



# Stella Harris

YEAR OF CALL: 2002



Stella has an established practice representing children and women charged with murder and serious violent offending. Stella's clients have often experienced trauma and neglect and have undiagnosed or poorly understood mental health and psychological conditions and many have been exploited or coerced. Stella was a recent speaker in our seminar series on developments in the law surrounding coercive controlling behaviour.

Stella's extensive experience and inclusive approach ensure she gains the confidence of those she represents and secures their full participation in the proceedings they face.

Throughout her career, Stella has represented those with alleged connections to violent gang activity and where the admission of bad character, association evidence and unhelpful stereotypes has been successfully challenged: Stella represented the youngest child to ever be charged with firearms offences; has recently successfully challenging findings of dangerousness based upon fresh evidence obtained through the National Referral Mechanism and was a recent speaker in our series on challenging the admission of Drill Music in criminal trials.

Stella assisted The Howard League for Penal Reform in making submissions both orally and in writing to the Director of Public Prosecutions regarding reform of the Crown Prosecution Service (CPS) Guidelines on charging in joint enterprise cases, which, in

particular, adversely and unfairly impacted upon young people. Their suggestions were incorporated in the final guidance, Submissions on Charging in Cases of Joint Enterprise.

Stella also has particular experience of defending those with mental illness or where fitness to plead or capacity is in issue. Her cases in this area often include expert psychiatric and psychological evidence and she was in the leading appellate case involving the interface between life sentences, sentences for public protection and hospital orders. Stella will be speaking at the Criminal Appeal Lawyers Association Conference on sentencing those with mental illness later this year.

Stella's extensive experience and inclusive approach ensure she gains the confidence of those she represents and secures their full participation in the proceedings they face. She is an astute trial advocate, able to communicate with the jury and judiciary alike. She enjoys working closely with solicitors to achieve the best outcome for her clients and is sought after to represent their most vulnerable and challenging clients.

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## CRIMINAL DEFENCE

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### Murder and Serious Violence

#### ***R v. HH (2020) Maidstone Crown Court***

HH is a 29-year-old man of previous good character, who suffers from anxiety and depression and had developed a dependence on drugs. His case involved consideration of loss of control. The deceased sold him drugs and he had built up a substantial debt. During a violent struggle, HH received stab wounds to the face

and the deceased, substantial and varied sharp wounds and crushing trauma injuries to the structures of the neck and consequent brain injury. The pathological evidence to determine cause of death and time to death were the most complicated the Crown's pathologist had ever seen and involved expertise from the country's leading experts in fractures and neuropathology.

***R v. RWR and Others (2019) Central Criminal Court***

RWR was said to have called on a planned attack upon a 15-year old boy, named Tashaun Aird "Dotz" and his friend, who received stab wounds but survived. His co-accused were young teenagers and the violence involved swords and large knives. "Dotz" was a music producer and produced the beats for Drill music. It was speculated that he was killed in retaliation for his lyrics in a "diss track".

It was apparent from a careful examination of the CCTV that RWR was not armed with a knife. RWR is Autistic and the Court received evidence from Professor Baron-Cohen, a world-leading authority regarding the limitations his Autism had upon RWR's ability to perceive and anticipate the violence, as well as his participation in the proceedings.

***R v. RH and Others (2019) Central Criminal Court***

Led Junior - Murder, 15-year-old accused, joint enterprise killing with knife or knives, said to be part of an ongoing dispute relating to gangs in South London; issues relating to expert cell-site evidence and association and bad character issues.

***PS and Others (2017) Kingston Crown Court***

False imprisonment and wounding of a mentally ill and vulnerable male held in a flat for several days and subjected to violence and death threats. This case was reported in the national press. Accused was a young woman whom was heavily pregnant at the time of trial. This case was part of the pilot scheme to cross-examine vulnerable witnesses, in this instance with the assistance of an intermediary, in advance of trial.

***R v. VMDC (2015) Central Criminal Court***

Medical Doctor accused of wounding her then-husband (multiple genital lacerations) following an argument caused by his heavy drinking, cross-allegations of violence in the context of their relationship. This case was reported in the national press.

***R v. JH (2014) Central Criminal Court***

Led Junior - Murder, teenage accused alleged to have been a secondary party to a killing when those involved travelled in convoy to the scene with weapons. This case required careful analysis of expert telephone evidence and critical analysis as to the level of assistance and encouragement by this young boy and his likely foresight

of serious harm.

