



## Robert Newcombe

Year of call: 1996

Year of silk:

### About

Barrister Robert Newcombe has secured numerous acquittals for clients. For example: Mortgage Fraud

Murder

Mortgage Fraud

Appeal Against Conviction (Reporting Restrictions apply)

Rape 1. Fraud Act: Mortgage Fraud Title Fraud: 2 month trial (and two week re-trial) at the Crown Court at Preston. Mr Newcombes FCA approved mortgage broker client (of good character) was charged with making false representations on behalf of clients in order to induce mortgage lenders to believe that a number of residential conveyancing transactions were genuine, when they were not. Properties were sold without the real owners knowing. The defence case that the broker was not a knowing participant was accepted by the jury. Detailed cross-examination of the Crown expert on a large number of conveyancing files assisted the defendants case. 2.

Murder: Central Criminal Court: 2 month trial at the Central Criminal Court. Mr Newcombe was led by Mr Kerim Fuad QC, head of Church Court Chambers. A man was stabbed to death outside Stockwell Underground Station during a public order incident. Two young men were tried for murder and several others were charged with conspiracy to commit violent disorder and GBH with intent. The evidence against Mr Newcombes client was: (a) he was seen on CCTV running into the fracas; (b) the deceaseds blood was found on his hoody and (c) he was seen on CCTV re-enacting what appeared to be the fatal blow, afterwards. The jury accepted his case that he was neither a principal or secondary party to murder, and he was acquitted of all charges. He had assisted the police with their inquiries at all stages. The forensic evidence of the blood staining was in fact consistent with that which any bystander at the scene may have been expected to have received, according to the prosecution forensic expert, in cross-examination. 3. Conspiracy to Defraud: Mortgage Fraud, tried at the Central Criminal Court. The prosecution case against the defendant (bank employee of good character) collapsed after 4 weeks of financial expert evidence against this defendant and several others. The allegations included use of false documents to obtain many millions of pounds of mortgage advances. Dogged pursuit of disclosure requests, combined with a written submission of No Case at the end of the prosecution evidence lead to no evidence being offered at that late stage, against Mr Newcombes client. 4. Offence not

Disclosable: Appeal against Conviction: Court of Appeal (Criminal Division): Mr Newcombe acted for an Appellant before the Full Court, with leave to appeal, and bail for the Appellant. The nature of the Appeal concerned Fresh Evidence. The conviction was quashed. A reporting restriction is in place relating to the Judgment of the Court. 5. Rape: Crown Court at Bradford. The defendant was acquitted of raping his own son, several years earlier. The jury heard about the defendants previous conviction for unlawful sexual intercourse with his step-daughter (aged 15 at the time). This convictions use by the jury was limited to background only and not propensity, after submissions before the learned judge. In 2015 Mr Newcombe represented a Bishop (of previous

good character) who was convicted of rapes which occurred many years ago (two week trial, at Inner London Crown Court before HHJ Madge). Four other females also made allegations of indecent and sexual assault, of which he was also convicted. The defendant received a sentence of 25 years imprisonment. In sentencing, the learned judge agreed that a determinate sentence was appropriate notwithstanding that he had made a finding that the defendant was a Dangerous Offender. This was due to the defendants age (66) and the length of the determinate sentence to be passed. The learned judge referred the case to the Hon. Lowell Goddards Independent Inquiry into Child Sexual Abuse, for consideration, given his concerns regarding the previous investigation by the Local Authority where some of the females lived and concerns relating to regulation of Churches.

Cyber Fraud and Financial Crime Robert Newcombe has wide experience in financial crime cases, as well as in multi-million pound cyber frauds conspiracy to defraud and money laundering. He acts as leading junior counsel or as junior alone in these fraud trials. He has lectured on cyber fraud to solicitors and barristers for CPD: for example with a former Head of Operations of the British Armys Cyber Warfare branch, as part of the Church Court Chambers lecture series: Cyber Fraud and Cyber Security: Trojan Botnets, Web-Injects and Mules Law and Practical Case Management.

