

# Jennifer Newcomb

Call: 2006



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Jennifer specialises in serious and complex crime, police law, inquests, clinical negligence and personal injury work.

## Areas of Expertise

### Crime

Jennifer is a criminal fraud specialist, appointed to the A list of the Serious Fraud Office's Advocate Panel the Fraud Specialist Panel for the Crown Prosecution Service. The trial of a multimillion pound international investment fraud, in which she has been instructed by the SFO as prosecution junior since November 2016, is due to commence in 2021. She has previously accepted instructions from the SFO as independent LPP counsel. Jennifer has spent time as a Senior Crown Prosecutor for the CPS, giving advice on charging fraud matters and preparing fraud cases for trial.

In addition to her fraud practice, Jennifer accepts instructions relating to the full spectrum of criminal cases, and has particular experience of conspiracies to supply large quantities of controlled drugs and excise duties.

Before being called to the Bar, Jennifer spent six months working as an intern in the Prosecutor's Office of the International Criminal Tribunal for Yugoslavia.

### Notable Crime cases

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#### R (Operation Edge) v MH – Woolwich Crown Court (2020)

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Junior prosecuting counsel (led by James Thacker). 18 month conspiracy to supply significant quantities of class A and B controlled drugs. Intervention by the Metropolitan Police's Serious and Organised Crime Command over the course of the conspiracy resulted in the seizure of in excess of 31kg of cocaine, 308kg of amphetamine, 593kg of cannabis, and approximately £900,000 in cash. 4 week trial of head of OCN, resulting in conviction. Led by James Thacker. Nine defendants were sentenced to a total of 80 years in prison.

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#### R v MF & others – Snaresbrook Crown Court (2019)

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Junior prosecuting counsel (led by Jonathan Loades) conspiracy to defraud through sale of false car insurance policies, 6

Defendants in the dock, significant laundering of the money thereafter, through both innocent and knowing launderers. Main protagonists convicted after trial.

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R (Operation Veil) v MF & others - Snaresbrook Crown Court (2018)

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Junior prosecuting counsel on behalf of HMRC (led by James Thacker, instructed by the specialist fraud division of the CPS). MF and one other unanimously convicted after a 6 week trial of their leading role in an organised crime group, being knowingly concerned in smuggling with intent to evade excise duty. Judge took a 'very conservative' estimate of the total duty evaded as being in excess of £1 million. Each was sentenced to 5 years 9 months' in prison.

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R v TS – Inner London Crown Court (2018)

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Sole prosecuting counsel of fraud by abuse of position (bank teller) and procurement thereof by third party. Bank teller pleaded guilty and gave evidence against TS at trial, pursuant to s73 SOCPA. TS convicted after trial and sentenced to 3 years in prison.

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R v LT & Others - Central Criminal Court (2015)

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Junior prosecuting counsel (led by Tim Godfrey), prosecuting 6 Defendants on a 19 count indictment including fraud by abuse of position and acquiring criminal property. The trial ended in a number of convictions and suspended sentences of imprisonment.

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R v MA - Blackfriars Crown Court (2013)

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Junior prosecuting counsel (led by Tim Godfrey). Six week trial and 10 count indictment where multiple victims defrauded of at least £600,000. Fraud by abuse of position (MA was a carer with powers of attorney); removing criminal property. The case involved overseas investigations; financial analysis of numerous bank accounts (UK and Jamaican); examination in court of financial investigator/witnesses via live link; spreadsheets and diagrams drafted for jury. A key witness was an Alzheimer's sufferer who gave evidence with the assistance of an intermediary. Defendant convicted of 9 counts on the indictment and sentenced to 6 years imprisonment.

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R (Operation Crystal) v R & Others (2012-2013)

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Second prosecuting counsel (James Thacker first junior and Rosina Cottage QC leading), then disclosure counsel in this 14 handed conspiracy to defraud the DWP's Access to Work scheme. Majority of defendants profoundly deaf. Jennifer drafted both the Disclosure Management Document for court and defence and Disclosure Guidance Document for disclosure officers. Many thousands of pages of electronic, hard copy and third party material. 11 defendants convicted.

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## Police Law

Jennifer's breadth of practice has been particular helpful during her regular appearances for the police in applications

for civil orders made in the criminal courts, including Closure Orders, ASBOs, Foreign Travel Orders, Sexual Harm Prevention Orders and Sexual Risk Orders. She also defends the police in actions issued in the county court, including actions for unlawful killing, false imprisonment and malicious prosecution.

More recently, Jennifer has been and remains instructed by the Metropolitan Police Service to act on behalf of former police officers appearing at an ongoing public Inquiry.

