



GARDEN COURT CHAMBERS

Emma Fenn

YEAR OF CALL: 2010



Emma Fenn is a specialist criminal defence barrister with a particular interest in financial crime, serious violence and child abuse cases. She is regularly instructed in a wide range of criminal cases in courts across London and throughout the rest of the country.

She also conducts advisory work in relation to appeals and CCRC applications. Emma is consistently ranked in Chambers & Partners and the Legal 500.

In 2022, Emma was appointed to sit part-time as a Recorder on the South Eastern Circuit (Crime).

"Absolutely outstanding. Emma can turn her hand to anything and infuses her cases with tact, calmness and brilliant tactical acumen."

CHAMBERS UK, 2024

"She dedicates time beyond the scope of her brief to client care and proves invaluable in her guidance both tactically and on legislative points."

CHAMBERS UK, 2024

'Emma is a strong senior junior who has a quick ability to set the tactical direction of a case. She is a persuasive and determined advocate.'

LEGAL 500, 2024 (CRIME)

"Exceptionally bright and fantastic at getting straight to the heart of the case. She is very engaging and able to win over the most difficult of clients. Her written work is excellent."

CHAMBERS UK, 2023

"She thinks of all the conceivable eventualities before they arise and is a brilliant strategist and tactician."

CHAMBERS UK, 2022 (CRIME)

"Emma is an extremely clever, caring, and dedicated criminal barrister. She is always willing to go the extra mile in her preparation and client care."

LEGAL 500, 2022 (CRIME)

If you would like to get in touch with Emma please contact the clerking team:

crimeclerkmailbox@gclaw.co.uk | +44 (0)20 7993 7600

You can also contact Emma directly:

emmafenn@gclaw.co.uk | +44 (0)20 7993 7793

CRIMINAL DEFENCE

Emma is an experienced criminal defence barrister who specialises in serious criminal cases including financial crime and non-accidental injury cases, where complex medical issues arise. She frequently appears in multi-handed murder, violence and drugs cases and has experience of sexual offences including historic

allegations. Emma acts as a led junior and junior alone.

She is an author of *Miller on Contempt* and *The Disclosure Referencer*. In 2018 she was appointed a special adviser to the Justice Select Committee at the House of Commons in their inquiry into whether disclosure in criminal cases is functioning effectively.

Prior to the Bar, Emma gained experience of serious cases including “boiler-room” fraud and "baby-shaking" working for Hickman and Rose. Emma also brings her experience at the Criminal Cases Review Commission referring miscarriages of justice to the Court of Appeal to her practice.

In 2022, Emma was appointed to sit part-time as a Recorder on the South Eastern Circuit (Crime).

NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of reported cases.](#)

Murder, Serious Violence and Firearms

County lines murder

R v NK (Bristol Crown Court)

Led by Peter Wilcock QC. Client acquitted after being accused of murdering a leading member of a drugs gang in a cuckooed flat in Somerset. Successful defence that one of the other members of the gang had committed the murder before committing suicide shortly after.

Defendant shown to be victim of violent knife assault

R v JA (Snaresbrook Crown Court) Not guilty verdicts entered in wounding with intent allegation where defence obtained expert evidence to demonstrate the alleged victim had attacked the defendant with a knife.

Defendant victim of historic sexual abuse

R v DM(Woolwich Crown Court) Not guilty verdict entered for allegation of violent robbery in the home where analysis of the unused revealed the complainant had a history of sexually abusing males and then accusing them of robbery.

Determinate sentence for convicted terrorist

R v JU(Woolwich Crown Court) Determinate sentence imposed after initial charges of section 18 against prison officer whilst serving lengthy extended sentence.

Violent disorder turns fatal

R v DG(Central Criminal Court)

Led by Dean George QC, 2 Bedford Row. Client and his extended family faced trial for a large violent disorder which led to the fatal stabbing of DG's ex-girlfriend's new partner. Sentenced to a minimum term of 21 years well below the starting point of 25 years. Conviction appeal pending with the Court of Appeal.