Wide Ranging Experience Robert Newcombe has a breadth and depth of criminal law experience and is often engaged by clients (often of good character and high standing in the community) specifically because of his ability to master technically complex facts and legal areas. A recent case involved a CHIS (Covert Human Intelligence Source). The abuse of process hearing relating to prosecution disclosure lasted for four weeks. RIPA Authorizations; Search Warrants; Open Justice; potential Waiver of Privilege by the Crown and the Burden and Standard of Proof were issues on which Robert submitted written documents, and made submissions. Robert has acted as trial counsel in over a dozen homicide cases at the Central Criminal Court and elsewhere. In a Newton Hearing in 2016 at the Central Criminal Court involving 2 days of evidence, acting as junior alone, Robert succeeded in persuading the learned judge that the killing had not been done for financial gain as the Crown alleged which reduced the Life sentence by 20 years. In other murder cases Robert has been instructed as junior counsel to QCs, and has conducted attempted murder trials as junior counsel alone. He acted as leading junior counsel in a nine handed conspiracy to defraud for two months at Southwark Crown Court, where the client was first on the indictment. Issues involved the scope of the conspiracy and guilty pleas of two co-defendants, and whether their bases of plea were admissible. Robert Newcombe also led another barrister in chambers, Oliver Grimwood, in a successful two month money laundering trial where video-links to witnesses in Jamaica were set up. Firearms Mr Newcombe has acted as junior alone, representing clients for attempted murder and is very familiar with firearms and their legitimate and illegal uses. Antique hammer guns or concealed key-ring guns or fully automatic machine pistols Robert has a wide array of experience with their deployment. He has lectured to barristers and solicitors on this technical area.

Environment and Planning Law Robert Newcombe is also a specialist in cases prosecuted by the Environment Agency, including all waste and pollution matters and the Environmental regulatory offences. He often acts for businesses and landowners. After a nine week trial in 2013 his landowning client was acquitted of s.33 Environmental Protection Act matters. A strong challenge was made to the use of covert surveillance by the Environment Agency, the use of which is not authorised under the Police Act 1997. In addition to his Environmental Law expertise, Robert Newcombe also is instructed to defend and prosecute in Planning Enforcement cases under the provisions of section 179 et seq of the Town and Country Planning Acts. These have included Appeals to the Inspector and Statutory Appeals to the High Court and injunctions, as well as jury trials. His Regulatory work also includes cases prosecuted by the Health & Safety Executive. In 2014 he represented a business owner at Southwark Crown Court who was tried for breaches of the Work at Height Regulations, which resulted in the fatality of an employee. Expert Evidence Robert Newcombe

has a real flair for dealing with contentious expert evidence, whether it be financial, FCA related evidence; or medical evidence including brain injuries; or blood spatter, glass shards, ballistics and DNA evidence; or surveyors reports regarding baselines on land levels; or cell site and telecoms evidence; or engineering or waste management industry expert evidence. Reported Cases R v Mitchell [2004] EWCA Crim 3206 Rape conviction, appeal dismissed. (S.41 YJCEA 1999 temporal provisions). R v Kuosmanen [2005] 1 Cr. App. R. (S.) 354 ID documents sentencing. R v C [2015] CA(CD) Reporting Restrictions Apply.

Cyber fraud and Cyber Security: Trojan Botnets, Web Injects and Mules (at the University of Northumbrias Centre for Evidence and Criminal Justice Studies) and as part of the Church Court Chambers CPD Lecture series.

Firearms: Law and Case Management (CPD for practitioners)

Defending Environmental Prosecutions (CPD for practitioners)

The Honourable Society of Lincolns Inn

Association of Regulatory and Disciplinary Lawyers

Criminal Bar Association

UK Environmental Law Association

Royal Forestry Society

## Cases of note

### **R v S Southwark Crown Court (2014)**

*Leading Dejan Mladenovic of chambers. Defendant denied conspiracy to manufacture and distribute identity documents on an industrial scale. He was convicted and sentenced to 4 years imprisonment after a two month trial.*

### **R v B Teesside Crown Court (2013)**

*Leading counsel in two day Proceeds of Crime and sentencing hearing involving multi-million pound drugs conspiracy. Negative equity in residential property portfolio.*

**R v C Croydon Crown Court (2011)**

*Leading Oliver Grimwood of chambers. Defendant was acquitted of laundering cash to Jamaica using money transfer companies after a two month trial.*

**R v S Inner London Crown Court (2008)**

*Leading counsel, where defendant was convicted of being in possession of a Skorpion sub-machine pistol, key-ring gun and handgun, and more than a kilo of heroin, with intent to supply. Defendant granted bail between conviction and sentence.*

