



## Kate Riekstina

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Year of Call: 2016

Prior to commencing practice, Kate spent time working as a prison officer at HMP Holloway and HMP Pentonville on the mental health unit and residential wings. She also spent time working as a Crown Court paralegal at a solicitors' firm based in London dealing with all areas of crime including theft, fraud, sexual offences, drug offences, ABH and GBH.

## MEMBERSHIPS/ACCREDITATIONS

- Criminal Bar Association
- CPS Level 1

## EXPERTISE

### Crime

Kate accepts instructions in all aspects of criminal proceedings. She has appeared in Magistrates' Court, Youth Court and the Crown Court both prosecuting and defending.

As well as conducting general criminal work, Kate has also been instructed to prosecute and defend in Road Traffic Offences, Planning Law offences, Environmental Health offences and anti-social behaviour offences.

Throughout her practice, Kate has acted in cases involving vulnerable witnesses and defendants. Her experience therefore involves dealing with children, vulnerable adults and young offenders in a respectful and compassionate way.

## PROSECUTION

### **R v T (2019)**

Appeared on behalf of the Crown Prosecution Service in a committal for sentence. The Defendant was charged with 2 x criminal damage, assault by beating and threats to cause damage. The case was reported in [the Mirror](#).

### **R v P (2019)**

Appeared on behalf of the probation service. The Defendant had been sentenced to a community order for an offence of affray. The Defendant's lack of compliance resulted in an application to revoke and resentence the Defendant for the original offence. The case was reported in the [Sheffield Star](#).

### **R v F (2018)**

Appeared on behalf of the Crown Prosecution Service. The Defendant was sentenced to 12 weeks imprisonment for racially aggravated harassment. The case was reported in the [Sheffield Star](#).

### **R v M (a youth) (2018)**

Appeared on behalf of the Crown Prosecution Service. Defendant pleaded guilty to attempted robbery and was committed to Crown Court for sentence.

### **BDC v C (2018)**

Appeared on behalf of the Local Authority prosecuting a young man for anti-social behaviour offences. Successfully made an application for an interim Criminal Behaviour Order which was opposed by the Defence. The substantial order was thereafter agreed. The case was covered on Lincolnshire Live.

### **NK v SoS for the Environment, Transport and the Regions (2018)**

Appeared at the Crown Court on behalf of DVLA in an appeal against conviction. Successfully represented the DVLA and the appeal was dismissed.

### **R v D (2018)**

Successfully prosecuted a Defendant charged with exposure under s.66 of the Sexual Offences Act 2003. All eye witnesses in the case were under the age of 16.

## **DEFENCE**

### **R v M (2019)**

Appeared on behalf of the Defendant charged with two public order offences. Successfully argued that firstly, the recognition evidence was not reliable and as such the identification of the Defendant could not be proved to the criminal standard of proof and secondly, that the conduct alleged did not amount to the offences charged.

### **R v M (2019)**

Appeared on behalf of the Defendant charged with possession with intent to supply Class A drugs. Successfully argued that although the Defendant had attained the age of 18 at the time of conviction the matter ought to remain in the youth court for sentence. Later successfully mitigated and the court unusually imposed a community order.

### **R v M (2019)**

Appeared on behalf of the Defendant in the Magistrates' Court charged with the offence of common assault. Successfully made a s.78 PACE application to exclude ID evidence on the grounds that the Crown had not complied with their disclosure obligations and there was suggestion that the Defendant's photograph used in the ID procedure was edited. Following the decision to exclude the evidence, the CPS offered no evidence and the charge against the Defendant was dismissed.

### **R v M (a youth) (2019)**

Appeared on behalf of the Defendant charged with criminal damage. Successfully argued that evidence purporting to identify the Defendant ought to be excluded under s.78 of PACE which led to the CPS offering no evidence in the matter.

### **R v W (2019)**

Appeared on behalf of the Defendant charged with assault. The Defendant was alleged to have thrown a 10-inch knife towards the Complainant. At the time of sentence, the Defendant was a serving prisoner in relation to unconnected matters. Kate successfully argued that the Court should impose a concurrent sentence which meant that the Defendant's release date was unaffected.

### **R v L (2019)**

Appeared on behalf of the Defendant charged with assault occasioning actual bodily harm. Successfully cross examined the complainant which led to the District Judge determining there was no case to answer.

### **R v M (2018)**

Appeared at the Crown Court on behalf of the Defendant who was in breach of a suspended sentence of 18 months imprisonment. Successfully argued that the Court ought not to activate the term of imprisonment.

### **R v D (2018)**

Appeared at the Crown Court on behalf of the Defendant. The Defendant was sentenced to 12 weeks' imprisonment for an offence occasioning actual bodily harm committed in prison. The case was reported in the [Sheffield Star](#).

### **R v B (2018)**

Appeared on behalf of the Defendant in a road traffic matter. Successfully put forward an exceptional hardship argument which resulted in the Defendant being able to keep his license.