Pre-planned machete attack culmination of decade-long family feud

R v NC (Birmingham Crown Court)

Led by Peter Wilcock QC. Murder where the defendant had been kidnapped by the sole identification witness six months prior. Followed a series of retaliation attacks including an attempted GBH with a car used as the weapon.

Mandatory minimum sentence for multiple firearms and ammunition

R v DA (Southwark Crown Court) Allegation beginning as five counts of possessing firearms and ammunition with intent to endanger life resulted in mandatory minimum sentence of five years.

Allegation of a family argument turning violent

R v LR (Central Criminal Court)

Led by Henry Blaxland QC. Young defendant acquitted of the attempted murder of his sister after a family argument turned violent. Unique case in that the defendant had a brain tumour when under ten years old and the subsequent cognitive effect meant he was a borderline case of being fit to plead and required an intermediary throughout trial.

Allegation of gang-related murder

R v JA (Central Criminal Court)

Led by Ali Naseem Bajwa QC of QEB Hollis Whiteman. Instructed to represent young defendant charged with joint enterprise murder with a hunting knife.

Cold Case review leads to trial for historic assassination

R v TB (Blackfriars Crown Court)

Led by Stephen Kamlisch QC. Conspiracy to murder in historic East End gang murder where Crown alleged sophisticated planning and disposal of evidence following daytime assassination with a firearm.

Determinate sentence in robbery using an imitation firearm

R v DC (Central Criminal Court)

Determinate sentence in the context of an armed robbery of a cash converters using an imitation firearm.

Prosecution offer no evidence after defendant shown to have alibi

R v DK (Harrow Crown Court)

Case revolved around the time delay on CCTV which the defence were able to show meant that DK could not have been at the scene of an aggravated burglary.

Non-custodial sentence in serious assault allegation

R v CM(Isleworth Crown Court)

Non-custodial sentence imposed for allegation which began as a grievous bodily harm with intent charge.

Warring Family in Violent Disorder

R v SR(Stafford Crown Court) Six-week violent disorder trial involving two sides of a warring family culminating in a conviction for attempted murder for one of the members of the opposing family.

Causation successfully challenged in Murder case

R v WW (St Albans Crown Court) Working with Icah Peart QC in relation to manslaughter case where jury accepted punch by defendant did not cause the death.

Child Abuse - Non-Accidental Injury and 'Baby Shaking'

Challenge to pathological evidence after sudden death

R v FJ (Harrow Crown Court) Led by Anya Lewis QC in case where mother accused of causing the death of her baby by failing to obtain medical assistance.

Defendant acquitted after challenge to medical evidence

R v JS (Isleworth Crown Court)

Led by Anya Lewis QC. Defendant was acquitted of shaking his daughter in his re-trial, after successfully appealing his conviction in the Court of Appeal.

New medical evidence in baby shaking case leading to CCRC application

R v BS (2018)

Application to the CCRC in relation to a murder conviction given new medical evidence available.

International Child Abduction Case with novel compensation argument

R v SA (Norwich Crown Court)

Child abduction case with international and cross-disciplinary elements including Brussels II and Hague Convention civil proceedings and enforcement proceedings in America and Lithuania. Prosecution tried to recover legal fees in civil proceedings via criminal compensation.

Parents exonerated after medical evidence challenged

R v Karissa Cox and Richard Carter (Guildford Crown Court)

Led by Michael Turner QC in trial at Guildford Crown where parents innocent of child abuse three years after baby was removed from their care and subsequently adopted. This case was extensively reported in the press, including by [The Telegraph](#), [The Guardian](#), [The Mirror](#), [ITV](#), [The Daily Mail](#) and [The Independent](#).