***R v SC & Others (2013) Central Criminal Court***

Leading Junior - SC was a young mother of good character charged with possession with intent to endanger life of two firearms (a sawn-off shotgun and semi-automatic handgun) and ammunition compatible with both.

The prosecution case was that she was minding the guns for others to hand them over for use in a murder and that before and after the killing she was in full knowledge of their intended purpose. Her case was tried with seven others, charged variously with murder, perverting the course of justice and firearms offences. The evidence against SC involved analysis of telephone data and cell-site evidence, CCTV, DNA, gunshot residue (GSR), evidence of association and consequent admissibility applications.

***R v JWM & Others (2012) Central Criminal Court***

Led Junior - JWM was seventeen and accused with two others of the murder of another young man who attended the same school in East Ham. The prosecution argued that the killing, which was likely caused by upwards of ten young males, was a seemingly random attack in the context of ongoing gang rivalry. The case involved covert surveillance evidence and extensive bad character issues.

***R v MJ (2012) Leeds Crown Court***

Led Junior - MJ was accused of the killing of his best friend following a night of drinking and drugs misuse. The pathological evidence in respect of these unusual wounds was the subject of challenge. This case involved an extensive abuse of process application on the basis that the police had sought to put improper pressure upon another male (the sole eyewitness) to implicate MJ in the killing, and had gone on to lie and otherwise seek to disguise their conduct.

***R v DB (2011) Guildford Crown Court***

Grievous bodily harm with intent in the context of multiple injuries associated with 'shaken-baby syndrome' and requiring a challenge to complex expert medical testimony, an emotionally vulnerable accused, extensive third-party material and parallel care proceedings.

***R v LB & Another (2011) Southwark Crown Court***

Grievous bodily harm with intent, sustained fight in a 'crack-house', expert testimony regarding blood-staining and other forensic findings at the scene. Accused with poor mental health and continued difficulties with substance misuse.

***R v SF & Another (2010) Winchester Crown Court***

Led Junior - Murder of a vulnerable elderly man in supported housing. He was befriended and exploited by

the accused and her boyfriend; each accused the other of instigating the violence. The accused had had a very troubled life, she was homeless and was working as a prostitute addicted to Class A drugs at the time of the offence.

His body had been concealed and was in a state of decomposition when its location was revealed. This case required the consideration of expert pathology and forensic evidence from a number of scenes of investigation as well as bad character material.

### ***R v CM (2009) Manchester Crown Court***

CM was the youngest female ever to be charged with possession of a firearm, she was 13 at the time of the offence, the judge here took the exceptional decision to lift reporting restrictions and there was extensive national media interest in wake of an Operation Trident campaign to discourage young women from holding firearms on behalf of others.

### ***R v AG & Others (2009) Kingston Crown Court***

Led Junior - 13 year old accused with diagnosed mental illness and concerns surrounding participation in proceedings charged with a conspiracy to rob and commit grievous bodily harm with intent; this case involved an allegation of gratuitous violence with blunt objects and serious brain injuries inflicted on behalf of the main adult defendant who faced a separate count of attempted murder. This case was alleged gang-related with the attacks being said to be part of the initiation. Given the extreme nature of the violence, this case received national media interest.

## **General Crime**

### ***R v. RH (2020) Maidstone Crown Court***

Death by careless driving, collision with an Age Concern mini-bus, number of elderly people injured, one of whom sadly died in hospital. RH is a mother of two young children; she received severe abdominal injury and endures continuous pain, requiring ongoing surgeries. RH was diagnosed with Post-Traumatic Stress Disorder and her children were identified as being vulnerable if separated from her. She pleaded guilty and received a suspended sentence of imprisonment because of her substantial mitigation and in particular, because of the significant detrimental impact of an immediate custodial sentence would have on her children's lives.

### ***R v. REC and Another (2020) Kingston Crown Court***

Possession of firearm and ammunition with intent to endanger life in context of ongoing series of murders and other violence

### ***R v. BB and Others (2018) Woolwich Crown Court***

14 year old with suspected undiagnosed mental illness, allegations of pre-planned aggravated burglaries of brothels with swords and handgun and allegations of sexual assault and oral rape of women within the premises.

***R v. ML (2017) Guildford Crown Court***

Causing explosion with intent, mentally unwell accused recruited by more sophisticated gang members to cause an explosion on a garage forecourt with considerable risk to life in order to open the cash machine.