**R v H Central Criminal Court (2017)**

*Multi-handed fatal stabbing and perverting the course of justice. To be tried in 2017. Led by Kerim Fuad QC.*

**R v A Central Criminal Court (2015)**

*Defendant acquitted of Murder after being present at the scene of a fatal stabbing, led by Kerim Fuad QC.*

**R v N Central Criminal Court (2007)**

*Defendant acquitted of Murder after a man was bludgeoned to death on the back seat of the car he was driving, led by Tim Barnes QC.*

**R v M Central Criminal Court (2005)**

*Defendant acquitted of Murder after three-way cut-throat defences, led by Nigel Baker QC.*

**R v H Newcastle Crown Court (2009)**

*Defendant stabbed father and pleaded guilty to Manslaughter on day of trial (provocation); not guilty of Murder, led by Paul Sloan QC.*

**R v S Central Criminal Court and Court of Appeal (Criminal Division) (2004/5)**

*Defendant convicted of Murder in the course of robbery on elderly victim. Identity and causation in issue, with numerous similar fact robberies. Medical evidence challenged from neuropathologist; pathologist; neurosurgeon; A&E registrar; ambulance crew and GP, led by Tim Barnes QC.*

**R v H Central Criminal Court (2003)**

*Defendant pleaded guilty to Manslaughter after injecting friend with heroin, led by Nigel Rumfitt QC.*

**R v C Central Criminal Court (2016)**

*Murder. Newton Hearing against QC. 2 days of evidence to determine whether Crown could prove whether killing was for financial gain. Finding in favour of defendant which meant Life sentence was some 20 years lower than might otherwise have been the case. Aggravating factors were concealment of body.*

**R v P Central Criminal Court (2009)**

*Defendant acquitted of Attempted Murder after injured party was shot in the head with a .22 shot cartridge fired from a pre-1880 hammer pistol. Both defendants were successful with their defence of accident.*

**R v O Central Criminal Court (2011)**

*Defendant acquitted of joint enterprise Attempted Murder, but convicted of aggravated burglary and possessing (and discharging) a firearm during a Schedule 1 offence. Co-accused was convicted of attempted murder.*

**R v F Central Criminal Court (2009)**

*Defendant acquitted of Attempted Murder after stabbing his brother 9 times. The jury accepted the defence of self-defence. The assailant brother was unarmed.*

**R v A Canterbury Crown Court (2010)**

*Defendant was acquitted of Conspiracy to Supply Class A drugs. 25kg of drugs in the boot of his car as he entered the UK from a ferry. The two co-accused in the vehicle when it was stopped by Customs were convicted.*

**R v A Central Criminal Court**

*Joint enterprise Murder allegation.*

**R v N Central Criminal Court**

*Defendant acquitted of Murder after man bludgeoned to death on back seat of the car he was driving.*

**R v M Central Criminal Court**

*Defendant acquitted of Murder after three-way cut-throat defences.*

**R v H Newcastle Crown Court**

*Defendant stabbed father and pleaded guilty to manslaughter on day of trial (provocation); not guilty of Murder.*

**R v S Central Criminal Court and Court of Appeal (Criminal Division)**

*Defendant convicted of murder in the course of robbery on elderly victim. Identity and causation in issue, with similar fact robberies. Medical evidence challenged from neuropathologist; pathologist; neurosurgeon; A&E registrar; ambulance crew and GP.*

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*Defendant acquitted of Attempted Murder after injured party was shot in the head with a .22 shot cartridge fired from a pre-1880 hammer pistol. Both defendants were successful with their defence of accident.*

**R v O Central Criminal Court**

*Defendant acquitted of Attempted Murder, but convicted of aggravated burglary and possessing (and discharging) a firearm during a Schedule 1 offence.*

**R v A Canterbury Crown Court**

*Defendant acquitted of Conspiracy to Supply Class A drugs. 25kg of drugs in the boot of his car as he entered the UK from a ferry.*

**R v C Preston Crown Court**

*Mortgage fraud and money laundering involving fraud on the title of residential properties (re-trial 2015).*

**R v N Central Criminal Court**

*Mortgage fraud relating to over 170 residential properties. Conspiracy to Defraud and Obtaining money transfers by deception (for trial 2015).*

