



GARDEN COURT CHAMBERS

Lee Sergent

YEAR OF CALL: 2016, 2007 - SOLICITOR



Lee is a very experienced, tenacious and persuasive criminal defence advocate.

Lee has appeared on behalf of defendants accused of serious offences including attempted murder, rape, kidnap, firearms, drugs and fraud offences, as well as being led by Queen's Counsel in a number of murder trials.

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

crimeclerks@gclaw.co.uk | [+44 \(0\)20 7993 7600](tel:+442079937600)

You can also contact Lee directly:

lees@gclaw.co.uk

CRIMINAL DEFENCE

Lee is well-versed in representing defendants accused of extremely serious offences; from conducting shorter trials involving serious violent and sexual allegations to longer multi-handed cases. Lee also has considerable experience of representing young, vulnerable and mentally unwell clients.

Lee is assiduous and methodical in his preparation. He is always alive to potential legal points, winning cases by making applications to dismiss, to exclude the decisive evidence and to stay proceedings. Lee is tactically astute and recognises that good judgment is a must for any successful trial advocate.

Lee is a formidable advocate who will always fight his lay client's corner whether by robustly cross-examining a witness at trial or by advancing powerful mitigation at a sentence hearing.

NOTABLE CASES

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

Acting Alone

- ***R v PS* [2021] securing not guilty verdicts for PS who was tried, along with another, of attempting to murder a man in a shooting using a double-barreled sawn-off shotgun**
- ***R v KB* [2021] acting at trial on behalf of KB who was accused of the rape of a 16-year-old learning disabled girl**
- ***R v RL* [2021] representing RL at trial in which he faced rape and other sexual allegations made by a number of girls and young women**
- ***R v ED* [2021] two-handed cut-throat defence trial in which both defendants had stabbed the other causing potentially life-threatening injuries and in which both were claiming self-defence against the other**
- ***R v GS* [2020] representing at trial a lorry driver accused of being part of a conspiracy to import 36 kilos of cocaine worth £1.5m, which had been found concealed in modified exhaust stacks on the lorry he was driving. GS contended that he had no knowledge of the cocaine packages and that others must have hidden them in the exhaust stacks, as he slept on the continent, in order to use him as an unwitting driver. Following a three-week trial, the jury returned a unanimous not guilty verdict**
- ***R v RL*[2019] a ten-count trial involving alleged sexual offences on underage girls**
- ***R v RM* [2019] representing the first defendant in a three-handed trial of allegations of conspiracy to commit armed robbery involving the use of GPS trackers**
- ***R v DC* [2019] two-handed trial involving allegations of possession of a firearm and possession with intent to supply several kilos of cannabis. A number of legal issues were involved including strict liability (firearms), confessions and duress. DC ran duress against his co-defendant and was found not guilty of all counts**
- ***R v BM* [2018] acting on behalf of BM in this multi-handed kidnap and wounding with intent trial**
- ***R v JE* [2018] representing JE at trial facing historic sexual abuse allegations going back to the late eighties when the Complainant was a young child**
- ***R v LW* [2018] LW was accused of anally raping an eleven-year-old boy some years earlier. Acquitted by the jury following a trial**
- ***R v JM* [2017] representing at trial JM who was alleged to have stabbed a man in the chest and head during a robbery causing the man permanent brain damage**
- ***R v AA* [2017] representing at trial a man with complex mental health issues accused of setting fire to his own flat and being thereby reckless as to endangering the lives of others**
- ***R v OAO* [2017] this was a multi-handed, multi-million-pound fraud involving the theft of thousands of peoples'**

