



# Clare Wade KC

YEAR OF CALL: 1990 | YEAR OF SILK: 2018



Clare Wade KC is experienced in all types of criminal defence work including murder, manslaughter and serious sexual offences at trial and at appellate level in the Court of Appeal where she has a successful track record.

Clare is ranked at Tier 1 and was shortlisted for Crime Silk of the Year 2020 by the Legal 500. Clare won 'Barrister of the Year' at the Women in Law Awards 2020.

"She's highly intelligent and light years ahead when it comes to domestic abuse work."

CHAMBERS UK, 2024

"Clare is incredibly intelligent. She can distil complex legal issues and explain them in clear language to those instructing her and to her clients."

LEGAL 500, 2023

"Clare is a very caring and committed advocate."

CHAMBERS UK, 2023

"She is very hard-working, knowledgeable on the law and particularly good with expert witnesses."

CHAMBERS UK, 2022

"Clare is a particularly talented barrister. She is able to absorb and navigate expert reports very quickly culminating in skilful cross-examination of the experts."

LEGAL 500, 2022

"A superb lawyer. Great client care. A real fighter."

LEGAL 500, 2021

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

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## CRIMINAL DEFENCE

Clare has a busy trial practice consisting of murder, manslaughter and serious violence (in the context of domestic homicide or gang-associated killings). Recent and ongoing work includes gang murder and a number of domestic homicides, joint enterprise killings and other murders including a cold case from 1981.

She can think 'outside the box', combining excellent client care with legal acumen and attention to forensic detail. She has extensive experience defending in historical sexual offences. She recently acted for the first defendant in Operation Lytton- the first in a series of the Rochdale grooming trials, see [Guardian coverage](#).

Clare is a highly experienced and successful appellate advocate. She advises on out-of-time appeals against conviction and sentence often where trial counsel have advised that there is no prospect of a successful appeal. She has been instructed in some of the most high-profile appeals of the last few years. She represented Sally

Challen in her out-of-time appeal against her conviction for the murder of her husband. The case was groundbreaking; the first time the Court of Appeal had considered coercive control in the context of the partial defences to murder. The case changed the way in which domestic abuse is viewed in the Criminal Justice System. It was widely reported and the appellate process was the subject of a 90-minute BBC2 documentary. Clare also successfully represented Fariessia Martin in her appeal against her murder conviction. Read about it [here](#). There is also a longer piece about the case in [The Guardian](#). She acted at the re-trial during which the prosecution decided to accept a plea to manslaughter.

In 2021, the Lord Chancellor appointed Clare as the Independent Reviewer on Sentencing in cases of Domestic Homicide. Clare conducted the Review alongside her regular practice and presented it to the Justice Secretary in June 2022. The Review was published in March 2023. It has resulted in proposed secondary legislation (coercive control as a mitigating and aggravating factor and overkill as an aggravating factor), as well as proposed primary legislative changes relating to murder at the end of a relationship. Clare's work is regularly referred to in Parliament, with one minister stating: "*[f]ollowing the passage of the Domestic Abuse Act 2021, it has been probably the most critical piece of work that has been produced for the benefit of ministers....I was just so impressed by how comprehensive and detailed it was.*" The Review is the first piece of work highlighting comprehensively the particular harms in cases of domestic homicide. As a result of the Review, the Law Commission have received a reference to consider defences to murder in cases where women kill their abusive male partners, the Home Office has created a central library for all Domestic Homicide Reviews and the Sentencing Council is consulting on a number of Clare's recommendations.

Clare is a specialist on women and the criminal justice system. She is often instructed to provide pre-charge advice or to advise on one-off matters such as drafting representations. She was on the Prison Reform Trust Advisory Group panel in relation to amendments to the Domestic Abuse Bill. She has worked on Law Commission projects on the reform of the law of homicide.

Clare recently gave oral evidence before the Public Bills Committee (Criminal Justice Bill 2023).

Clare regularly writes articles. Most recently, she has co-written chapters "Women who kill their abusers: Theory and Practice" in *Women Who Kill, Criminal Law and Domestic Abuse*.

Clare was a speaker at the North London Forensic Service conference (psychiatrists and mental health professionals) at the Justice Colloquium on Coercive Control at De Montfort University, and at the Cambridge Centre for Criminal Justice/Centre for Women's Justice webinar 'Women who Kill'. She has delivered training on Coercive Control to the Criminal Cases Review Commission, on behalf of the Centre for Women's Justice

(CWJ). She was on the Prison Reform Trust Advisory Group panel in relation to amendments to the Domestic Abuse Bill. She has worked previously on Law Commission projects on the reform of the law of homicide. Clare was on the advisory committee for research commissioned by CWJ into women who kill, which resulted in the research publication “Women who Kill how the state criminalises women we might otherwise be burying” (February 2021).

