

# Abigail Penny

Call 1999



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Abigail Penny is a highly sought-after barrister with longstanding experience of defending in heavyweight cases involving murder, armed robbery, kidnap, large-scale drug conspiracies and those accused of involvement in organised crime. Over the last 4 years, she has been instructed to defend in many of the EncroChat-based prosecutions, frequently for those alleged to operate at the highest levels of organised crime. She is a committed advocate and is often instructed as a leading junior as part of a large team. Her work typically requires management of cases with significant complexity, that she prepares with the utmost skill and attention to detail. Many of her cases involve intricate and difficult areas of disclosure which often concern issues that impact upon public interest considerations.

She has substantial experience of “white collar” crime including representing company directors, bankrupts, long firms, “phoenix” companies and frauds against the government.

She is direct access qualified.

Her experience of defending those facing high-profile allegations includes:

- The successful defence of [John Henry Sayers](#), who was alleged to be the head of an organised crime group, and was accused of giving the order to shoot a doorman outside the Top Top Palace Nightclub in Newcastle. The case was tried over 10 weeks by a protected jury [\[Read More\]](#).
- The defence of the man who made a bomb using a technique found in the Islamic State magazine, Inspire, and attempted to detonate it on the London Underground in Greenwich [\[Read More\]](#).
- The successful defence of an innocent man charged with rape who found himself in the full glare of substantial media attention [\[Read More\]](#).
- The defence of a police officer accused of misconduct in public offence for failing to investigate sexual allegations fully. The case involved substantial documentation and required knowledge of extremely intricate aspects of police procedures [\[Read More\]](#).
- Representing the man who was shot by the Metropolitan Police firearms officers after a six-hour siege in

Brixton [\[Read More\]](#).

Her appellant work includes the successful appeal against conviction in circumstances where the Crown conceded that it had failed to deal with disclosure adequately in the context of an alleged violent rape allegation see Regina v Matthew Poole [2017] EWCA Crim 208, 2017 WL 01032027 and a successful appeal against sentence in relation to EncroChat in Rex v Charlie Moran [2023] EWCA Crim 1431, 2023 WL 08622641.

Experience of successful representation in professional disciplinary defence work, confiscation and cash seizures.

## Expertise

## Significant Cases

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Regina v Matthew Poole [2017] EWCA Crim 208, 2017 WL 01032027

Rex v Charlie Moran [2023] EWCA Crim 1431, 2023 WL 08622641

## Murder & Manslaughter

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Abigail Penny is often the counsel of choice for those facing allegations of murder and manslaughter. She has a wealth of experience in defending factually complex and challenging multi-defendant prosecutions.

### Notable Murder & Manslaughter cases

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#### [R v JC & 3 others \(2021\)](#)

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Led by Annabel Darlow KC, successful defence of JC who was charged with kidnap and robbery in circumstances where the victim was subsequently stabbed to death by a co-defendant.

#### [R v AS & 6 others \(2020\)](#)

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Led by Sasha Wass KC, partially successful defence of AS (16 years old) who was acquitted of murder but convicted of manslaughter in the context of ongoing gang violence in South London.

#### [R v LT \(2019\)](#)

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Led by Kieran Vaughan KC, successful defence of LT who was accused of attempting to murder Paul Allen and his daughter in a shooting. Paul Allen was convicted of the largest cash robbery in British history.

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R v JHS (2018)

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Led by Michael Holland KC, defence of John Henry Sayers who was alleged to have ordered the drive-by shooting of a doorman in Newcastle. John Henry Sayers was a "target criminal" for the Northumbria Police and said to be the head of an Organised Crime Group. He was tried at the Central Criminal Court over 10 weeks by a protected jury who acquitted him of conspiracy to murder and conspiracy to possess a firearm with intent to endanger life.

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R v OL (2016)

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Defendant was acquitted of attempted murder but convicted of unlawful wounding, where a drug dealer was stabbed all the way through the abdomen in a "County Lines" style drug dispute.

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R v AVN (2014)

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Successful defence of a man accused of attempted murder where the issue was identification in a Vietnamese gangland shooting in a restaurant led by Patrick Upward QC.

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R v Braithwaite [2010] EWCA Crim 1082; 2 Cr App R 18 (2010) 174 JP 387

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Murder of a young man where self-defence advanced. Background of gang violence with significant issues arising in relation to the admissibility of the bad character of numerous prosecution witnesses, giving rise to the widely reported Court of Appeal judgment.

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## Serious & Organised Crime

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Abigail Penny has a wealth of experience in defending those accused of involvement in serious and organised crime. This includes armed robbery conspiracies, conspiracies to murder and large-scale drug conspiracies. She frequently defends in cases that have been investigated by the Flying Squad and the National Crime Agency.