Foster carer acquitted after trial

R v CD(Bexley Magistrates' Court)

Secured acquittal of a foster carer accused of assaulting her autistic foster son. Main prosecution witness was a social worker with no connection to the family.

Drugs and General Crime

Death threats to MPs

R v PR(Southwark Crown Court) Limited custodial sentence imposed in context of mental health evidence. Widely reported in the press.

Drugs conspiracy with modern slavery defence

R v SP (Wood Green Crown Court)

Client accused of assisting head of a drugs conspiracy. National Referral Mechanism utilised and not guilty verdicts entered.

Perverting trial for telling the truth in police interview

R v BA (Isleworth Crown Court)

Client acquitted. Police mis-identification led to perverting charge for a truthful prepared statement given in police interview. Circumstances focused on an accidental drug overdose. Those present at the scene had failed to get help.

Extensive drugs conspiracy conducted from prison across West Midlands and London

R v GH(Birmingham Crown Court)

Led by Stephen Kamlisch QC. Drugs conspiracy where conspiracy conducted from within the prison estate.

Multi-kilogram high purity drugs conspiracy across West Midlands and London

R v SS(Luton Crown Court)

Led by Stephen Kamlisch QC. Drugs conspiracy where extensive telephone analysis conducted in relation to prosecution failures to investigate.

R v GC (Peterborough Crown Court) Client avoids immediate prison sentence after supplying Class A drugs at the Secret Garden Party festival.

Perverting allegations dropped

R v DD(Isleworth Crown Court) Prosecution offer no evidence after legal argument in relation to perverting the course of justice charges.

Prosecution unable to demonstrate knowledge of drugs

R v DS (Blackfriars Crown Court) Prosecution offered no evidence in firearms and drugs trial after defence legal argument submitted relating to knowledge and therefore possession of drugs. Co-defending with Alex Rose.

Narrow basis of sentence successfully argued

R v NM(Worcester Crown Court) Defendant sentenced to limited prison term after supply of drugs at a festival in breach of suspended sentence. The case was reported [here](#).

Successful dismissal argument based as item not adapted to cause injury

R v NB(Newcastle Crown Court)

Successful application to dismiss for possession of an offensive weapon on basis base of champagne glass had not been adapted to cause injury.

Simple possession plea accepted

R v LC (Isleworth Crown Court)

Prosecution accepted plea to simple possession of class A drugs after representations made. This case was reported in [The Daily Mail](#).

Successful application to dismiss after DNA found on moveable object

R v PN (Isleworth Crown Court)

Successful application to dismiss where the allegation was a violent robbery in the home and the only evidence to link the defendant to the allegation was his DNA on an item of clothing found near the getaway car.

Sexual Offences

R v KD(Southwark Crown Court) Court of Appeal reduced determinate sentence by 25% where judge was found to have erred in concluding taking advantage of an intoxicated victim was analogous to using alcohol or drugs to facilitate the commission of the offence.

R v P (Woolwich Crown Court) Indecent image case where expert evidence obtained to challenge categorisation of indecent image.

R v G (Southwark Crown Court) representing a father accused of sexually abusing son against background of acrimonious divorce with previous false allegations.

R v RS (Kings Lynn Magistrates' Court) Community order secured for offence of intentional exposure.

R v B (Guildford Crown Court) Client accused of sexual communication with a child against a background of training at the same gym.

R v P (Ipswich Crown Court) Community order imposed after guilty plea to sexual communication with a child.

R v M (Willesden Magistrates' Court) Client acquitted of intentional exposure where no evidence anything other than a private act.

Road Traffic Offences

Drug driving

R v GH (Lowestoft Magistrates' Court) Client fined after guilty plea to multiple charges of 'drug driving'.

Procedural failure results in acquittal

R v IB (Wimbledon Magistrates' Court)

Client acquitted after Prosecution unable to prove effective service of notice requesting driver information.

Careless Driving

R v UP (Ealing Magistrates' Court)

Client acquitted of careless driving after collision with vulnerable pedestrian.

