platforms for large projects, and has the ability to identify details and patterns within extensive datasets of that kind.

During pupillage, he worked with the team prosecuting the LIBOR and EURIBOR litigation.

## Notable Fraud cases

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### Re: E (ongoing)

instructed as part of the team representing a global natural resources company facing a possible SFO prosecution for corruption offences. Topics on which Giles has worked have included abuse of process; the "adequate procedures" defence under s.7 of the Bribery Act; witness interviews; and assessing related civil litigation.

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### R v D (ongoing)

representing a defendant charged with an alleged £144,000 fraud over an 8-year period. Discussions with the prosecution led to an acceptance of a lesser date range, and a commitment not to pursue confiscation proceedings.

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### R v K (2019)

Represented the first defendant in a multi-handed trial for conspiracy to commit fraud, arising out of a "romance" fraud in which the two identified victims had lost more than £270,000 over the course of several months. Acquittal on a submission of no case to answer.

## Memberships

- CPS Prosecutor at Level 2
- SFO C-Panel
- Member of the Criminal Bar Association
- Member of Grays Inn
- Member of the Howard League for Penal Reform