## Notable Police Law cases

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R (on the application of Duncan Grant) v Kingston Crown Court & Commissioner of Police of the Metropolis [2015] EWHC 767 (admin)

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A applied by way of judicial review for an order of mandamus requiring Kingston CC to state a case in relation to the granting of a Foreign Travel Order (FTO). Jennifer drafted the summary of grounds of the interested party (the police) for contesting the claim for judicial review, on the basis that there was no arguable case, nor any evidence upon which the determination of the court could be said to be unlawful, irrational or unreasonable. Those submissions were accepted by the single judge and again at the oral hearing.

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## Inquests

Jennifer appears in inquests on behalf of the deceased, the police and other interested parties. She is able to provide advice on subsequent civil litigation where appropriate. Jennifer draws on her breadth of experience in other practice areas for this work, whether it relate to the professional negligence of a medical professional, the criminal act of an individual, poor work practices of an employer or negligent driving on the roads. Examples of her previous cases include:

### Notable Inquests cases

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Inquest regarding death of 3 year old boy following multiple visits to hospital with severe pain and discomfort arising from complications from surgery to remove a stomach tumour. Issues included possible failings of medical professionals at multiple hospitals leading up to and on the day of death, with expert evidence on causation.

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Inquest (with jury) regarding death of railway engineering surveyor employed to examine heavy plants and machinery, crushed during examination of a steam crane. Involved examination of HSE expert and gaining considerable concessions from him regarding alleged failures by D prior to his death, leading to a successful challenge of the conclusions in the report.

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Inquest (with jury) regarding death of man who fell through the roof of factory premises onto concrete floor below. Inquest focused on who was controlling the site, risk assessments and safe work practices.

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Inquest regarding death of a young woman fatally injured while cycling along Oxford Street by bus veering off the road and hitting a bus shelter. Issues regarding capacity of driver of bus at time of incident.

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Inquest regarding suicide of a businessman while at work in the City following allegations of misconduct at work.

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Inquest regarding death of young woman who drowned in her bath following intoxication from exposure to carbon monoxide in her own home, shortly after an engineer had investigated the boiler in the house and identified it as 'at risk' but not immediately dangerous.

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## Clinical negligence and personal injury

Jennifer advises in a wide variety of clinical negligence cases, from delayed diagnosis, to wrongful birth, to substandard performance of surgeries, to inadequate treatment of patients with mental health issues. Jennifer also advises in multi-track personal injury cases, including PL, EL and RTAs. She drafts pleadings and schedules of loss and advises in writing and in conference on liability, quantum and evidence. She has particular experience of advising in conferences involving both experts and clients, able to explore complicated issues of breach and causation with an expert while simultaneously explaining the issues in clear and simple terms to clients. Above all else, Jennifer is at her most comfortable in the courtroom at trial.

Jennifer represents families of deceased individuals at inquests and in any subsequent civil litigation. She has also appeared in NMC hearings, medical appeal tribunals and in criminal injury compensation appeal hearings, an area where her knowledge of criminal law and procedure becomes particularly useful. Examples of her previous cases include:

### Notable Clinical negligence and personal injury cases

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Inquest regarding death of 3 year old boy following multiple visits to hospital with severe pain and discomfort arising from complications from stomach surgery. Issues included possible failings of medical professionals at multiple hospitals leading up to and on the day of death, with expert evidence on causation.

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Delayed diagnosis of and treatment for TB, causing extended pain and suffering and leading to permanent post-tuberculosis bronchiectasis.

Wrongful birth following negligent advice regarding the morning after pill. Involved advice on damages for raising a child with particular needs arising from a disability and costs arising from post-natal depression.

Failure to treat hydrocephalus related to a brain tumour, leading to significant increase in symptoms of dizziness, ataxia, vertigo and headaches prior to death.

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Failure to prescribe bone sparing medication during treatment with steroids, leading to the development of osteopenia, numerous spinal fractures and need for surgery.

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Failure to diagnose ectopic pregnancy, leading to emergency surgery, a blood transfusion and stay in a High Dependency Unit.

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Significant physical injury and scarring suffered during negligent restraint of Claimant in A&E following assessment for psychiatric illness.

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Delay in diagnosis of meniscal injury following a sporting injury, leading to unnecessary pain, suffering and loss of amenity.

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Development of pressure sores and ulcers on heel, sacrum and buttocks after an extended hospital stay after falling down stairs and breaking hip at home. Sores required dressing changes twice weekly for a year, a below knee cast and caused permanent discomfort and reduction of mobility.

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## Education

- Law LLB (Hons), Nottingham University 2004
- BVC, BPP Law School 2006

## Memberships

- Criminal Bar Association
- Personal Injury Bar Association
- South Eastern Circuit

## Appointments

- Recorder of the Crown Court (2020)
- Serious Fraud Office, Prosecution Counsel List, Panel A (2020)

- Crown Prosecution Service, Fraud Specialist Panel, Level 3 (2019)
- Crown Prosecution Service, Advocate Panel, Grade 3 (2016)
- Inner Temple Advocacy Trainer (2016)

## Awards