Clare has extensive experience of representing defendants or acting in cases where witnesses are vulnerable either because of age, mental illness, learning disability, neurodevelopmental conditions and deafness.

Clare led the Law Commission consultation on Unfitness to Plead Law Com CP 197, which addresses the question of a 'capacity' based test for fitness in criminal law. She was a member of the external reference panel to the Equality and Human Rights Commission's inquiry into access to justice for disabled defendants which preceded the report “Inclusive Justice A System Designed for All.”.

## **NOTABLE CASES**

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

### **Murder**

#### ***R v OE***

Leading counsel for first defendant in cut-throat allegation of murder in context of alleged turf war over drugs supply. Acquitted of murder, manslaughter and possession of bladed article

#### ***R v Vig***

Murder -patricide

#### ***R v Cheng***

Allegation of murder involving loss of control and diminished responsibility

#### ***R v Lewis***

Yoga teacher murdered lodger

#### ***R v Keating***

Represented woman charged with murder of her partner. Acquitted of murder. Convicted of manslaughter (loss of control).

#### ***R v Penelope Jackson***

Represented defendant in high profile murder case at Bristol Crown Court - appeal ongoing.

## **See The Guardian News Coverage**

### ***R v B***

Double murder of Husband and Wife.

### ***R v Martin***

Successfully overturned the murder conviction of Fariessia Martin, who killed her violent partner, in the Court of Appeal. Widely reported in the national press. Read about it [here](#). There is also a longer piece about the case in [The Guardian](#).

### ***R v X***

Murder by stabbing.

### ***R v H***

Murder strangulation morbid jealousy and diminished responsibility.

### ***R v S***

Murder stabbing.

### ***R v Sinclair (2019)***

Murder stabbing and strangulation.

### ***R v Uddin (2019)***

Murder multiple stabbing.

### ***R v Pateco Te (2019)***

Gang related murder.

### ***R v Tripp (2018)***

Stabbing - defendant suffering from personality disorder re-tried having previously been found unfit to plead.

### ***R v Emma Jane Magson***

Granted leave to appeal murder conviction out of time. Reported in [The Independent](#).

Convicted on a majority after a re-trial and granted leave to appeal for a second time.

### ***R v Challen***

Successful appeal against murder conviction out of time on the basis of coercive control amounting to provocation. Coverage in all national media, e.g. [The Independent](#), and [The Guardian](#). See also article in [Counsel Magazine](#) by Clare Wade QC on 'Coercive control post-Challen'.

### ***R v Stacey Hyde (re-trial - Winchester Crown Court) April-May 2015***

Stacey was convicted of murdering a violent man in 2010 when she was aged 17 and he was aged 32. Her conviction was quashed (trial counsel having advised there were no grounds to appeal) and a retrial ordered on the grounds that fresh medical evidence showed she may only have been guilty of manslaughter by reason of diminished responsibility. At her retrial she was acquitted of both murder and manslaughter on the grounds of self-defence. This case was reported widely by the media, including by [\*the Guardian\*](#), [\*the BBC\*](#) and [\*the Telegraph\*](#).

### ***R v Hyde (Stacey) [2014] EWCA Crim 673***

Successful out-of-time murder appeal of a teenager with ADHD and mental health problems, who had previously been advised there was no appeal.

### ***Dixon (Jordan) [2013] EWCA Crim 465***

Murder. Inference from silence - special measures for young defendant with ADHD and learning difficulties. Leading authority on s35 (silence) intermediaries and importance of ground rules hearings.

### ***R v Jackson [2013] EWCA Crim 613***

Fresh evidence of post-traumatic stress disorder (PTSD) and ADHD. Diminished responsibility 20 years after the original trial.

### ***R v Scamp [2010] EWCA Crim 2219***

Murder. Abused woman who killed. Out of time appeal on the basis of inadequate direction on provocation after client advised by original legal team that there were no grounds to appeal. Murder conviction quashed and conviction of manslaughter by provocation substituted.

### ***R v Akers [2007] EWCA Crim 2066***

Murder. Abused woman who killed. Out of time appeal against conviction.

