



## Suzanne Payne

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Year of Call: 2014

Suzanne completed her pupillage in 2017 and joined St John's Buildings in 2020.

Suzanne is a mature entrant to the Bar following a 28-year career in the police service, in the Merseyside and South Wales area. She brings with her an in-depth knowledge of police investigations and procedures as a result of her various roles within the police service. During her career she was seconded to the National Crime Squad, now National Crime Agency, instructing at all levels of surveillance, disclosure and other covert policing techniques.

## EXPERTISE

### Crime

Suzanne is a Grade 2 CPS panel advocate. She is regularly instructed as trial counsel in matters relating to drugs supply, sexual offences, violence, fraud and burglary. She also has experience of confiscation proceedings for both the prosecution and defence at all stages. She has been instructed as Independent Counsel in complex fraud investigations reviewing evidence with a view to disclosure issues.

She also undertakes quasi-criminal police work, acting in contested applications for Domestic Violence Protection Orders, Criminal Behaviour Orders, and various applications under the Proceeds of Crime Act.

Suzanne's determination, thorough preparation and commitment to her cases has been recognised by those instructing her and she seeks to provide an approachable and professional style with lay clients, whilst maintaining a robust approach if necessary. She ensures that her lay clients fully understand, not only the advice she gives, but also the complex process they find themselves in, so that full instructions can be taken. She works hard to build a rapport with vulnerable lay clients and those with behaviour that is challenging and is often instructing solicitors first choice to act for such clients. She is trained to

examine vulnerable witnesses.

## NOTABLE CASES

### SEXUAL OFFENCES

**2021 R v LJ, Cardiff Crown Court:** Suzanne defended LJ who faced one count of an historic sexual offence, indecent assault, when the complainant was between 5-7 years old and LJ 13-15 years old. The complainant gave evidence and was cross examined in the initial trial before it was abandoned due to Covid. The trial started again some weeks later with the defendant being acquitted following a unanimous verdict.

**2020 R v WR:** Suzanne defended WR who faced three historic allegations of gross indecency against a 7-year-old child when he was 17 years old, for whom he babysat. Through careful cross examination of the complainant, she accepted that she couldn't be sure that one of the allegations had indeed taken place. WR was acquitted of all three allegations.

**2019/2020 R v MH:** Suzanne acted for MH who faced ten counts of sexual assault against four male complainants; three of whom were members of staff at an industrial site MH managed. The fourth was an 18-year-old male who made a complaint that he had been sexually assaulted by MH on his first day of work at the site. Following a seven-day trial, MH was acquitted of nine counts, relating to the three members of staff, with the jury unable to reach a verdict on the final count relating to the 18-year-old male. The CPS sought a retrial on the one count. A retrial was heard in February 2020, following a brief retirement, the jury acquitted MH.

**2019 R v CF:** Suzanne successfully defended CF who faced two counts of Assault Occasioning Actual Bodily Harm and one of sexual assault against his former partner. He was acquitted of sexual assault and one count of ABH. The defendant received a suspended sentence despite being in breach of a community order for a similar offence.

### VIOLENCE

**2021 R v BL, Bolton Crown Court:** Suzanne defended BL who was charged with a single offence of Assault occasioning Actual Bodily Harm. She stated that she has acted in self defence when she punched the complainant once to the face. She was found not guilty.

**2021 R v BB, Mold Crown Court, Prosecution:** Suzanne was instructed by the North Wales Complex Crime Unit as a disclosure junior in a complex murder investigation. The investigation included covert policing tactics and evidence of a cell confession which required careful consideration regarding potential Public Interest Immunity applications, telecommunications evidence and CCTV evidence. Her knowledge of such covert tactics from her previous career assisted in her role as disclosure junior when considering disclosure. BB was found guilty. He was sentenced to life imprisonment with a minimum tariff of 18 years.