**R v S Southwark Crown Court**

*Leading Dejan Mladenovic of chambers. Defendant denied conspiracy to manufacture and distribute identity documents on an industrial scale. He was convicted and sentenced to 4 years*

*imprisonment after a two month trial.*

**R v C Croydon Crown Court**

*Leading Oliver Grimwood of chambers. Defendant was acquitted of laundering cash to Jamaica using money transfer companies after a two month trial.*

**R v K Teesside Crown Court**

*Defendant deputy manager of nursing home convicted of similar fact ill-treatment of multiple residents under s. 44 Mental Capacity Act.*

**R v X Central Criminal Court**

*Defendant found unfit to stand trial due to progressive brain tumour fraud in breach of trust alleged to be million.*

**R v C Croydon Crown Court**

*Operation Lath: investigation commenced by FBI in USA and involved a conspiracy to defraud UK banks of tens of millions of pounds. The Zeus Trojan virus had been utilised by a sophisticated criminal syndicate to assist in withdrawing funds from internet accessible bank accounts.*

*This case involved the use of Trojan botnets (to acquire compromised sensitive data), web-injects (to phish) and money laundering mules (to cash-out from drop accounts).*

**R v Y Southwark Crown Court**

*Operation Mandrill: investigation into conspiracy to defraud the Student Loans Company of millions of pounds together with a further conspiracy to defraud UK banks.*

*This case involved the use of Trojan botnets (to acquire compromised sensitive data), web-injects (to phish) and money laundering mules (to cash-out from drop accounts).*

**R v C Preston Crown Court**

*Mortgage fraud and money laundering involving fraud on the title of residential properties: Acquittal.*

**R v N Central Criminal Court**

*Mortgage fraud relating to over 170 residential properties. Conspiracy to Defraud and Obtaining money transfers by deception: Acquittal.*

**R v K Teesside Crown Court**

*Defendant deputy manager of nursing home convicted of similar fact ill-treatment of multiple residents under s. 44 Mental Capacity Act. Expert opinion taken from one of the countrys leading professors of psychology to establish whether a base-line existed beyond which the nominal complainants lacked capacity.*

**R v X Central Criminal Court**

*Defendant found unfit to stand trial due to progressive brain tumour fraud in breach of trust alleged to be million. Crown Offered No Evidence.*

**R v Y Newcastle Crown Court**

*Defendant convicted of sexual activity with a person with a mental disorder impeding choice,*



*where 27 year old complainant had a mental age of 4-5.*

**R v A Newcastle Crown Court (2016)**

*Abuse of Process involving CHIS, lasting 4 weeks. Reporting Restrictions apply.*

**Environment Agency v J: Newcastle Crown Court (2013)**

*Defendant acquitted after 9 week trial of Permitting the Deposit of Controlled Waste, offence under s. 33 Environmental Protection Act. Defence consisted of suitability of deposited material and the de minimis principle and statutory defence. Challenge to the policy of permitting trespass by EA officers even though no Police Act 1997 authorisation is possible.*

**Environment Agency v A: Redbridge Magistrates Court (2015)**

*Defendant pleaded guilty very early in proceedings to numerous charges contrary to the Transfrontier Shipment of Waste Regulations and was sentenced to a non-custodial sentence.*

**Environment Agency v V: Guildford Crown Court (2007)**

*Defendant sentenced to a non-custodial sentence after permitting the deposit of hundreds of tons of controlled waste at a swan sanctuary.*

**Health & Safety Executive v H: Southwark Crown Court (2015)**

*Defendant convicted of breaches of the Work at Height Regulations, resulting in a fatal fall from scaffolding, after failing to attend for his trial (whilst serving a life sentence for murder).*

*Robert Newcombe has been involved with many cases where lack of mental capacity has been in issue and is interested to explore further cases in this area.*

**High Court (Chancery Division) fraud**

*Lancashire Mortgage Corporation v Ioku and Onabrakpeya the signatory to a false mortgage application was advised to submit to questions on his affidavit of means. He was then not charged with any offence.*

**B v BBC**

*Article 2 Right to Life Application for emergency injunction (on behalf of alleged murderer while awaiting trial) to prevent footage of murder victim being broadcast. BBC submitted that the Human Rights Act did not apply to its broadcast function, but this was rejected by Collins J: it was arguable that it did for the purposes of the application.*

*Statutory appeals to High Court and injunctions specifically in relation to the Town & Country Planning Act.*