## **Manslaughter**

### ***R v O (Southwark Crown Court) June 2015***

Historical manslaughter trial. Acted as leading junior. Acquitted after trial.

## **Drugs and money-laundering**

### ***R v Mohan and others (Central Criminal Court) July 2015***

£40 million-pound money-laundering case. Acted as leading junior. Prosecution offered no evidence after voir dire and submissions on legality of search warrants.

***R V Henry [2014] EWCA Crim 980***

Importation of Class A drugs. The appellant was an abused woman.

***R v Haxihaj and others 2013 Wood Green Crown Court***

Conspiracy to supply 70 kilos of Class A drugs.

***R v Smith and others [2012] EWCA Crim 11***

£500 million cocaine importation. Out of time appeal against sentence.

***R v Djahit (1999) 2 Cr App R (S) 142***

Successful appeal against sentence. Guideline case. Supply drugs.

***R v Esat and others (1999)***

£100 million heroin conspiracy.

***R v Simsek, Kaynak & Honz (1998) 2 Cr App R (S) 283***

Heroin conspiracy. Successful appeal against sentence.

**Sexual Offences**

***R V G (2023) (Operation Lytton Rochdale grooming)***

Three-month trial leading counsel for first defendant. The defendant was charged with 21 counts against two complainants. Acquitted of 16 counts of rape, sexual intercourse with a girl under 13, indecency with a child and buggery and convicted of five counts of sexual activity with a child.

***R v V (2022)***

Defendant acquitted after the Crown offered no evidence disclosure issues and multiple counts of rape.

***R v MF and others***

Historical sexual offences

***R v KH and others (2018)***

Appeal in relation to matters on jury

***R v KH (2017-18)***

Five-month multi-handed Oxford Grooming trial. Acquitted of conspiracy to rape and of multiple rape convicted of one count of rape and one count multiple indecent assault. Reported in [The Guardian](#).

**R v G (2017)**

Historical sexual offences 5 complainants spanning many years. Elderly defendant with previous convictions.

**R v L (2017) (2017)**

Rapes, assault by penetration. Acquitted of all counts. Press coverage in [The Daily Mail](#).

**R v L**

Rape defendant with autism and learning disability, acquitted on all counts. Coverage in national press including [The Evening Standard](#) and [The Sun](#).

**R v S (2017)**

Multiple historical rapes. Acquitted on all counts.

**R v V (2017)**

Multiple historical sexual offences defendant suffered from personality disorder and learning difficulties. Acquitted on all counts.

**R v Dawson (2016)**

Historical sexual offences in the Court Martial, offences allegedly committed outside the jurisdiction by defendant when he was a child. Successful submission of *doli incapax*. This was appealed by the prosecution as a terminating ruling in the Court Martial Appeal Court. After a successful out of time defence cross-appeal against a preliminary ruling on admissibility of bad character, the Services Prosecution offered no evidence in respect of a re-trial.

**R v C (2016)**

Historical rapes allegedly committed when defendant was a child. Acquitted on all counts.

**R v H (2016)**

Defendant with autism and learning disability accused of conspiracy to rape 2 year old child.

**R v K (2016)**

Child accused of rape. The complainant was a child who has Asperger's syndrome and ADHD. Acquitted on all counts.

**R v R (2016)**

Multiple sexual offences alleged against young complainant. Vulnerable defendant confession evidence excluded, defendant evidence on live link, exclusion of linked evidence. Acquitted all counts.

***R v D (2016)***

Woman accused of historical sexual offences.

***R v BR (2016)***

Young woman accused of sexual offences and child cruelty against 6 year old child. Successful submission of no case to answer.

***R v D (2015)***

Man suffering from Asperger's Syndrome accused of two rapes. Acquitted all counts.

***R v H***

Historical sexual offences. Acquitted all counts.

***R v KH (October 2014)***

Multiple counts historical sexual offences. Defendant with previous convictions for sexual offences. Acquitted of all counts.

***R v H and another (June 2014)***

Historical sexual offences: complainant, defendants and witnesses all profoundly deaf or deaf. Cameras used in court for the first time to visually record the evidence of deaf witnesses and defendants. Acquitted of all counts.

***R v J (2015)***

Oxford student accused of rape. Acquitted.

***R v J (2013)***

Sexual offences. Five-year-old complainant. Acquitted.

***R v B (2012)***

Historical sexual offences. 30 years' delay. Acquitted of all except count of sexual assault.