***R v. MK (2017) Kingston Crown Court***

Allegation of arson with intent to endanger life, MK had set a fire in a residential block of flats to exorcise demons, whilst acutely mentally unwell.

***R v. NJ (2016) Southampton Crown Court***

Young woman, of good character and then a trainee solicitor, who became involved via her then-partner in a multi-handed conspiracy to supply drugs in Southampton by a criminal gang based in Manchester, extensive expert telephone and financial material considered.

***R v EJ (2013) Woolwich Crown Court***

EJ was charged with administering a poison with intent to endanger life. She had a history of seemingly random aggression towards young children. In this instance she gave a baby a bottle containing bleach while he was sitting in his pushchair in a branch of McDonalds. Due to the serious and unusual nature of the allegations, they attracted worldwide media coverage.

EJ was found unfit to plead and be tried because of a combination of learning difficulties which she had had since birth, and psychotic illness which had developed over time. Following a trial of issue she received a hospital order without limit of time.

***R v AD (2012) Woolwich Crown Court***

AD was accused of offences relating to the home manufacture of improvised explosive devices (IEDs) and possession of a firearm. This case involved the successful challenge of the Crown's contention that all the devices recovered were indeed explosives. AD had a complex mental health and forensic history of violence.

***R v KA and Others (2012) Woolwich Crown Court***

KA and two others faced charges of possession of firearms with intent to endanger life. The car in which they were travelling was subject of a 'hard-stop' by Operation Trident police officers. A semi-automatic handgun was found in the foot-well in front of KA with the safety-catch off and a bullet in the breach. Also in the car were gloves and a crash helmet. The prosecution argued that all three were on their way to a shooting and that

the items in the car, some of which had gunshot residue on them, were a 'shooter's kit'.

This case involved examination of the prosecution's assertion that all three were involved in gangs and gang-rivalry and that this intended shooting was part of an on-going dispute. The main defendant is a prominent rapper, Giggs and his musical content along with other imagery and telephonic evidence formed part of a bad character application by purported gang experts with rebuttal evidence called from the CEO of his record company. This trial also dealt with expert firearms evidence associated with the workings and safety features of the firearm. It also involved other forensics, such as GSR and DNA evidence. This case was widely reported in the national press.

***R v KB & Others (2012) St Albans Crown Court***

Led Junior - KB was charged with a conspiracy to rob involving multiple allegations of cash-in-transit offences across the South East with firearms and allegations of gratuitous violence. This case required careful consideration of extensive telephone evidence in respect of attribution, call patterns and cell-site evidence. This case was tried some years after the trial of KB's co-defendants, following him absconding and assuming a false identity.

***R v FT & Others (2012) Blackfriars Crown Court***

FT and his co-defendants were accused of the false imprisonment of a vulnerable young man with whom they were associated. It was the prosecution's case that they kept him prisoner in his own flat for many hours while they continued to physically assault him before stealing his possessions.

The complainant suffered from poor mental health exacerbated by non-compliance with his medication regime and misuse of illicit drugs. This case involved the instruction of an independent psychiatrist to assess the complainant and consider extensive medical and other third party material in order to assist with cross-examination.

***R v JS (2011) Snaresbrook Crown Court***

Mentally disordered young female accused of arson with intent to endanger life including expert psychiatric evidence. Fire set in residential property whilst her young baby was asleep inside.

***R v KF & Others (2011) Kingston Crown Court***

Led Junior - Sole female accused in the context of a worldwide conspiracy to import several tons of cocaine into the UK via the Caribbean and Spain.

***R v DP & Others (2011) Blackfriars Crown Court***

Led Junior - Conspiracy to convey prohibited articles into prison, public interest immunity and legal

professional privilege considered given one of the accused was a solicitor, this case also involved challenge to the DNA evidence and extensive financial material.

***R v AS & Others (2011) Newcastle Crown Court***

This case involved a multi-handed conspiracy to kidnap a student allegedly for financial gain and to exact revenge for his role in sabotaging a nightclub business.

***R v MD & Others (2010) Inner London Crown Court***

Teenage accused, conspiracy to commit cash-in-transit robberies of banks in South London, allegedly gang-related, cell-site and DNA expert evidence.

***R v RT & Others (2010) Inner London Crown Court***

HM Custom and Excise investigation relating to multi-handed conspiracy to import 22 kilos of cocaine concealed within breadfruit from Columbia, cell-site, surveillance and financial evidence.

**Sexual Allegations**

***R v. KC (2019) Leicester Crown Court***

Allegations of a campaign of rape against wife in the context of a coercive and controlling relationship including violence against her and their children which worsened when she was diagnosed with MS and unable to physically resist the accused.

