

# Ellen Shaw

Call to Bar: 2014



Ellen is an established and sought after junior who specialises in serious and complex crime, regulatory, and professional discipline.

Ellen is regularly instructed to both prosecute and defend in a wide range of cases including murder, drugs and firearms, serious violence, fraud, and sexual offences. She has extensive experience in analysing and presenting high-profile cases involving conspiracy offences and organised crime.

Ellen is a level 3 Crown Court prosecutor, (including the Serious Crime and RASSO panels) and is also instructed by the Health and Safety Executive as a Level B advocate. In her defence practice Ellen regularly receives instructions to act as a junior along-side leading counsel but also regularly acts as solely instructed counsel in cases where the prosecution, and other defendants, have both leading and junior counsel.

Ellen accepts instructions in all types of regulatory and public law matters and has specific experience in inquiry work, having worked on the Inquiry into Child Sexual Abuse and the COVID Inquiry.

## Notable cases:

### Court of Appeal:

**R v AA** [2023] EWCA Crim 611 – successful appeal involving the reduction of the sentence of a youth convicted of violent offences, sentence reduced by 12 months.

**R v KO** [2021] EWCA Crim 759 - successful appeal concerning the removal of an unlawful conditional compensation order.

**R. v AO** [2021] EWCA Crim 457 - successful appeal involving the reduction of a sentence for a client who committed fraud offences, sentence reduced by 9 months.

**R. v DL** [2020] EWCA Crim 974 - successful appeal concerning the reduction of a sentence for a client convicted of weapons offences, sentence reduced by 10 months.

**R v AF** [2019] EWCA Crim 1506 – reported case concerning the carriage of unauthorised items and drugs into prison.

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## Practice areas:

Crime  
Regulatory  
Inquest & Inquiry  
Professional Discipline

## Professional appointments:

CPS Level 3  
CPS Level 3 – Serious Crime

## Murder/Manslaughter and Fatality Cases:

**R v BCLH**- Prosecution Junior led by Andrew Thomas KC in a case where both the company and director were found to be responsible for the death of an individual as a result of systemic failures to maintain their fleet of vehicles. This was the first case of corporate manslaughter to arise out of a commercial vehicle operation. The team were successful in securing convictions.

**R v W and H**- Prosecution Junior led by Andrew Thomas KC in a gross negligence manslaughter case which also included health and safety offences concerning a double fatality before Mr Justice Fraser (now The Right Hon. Lord Justice Fraser). The team were successful in securing convictions.

**R v DA** – Prosecution Junior led by Guy Gozem KC in a case concerning the death of a 14-month-old child, and complicated medical evidence from expert witnesses about “shaken baby” arguments involving “triad-only” and “triad-plus” before Mr Justice Dove. The team were successful in securing a manslaughter conviction.

**R v MJ** - Prosecution Junior where the defendant was charged with murder where the victim had been stabbed over twenty times and partially decapitated, this case involved significant complex issues concerning mental health arguments about diminished responsibility and fitness to plead, the defendant was convicted of murder.

## Assisting an Offender/Perverting the Course of Justice:

**R v AA and others** – defence of a lady charged with attempting to pervert the course of public justice on an indictment also containing murder and attempted murder. Ellen was instructed as sole junior when all but one of the other defendants, and the prosecution, had leading and junior counsel. Ellen made a successful half time submission to secure the acquittal of her client before Mr Justice Dove.

**R v EB and others**– Defence Junior led by Lisa Roberts KC in a case where three police officers were charged with conspiracy to pervert the course of justice.

**R v WM** – defence of man charged with perverting the course of justice where the co-defendant was charged with murder. Ellen was instructed as sole junior when the other defendant, and the prosecution, had both leading and junior counsel.

**R v AT-P** – defence of a single mother charged with perverting the course of justice. No evidence was offered by the Crown after representations to the Crown, and submissions made in court, by Ellen.

