

# Rachel Cooper

LINCOLN  
HOUSE  
CHAMBERS

Call to the Bar: 2007

Rachel is an established senior junior barrister who's practice is focused on criminal, professional disciplinary and regulatory law. She has a particular expertise in cases involving mentally disordered or vulnerable defendants, complainants or witnesses and is therefore frequently instructed in cases where defendants have mental disorders or challenging behavior. Rachel has frequently been commended for her ability to maintain productive and harmonious client relationships whilst dealing with challenging behavioral issues.

Rachel is also regarded as a tenacious trial advocate and is regularly instructed to both prosecute and defend in serious criminal litigation, both as the trial advocate or as junior counsel. Her practice encompasses the full range of cases including: murder and manslaughter, serious sexual and violent offences; large-scale drugs conspiracies; firearms and armed robbery offences; and serious fraud offences.

In professional disciplinary areas Rachel has significant experience in representing medical professionals in tribunal hearing instigated by their regulators. Rachel has represented clients at all levels before the GMC and NMC. Prior to coming to the Bar Rachel worked for the Healthcare Commission and would routinely review treatments with medical experts. She has applied to this her practice in medical practitioner defence, and has considerable experience in dealing with medical, technical and expert evidence. Rachel is therefore very well placed to deal with allegations that arise from both criminal misconduct and also negligence.

In other regulatory areas Rachel has particular experience in prosecuting and defending in regulatory offences dealt with in the criminal courts. She has particular expertise in prosecutions brought by Local Authorities. Areas of expertise include: health and safety, trade descriptions, food safety, fire regulation and environmental offences.

Prior to joining the bar Rachel was a legal adviser in the Magistrates Court and so has extensive knowledge of road traffic law. She continues to undertake this work in the Magistrates Court on a privately instructed basis.

Rachel is authorised to accept public access instructions.

## Murder, Manslaughter & Death by Dangerous/Careless Driving

**R v A and Ors** – Junior counsel in a multi-handed case of murder and affray. The case was complicated by allegations of witness intimidation occurring during the trial itself.

**R v E and Ors** – Junior counsel in a murder trial involving a single stab wound to the heart. The case attracted considerable local media interest, having occurred in a tight-knit local community.

**R v P and Ors** – Junior counsel in a six -week multi-handed case involving allegations of neglect of elderly residents in a care home, resulting in serious injuries to a resident. The case involved complex medical evidence regarding the care and treatment of the residents.

**R v C** – An elderly driver who lost control of their vehicle resulting in the death of a pedestrian. Medical evidence suggested that the defendant likely suffered a hypoglycaemic episode due to diabetes. The client had an underlying condition that meant they were unable to feel the symptoms on an attack. In cross-examination at trial the Crown's expert accepted that the defence expert's conclusions were more likely to be correct. Although the client was convicted, they received an exceptional 3 year community order from the Judge due to the 'extraordinary medical evidence in this case'.

**R v S** – A client who lost control of their vehicle in wintry conditions and collided with an oncoming car, fatally injuring the other driver. The defence obtained an expert report from a forensic meteorologist who determined that the collision was likely to be due to ice on the road. Following pre-trial discussions between counsel, the Crown dropped the case on the day of trial.

## Grievous Bodily Harm

**R v W** – A client accused of burning their stepchild's hands. The Crown's was relied on medical evidence that suggested the injuries would take several minutes to inflict. The defence case was complicated by being unable to obtain a defence report due to a reluctance by experts to become involved in a criminal case involving alleged abuse of a child. However under cross-examination the Crown's expert conceded that their conclusions were based on extrapolated data, and that the defendant's explanation was plausible. The client was acquitted.



### CONTACT DETAILS

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### PRACTICE AREAS

Business crime and Financial Regulation

Criminal Law

Professional Disciplinary

Regulatory

Health and Safety

Civil law

### MEMBERSHIPS

Criminal Bar Association

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## Kidnap

*R v X* – A multi-handed case involving allegations of kidnapping and assault using firearms. The defendant was accused of providing ‘the muscle’ to support the kidnapping. Rachel successfully adduced medical evidence to show that the defendant had recently lost an eye and was continuing to suffer medical complications from the same. Her client was the only defendant to be acquitted in the case.

## Firearms & Offensive Weapons

*R v C* – A young defendant who pleaded to carrying an offensive weapon, putting him in breach of a suspended sentence for his previous conviction of robbery. Rachel successfully argued that the defendant suffered from PTSD and other conditions that merited a community disposal to facilitate treatment. The defendant was not sent to custody.

*R v P* – Defendant who was charged with possession of a bladed article. Rachel successfully argued that the Defendant had forgotten to unpack the knife after moving house several days earlier and that this was sufficient to meet the needs of *R.v.Mcalla (1988) 87 Cr.App.R* in providing a reasonable excuse for possession of a knife. The Defendant was acquitted.

## Drugs Offences

*R v L* – Cultivating cannabis case. This involved 186 plants over two main growing rooms. Rachel successfully argued that this was for personal, medicinal use and so should be distinguished from sentencing authorities that suggested lengthy sentences. The defendant received 6 months custody and the judge observed that, had the Defendant not involved his son in the cultivation, he would have considered a non-custodial sentence.

*R v T* – Six-week trial of a multi-handed drugs conspiracy. The case was complicated by eventual disclosure of a large volume of surveillance and telephone evidence.