**Child cruelty*****R v L (November 2015)***

Young woman accused of failure to prevent serious harm and child cruelty in circumstances where her violent boyfriend had caused life-threatening injuries to 9-month-old baby. Acquitted of all counts after 'cut-throat' trial.

**Other**

## **Re C**

Juror charged with contempt of court. Suspended sentence imposed.

## **CRIMINAL APPEALS**

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Clare regularly advises on appeals against conviction and has successfully appealed against convictions where she did not represent the appellant at first instance.

### **NOTABLE CASES**

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#### ***R v Magson (2) [2022] 7 WLUK 402***

Further clarification of when householder defence applies.

#### ***R v Martin***

Successfully overturned the murder conviction of Fariessia Martin, who killed her violent partner, in the Court of Appeal. Widely reported in the national press. Read about it [here](#). There is also a longer piece about the case in [The Guardian](#).

#### ***R v H and others (2019)***

Grooming case.

#### ***R v Challen***

Sally Challen walked free on Friday 7 June 2019 after prosecutors accepted a lesser plea of manslaughter on the grounds of diminished responsibility, for killing her abusive husband after decades of psychological abuse. Coverage in [BBC](#), [Guardian](#) and [ITV News](#).

#### ***R v Emma Jane Magson***

Granted leave to appeal murder conviction out of time on basis of fresh psychiatric evidence. Reported in [The Independent](#). This murder conviction was later quashed in January 2020.

#### ***R v Emma Jane Kurtz [20019] 1 Cr.App.R 19***

Solicitor convicted of willful neglect of elderly mother who died. Conviction was quashed on appeal. Case is the first case on s44(1)(b) Mental Capacity Act that involved statutory construction of s.44(1)(b) Mental Capacity Act 2005 (done of Enduring Power of Attorney).

***R v Hyde (Stacey)* [2014] EWCA Crim 673**

Successful out-of-time murder appeal of a teenager with ADHD and mental health problems, who had previously been advised there was no appeal.

***Dixon (Jordan)* [2013] EWCA Crim 465**

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***R v Jackson* [2013] EWCA Crim 613**

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***R v Scamp* [2010] EWCA Crim 2219**

Murder. Abused woman who killed. Out of time appeal on the basis of inadequate direction on provocation after client advised by original legal team that there were no grounds to appeal. Murder conviction quashed and conviction of manslaughter by provocation substituted.

***R v Akers* [2007] EWCA Crim 2066**

Murder. Abused woman who killed. Out of time appeal against conviction.

***R v Turner (Jennifer)* [2015] EWCA Crim 1249**

Successful out-of-time appeal against imprisonment for public protection (IPP) for mentally-ill woman.

***R v IA TA FA* [2013] EWCA Crim 1308**

Special measures, intermediaries, racism in the jury room.

***R v S* [2014] EWCA Crim 2919]**

The appellant was a victim of human trafficking. Conviction quashed.

***Attorney General's Reference (Nos 76/77 2014)***

Sentencing for human trafficking.

***R v Okedare* [2014] 3 ALL E.R 109**

Guidelines on leave to appeal for absent appellants.

***R v HXN CET s 197 Arts 26, linked to R v L* [2013] EWCA Crim 991**

Vietnamese child trafficking victim believed to have been re-trafficked. Leave to appeal against conviction granted. Absent appellant.

***Dixon (Hainsley) [2013] EWCA Crim 601; R v Dixon [2011] EWCA Crim 924***

Women, firearms and the minimum term amid history of depression and domestic violence. Initial appeal refused, applied to CCRC for the conviction to be referred to Court of Appeal.

***R v Stratford [2011] EWCA Crim 888***

Successful appeal against sentence. Mortgage fraud disparity sentencing.

***R v Williams [2010] EWCA Crim 2226***

Identification - vulnerable defendant with severe learning difficulties. Successful appeal against conviction. Acquitted on a re-trial.

***R v Barrat [2009] EWCA Crim 1069***

Attempted murder.

**Violence**

***R v Miah and others (2016)***

Multi-handed violent robberies. Defendant found unfit to plead sentenced to supervision order.

***R v C(2016)***

16 year old charged with armed robbery. Guilty Plea.

***R v Black and others (1995) CCC***

Armed robberies. The client escaped during the trial, and was described in the national press as Britain's 'most dangerous man'.

## **TRAFFICKING AND MODERN DAY SLAVERY**

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***R v S [2014] EWCA Crim 2919***

The appellant was a victim of human trafficking. The case engaged Article 26 (non-punishment provision) of the Council of Europe Convention on Action against Trafficking in Human Beings. Conviction quashed.