## Drugs, Modern Slavery and Firearms:

**R v IB and others** – Prosecution Junior, led by David Temkin KC, Operation Estevan was one of the leading EncroChat cases concerning the admissibility of material. The Case involved the supply of huge amounts of drugs within the United Kingdom. The team secured convictions of the OCG in question. Ellen conducted the trial (alone without leader) for the only defendant who did not plead guilty and dealt with the Proceeds of Crime Applications.

**R v JG and others** – Prosecution Junior, led by Alex Leach KC, this case arose out of an NCA investigation into a hitman, engaged by those involved in serious organised crime, to conduct acid attacks and shootings in Merseyside. The case relied upon data recovered from the EncroChat network. The team were successful in securing convictions.

**R v RH** – Defence Junior, led by Mohammed Nawaz KC to represent an individual charged with possession of a firearm with intent to endanger life, this defendant alone was acquitted, all co-defendants were charged with murder and convicted after trial before Mrs Justice Yip.

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**R v OM and others** – Prosecution Junior in a conspiracy to possess firearms/ ammunition with intent to endanger life and conspiracy to supply class A drugs. This case which involved the largest gun trafficking empire in the UK, and drugs with a street value of over £70m. The case relied on data recovered from the EncroChat network and secured convictions of the defendants.

**R v B F-B** - Instructed to defend a client who pleaded guilty to running a drugs line which was valued at three quarters of a million pounds over 6 months and had previous convictions for similar offences. Ellen was able to successfully mitigate the defendant's role and the drugs value so that they received a more lenient sentence than the Crown's submission that the case should be dealt with at the top of the guidelines.

**R v SI** – Instructed to prosecute an individual who was stopped with more than £200,000 worth of class b drugs at an Airport in the UK having imported them from the USA via France, this case resulted in guilty pleas and the individual being sentenced to imprisonment and deported.

**R v AO and others** – Instructed to Prosecute a Modern Slavery case where three defendants were accused of enslaving another drug dealer. The case involved significant disclosure issues and arguments concerning the levels of disclosure made, bad character and admissibility of evidence.

## Serious violence

**R v SC** – defence of an individual charged with x2 s18 offences, possession of a knife and a violent disorder, a successful half time submission was made by Ellen leading to the withdrawal of the s18 offence and knife offence from the jury.

**R v DH and R v ML** – defence of two men in separate trials under the same operation concerning the historic physical abuse of boys in care homes in the 1970-80s. The only counsel to have clients in both trials under this operation and to have both acquitted. Ellen was instructed as sole counsel in both cases where the prosecution had both leading and junior counsel.

**R v MK** - defence of a man who was sentenced for s18 offence after trial where the court heard evidence that the defendants were attempting to blind the victim, Ellen advanced legal submissions which were accepted by the sentencing Judge who had been persuaded to step away from a sentence with a starting point of 12 years and a finding of dangerousness and instead passed a sentence of 6 years and 6 months.

**R v JH** – defending a youth in a multi-handed and well publicised case where the defendants were jointly charged with a s18 offence and violent disorder including use of weapons. Ellen's client was also charged with witness intimidation. Ellen was able to persuade the sentencing Judge to make the client subject to a youth order, so he did not receive a custodial sentence despite having been convicted after trial and the seriousness of the offences.

## Fraud:

**R v WB** - instructed for a client who Ellen had previously represented for perverting course of justice, this client faced charges on two separate indictments: firstly for serious knife point, commercial robberies, and secondly as D1 in a long and involved conspiracy to defraud. The fraud involved 14 co-defendants; the lead defendants targeted small businesses between 2015-2018 posing as debt collectors for the County Court. Ellen was able to persuade the sentencing Judge that the client's mitigation was such that despite having a previous conviction for similar violent offences, as well as fraud offences the client was not dangerous resulting in a determinate sentence.

