



Practice

Sean remains absolutely committed to providing a thorough, professional and unstinting service to his lay and professional clients alike. As an experienced criminal defence advocate he strives to ensure that the rule of law is rigorously applied and, particularly, that the protections that this purports to provide are advanced on behalf of all those against whom the state has decided to instigate a criminal prosecution.

He remains equally passionate in his commitment to representing the families of those who have lost loved ones in circumstances where the deceased was in a dependant position in relation to agencies of the state, whether in police custody or in prison. He will always seek to ensure that any failings of those agencies which may have contributed to the death will be clearly exposed and publicly scrutinised and, where appropriate, individual and institutional accountability demanded.

(a) Criminal Defence

Sean has a thriving Crown Court practice and is instructed in serious cases across the criminal law spectrum as both leading and junior counsel. In recent years he has been instructed as leading junior in a number of cases including: ***R v Peters and Others***, a £500,000 cheque fraud, ***R v Butt and Others*** a multi-handed £10,000,000 international money-laundering case arising out of HMRC Operation Labici and ***R v Hussain and Others*** an eight-handed conspiracy to rob in which his client was one of only two defendants acquitted.

Serious violence

Sean has particular experience in offences involving the most serious violence, armed robbery and firearms. He has been instructed as Junior counsel in a number of murder trials at the Central Criminal Court and in his own right in an attempted murder case ***R v Searle***. His numerous Section 18 cases, include serious injuries to babies: ***R v Featherstone and Another*** (acquitted of all allegations of inflicting injuries to the child); the causing of multiple death by dangerous driving: ***R v Cherry and Another***; multiple robbery of the targeted elderly (eight counts): ***R v White***; armed robbery and conspiracy to rob: ***R v Samuels and another*** (led); ***R v Eguaba and Others***; ***R v Hussain and Others***, (one of two defendants out of eight acquitted: leading); numerous cases involving possession of firearms with intent to endanger life/ commit indictable offences: e.g. ***R v Harriott*** (acquitted of two counts of attempted murder); conspiracy to kidnap, false imprisonment, blackmail, threats to kill: ***R v Hutchison and Others*** (acquitted on all counts); ***R v Khurram***; ***R v Green and Others***; ***R v Sinnarsa and Others***; ***R v Gaynor*** (acquitted).

In February 2011 Sean represented a defendant originally charged with two counts of attempted murder of police officers: ***R v Ryan Johnson***. The defendant was alleged to have made off on foot from police officers following a short car chase and to have stopped and discharged a semi-automatic pistol directly at them from a distance of 40 to 50 feet. After a seven day trial at Isleworth Crown Court the jury acquitted the defendant of all counts, including attempted section 18 wounding,

Year of Call

1996

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Education

B.A. (Hons.) Politics, First Class, University of Sussex,
M.A. International Relations, University of Sussex, Certificate in Postgraduate Research Skills, University of Sussex.

Practice Areas:

Sean Horstead is a member of the following Practice Areas:

- Courts Martial
- Crime
- Inquests

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possession of a firearm with intent to endanger life and possession of ammunition.

Serious public order matters

All manner of serious public order disturbances including, inter alia, organised football violence: ***R v Row and Others***; ***R v McNamara and Others***; conspiracy to cause public nuisance (so-called 'rave' cases), including ***R v Steinecker and Others*** (successful application to dismiss against his client leading to the collapse of the case against all defendants); violent disorder: ***R v Stevens and Others*** (acquitted of violent disorder and section 18 wounding); ***R v Harmonjot Singh and Others*** (acquittal following successful application to exclude evidence of identification obtained in breach of PACE codes); acquitted of two section 18 woundings of the same alleged victim within a three day period: ***R v Habib Salary and Another***

Serious sexual offences

Sean has appeared for the defence in some of the most challenging sexual cases of recent years. In January of this year Sean was instructed in ***R v Wells***, (for press coverage [click here](#)) a month long historic child sexual abuse case involving some 44 counts of rape and indecent assault involving the defendant's daughter and several of her friends. In ***R v K*** another case of historical sexual abuse, the defendant was acquitted of multiple counts of rape, buggery and indecent assault alleged by his step-daughter. The defendant was acquitted of all but four counts of indecent assault, and three of those convictions were subsequently over-turned by the Court of Appeal (see below).