Special Reasons

R v JB (Bexley Magistrates' Court)

Special reasons hearing with charges of dangerous driving and drink driving where defendant received a suspended sentence despite dangerous circumstances and high reading.

CRIMINAL APPEALS

Emma conducts advisory work in relation to appeals and CCRC applications.

NOTABLE CASES

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R v KD(Southwark Crown Court) Court of Appeal reduced determinate sentence by 25% where judge was found to have erred in concluding taking advantage of an intoxicated victim was analogous to using alcohol or drugs to facilitate the commission of the offence.

New medical evidence in baby shaking case leading to CCRC application

R v BS

Application to the CCRC in relation to a murder conviction given new medical evidence available.

Investigating officer convicted of leaking to press leading to CCRC application

R v SI

Application to the CCRC in relation to new evidence linked to a gang-related murder in London.

Court of Appeal quash conviction in shaken baby case

R v JS (Court of Appeal)

Led by Anya Lewis QC. Court of Appeal quashed the conviction of a shaken baby case involving finely balanced medical evidence.

Court of Appeal consider whether statistical basis for criminal benefit

R v MN and others(Court of Appeal)

Court decline to interfere with confiscation order where undercover drug purchases were used to calculate criminal benefit.

FINANCIAL CRIME AND CONFISCATION

Emma acts as a junior alone and led junior in complex fraud and confiscation matters. This has included a variety of areas of financial crime including VAT evasion, boiler room fraud, mortgage fraud and cases where property and trusts law interact with criminal proceedings.

NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of reported cases.](#)

Trademark Infringement Fraud

R v S (Snaresbrook Crown Court)

Instructed in high-value designer goods trademark infringement fraud where agreement on restricted basis on

one charge agreed.

Malware Attack Fraud

R v GH(Canterbury Crown Court)

Not guilty verdicts entered where client accused of using her IP address to commit series of money laundering bank transfers following a malware attack on a financial investment company.

Crown seek extensive hidden assets finding

R v TP(Central Criminal Court)

Hidden assets limited to 10% of original figure of in excess of £1 million.

Community order secured in wide-ranging immigration fraud

R v MB(Southwark Crown Court)

After linked trials lasting almost 18 months, MB was given a community order for a false application for a visa having been originally charged with a wide-ranging conspiracy

Prosecution offer no evidence after extensive disclosure failings regarding cross-border issues

R v CL (Kingston Crown Court)

Led by Stephen Kamlisch QC. Prosecution offered no evidence in multi-million pound international cigarette smuggling and VAT evasion case after failing to comply with their disclosure duties following detailed defence submissions on abuse of process.

Crown seeks confiscation of tainted gifts

R v VK (Isleworth Crown Court)

Limited agreement reached in confiscation proceedings following immigration fraud where Crown sought confiscation order of in excess of £300,000 tainted gifts

Serious Crime Prevention Order application successfully opposed

R v JB (Southwark Crown Court)

Led by Henry Blaxland QC. Successfully resisted the imposition of a SCPO and reached a satisfactory agreement with the Crown in a complex confiscation hearing spanning two multi-million pound frauds.

Acquittal after trial of multi-count fraud indictment

R v ZL (Southwark Crown Court)

Client acquitted of multiple counts of fraud in wide-ranging credit card frauds of high-value designer clothing and accessories

Partner's beneficial interest successfully asserted

R v TL (St Albans Crown Court)

Successful argument relating to partner's beneficial interest in a property resulting in extensive reduction to the available amount

Statutory Assumptions Rebutted

R v TA(Reading Crown Court)

Benefit figure reduced to around £250,000 from just under £1million sought on basis of rebuttal of the statutory assumptions and successful argument relating to wife's beneficial interest in a property

Confiscation Proceedings Discharged

R v REK(Southwark Crown Court)

Led by Bernard Tetlow QC. Proceedings discharged after Crown asked for a benefit figure of just under £200 million and an available amount of £7 million. The original case was reported in [The Daily Mail](#)

Novel Method of Calculating Criminal Benefit Challenged

R v SR and others (Stafford Crown Court)

Ten-day confiscation hearing dealing with novel arguments relating to the use of a drugs telephone. The case was reported [here](#). The case was subsequently argued in the Court of Appeal.