***R v. MN (2019) Woolwich Crown Court***

Allegations of rape and wounding of a woman in a secluded alleyway, which the Crown suggest was planned, with the accused taking steps to prepare the scene and to avoid detection by blocking CCTV cameras. Accused had a previous conviction for rape, which was subject to a contested bad character application. Accused has a brain injury and potential undiagnosed mental illness and was therefore, assessed for fitness to plead.

***R v. RT (2019) Basildon Crown Court***

Allegation of rape of a vulnerable woman in her home during the course of a burglary; bad character evidence in Lithuania was a feature of this case and third party disclosure applications were required.

***R v. MKN (2019) Central Criminal Court***

Historic allegations of rape and sexual assault of the daughter of a family friend then aged 5 and a young adult when the allegations were made; requiring consideration of third party disclosure from a number of sources.

***R v. CO (2017 and 2018) Lewes Crown Court***

Two separate allegations of rape relating to two complainants joined for trial; in one the issue was whether the



complainant had the freedom and capacity to consent given her level of intoxication and medical evidence of injury and in the other, the complainant was plainly incapacitated and the question was one of identification as one of number of males involved in the attack and rape. This case involved allegations of serious misconduct in the police investigation, which were subject to parallel investigation and proceedings by the IPCC.

***R v. BG (2018) Inner London Crown Court***

Allegation of rape of an acquaintance at a house party accompanied by threats of violence with a knife of the complainant and a male friend, this case involved expert medical evidence, toxicology and consideration of issues around the freedom and capacity of the complainant to consent and particular challenge to the Crown's expert's interpretation of the DNA findings and genital injury.

***R v. TH and Others (2017) Inner London Crown Court***

Armed robbery (knife) of a vulnerable teenager followed by her rape by multiple accused in the stairwell of a block of flats, said to be gang-related. Teenage accused of good character, forensic evidence and third party disclosure relating to the complainant.

***R v. CR (2016) Canterbury Crown Court***

Multiple allegations of rape and violence of the mother of CR's baby set in the context of a coercive and emotionally controlling relationship. CR was on licence for a murder committed when he was a young teenager and this case, which involved threats of violence with a knife gave rise to particularly thorny questions in respect of the admission of bad character evidence.

***R v. AA and Others (2015) Lewes Crown Court***

Rape of a student by two males following a night out to celebrate the end of exams, said to be pre-planned; consideration of forensic and medical evidence and the identification of the participants; toxicology and freedom and capacity to consent.

***R v. MW (2014) Snaresbrook Crown Court***

13-year-old accused of rape and violence against younger teenage girl, consideration of capacity, psychiatric evidence and third party material.

***R v SB & Another (2012) Leeds Crown Court***

The police found the complainant outside a block of flats, in a semi-naked state, with wounds to her abdomen and in considerable distress. SB and his younger co-defendant were charged with attempted rape, false imprisonment, wounding and causing actual bodily harm.

The complainant described returning to SB's flat in the early hours of the previous day, under the influence of alcohol and cocaine. There she had suffered a sustained and gratuitously violent attack by both men. Consequently it was the prosecution's case that she had gone on to develop Post Traumatic Stress Disorder. This case involved consideration of toxicology and forensic evidence, in particular expert DNA evidence in respect of SB.

#### ***R v WC (2013) Harrow Crown Court***

Extensive historical allegations of sexual abuse, described as a 'campaign of rape' by a father against his two children, which involved expert evidence and extensive third party material. Retrial ordered following successful appeal relating to admission of expert evidence.

#### ***R v AR (2012) Central Criminal Court***

This case involved historical allegations of rape against AR's stepdaughter with disclosure issues relating to third party medical and social services material. Given the age of the allegations, AR was now considerably older and in poor physical health.

#### ***R v RN (2012) Basildon Crown Court***

Elderly accused, 'campaign of rape' and allegations of sexual activity with his step grandchildren, who were adopted by his son, significant third party disclosure.

#### ***R v YA (2012) Nottingham Crown Court***

Multiple counts of sexual assault of young children with the accused being in a position of trust as Imam with a background of threats of intimidation when the children's mother reported the allegations to police.

## **CRIMINAL APPEALS**

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In addition to her trial work, Stella has also developed a successful advisory and appeal practice. She is instructed by solicitors, voluntary organisations and the Registrar and is also increasingly approached by individuals and their families directly.