***Attorney General's Reference (Nos 76/77 2014)***

Sentencing for human trafficking.

***R v Okedare [2014] 3 ALL E.R 109***

Guidelines on leave to appeal for absent appellants. Applicant was child victim of trafficking believed to have been re-trafficked. Application stayed.

## ***R v HXN* CET s 197 Arts 26, linked to *R v L* [2013] EWCA Crim 991**

Vietnamese child trafficking victim believed to have been re-trafficked. Leave to appeal against conviction granted. Absent appellant.

## ***R v Tallat Ashar (Minshull Street Crown Court) 2012***

7 month trial. The complainant was deaf and without speech, all cross-examination was conducted through three signers, a deaf without speech intermediary and a clinical psychologist. This case was widely reported in the national press, including the [BBC](#), [The Independent](#) and the [Manchester Evening News](#). Acquitted of sexual assault and GBH, convicted human trafficking and benefit fraud.

## **PUBLICATIONS**

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"Women who kill their abusers: Theory and Practice" in *Women who kill, Criminal Law and Domestic Abuse* (Routledge) ed: Rachel MacPherson.

### Domestic Homicide Sentencing Review, March 2023

"Representing a deaf person in court" in "Working with deaf and hard of hearing clients" in [An Introductory Guide for Professionals Working with Deaf and Hard of Hearing Clients in Clinical, Legal, Educational and Social Care Settings](#), Eds Dr Sally Austen, Dr Ben Holmes

'[Coercive control post-Challen](#)', Counsel Magazine (January 2020)

'Making special measures special; reasonable adjustments for deaf witnesses and defendants' in *Addressing Vulnerability in Justice systems* Wildy, Simmonds and Hill Publishing 2016.

Contributor to *Blackstone's Criminal Practice* 2016 edition (Oxford University Press)

'The Criminal Procedure (Insanity and Unfitness to plead) Act 1991 and the Juries Act 1974: Irreconcilable Problems', *CLR*1999, 656 (article cited in *B and others* [2009] 1 Cr.App.R.19 and Crim.L.R 2009 608-610).

'Prevention of Harm: Legislative Strategies for Law Reform,' *The Journal of Criminal Law* Vol 72.3 2008.

'Partial Defences to Murder' *Law Commission* Consultation Paper No. 173 (contribution).

'Partial Defences to Murder' *Law Commission* Consultation Paper No. 290 (contribution).

'A New Homicide Act for England and Wales?' *Law Commission* Consultation Paper No. 177 (contribution).

'Murder, Manslaughter and Infanticide' *Law Commission* Paper No. 304 (contribution).

'Conspiracy and Attempt' *Law Commission* Consultation Paper No. 183 (contribution).

'Conspiracy and Attempt' *Law Commission* Consultation Paper No 318 (contribution).

'Unfitness to Plead' *Law Commission* Consultation Paper No 197.

'Reforming the test for unfitness to plead (a capacity based test)' *Legal Action*, November 2010.

'Reforming the law on unfitness to plead' *CBQ* Dec 2010.

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## **TRAINING AND SEMINARS**

Clare has given/participated in seminars on coercive control, violence against women and girls, coercive control post-Challen, the Serious Crime Act 2007, the partial defences to murder, unfitness to plead, special measures for vulnerable defendants, representing deaf defendants, the use of intermediaries and the Legal Aid Sentencing and Punishment of Offenders Act 2012, coercive control and appealing the convictions of women who kill. She has also participated in the Initiative for Strategic Litigation in Africa where she was a participant in consultation on Women in the Criminal Justice System (2019), she attended the International Academy of Law and Mental Health Congress in New York (2009) where she spoke on 'Competence to Stand Trial and the Nature of the Offence'.

Clare acted as quality assurance commentator for the Advocacy Training Counsel Toolkit 11 "Planning to question someone who is deaf" and has recently been involved in updating this toolkit. Clare presented a paper on deaf witnesses and defendants at the TAG International Conference on vulnerable defendants June 2015.

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## **EDUCATION**

**BA (Hons) English Language and Literature, Durham University (First Class)**

**Diploma in Law, City University, London**

**BVC, ICSL**

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## **PROFESSIONAL MEMBERSHIP**

**Amnesty International**

**Criminal Bar Association**

**Justice for Women**

**Member of Bar Council Law Reform Committee (2003-2011)**

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

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