Legal Argument relating to Third Party Interests of family members

R v DC, Winchester Crown Court (2015)

Led by Bernard Tetlow QC in complex confiscation proceedings dealing with property and trusts legal argument relating to the beneficial interest in a property

Novel argument relating to obtaining pecuniary advantage

R v IA, Manchester Crown Court (2014)

Three-day confiscation hearing arguing novel point of law linked to human trafficking. This case was reported by the [BBC](#) and the [Manchester Evening News](#).

PROTEST RIGHTS

NOTABLE CASES

Past notable cases can be viewed below. [Click here to see a list of recent notable cases](#).

Police Misconduct / Protest Cases

Acquittal following Kurdish protest at Turkish Embassy

R v G (Snaresbrook Crown Court)

Not guilty verdicts entered after analysis of CCTV evidence undermines prosecution case.

Acquittal following explosive substances allegation at Buckingham Palace

R v MM (Southwark Crown Court)

Client acquitted after discharging a smoke grenade on the roof of Buckingham Palace. Case raised interesting human rights argument relating to the compatibility of the reverse burden of proof with Article 6 ECHR for this type of offence.

Financial penalty received after initial allegation of violent disorder

R v AJ (Southwark Crown Court)

AJ fined for an offence of section 4 public order after initial violent disorder charge after protest in Brixton.

Half-time submissions successful in Trafalgar Square protest

R v LO (Hammersmith Magistrates' Court)

Successful half time submission in relation to alleged assault on a police officer during Trafalgar Square protest.

Crown accept caution in fracking protest

R v MGG (Redhill Magistrates' Court)

Crown offers no evidence after caution accepted after fracking protest.

Crown offers no evidence after fox-hunting protest

R v AB (Bury St Edmunds Magistrates' Court)

Crown offers no evidence after alleged assault during a fox hunting protest.

Illegal eviction assault acquittal

R v ZM (Stratford Magistrates' Court)

ZM acquitted of assaulting a bailiff after protest relating to illegal evictions.

Anti-ISIS protestors acquitted

R v GO and others (Hammersmith Magistrates' Court)

Kurdish anti-ISIS protesters acquitted of assaulting the police after peaceful protest in Parliament Square.

YOUTH JUSTICE & CHILD RIGHTS

Emma represents children and young people in the Court of Appeal, Crown Court and the Youth Court. She has dealt with a range of cases affecting children including murder, offences of violence, possession of offensive weapons and drugs offences including where the defendant is found to be a victim of modern slavery/and or trafficking. She is thorough and determined in the way she prepares and conducts trials with children and young people and the specific issues and requirements of those cases.

Emma has instructed and worked with a wide variety of experts to ensure children obtain the best representation possible. This has ranged from psychiatrists and educational psychologists to drug and CCTV experts. She has taken steps to obtain relevant social services, medical and school records for children where it is relevant to the underlying reasons for commission of alleged offences as well as ensuring that intermediaries are in place wherever there is a need.

Emma has also mounted admissibility and fitness arguments surrounding gang and drill evidence and the cognitive age and abilities of young defendants as well as making detailed reference to the case law on sentencing children and young people and always ensures that the unique requirements and needs of children are promoted within the criminal justice system.

NOTABLE CASES

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Judge declines to impose mandatory minimum sentence

R v DK (Reading Crown Court)

Vulnerable young adult avoided prison where convicted of possessing a blade in breach of a suspended sentence for same offence.

