

# WESTGATE CHAMBERS

## Sarah Lindop

Barrister



Sarah has been at the Bar for over 25 years. During that time she has built a reputation as a firm but fair opponent. She is approachable, practical and well prepared whatever the nature of the offence. She is a strong jury advocate whether prosecuting or defending.

She has a wide range of experience in particular with matters involving serious violence, including murder, drugs offences and all matters of dishonesty.

Sarah is renowned for her experience in cases involving sexual offences.

She has a sensitive approach in dealing with vulnerable or nervous witnesses and defendants, including children with special needs and adults with a disability. She frequently deals with special measures for witnesses and is familiar with the requirements for ground rules hearings and works with intermediaries both defending and prosecuting.

As a specialist rape prosecutor Sarah is regularly asked to advise on cases pre-charge. In many cases Sarah will advise in respect of Third Party disclosure and Public Interest Immunity applications. She has a great deal of experience in dealing with the protocols regarding disclosure by agencies such as Social Services, schools and the medical profession.

In 2012 Sarah was instructed by the Public Solicitor of St Helena to represent a local man accused of rape and false imprisonment in a trial before the Supreme Court. She returned to the St Helena a further three times to appear in the Supreme Court again.

In 2015 Sarah was instructed to appear as defence counsel before the Supreme Court of the Falkland Islands and continues to make trips to the South Atlantic to represent a variety of defendants.

Year of Call: 1989

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#### Core Practice Areas:

Crime, Corporate crime, Drug offences, Murder, Manslaughter, Serious Crime, Sexual Offences

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CHAMBERS

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This has given Sarah has a good working knowledge of dealing with matters in overseas territories and is sensitive to their individual and cultural needs in addition to the excellent reputation she has established amongst the Judiciary and the local community.

Sarah is a Grade 4 Prosecutor: London and South East and recommended in The Legal 500. She is rape approved.

### Achievements, appointments and memberships

- Member of the South Eastern Circuit
- Member of Roll of Advocates for St Helena, Ascension Island and Tristan Da Cuna
- Pupillage supervisor
- Member of the CBA
- Sussex Bar Mess Member and currently Junior of the Mess
- CPS Grade 4 Advocate

### Criminal barrister Sarah Lindop's most notable cases include:

**Attorney General of St Helena v C M** Defendant charged with rape of a child. He was a South African working on the airport in St Helena and was charged with rape of a young local girl who was the daughter of a fellow worker. Due to the potential prejudice that might occur against a foreign national charged with a sexual offence against a local girl it was decided that the case would proceed to trial by Judge alone and not by jury. The complainant in the case was called to give evidence with the

benefit of the live link and refused to speak. The prosecution mounted every possible argument to enable the case to proceed. The right to a fair trial was pointed out to the court and after lengthy legal argument the prosecution had no option but to offer no evidence and the defendant was acquitted.

**R v A Q** Defendant charged with rape of a child. He admitted sexual activity with a child claiming that the 13 year old girl had voluntarily given him oral sex and that they had engaged in consensual sexual intercourse on just one occasion. The defendant and the complainant both lived in a childrens home and the events took place on the premises. The complainant had a very troubled background and admitted that she had willingly given the defendant oral sex. Those counts of oral rape were dismissed at the conclusion of the prosecution case and the vaginal rapes continued. The defendant was convicted of raping her on multiple occasions. The sentencing exercise was particularly complicated due to the age of the defendant at the time of the offences. It was necessary to direct the judge to both the adult sentencing guidelines and to then adapt them in accordance with the youth sentencing provisions.

**R v M B** Trial before the Supreme Court of the Falkland Islands. The defendant was a St Helenian national working on the Falkland Islands together with his girlfriend who is the cousin of the complainant. He was accused of rape and sexual activity with a child in the alternative. There were a number of young witnesses, some living in St Helena, The UK and on the Falkland Islands. Defendant was acquitted on all counts. The case was unusual as it was prepared at long distance without the ability for normal conferences.

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**R v J P** Prosecuting a young man charged with sexual assault of a 4 year old who made complaint when she was 5 and was 6 by the time the case came for trial. The defendant was the son of a family friend who had a number of educational difficulties such that he required the assistance of an intermediary; he was 15 at the time of the trial. The complainant had the benefit of an intermediary and it was therefore necessary to have a ground rules hearing to ensure that appropriate questions were asked of the young witness. Case resulted in a hung jury and the decision was taken not to proceed again due to the age of the complainant and the issues that she was having after the first trial.

**R v B P** Defending a man charged with sexual assault against two of his biological children. One approximately 10 to 12 years ago and the other more recently. The first set of offences were when his daughter was between the ages of 10 and 14 and the second set of offences were between the ages of 5 and 6. There were significant issues with the witnesses in cross examination. The older daughter had alleged he had got her to touch his penis and he admitted that he had done that on two occasions. He stated that it was not sexually motivated. The first complainant was tearful throughout cross examination and it was impossible to put the defendant's case to her and the jury were therefore told what matters issue was taken with without the necessity for each issue to be put. The younger complainant who was 7 at the time of trial was unwilling to speak and despite significant efforts to reassure her it proved impossible to put the defendant's case to her. In due course the defendant was convicted and the Recorder commended the way that the trial had been conducted the trial in difficult circumstances.

**R v S N** Defending a man accused of conspiracy to kidnap and witness intimidation. Defendant was an Albanian national who

was in the UK illegally and clearly mixed up in the drugs world albeit at a reasonably low level. He was charged with being one of a group of 4 who assaulted a man before he was bundled into a car and driven around for a couple of hours before being released. The victim ran away to Croydon and in due course he contacted the police. When he was first spoken to he gave an account as to why he had been kidnapped which related to the murder of his uncle. This was a false account. He was then interviewed in respect of dealing drugs and denied any involvement in that. That was also a false account. He then gave another account of trying to give up being a drug dealer for others and as a result he was kidnapped. That was the account he maintained. He had pleaded guilty to possession with intent to supply. Whilst being detained in prison he alleged that the defendant Mr N had approached him and threatened him in relation to the allegation of kidnap. Defendant denied any involvement in either offence.

**R v L S** Prosecuted a serving police officer charged with misconduct in public office. The case was high profile, complex and involved a vulnerable prostitute who the officer had threatened. Close liaison with Professional Standards was necessary to determine the approach that should be adopted to build her trust. Pleas were offered which were considered carefully due to the wider consequences of the prosecution and necessitated consultation at all levels. Following that the defence sought concessions in respect of the particulars of one count. That would have entirely altered the gravity of the charge. After consultation with the police the consequences of displaying a police warrant card via a mobile phone was explained and the Judge was satisfied that the count was made out and guilty pleas on the full facts followed.