In ***R v W*** Sean represented a 14 year old diagnosed with autism spectrum and significant learning difficulties in a case involving allegations of the rape of two boys under the age of 9 and indecent assault of two girls aged 4 and 6: the defendant was just 11 years' old at the time of the alleged offences, making him one of the youngest alleged perpetrators of this kind of multiple offending in UK criminal history. Sean has appeared in a number of other rape and serious indecent assault matters, including notably ***R v Nandasena***: an allegation of indecent assault by a care worker upon a patient (leave granted for appeal against conviction, appeal against sentence allowed); and more recently an acquittal in the rape trial of ***R v Smith***.

Serious drugs offences

Numerous cases involving conspiracy to supply drugs of Class A, B and C and/or possession of large amounts with intent to supply the same: ***R v Roberts*** (acquitted, 2 kilos of heroin); more recently: ***R v Harisingh and Another*** involving 2.4 kilos of cocaine and ***R v Heath and Others*** (firearms with intent and possession with intent to supply heroin, crack cocaine and ecstasy). Sean has successfully defended many large scale cannabis cases including, recently, ***R v Oviahon*** (acquitted of an alleged importation of 60 kilos of cannabis); and sizeable commercial cannabis cultivation cases: ***R v Fane and another***; ***R v Webb and Collins***.



In April 2009 Sean secured the acquittal of a defendant in a case arising out of one of the largest seizures of cannabis in the history of the Metropolitan Police Service (some four and half tonnes of imported cannabis) at Wood Green Crown Court: **R v Musa and Others** (for initial press coverage click here).

In the last year Sean has appeared in two of the largest conspiracies to import cannabis to the United Kingdom on record. June 2010, after a six week trial at Bristol Crown Court, Sean's client was the only one of eight defendant's acquitted in a £63,000,000 conspiracy to import cannabis. The conspiracy was alleged to have been one of the largest in British criminal history and received wide-spread press coverage: **R v Stephen Docking and Others** (for press coverage click here).

In February of this year Sean acted as leading junior in a four-handed three week trial (in the absence of the defendant) at Isleworth Crown Court involving some 32 importations of cannabis amounting to in excess of 16 metric tonnes.

Serious dishonesty offences

Sean's experience covers a broad compass including conspiracy to steal; conspiracy to commit housing benefit fraud; credit card fraud, including large-scale 'skimming and cloning' operations; £500,000 conspiracy to defraud: **R v Peters and Others** (leading); money laundering: **R v Butt and Others**, part of HMRC Operation Labici involving in excess of £10,000,000 (leading) (both mentioned above) and was led in an acquittal secured following successful application to stay as an abuse of process in an £8,000,000 tobacco importation case (**R v Georgiou**). In February of this year Sean secured an acquittal in a £66,000 housing benefit fraud following a successful submission of no case to answer.

Sean has experience of the Court of Appeal in appealing against conviction and sentence, with and without leave including in **R v Cherry** reducing a sentence (after trial) for causing death by dangerous driving x 3 and in **R v Peters** reducing a sentence for fraud offences, having renewed the leave application before the full Court, leading to the Appellant's immediate release. Last year Sean successfully appealed conviction in relation to three counts of indecent assault. In **R v K [2009] All ER (D) 71 (Sep)** the Court of Appeal quashed the convictions on the basis of submissions that the amendment of the indictment during the trial to include counts of indecent assault as alternatives to rape, where the appropriate alternative of unlawful sexual intercourse was time-barred, was improper.

(b) Inquests

Since 1997 Sean has appeared in coroner's inquests before juries all over the country on behalf of the families of those who have died in police custody, in prison (as serving and remand prisoners) and in connection with police vehicle pursuits. He continues to act pro bono when necessary.

