

Chloe Birch

Call 2018



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A tenacious and charismatic Court room advocate with exceptional client care.

Known for her charismatic approach in Court, Chloe has a busy and diverse criminal defence practice across the spectrum of criminal offences. As well as a successful and varied general crime practice, she is a specialist in serious Youth Court work with a proven success record in cases of perverting the course of justice, GBH and robbery for young defendants. Her work in this area extends wider into jurisdictions dealing with quasi-criminal applications such as Civil Gang Injunctions and Anti-Social Behaviour Injunctions.

Chloe has an exceptional ability to work with vulnerable people and is quickly able to build a rapport with defendants and witnesses alike. She has been described as having the makings of a 'first rate criminal advocate' and a "credit to the Bar".

Chloe regularly represents professionals in front of professional discipline tribunals, including the Nursing & Midwifery Council, Education Workforce Council and the Traffic Commissioner.

Chloe is Vice-Chair of **Women in Criminal Law**, an organisation promoting and empowering female practitioners working across the criminal justice system.

In 2020, she was shortlisted as one of five finalists for the Next 100 Years Project 'Inspirational Women in Law' Awards 2020, Under 35 Woman of the Year.

Prior to joining Chambers, Chloe qualified as an accredited police station representative, representing detainees across police stations nationally, including suspects detained for terrorism offences, one of which featured in the National Press.

Expertise

Crime

Chloe has a busy general crime practice across the full spectrum of criminal offences as a junior and led junior.

Alongside a varied and diverse general crime practice, Chloe has a vibrant Youth Court practice and is frequently instructed in serious youth cases including robbery, weapon offences, and those of serious violence. She prides herself on ensuring she gets the best for every child she represents, ensuring that they can properly participate in proceedings, understand, and are heard.

Chloe has a great deal of success out-of-Court in written representations and legal argument, through her detailed case preparation, analytical and persuasive written work.

Chloe has completed the Vulnerable Witness Training programme, and the Youth Justice Legal Centre Youth Justice Training.

Notable Crime cases

[R v L Chelmsford Youth Court](#)

Successfully challenged prosecution where a youth defendant was charged with perverting the course of justice relating to an offence of murder. Through written legal argument, submitted that the contravention of PACE during the investigation process rendered any evidence obtained therein inadmissible. Following the submission of carefully constructed written representations with regard to the handling of the investigation, in combination with written legal argument on the PACE breaches, the Crown discontinued the case on both offences. Coverage: <https://www.carmelitechambers.co.uk/news/chloe-birch-successfully-challenges-youth-prosecution-perverting-course-justice>

[R v J Reading Youth Court](#)

Secured acquittal of youth defendant of previous good character charged with GBH after a full day trial. The complainant had suffered facial and dental injuries. Despite having no injuries himself, the defendant maintained that he had acted in self-defence when attacked by a group led by the complainant. Secured acquittal following cross-examination of 5 youth witnesses. Coverage: <https://www.carmelitechambers.co.uk/news/chloe-birch-secures-acquittal-section-18-gbh>

[R v T Isleworth Crown Court](#)

Successfully appealed custodial sentence imposed by the Youth Court for a 15-year-old defendant convicted of an affray during the course of his second Youth Rehabilitation Order. 8-month Detention and Training Order was

substituted for a Youth Rehabilitation Order with ISS and youth defendant released.

R v M (Harrow Crown Court)

Represented a youth defendant as part of an 8-handed 9-robbery case. Through written representations, tactical advice and persuasive trial advocacy reduced the charges from 9 to 3, and mitigated for a Referral Order.

R v B Uxbridge Youth Court

Secured acquittal at half-time for a youth of previous good character charged with one offence of burglary following legal argument that no trespass had in fact taken place.

R v C Worthing Youth Court

Secured discontinuance of proceedings for youth of previous good character charged with one offence of affray following written representations to the CPS on whether, on the conduct alleged, an affray was made out in law. Case discontinued on review.

R v D St Albans Youth Court

Acted in multi-handed multi-day youth trial for defendant charged with offences of robbery and attempted robbery. After lengthy review of CCTV footage compilation, persuaded Crown to offer no evidence in respect of 16-year-old youth defendant on first day of trial.