**2020 R v JH:** JH pleaded guilty to an offence of Arson, whilst a serving prisoner he set fire to his mattress causing some damage to the cell and two charges of assaulting the prison officers who dealt with him. He was a vulnerable young man with many difficulties including mental health issues from a very early age. Suzanne worked closely with her instructing solicitor to obtain as much background

information regarding JH's vulnerabilities, which she used in her mitigation. JH received a suspended sentence order of 14 months. In sentencing the Judge told JH that it was only Suzanne's mitigation that persuaded him against imposing an immediate custodial sentence of 20 months.

**2017 R v SB:** Suzanne was instructed in an appeal against conviction from the Magistrates Court. The Appellant had been convicted of two common assaults against her 13-year-old daughter and a common assault against her husband in the Magistrates Court. Suzanne made a successful half time submission of no case to answer for all 3 counts. SB's conviction was quashed.

## **DRUGS**

**2021 R v MP, Liverpool Crown Court, Defence:** MP pleaded guilty to two counts of Possession with Intent to Supply Class A drugs (heroin and cocaine). He was 17 at the time of the arrest however was not charged until he turned 18. With persuasive mitigation and credit for his guilty plea, MP received a sentence of 2 years imprisonment suspended for 2 years, with rehabilitation requirements.

**2021 R v NC, Preston Crown Court, Defence:** NC case pleaded guilty to Possession with Intent to Supply Class A drugs. The Prosecution sought to place him in a leading role, however by providing relevant authorities, Suzanne persuaded them that NC was a significant role. A leading role would have resulted in a starting point of 8 years 6 months. NC was found to be in a significant role, with a starting point of 4 years 6 months, he was sentenced to 40 months 2 weeks after credit was allowed for his plea.

**2021 R v PJ, Liverpool Crown Court, Defence:** PJ was found in possession of 60 wraps of Class A drugs in her coat. Her mobile telephone contained messages which the Prosecution asserted were consistent with drug supply. She faced 2 counts of Possession with Intent to Supply Class A drugs and 2 counts of possession of controlled drugs of Class A. PJ was acquitted on all four counts.

## **BURGLARY**

**2020 R v LF:** LF faced a single count of domestic burglary. If convicted he would have fallen within section 111 of the Powers of the Criminal Courts (Sentencing Act) 2000, and subject to the minimum term of imprisonment. Suzanne successfully applied to exclude forensic evidence. In her cross examination of the Officer in the Case, she was able to show that important lines of enquiry had not been pursued and highlighted discrepancies between his evidence and that of the civilian witnesses. LF was acquitted. He fell to be sentenced for a number of theft (shoplifting) and fraud offences, which were of some age, and received a community-based sentence with a curfew requirement. Suzanne was successful in the Court of Appeal where she argued that the imposition of the curfew requirement was wrong in principle and manifestly excessive. The curfew requirement was removed from the community order.

**2018 R v CW & RJ:** Suzanne prosecuted RJ who faced seven counts of burglary dwelling and attempt burglary dwelling. He was convicted of all seven counts and received a minimum sentence of three years imprisonment by virtue of his previous convictions for similar burglaries. His co-accused pleaded guilty at an earlier hearing and received a suspended sentence.

## **MOTORING**

**2021 R v CL, Ashton under Lyne Magistrates Court, Defence:** CL a serving Police Officer was

charged with careless driving. Whilst travelling into work she was involved in a road traffic collision with a pedal cyclist, the cyclist sustained life changing injuries. Expert evidence for both the Prosecution and Defence suggested that her vision would have been temporarily impaired due to the weather conditions at the time. CL was acquitted.

## **MISCELLANEOUS**

**2019 R v EW:** Suzanne defended a female charged with Perverting the Course of Justice during a two-week trial. EW's husband and another male stood trial with her. They had been charged with robbery and kidnapping. The Crown alleged that EW provided a false alibi for her husband, stating he would have been with her at the relevant time. By careful analysis of cell site data from the mobile phone belonging to EW's husband, Suzanne was able to show that the data did not support the Crown's case. EW was the only defendant acquitted.