Allegation of a family argument turning violent

R v LR (Central Criminal Court)

Led by Henry Blaxland QC. Young defendant acquitted of the attempted murder of his sister after a family argument turned violent. Unique case in that the defendant had a brain tumour when under ten years old and the subsequent cognitive effect meant he was a borderline case of being fit to plead and required an intermediary throughout trial.

Non-custodial sentence for serious drugs and violence

R v SW (Harrow Crown Court)

Detailed mitigation and background information was obtained to ensure this 16-year-old defendant received a Youth Rehabilitation Order for violent and drug supply offences.

Allegation of gang-related murder

R v JA (Central Criminal Court)

Led by Ali Bajwa QC. Instructed to represent 17-year-old defendant charged with joint enterprise murder with a hunting knife. Challenged admissibility of gang and drill evidence.

Judge imposes fine instead of imprisonment where defendant 17 at time offence

R v LC (Guildford Crown Court)

For offences usually attracting immediate imprisonment (class A supply and identity document offences), a fine was imposed after a deferred sentence.

Non-custodial sentence for serious sexual offence

R v JZ (Wimbledon Youth Court)

17-year-old child received a Youth Rehabilitation Order for assault by penetration.

BACKGROUND

From April 2018 to July 2018 Emma was one of two independent special advisors to the Justice Committee's Inquiry on Disclosure of Evidence in Criminal Cases

From January to March 2018 Emma worked with the Chief Justice of the Supreme Court of Uganda and the Chief Advisor to the Ugandan judiciary in Kampala. Emma received this Pegasus scholarship and worked closely with the University of Pepperdine in seeking to improve the criminal justice system in Uganda.

From September 2013 to June 2014, Emma worked at the Criminal Cases Review Commission during which time she investigated a number of potential miscarriages of justice and referred cases back to the Court of Appeal. Emma brings this experience to her criminal and appellate practice.

Prior to coming to the Bar, Emma worked as a paralegal at Hickman and Rose Solicitors under the supervision of Jenny Wiltshire and Ross Dixon. She was involved in a wide variety of criminal cases including serious fraud, 'baby-shaking' cases, murder, drugs. She has since spent time at Hickman and Rose on secondment in their financial crime and regulatory department.

In 2022, Emma was appointed to sit part-time as a Recorder on the South Eastern Circuit (Crime).

PUBLICATIONS

Author of the third edition of "Miller on Contempt" published December 2017

Author of the second edition of the "Disclosure Referencer" with Tom Wainwright and Shahida Begum published December 2017

"When exoneration comes too late to keep a family together" writing with Stephen Lue of the Garden Court Family team, *Legal Action Group* December 2015 edition

TRAINING AND SEMINARS

Conferences and seminars in association with the Bar Council, CCRC, the Law Society, Garden Court Chambers and Innocence UK nationwide conference

AWARDS

Keble Advocacy Course Scholar (2019)

Pegasus Scholar (2017)

Everard Ver Heyden Foundation Prize, City Law School, BVC (2009-2010)

Oxford University Press Prize for Excellence in Advocacy and Procedure, City Law School, BVC (2009-2010)

ICLR Busfield Prize, City Law School, BVC (2009-2010)

Middle Temple Certificate of Honour (2009-2010)

Middle Temple Astbury Scholarship (2009-2010)

Middle Temple Harmsworth Entrance Exhibition (2009-2010)

EDUCATION

Emma completed her degree in Law and French Law at Worcester College, University of Oxford. As part of her degree she completed a year-long certificate in French Law at University of Paris II Pantheon-Assas. This year involved studying and being examined in French, in subjects such as European Human Rights Law and International Criminal Law.

PROFESSIONAL MEMBERSHIP

Criminal Bar Association: Secretary March 2018 to March 2019, Executive committee 2016 onwards

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57-60 Lincoln's Inn Fields, London, WC2A 3LJ

Email: info@gclaw.co.uk

Tel: +44 (0)20 7993 7600

DX: 34 Chancery Lane