- identities which were used to fraudulently claim tax credits, the proceeds of which were laundered using numerous means. The Prosecution offered no evidence against OAO on the second day of trial
- *R v T* [2017] T was accused of committing sexual offences, including a number of counts of sexual intercourse with a girl under 16, on his half-sister years earlier when she was a young child. The defence was that these were false allegations. The jury found T not guilty of all counts except for one count of indecent assault. The indecent assault conviction was subsequently quashed on appeal- see below
- *R v LVB* [2017] LVB was accused of falsely imprisoning his ex-partner and children and threatening to kill them. Jury acquitted LVB of all counts following a trial
- *R v RH* [2017] representing RH at trial where he was accused of multiple counts of anal rape on a man with learning disabilities and who required the assistance of an intermediary during the trial
- *R v LC* [2016] LC was accused of the oral rape and attempted vaginal rape of a young woman in a toilet cubicle in a public house. Following trial, the jury returned unanimous not guilty verdicts
- *R v CN* [2016] represented at trial a man accused of multiple counts of burglary and handling stolen motor vehicles as well as a charge of GBH with intent, whereby it was alleged that CN reversed a stolen motor vehicle at speed into a police officer causing him very serious fractures to his leg
- *R v CH* [2016] multi-handed GBH with intent trial concerning the stabbing of a young man in South London
- *R v FK* [2016] FK was found to be unfit to stand trial. Acted on behalf of FK at a jury trial of issue, namely whether he did the act of causing death by dangerous driving
- *R v KL* [2016] represented a young man who stood accused of attempted vaginal rape and anal rape of a fifteen-year-old girl. Following trial, the jury returned unanimous not guilty verdicts on both counts
- *R v AB* [2016] AB faced a fifteen-count indictment containing multiple allegations of rape, assault by penetration, assault occasioning actual bodily harm as well as a count of perverting the course of justice. Following trial, the jury returned unanimous not guilty verdicts on all counts
- *R v GN* [2016] GN faced eight counts of rape and rape of a child under 13 in respect of historic allegations made by his niece and nephew. Not guilty verdicts on all counts returned by the jury following trial
- *R v JH* [2015] represented JH in a six-handed trial that concerned the alleged supply of firearms and ammunition. JH was acquitted by the jury of the ammunition charge he faced
- *R v WS* [2015] WS was one of seven defendants tried in respect of allegations of conspiracy to commit kidnap, false imprisonment and blackmail. WS was acquitted following a successful submission of insufficient evidence at the close of the prosecution case
- *R v TP* [2014] represented at trial a seventeen-year-old defendant with complex mental, learning and behavioural disorders who was charged with wounding with intent and attempted murder
- *R v CC* [2014] represented a defendant accused of kidnap, false imprisonment and blackmail in a multi-handed trial and retrial
- *R v KY* [2014] represented the first defendant in a multi- handed trial of defendants accused of conspiracy to commit cash-in-transit robberies
- *R v LH* [2013] represented a defendant facing allegations of false imprisonment and sexual offences alleged by two women on different occasions including an allegation of knife- point rape
- *R v MB* [2013] the second trial concerning the murder of a young man in Islington who had been stabbed to death in an attack that formed part of a series of tit for tat stabbings perpetrated by rival local gangs. MB was charged with conspiracy to cause GBH with intent. Prosecution offered no evidence a week into the trial following the exclusion of some identification evidence and further disclosure that contradicted the prosecution

- **case against MB**
- *R v GI* [2013] a father accused by his eighteen-year-old daughter of throwing her off a third-floor balcony. Originally arrested for attempted murder but charged with GBH with intent. Successful submissions of insufficient evidence at close of prosecution case following legal argument regarding the weight of the daughter's original written statement as against her contrary oral evidence given at trial
- *R v RS* [2013] multi-handed trial involving allegations of gunpoint robbery of a vehicle and kidnap. RS convicted by jury. Successful application to stay a second indictment charging firearms offences on grounds that the second indictment was founded upon substantially the same facts as those that the first indictment was founded upon