She has been instructed in a large number of EncroChat-based prosecutions over the last 4 years and has held instructions in some of the largest and most serious cases in the South of England. These cases have been incredibly complex from both an evidential and legal perspective, and her niche experience of this type of prosecution has allowed her unrivalled expertise in marshalling the complex evidence, including telecommunications data, surveillance evidence and advising on admissibility issues.

## Notable Serious & Organised Crime cases

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### R v EH (Inner London Crown Court 2022 – 2024)

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Defence of EH who admitted firearms and drug offences after police successfully attributed him to an EncroChat handle.

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### R v JS (Kingston Crown Court 2020 – 2022)

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Defence of JS who admitted being the head of an Organised Crime Group after police successfully linked him to a number of EncroChat handles.

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### R v JSA (Woolwich Crown Court 2020 – 2022)

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Defence of JSA who admitted being the CEO of an Organised Crime Group after police successfully linked him to a number of EncroChat handle.

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### R v CM (Woolwich Crown Court 2020 – 2023)

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Defence of CM who admitted being involved in a large-scale drugs conspiracy using an EncroChat handle. The Court of Appeal reduced his sentence of 9 years to 7 ½ years after a successful Appeal Against Conviction.

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### R v TU (Croydon Crown Court 2020 – 2023)

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Led by Sasha Wass KC, defence of TU who admitted being involvement in a very large-scale drugs conspiracy using an EncroChat handle.

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### R v KH (Inner London Crown Court 2020 – 2023)

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Defence of KH who admitted being involved in a large-scale drugs conspiracy and using an EncroChat handle.

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### R v GC (Woolwich Crown Court 2020 – 2022)

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Defence of GC who admitted being involved in a large-scale drugs conspiracy and using an EncroChat handle.

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### R v AS (and others) (2021 & 2022)

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Defence of AS who was accused of being part of an armed OCG that robbed a number of banks over a significant period of time.

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### R v BC and another (2020)

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Defence of BC who was accused of being in possession of a firearm with intent to endanger life.

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### R v JC and others (2019)

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Leading Counsel in the successful defence of JC in a kidnap, false imprisonment and section 18 allegation. JC advanced duress and was acquitted. All the co-defendants were convicted.

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### R v MR and others (2018)

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Successful defence of MR at the Central Criminal Court in respect of allegations of kidnap, false imprisonment and administering a noxious substance in circumstances where the hostage alleged he had been held against his will for 9 days in various locations.

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### R v DG and others (2017)

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Defended DG who pleaded guilty to “one of the UK’s biggest ever cannabis operations”.

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### R v CH and others (2013) & (2017)

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Widely reported case where a chain of convenience stores were targeted by a gang using firearms. CH gave Queen’s Evidence and was sentenced to 6 years’ imprisonment on the basis that the starting point should have been 18 years.

## Media Coverage

[The Mirror](#)

[The Telegraph](#)

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### R v NS (2015)

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Defence of NS who was alleged to be the head of a conspiracy to supply 30kg of 90% pure cocaine.

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### R v GW and others (2014 – 15)

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Defence of a man accused by the NCA of large-scale importation of drugs as part of an alleged organised crime group.

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# Firearms and Explosives

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Abigail Penny has significant experience of defending those charged with firearms offences, including those accused of being in possession of a firearm with intent to endanger life and armourers, as well as those accused of murder or attempted murder with a firearm.

She has also defended in cases involving explosions and including bomb-making.

## Notable Firearms and Explosives cases

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### R v EH (Inner London Crown Court 2022 – 2024)

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Defence of EH who admitted firearms and drug offences after police successfully attributed him to an EncroChat handle.

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### R v NJ (2024)

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Successful defence of NJ who was charged with attempted murder, theft and possession of a firearm with intent to endanger life at the Central Criminal Court.

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### R v AS (and others) (2021 & 2022)

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Defence of AS who was accused of being part of an armed OCG that robbed a number of banks over a significant period of time.

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### R v LT (2019)

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Led by Kieran Vaughan KC, successful defence of LT who was accused of attempting to murder Paul Allen and his daughter in a shooting. Paul Allen was convicted of the largest cash robbery in British history.

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### R v JHS (2018)

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Led by Michael Holland KC, defence of John Henry Sayers who was alleged to have ordered the drive-by shooting of a doorman in Newcastle. John Henry Sayers was a “target criminal” for the Northumbria Police and said to be the head of an Organised Crime Group. He was tried at the Central Criminal Court over 10 weeks by a protected jury who acquitted him of conspiracy to murder and conspiracy to possess a firearm with intent to endanger life.