**R v MB and SC** – Ellen was instructed to prosecute two men who targeted elderly couples and extorted thousands of pounds in a building fraud, she secured convictions and both were sentenced to custody.

**R v MC** - defence of an individual described as “a serial conman” who posed as a police officer to defraud individuals over a 12-month period, Ellen secured a short custodial sentence despite the client having 16 previous convictions for identical offences with the same MO.

**R v SW and DW** – defence of a couple who were prosecuted by the Insolvency Service for failure to deliver up possessions and the concealment of assets. Despite the amount of money involved Ellen successfully persuaded the sentencing Judge to pass stand-alone suspended sentence orders.

## Sexual Offences:

**R v JB** – Instructed to represent an 80-year-old client with dementia who was not fit to plead, he faced 18 counts of historic sexual offences dating back as far as 1968, against three family members.

HHJ Medland QC remarked in his 30+ year career at the bar and on the bench he had never encountered evidence of sexual offending more serious than that by the defendant, he observed that "the details of the offending which JB indulged in were in many ways so disgusting that I hesitate to repeat them in any detail now, suffice to say he behaved as a monster indulging himself at will in the most appalling depraved sexual offending."

**R v LR** – instructed to represent a client who was accused of raping his ex-wife and stepdaughter, acquitted unanimously after a 5-day trial, Ellen successfully undermined the prosecution case through the use of the unused material crucially a raft of messages between the defendant and complainants.

**R v AC** – instructed to defend a man charged with the historic sexual abuse of his stepdaughter, acquitted unanimously after 2 hours of jury deliberations having heard 5 days of evidence.

**R v LF** Instructed to defend a client who was charged with the rape of his natural daughter and had filmed some of the abuse on his phone. Ellen was able to persuade the sentencing judge that the client did not need to be found dangerous, and a determinate sentence was sufficient, also that maximum credit should be awarded despite the stage that the guilty plea was entered.

## Regulatory:

**HSE v JT** – Ellen was instructed to prosecute a company after a worker lost his hand after it became trapped in the machinery, the injuries were so serious that his hand was amputated above the wrist. The firm was fined £100,000.

**HSE v MC** – Ellen successfully represented the HSE at a costs hearing arising out of a tribunal claim concerning Prohibition Notices.

**HSE Covid Inquiry** – Ellen was instructed as part of the HSE counsel team as one of the core participants to the Covid Inquiry, she dealt with disclosure and Rule 9 responses.

Child Sexual Abuse Inquiry;

Ellen was instructed as junior counsel to the Independent Inquiry into Child Sexual Abuse, specifically instructed on the Roman Catholic Investigation (July 2017-2019). The investigation considered the extent to which the Nolan and Cumberlege reviews of child protection in the Roman Catholic Church improved the Church's policy and practice considering 3 case studies: firstly, the English Benedictine Congregation focusing on the Schools Ampleforth and Downside, second: Ealing Abbey and St Benedict's School and thirdly: the Archdiocese of Birmingham.

Ellen took a leading role in the review of disclosed material and supervised the redaction process. She was responsible for drafting Rule 9 statement requests and assisted with preparation for the public hearings, including the formulation of evidence proposals as well as drafting witness questions for leading counsel, she also oversaw the rule 10 procedure determining which questions from the Core Participants would be adopted by Counsel to the Inquiry. She attended the public hearings as junior counsel and was one of the four counsel who drafted the Ampleforth and Downside report. <https://www.iicsa.org.uk/key-documents/6583/view/ampleforth-downside-investigation-report-august-2018.pdf>

Ellen has spent time assisting senior counsel in Fitness to Practice proceedings before the MPTS, as well as researching various aspects of substantive and procedural law for the General Medical Council and advising on several topics including service on doctors residing in a foreign jurisdiction and has also undertaken work for the Royal College of Nursing. Ellen also has experience of representing individuals in the Mental Health Tribunal.

## LINCOLN HOUSE CHAMBERS