R v J Guildford Youth Court

Secured considerable reduction in length of a Criminal Behaviour Order so that youth defendant was eligible to apply to join the Armed Forces.

R v M Reading Youth Court

Secured acquittal of youth defendant jointly charged with attempted robbery of a post office.

R v N Uxbridge Youth Court

Represented a youth charged with common assault where the Defence instructed a facial mapping expert to confirm that the CCTV identification was incorrect. The Prosecution offered no evidence.

R v N Kingston Crown Court

Successfully diverted Crown Court trial offences for a caution. Represented vulnerable defendant with schizoaffective disorder and significant communication impairments for offences of possession of an offensive weapon and criminal damage at trial. Secured the attendance of an intermediary for the entirety of proceedings and successfully diverted the case away from the Crown Court to alternative resolution, where the defendant received a conditional caution. In providing his observations of the case, the Judge commended both advocates as “a credit to the Bar”.

R v L Snaresbrook Crown Court

Successful in application to dismiss case of possession of an offensive weapon: namely a crowbar. Legal argument successfully submitted that the Crown’s case could not evidence any intention to use the crowbar to cause injury. Accused maintained good character as a result of the case against him being dismissed.

R v X Birmingham Crown Court

Led junior in complex trial involving numerous allegations of cruelty to three children spanning a total period of 16 years. Led by Ben Hargreaves.

R v Z Harrow Crown Court

Successfully challenged prosecution of a vulnerable 17 year old defendant, who turned 18 during the course of proceedings, charged with possession of an offensive weapon. Successfully prepared written representations challenging both the identification evidence and the appropriateness of pursuing prosecution in light of his learning difficulties.

R v M Stafford Crown Court

Secured suspended sentence for 18-year-old defendant who had pleaded guilty to two counts of possession with intent to supply class A drugs.

R v T Willesden Magistrates’ Court

Secured acquittal for defendant charged with assault of an emergency worker, in a case where he was alleged to have spat at a police officer whilst claiming to have the Coronavirus during the first Covid-19 lockdown. Cross-examined officer on the content of his contemporaneous body-worn footage and the extent to which that accorded with his evidence.

R v G Guildford Magistrate Court

Secured Suspended Sentence following extensive mitigation for female defendant who had pleaded guilty to

taking phones and drugs into prison.

R v A Birmingham Crown Court

Secured a Community Order for a defendant charged with production/cultivation of a cannabis farm. The defendant had been confirmed as a victim of modern slavery by the Single Competent Authority and avoided deportation as a result of the sentence secured.

R v M Wood Green Crown Court

Secured a Community Order for defendant charged with one offence of possession of an imitation firearm, one offence of possession of a noxious liquid and one offence of possession of an offensive weapon. The defendant had been found in his car with an imitation firearm, a baton, a mace pepper spray and handcuffs.

R v G Kingston Crown Court

Secured a Suspended Sentence for a bus driver who had crashed a red double decker bus into a railway bridge during his working hours, causing irreparable damage to the bus and damage to the railway line.

R v G St Albans Magistrates' Court

Secured an absolute discharge and avoided disqualification by virtue of special reasons for a client in an extremely vulnerable medical category for Covid-19, who was convicted of having failed to provide a specimen of blood, but whilst he was below the prescribed limit for drink driving.

R v T Stratford Magistrates' Court

Successfully argued exceptional hardship to avoid disqualification for vulnerable defendant with autism spectrum disorder who had driven whilst only holding a provisional license due to a mental-health breakdown during the Covid-19 lockdown.

R v G Stevenage Magistrates' Court

Defendant acquitted after full trial for the offence of being drunk in charge of a vehicle – where an off-duty police officer claimed to have seen the vehicle being driven.

R v G

Successfully challenged prosecution of vulnerable defendant with brain injury charged with possession with intent to supply class A drugs. Following written representations, a neuro-psychologist report and supporting

evidence from charity Headway, persuaded the Crown not to proceed with prosecution.

R v K - Portsmouth Crown Court

Secured acquittals of 5 offences of malicious communications for a vulnerable defendant with dissociative disorder.

R v J

Successfully challenged the prosecution of a young adult charged with possession of a bladed article, following positive conclusive grounds of a modern day slavery finding under the NRM mechanism.