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### R v HN (2017)

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Crown offered no evidence in a firearms case after Skeleton Argument served addressing the adequacy of DNA evidence.

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### R v DS (2017)

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Defence of young man with autism who built a viable homemade bomb and left it on the Jubilee line train on the London Underground. DS was alleged to have developed an interest in extremism and to have built the improvised explosive device in accordance with the directions provided in an Islamic State publication. Led by Richard Carey-Hughes KC.

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### R v TM and others (2016)

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Defence of a man accused of causing a significant number of ATM explosions in London and elsewhere as part of an organised crime group.

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Attorney General's Reference (Nos.74, 75, 76, 77 and 78 of 2014) (R. v Cassidy) [2014] EWCA Crim 2535; [2015] 1 Cr.App.R.(S.) 30

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Defence of Cassidy who pleaded guilty to explosion offences where ATM/cash machines were targeted by a group. The Attorney-General referred the case to the Court of Appeal on the basis that the sentence passed was too lenient and it has become the leading case in this area.

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### R v AVN (2014)

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Successful defence of a man accused of attempted murder where the issue was identification in a Vietnamese gangland shooting in a restaurant led by Patrick Upward QC.

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## Sexual Offences

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Abigail Penny has substantial experience of defending serious and complex sexual allegations. Her work in this area is informed by the dangers of inadequate disclosure and she is deft at ensuring that all material that is capable of assisting the defence is obtained from the Crown. Her caseload in this area often involves consideration of telephone evidence and records held by third parties.

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## Notable Sexual Offences cases

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### R v MF (2023)

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Successful defence of MF who was accused of historic child abuse dating back to the early 1980s. Case involved a detailed investigation into the house where the alleged offences were committed.

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R v SG (2023)

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Defence of SG who was accused of the long-term abuse of the daughter of a family friend.

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R v AM (2021)

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Leading Christina Josephides, successful defence of AM who was accused of raping 2 women and sexually abusing a child in the context of complex ongoing proceedings in the Family Court.

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R v JH (2017)

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Successful defence of a step-father accused of abusing his step-daughter.

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R v PP (2016)

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Successful defence of a man accused of raping his Botox nurse in the street.

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## Criminal Defence

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Abigail Penny almost exclusively defends those charged with serious offences. She has a wealth of experience defending in serious and organised crime, murder and serious sexual offences. She works through a brief quickly so as to ensure that the real issues are identified and addressed in case preparation. She is renowned for her straightforward approach with clients that puts them immediately at ease.

## Business Crime & Fraud

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Abigail Penny has prosecuted and defended complex allegations of fraud. She has been an approved prosecutor for the Crown Prosecution Service Fraud panel, but principally defends those accused of white collar crime.

### Notable Business Crime & Fraud cases

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R v SG (2019)



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Acting for the Department of Business, Skills and Enterprise, secured convictions in circumstances where the defendant had made business-to-business claims for a Growth Voucher Scheme fraudulently.

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R v SS (2013)

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Deputy Official Receiver of Croydon convicted of breach of trust fraud.

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R v CR (2012)

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Accountant convicted of substantial breach of trust fraud in the context of phoenix companies. Case concerned unwritten agreements/work culture, careful consideration of banking evidence and the relevance of the importance of the employee to the business structure.

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R v Leon Dussard (2009)

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Bank Clerk defended in a banking fraud and money laundering enterprise where money eventually laundered in a bureau de change and sent to Cyprus. Sentence of 30 months reduced to 15 months by Court of Appeal Regina v Payaspyrou and Leon Dussard [2009] EWCA Crim 1065.

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R v PS and another (2008)

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Prosecuted by Queen's Counsel and a junior in the successful defence of a Company Director who was alleged to have signed a statement that was used in the High Court in an effort to defeat a bankruptcy petition. Case existed in the context of a large-scale fraud.

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R v A-D & Others (2007)

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Leading Junior in the successful defence of high value mortgage and benefit fraud trial. Case included direct challenge to the standard forms of the claim and the relevant definitions.

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## Education

University of Wales, 2:1 English Literature 1995

Common Professional Examination 1998

Inns of Court School of Law 1999

# Memberships

Criminal Bar Association

Howard League for Penal Reform

Middle Temple

# Awards

Blackstone Entrance Exhibition from Middle Temple

Ranked as Leading Junior in Legal 500 2019 – 2025

# Appointments

CPS Prosecutor Grade 3 Pupil Supervisor

Pupil Supervisor

# Awards

LEADING JUNIOR

Legal500

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UNITED KINGDOM

2025

