

## Andrew Finlay

Barrister



### Overview

Andrew has over 20 years experience as a criminal advocate. This has allowed him to develop particular expertise in some of the most serious criminal cases. He has built this expertise on the cornerstones of high levels of professional and lay client care, sound judgement, detailed preparation and working hard to find an innovative angle where necessary. He is incisive, with particular ability to advise on and manage the strategic direction of the case from an early stage in order to secure the best outcomes.

He has been a registered Pupil Supervisor since 2010

### Notable Cases

Sexual offences

Andrew has extensive experience in dealing with a range of sexual offences.

**R v H:** Rape. Successfully defending 16 year old charged with rape of 14 year old girlfriend. Analysis of telecommunication and social media evidence to secure material to assist in defence. Heightened tension due defendant and family being harassed in the local community as a result of allegation.

**R v W:** Teenage defendant charged with rape of child under 13. Complainant not legally able to consent due to age. Court of Appeal indicate that instances where custodial sentence would not be passed are "vanishingly rare." Advice from an early stage as to type of mitigation material to obtain secured non-custodial sentence and strong judicial commendation as to standard of representation

**R v F:** Rape. Successfully defending teenage boy in the Youth Court. Case involved successful section 41 application combined with non-defendant's bad character application to permit successful lines of cross examination.

### Historic Abuse

**R v HH:** Successfully defended elderly defendant charged with historic sexual abuse. Obtaining disclosure that undermined the prosecution case from antiquated Local Authority material, following independent research into local authority record keeping practices.

Year Of Call:

1992

#### Practice Areas

[Crime](#)

[Regulatory](#)

Continued...

## **Vulnerable adults**

**R v S:** Rape. Defendant with learning difficulties. Indictment stayed as an abuse of process by establishing, through use of expert psychological and psychiatric evidence that the defendant's condition had caused his memory of the incident to deteriorate during the court process.

## **Homicide and Serious Violence**

**R-v-M and M:** Manslaughter. Representing defendant after nightclub doorman died of a ruptured aneurysm following an altercation. Sourcing internationally renowned expert to establish that the rupture was spontaneous and not due to the defendant's actions.

## **Shaken Baby Syndrome**

**R v C:** Using evidence from multiple expert sources to establish that injuries due to alleged shaking may have been as result of an accident, leading to no evidence being offered against defendant.

**R v PH:** Successfully defending in case of causing grievous bodily harm with intent by sourcing joint opinion from a biomechanical and textiles expert to undermine the complainant's account of being hung by her leggings.

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## **Serious organised crime and undercover operations**

**R v B, Z and others, R v S, B and others.**

Large scale police operations in relation to supply of controlled drugs, involving undercover operatives, sensitive handling of informant based disclosure issues and detailed analysis of communication data from mobile telephones and social media accounts.

**R v B:** Defendant hired an under-cover police officer posing as a contract killer to murder estranged wife.

## **Regulatory**

### **Fatal accidents in the workplace**

**HSE v SCNH :** Successfully repelling defence expert evidence and abuse of process argument when an elderly lady asphyxiated after being caught in a set of defective bedrails.

**NHS Protect:** Acting alone against leading counsel at trial to successfully prosecute an optician charged with issuing a large volume of fraudulent prescriptions.

**Trading standards:** Actions against rogue traders including acting as leading counsel for Trading Standards in a complex fraud perpetrated by an organised gang of 10 defendants against elderly victims as far afield as Tyneside and North Yorkshire.

**Food Standards agency: FSA v S B:** Successfully prosecuting abattoir for breaches for food safety regulations by securing guilty pleas after repelling defence legal arguments.

**Taxi Licensing:** Successfully acting in appeals against the refusal to grant taxi licenses issues including time for bringing appeals (Stockton BC v Latif (2009)LLR 374) and the burden of proof to be applied (Kaivanpor v DPP EWHC 4127)