Sean has frequently obtained 'neglect' verdicts and/or highly critical narrative verdicts, leading to the use by coroners of their Rule 43 powers in a number of notable inquests including those into the deaths of:

Scott Robbins (death in Metropolitan Police custody, neglect verdict);
John Sambells (death in Portsmouth Police custody, neglect verdict);
John Everett (death in HMP Norwich, neglect verdict);



Craig Whelan (Greater Manchester Police pursuit death, critical coronial comment), for press coverage click [here](#);

Dean Miller and Tunde Allimi (Metropolitan Police pursuit deaths, highly critical coronial comment);

Michelle Allen (death in Metropolitan Police custody, neglect verdict);

Seamus Walsh (police pursuit death, Burnley area);

Gary Butler (Metropolitan Police pursuit death);

Andrew Cliff (death in HMP Holme House, neglect verdict);

Lee Duvall (Metropolitan Police custody death, critical narrative verdict and coronial comment);

John Hinde (Greater Manchester Police restraint choking case, highly critical narrative verdict and coronial comment), for press coverage click [here](#);

John Hyslop (death in HMP Wandsworth, critical narrative verdict);

Sean Beard (Staffordshire Police restraint choking death, critical narrative verdict and coronial comment). For press coverage click [here](#);

Mohammed Rasuel (death in HMP Wandsworth: neglect verdict);

Jamie Yuksel and Voker Hasa (two boys killed on a railway level crossing: highly critical coronial comment re Network Rail).

Since joining Garden Court in May 2008, Sean's commitment to inquest work has continued. In September 2009 he represented the family of **Terry Nicholas** in a month-long, high-profile inquest arising out of a fatal shooting by a number of Metropolitan Police Firearms Officers. The inquest involved detailed questioning, over weeks, of the Gold, Silver and Bronze Commanders involved as well as the firearms officers directly and personally concerned in the fatal shooting of Mr Nicholas. Issues of operational planning and risk assessment, operational execution and dynamic risk assessment, command, communication and control; officer deployment, strategy and tactics and officer and commander training were all tackled. Matters were additionally complicated by the provisions of the Regulation of Investigatory Powers Act 2000 as applied in an Article 2 inquest context. For press coverage click [here](#).

Other notable inquests over the last two years include:

James Robinson (suicide in prison: narrative verdict)

Callum Mclean (death in Ashton Police Station, Manchester: neglect verdict with highly critical narrative attached and highly critical coronial comment). For press coverage click [here](#).

Patrick Ewens (death of an infirm elderly serving prisoner in HMP Swaleside: neglect verdict with highly critical narrative attached and adverse coronial comment);

Barry Taylor (death of an elderly prisoner in HMP Holme House from complications arising from *delerium tremens*: neglect verdict and highly critical narrative attached). For press coverage click [here](#).

Lucy Smith (suicide of a vulnerable young mother shortly after release from police custody in Brighton, Coroner sitting alone: critical narrative verdict);

Michael Spencer (suicide of vulnerable professional father shortly after release from police custody in the Swindon area, Coroner sitting alone. Significant changes to Force policy and practice confirmed in the light of issues arising from the death);

Sean Hardy (death following contact with East Midlands Ambulance Service and



Derbyshire Police: narrative verdict highly critical of both EMAS and police; extensive and highly adverse Coronial comment); For press coverage [click here](#)

Paul Davies (another police restraint choking death, this time involving South Wales Police: neglect verdict with a highly critical narrative attached. Police National Computer system changed as a direct consequence of the findings at inquest to allow a warning of 'propensity to swallow drugs' to be included when appropriate).

Background

Prior to coming to the bar Sean taught International Relations and Human and Civil Rights at the University of Sussex for a number of years. During this period he worked closely with Professor Mary Kaldor on a project funded by the United Nations University analysing the post-1989 revolutions in East and East Central Europe, culminating in the publication of two books, both edited by Mary Kaldor: *Citizenship and Democratic Control Contemporary Europe* (1996) and *The European Rupture: The Defence Sector in Transition* (1997).

Memberships and Associations

Sean is a long-standing member of **INQUEST**, a member of the Inquest Lawyers' Group (ILG) and has contributed numerous case reports to the ILG publication Inquest Law over the years. Sean is a member of the ILG Steering Committee.

He is a member of the **Criminal Bar Association** and has been a member of **Amnesty International** and **Greenpeace** for over twenty years and remains committed to the work of these organisations.

Interests

Originally inspired by 'The Clash', Sean has played the drums in various bands for over twenty-five years, though, sadly, a record contract has yet to materialise.

Profile updated March 2011