### **NOTABLE CASES**

#### ***R v. KD (2020) EWCA Crim. 1589***

This case involved the kidnap of a male from the street who was caused grievous bodily harm by a group of males, one of whom was later convicted of murder. The offences were committed in the context of gang activity in Islington. KD, then 15, received a lengthy extended sentence for public protection.

Following his sentence, he made excellent progress in detention and his unmet psychological needs and trauma were identified. The Youth Offending Service and Social Services referred his case via the National Referral Mechanism to the Serious Crime Agency and he was identified as having been a victim of exploitation.

This positive finding and his progress enabled a renewed application for leave to the Court of Appeal to appeal against sentence. Leave was granted and KD's application was successful to the extent that the extended sentence was quashed. He will now receive resettlement support.

***R v. Ahmed (2016) EWCA Crim. 670***

This case considered the inter-relationship between life sentences, indeterminate sentences for protection of the public from "dangerous offenders" and hospital orders without restrictions.

In this instance SA, who suffers from paranoid schizophrenia was considered to have been dangerous when sentenced for violent offending (manslaughter and grievous bodily harm). He had spent time in prison and in hospital during his sentence but it was the view of the psychiatrists who initially assessed him and latterly treated him when he was transferred under emergency provisions to secure hospitals that his progress would be better addressed in those conditions and that monitoring by psychiatrists, rather than the Probation Service under licence would better protect the public should he relapse.

Psychiatrists gave evidence to the Court of Appeal and the case was adjourned for their Lordships to reflect upon this evidenced and for further submissions before judgment. The judgment, which was in SA's favour, replacing his life sentence with a Hospital Order without restriction, was a departure from earlier, similar cases, which favoured a more punitive, prison-based approach with respect to violent offenders with mental health disorders. This case was reported and has been relied upon in a number of further appeals.

***R v CTP (2013) EWCA Crim. 978***

Referral from Registrar, conviction and sentence, procedure regarding second speeches where accused is unrepresented.

***R v KA (2013) EWCA Crim. 171 and Crime Line***

Sentence possession of firearms, general principles, young accused, gang-related offending.

***R v WC (2012) EWCA Crim. 1478***

Direct referral, historical allegations of rape and sexual assault of children, conviction appeal based upon erroneous admission of expert evidence.

***R v TA (2012)***

Young accused, possession of firearm, sentence, dangerous offender, psychological evidence.

***R v HE (2012) EWCA Crim. 3104***

Arson in a prison setting. consideration of psychiatric evidence and vulnerable accused.

***R v MR (2012) EWCA Crim. 2089***

Referral from Registrar, procedure for transfer of summary offences.

***R v HW (2011)***

Young accused, multiple counts of rape, jury bias, capacity to participate in proceedings in issue.

***R v JD (2009) EWCA Crim. 1817***

Young accused, 'dangerous' offender, grievous bodily harm, psychological evidence concerning propensity towards violence. Stella was instructed by The Howard League for Penal Reform.

***R v S (2009) EWCA Crim. 2953***

Young accused, gang-related offending, test-purchase investigation.

***R v CB (2007) EWCA Crim. 1987***

Young accused, armed robbery with firearms, exceptional progress during sentence, principles for sentencing young people considered (pre-guidelines).

***R v CS (2005) EWCA Crim. 2059***

Procedure for Newton Hearings, possession with intent to supply Class A drugs.

## **YOUTH JUSTICE & CHILD RIGHTS**

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Stella has an established practice representing children charged with murder and serious violent offending. Stella's clients have often experienced trauma and neglect and have undiagnosed or poorly understood mental health and psychological conditions and many of the children she works with have been exploited by older peers. Her extensive experience and inclusive approach ensure she gains the confidence of those she represents and secures their full participation in the proceedings they face.

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Mechanism and was a recent speaker on challenging the admission of Drill Music in criminal trials.

## BACKGROUND

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Stella joined Garden Court Chambers in 2013 after practising at Tooks Chambers for nine years. Stella is a trained pupil supervisor and is also a Gray's Inn mentor.

## EDUCATION

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- University of Liverpool, LLB
- Lord Justice Holker Award
- Gray's Inn (Pupillage) Scholarship
- Sir Raymond Philip Award, Gray's Inn (BVC)

## PROFESSIONAL MEMBERSHIP

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- Bar Pro Bono Unit Panel Member
- Criminal Bar Association (CBA)
- Haldane Society for Socialist Lawyers

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