## Arson

Rachel also has considerable experience in arson cases where the client has been motivated by feelings of suicide or self-harm, and often secures suspended or short custodial sentences in these sensitive cases.

## Fraud & Dishonesty

*R v B* – Prosecuted a defendant accused on concealing a marriage in order to continue to claim single person benefits. The defendant argued that the marriage had broken down, but she had had two children with the defendant in that period. She was convicted.

*R v W* – Defendant was found in possession of £35,000 of duty-free cigarettes. Pleaded to fraud offences and received a 20-month prison term.

*R v M* – The Defendant had been found guilty of VAT-related offences and sentenced to 6 years custody. He was then found to be in default of his confiscation order and was sentenced to a consecutive 5 years. Proceedings were then brought against him for contempt of court, as he had failed to comply with the restraint order that remained in place from the commencement of the substantive offences. Prior to sentence it was indicated by the Judge that he intended to impose the maximum consecutive sentence of 2 years.

With some discount for a guilty plea, Rachel successful argued that the court was obliged to consider the totality of the time that the Defendant had already served when imposing a further prison sentence, resulting in a proposed 18 month sentence being cut to 12 months custody.

## Child Neglect

*R v K* – Prosecution junior counsel in a four-week case of child neglect which contributed to the child's death. The case involved complex medical evidence and was further complicated by the unusual future of the deceased child being a twin - the medical evidence strongly suggested that the identity of the twins had been ‘swapped’ after the death. The defence also submitted that the child had suffered from rickets in the womb and sought to adduce an American medical expert to support this suggestion, whom the Crown successfully applied to exclude.



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## People Trafficking

**R v B** – Junior counsel: A multi-handed case in which the defendants were accused of trafficking women to the UK for the purpose of prostitution. The trial was complicated by the use of multiple interpreters for the defendants. The defendant was convicted of people trafficking but acquitted of rape.

## Sexual Offences

**R v W** – in which the defendant, a transgender woman, was convicted of multiple counts of sexual offences against women. This was a developing case in which an on-going police investigation resulted in three new cases being laid against the defendant whilst the defendant was on remand due to assault allegations. Miss Cooper represented the defendant throughout the resulting allegations. These involved rape allegations against a recent partner; historic rape allegations; and allegations of sexual assaults against fellow prisoners. The latter resulted in the defendant being moved from a women's prison into the male prison estate. The case involved many vulnerable witnesses and ongoing disclosure issues.

Miss Cooper worked closely with the prosecution to clarify the developing cases whilst robustly defending her client, and preserving the dignity and anonymity of the witnesses during court proceedings. The defendant also had significant vulnerabilities that needed to be handled with sensitivity and understanding. This resulted in the defendant entering guilty pleas to a reduced indictment that properly reflected the criminal acts that had occurred.

**R v S** – Prosecuting as junior counsel. A 19-year old male was accused of grooming younger girls online. Convicted.

**R v D** – The defendant has significant behavioural and mental health challenges, and was accused of multiple rapes of a woman with similar difficulties. Convicted but received 7 years after the Judge took into account the defendant's own vulnerabilities.

**R v K** – The client was accused of historic rapes of a 13-year old. He had previously been convicted of some offences against her siblings, and acquitted of others. During case preparation concerns arose about the defendant's intellectual abilities and Rachel advised that he be assessed by an educational psychologist. This established that the defendant had a very low IQ, but masked his difficulties well and tended to agree with people in order to manage conversations. He was unable to be helped by an intermediary due to his profound difficulties. At trial Rachel successfully adduced the psychologist's conclusions before the jury. In addition the police interviews, whilst admitted, were put into the context of his habit of 'agreeing'. Although his previous convictions were admitted Rachel successfully applied to admit the fact of the acquittals as well. The defendant was acquitted on all counts.

**R v K** – The defendant was accused of multiple rapes of his former partner. After repeated disclosure applications the defence obtained the phone records of the defendant and the complainant. Rachel produced a 32-page schedule of text messages which established that the defendant had been in a relationship with the complainant, contrary to her evidence. At trial multiple witnesses admitted lying when cross-examined on the messages. The defendant was acquitted on all counts.

**R v X** – The defendant was accused of rape of his then-partner. Rachel repeatedly made disclosure requests were made for the complainant's facebook account. This was disclosed on the day of trial, and due to its content the case was dropped.

## Professional Disciplinary

### GMC

**GMC v Dr B** – Rachel was led by Suzanne Goddard QC in disciplinary proceedings against a reconstructive genito-urethral surgeon. The charges involved allegations of sexual assault against young patients and the doctor had been acquitted in two Crown Court trials, requiring analysis of the transcripts of Crown Court evidence in relation to the current charges.

### NMC

**NMC v T** – Rachel was instructed by the registrant in relation to an interim orders hearing. The registrant accepted that she had struck a patient but stated that her fitness to practice was not impaired. Rachel argued that this was an isolated incident, at odds with the excellent character references provided for the registrant. Conditions would affect her ability to work. The panel chose to impose no conditions on the registrant's practice.

### Appellate Work

Rachel has a broad range of experience in the court of appeal, Criminal division, for both the appellant and the respondent.

**I v R** – For the Respondent: The defendant appealed his conviction following the discovery of new evidence that suggested a witness had lied at trial. The witness was interviewed and admitted telling some lies at court; however they did not affect the substance of the case against the defendant. Rachel represented the Crown in the court of appeal and called the witness in question. After submissions the Court agreed that the conviction was not unsafe.



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