R v M - Winchester Crown Court

Successfully challenged prosecution attempts to unlawfully resume prosecution against a defendant found unfit to plead. Case was stopped.

R v O

Secured Conditional Discharge at The Old Bailey for defendant charged with two counts of fraud, prosecuted by the Security Industry Authority (SIA) in respect of his door license. Outcome meant the defendant was able to renew his license and continue his career. Further made representations which successfully avoided Proceeds of Crime Act proceedings to reclaim funds obtained by fraud.

R v R

Secured Suspended Sentence for young adult charged with two counts of possession with intent to supply class A drugs during lockdown.

Asset Forfeiture & Civil Recovery

Chloe is regularly instructed by Thames Valley Police in account forfeiture proceedings.

Notable Asset Forfeiture & Civil Recovery cases

The Chief Constable of Thames Valley Police v D (Crawley Magistrates' Court) – successfully represented the applicant, obtaining the forfeiture of over £300,000 cash, which had links to the suspected trafficking of people

across Europe.

SEROCU v W - Brighton Magistrates' Court

Successfully represented the applicant – South East Regional Organised Crime Unit – in obtaining forfeiture of £175,000 found to have been laundered to/from China under the guise of providing PPE to Chinese officials during the Covid-19 crisis.

Professional Regulation

Chloe has a breadth of experience in professional discipline matters.

She is frequently instructed to appear for both regulators and registrants in proceedings.

Chloe has acted for regulated professionals before disciplinary and similar tribunals including the Nursing and Midwifery Council, the Education Workforce Council and the Traffic Commissioner.

Notable Professional Regulation cases

NMC v H

Successfully opposed an Interim Suspension Order for a nurse proven to have been taking unprescribed medication from their place of work.

NMC v C

Successfully opposed an Interim Suspension Order for a nurse alleged to have made sexual advances to a colleague.

NMC v A

Acted for the NMC presenting a case involving allegations of a psychiatric nurse fraudulently claiming sums of £72,000 from the NHS Trust involved.

EWC v X

Represented teacher accused of sexual offences towards students at school with parallel criminal proceedings ongoing.

Public Law

Chloe has a growing practice in public law – with experience in advising and acting for individuals and organisations alike including inquest work before the Coroner’s Court and wider involvement in the Family and County Courts.

Notable Public Law cases

Inquest touching the death of AP – represented the nurse in charge of the neo-natal Special Care Baby Unit where a baby had tragically died. The Coroner found that there were missed opportunities to prescribe and administer antibiotics throughout the early hours of his life, but that by the time the baby reached the care of Chloe’s client, it was too late for any life-saving intervention to have effect. Representation of the client involved careful scrutiny of the medical records in tandem with expert evidence. The Coroner heard that since 2019, the East Kent Hospital Trust has taken considerable steps to address a number of concerns related to the failures which led to the baby’s death.

News articles: <https://www.bbc.co.uk/news/uk-england-kent-59524832>

<https://www.itv.com/news/meridian/2021-11-11/baby-should-have-given-antibiotics-at-kent-hospital-inquest-finds>

Chloe has represented Thames Valley Police in the Family Court relating to complex intra-jurisdictional issues arising from criminal investigations including cases surrounding issues of public interest immunity.

Chloe is regularly instructed to deal with civil and anti-social behaviour injunctions at the County Court. She is currently instructed to represent a young adult in respect of a civil gang injunction – where the main focus is drill music.

Education

- Middle Temple, Reader’s Scholarship – 2017
- Nominated/Shortlisted and Finalist (Final 5) – “Inspirational Woman of the Year, Under 35 Lawyer of the Year” Award at the First 100 Years Project Inspirational Women In Law Awards 2020

Memberships

- Women in Criminal Law (Vice-Chair)
- Youth Practitioners' Association

Publications

"A tale as old as time": crossing the significant age threshold into adulthood

A Focus of the Minds: a review of the new Overarching Guideline for Sentencing Offenders with Mental Health Conditions

Sexual Misconduct at the Bar

The Corona-Coaster of Corona-virus Emergency Legislation

Making Headway: improving the criminal justice system for those with brain injuries

Appointments

- Sport Resolutions Safeguarding Case Management Panel (SCMP)