Reported Court of Appeal Cases

- *Danny Mansfield v DPP* [2021] EWHC 2938 (Admin) Case Stated before the High Court to determine two issues. The Court found in our favour on both issues. The Magistrates' Court does have jurisdiction to deal with both type one and two abuse of process applications with cases reserved for the consideration of the High Court 'very narrow indeed, perhaps comprising only executive misconduct in relation to extradition, as occurred in Bennett itself.' The broken promise in the present case did amount to an abuse of process and proceedings ought to be stayed
- *R v Aaron Mark McWilliams* [2021] EWCA Crim 745 in which the Court of Appeal considered the effect of the Release of Prisoners Order 2020 on the correct proportion of the notional term that should be taken when fixing the minimum term for discretionary life sentences. Held, that the appropriate proportion should no longer be half but rather two thirds. (Referred to at 5A-830 Archbold)
- *R v DS* [2020] EWCA Crim 285 this was a terminatory ruling case in which the Court of Appeal considered the scope of abuse of process applications made following a decision to prosecute as against a conclusive grounds decision made by the SCA that a defendant was a victim of trafficking. It was concluded that, in the light of the inception of the Modern Slavery Act 2015 which provided a statutory defence, there was no longer 'room.... for the abuse of process jurisdiction to immunise the respondent from prosecution.' (Referred to at 19-467 Archbold)
- *R v Hargit Singh Bariana* [2021] EWCA Crim 967 appeal against sentence for offences of forced labour and supply of drugs. Total sentence reduced from 8½ to 7½ years
- *R v Ryan Harrison* [2020] EWCA Crim 1926 sentence for offences of burglary reduced from 4 to 3 years
- *R v T* [2017] EWCA Crim 1774 T had been convicted by the jury of one count of indecent assault and acquitted of the more serious counts of sexual intercourse with a girl under 16 alleged to have been committed by him on his half-sister years earlier when she was a young child. It was successfully submitted that the conviction was unsafe based upon the way the case had been summed up by the trial judge, with Lord Justice McCombe observing that "... the tendency of the summing up was to undermine the credibility of the applicant and to enhance that of the complainant." Appeal allowed, conviction quashed
- *R v Mansaray (Mahammed)* [2014] EWCA Crim 1282 sentence imposed for offering to supply fake drugs reduced from eighteen months to fifteen months
- *R v Christopher Rowsell* [2012] EWCA Crim 1533 sentence reduced from two and a half to two years imprisonment
- *Davinder Kapotra and The Queen* [2011] EWCA Crim 1843 successful appeal to Court of Appeal leading to

- **quashing a restraining order made on acquittal. Referred to at 19-358d Archbold 2016**

Led by senior counsel

- ***R v TA* [2014] led by Queen's Counsel in multi-handed murder trial involving rival drug dealers in Folkestone**
- ***R v AA* [2013] led by Queen's Counsel in multi-handed murder trial where it was alleged the deceased had been targeted and located using a tracker system. Acquitted of murder and convicted of manslaughter and conspiracy to falsely imprison**
- ***R v OS* [2013] led by Queen's Counsel in the first of two trials concerning the murder of a young man in Islington who had been stabbed to death in an attack that formed part of a series of tit for tat stabbings perpetrated by rival local gangs. OS charged with murder. It was successfully argued that the decisive evidence- the purported recognition of OS from CCTV footage by an Intelligence Analyst- ought to be excluded as its admission would have such an adverse effect on the fairness of the trial; the jury acquitted OS upon the judge's direction**
- ***R v CG* [2011] led by Queen's Counsel in multi-handed gang-related murder of a young man in Sydenham representing the first defendant in the second of two trials in respect of the murder. Acquitted of murder and convicted of manslaughter**
- ***R v RM* [2008] led by senior counsel in a high-profile caustic soda GBH and gang rape case. RM was convicted of rape and of causing GBH but acquitted of causing GBH with intent**
- ***R v MG* [2008] led by senior counsel in multi-million pound conspiracy to supply amphetamine case where the defendant was acquitted by jury after trial**

BACKGROUND

Lee practised as a Solicitor-Advocate from 2007 to 2016, working for two major London criminal defence firms. During his time as a Solicitor-Advocate, Lee exclusively worked as a Crown Court Advocate gaining considerable experience and undertaking ever more serious cases. In 2016 Lee decided to transfer to the Bar and has been practising at the independent Bar ever since.

EDUCATION

New College, Oxford University (BA Jurisprudence)

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crimeclerks@gclaw.co.uk | [+44 \(0\)20 7993 7600](tel:+44(0)2079937600)

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lees@gclaw.co.uk



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

Email: info@gclaw.co.uk

Tel: +44 (0)20 7993 7600

DX: 34 Chancery Lane