

VANESSA MARSHALL KC

Year of call 1994 Silk 2018



Vanessa Marshall KC has a unique practice consisting of both criminal and civil jurisdictions, which means she can offer the skills and experience gained as a criminal advocate but also the discipline and detail that civil paperwork brings.

Prior to taking Silk in 2018 Vanessa was regularly ranked in Legal 500 as a leading junior in Crime.

Her practice in crime is split between prosecuting and defending and she is well known as a specialist in rape matters and other difficult, complex sexual offences including historic allegations and those involving child witnesses. Vanessa possesses fine attention to detail and a strong work ethic, which combined with her relentless tenacity (particularly involving issues of disclosure) and effectiveness as a jury advocate, make her the obvious choice whether prosecuting or defending. It is testament to this that within a week of taking Silk, she was instructed in the only two murders in the East Midlands by both the defence and prosecution involving stabbing by young defendants. In short, she always goes the extra mile and leaves no stone unturned, consistently achieving acquittals when defending 'hopeless' cases and regularly secures convictions in 'difficult' prosecution cases.

She also deals with manslaughters, attempted murders and murder, robbery and serious violence, modern slavery, high value drugs matters. She had extensive experience being led in multi-handed murder inquiries for both prosecution and defence, including acting as the prosecution Junior on the Hilda Murrell investigation, where her pre-trial work involved heading up a police team reviewing 100,000 documents for the purposes of disclosure and PII hearings.

Her background as a Registered General Nurse at a London teaching hospital means that she is a first-choice candidate for criminal cases concerning complex medical issues and causation, such as baby shaking cases. She also defends GPs accused of sexual offences against patients in the Crown Court, for the medical defence organisations.

In 2009-10, she was Counsel to the Airedale Inquiry, calling and cross-examining hospital managers, doctors and nurses into the management and practices of Night Nurse Practitioners at Airedale NHS Trust, concerning

nurse prescribing and IV administration of opiates, following a stayed murder prosecution against a senior NNP. It was through her meticulous analysis of the voluminous amount of documentation that she discovered a file that had been missed by the prosecution team, which wholly exculpated the NNP from any wrongdoing.

In relation to her civil practice Vanessa acts predominantly for claimants in inquests and clinical negligence and over the years has accrued a vast amount of experience representing patients both at trial and in mediations, concerning complicated medical and legal issues.

LEGAL EXPERTISE

Crime & Regulatory

Selected Cases

[R v Selmani & Senia & Dushku \(2023\)](#)

An interesting case of joint enterprise murder amongst 2 opposing groups of Albanians and 3 separate section 18 complainants, where both principals had fled the jurisdiction and the majority of the incident was captured on CCTV. Despite the fact that Vanessa's client produced a knife at the scene and chasing people with it he was acquitted of murder and 2 out of 3 counts of section 18 but the jury were undecided on manslaughter. The legal directions were not straightforward.

[R v Bendall \(2022\)](#)

A highly sensitive case, where D (client) was charged with four murders, and under section 5 of the Sexual Offences Act 2003.

There were substantial psychiatric issues to untangle, and the case was very widely reported nationwide, as D had killed his partner and their two children, and killed and raped another child.

There was significant delay to the case due to D's prison refusing to permit investigations by MRI & PET scanning, to consider the extent to which D might have been suffering from a topical condition (CTE – a degenerative form of dementia), only diagnosed on PMs.

Vanessa's persistence meant she was able to obtain all of these investigations, pre-plea (issue murder/manslaughter). Weekly hearings were required before Mr Justice Sweeney KC in the CCC, and Vanessa also had to persuade the Head of Transport of category A prisoners and Head of Radiology Department to allow scanning to take place, arguing risk/benefit considerations.

Extensive analysis of complex scientific evidence and medical records was required, with neurological and psychiatric opinions to consider. In particular, there was an interplay of a possible physical brain disorder and

psychosis with voluntary drug taking.

Guilty pleas led to 4 life sentences with no minimum term. This was an extremely difficult mitigation to do in such an appalling case in front of all the families and press and has led to a huge amount of global press interest.

R v Meadows, Gorton, Grieve, Johnson & Grieve (2022)

Vanessa prosecuted a 5 handed killing, with 2 principals and 3 secondary parties (3 family members in the dock including 15 year old daughter. D1 was the lover of D3 and made a plan to kill D3's existing partner.

This case was complicated by 2 defendants not submitting a defence statement, so the prosecution was put to proof. There was a significant amount of evidence covering telematics, phone data, CCTV, body worn footage, forensic pathology, DNA evidence and difficult witness management, along with voluminous disclosure of unused material, complicated by some prosecution witnesses becoming defendants. The case came to the press's attention as it was the first murder case to result in all defendants being granted bail owing to the Bar's industrial action.

R v Nur (2022)

Prosecution of a young Somalian man who stabbed a drug user who was trying to steal his drugs, 22 times in a residential area in Leicester. His defence was loss of control. After he ran, the investigation involved analysis of CCTV evidence to trace his whereabouts, and trying to rebut the defence of loss of control.

Complex medical pathology issues arose. Significant work required considering CCTV and telephone evidence, and deciphering telephone intercepts (in Somalian) from prison.

R v Bramhill - Purchase & Zhou (2018)

Modern slavery prosecution for East Midlands Complex Crime Unit concerning a nationwide conspiracy to traffic and control Prostitutes for gain. Over 10,000 pages of material, including voluminous call, text and internet data and surveillance footage, establishing the recruitment, control and movement of Chinese women in rental properties across the East Midlands. Interpreter required for one defendant. All issues were in dispute. Huge challenge to present the lengthy and complicated evidence, largely in Schedule form. Both defendants convicted.

R v Dr Sharma (2018)

Instructed by the MPS to defend a GP for allegations of sexual assault against a female patient. Difficult issues concerning bad character applications by the prosecution to adduce a previous compromise agreement arising out of a disciplinary action relating to previous (but unproven) allegations of a sexual nature in the hospital workplace, as well as letters of Advice/Warnings from the GMC. Applications successfully opposed. Issue of fitness to plead. Acquitted at trial.

R v Purdy (2018)

Defending a man accused of manslaughter and affray. Interesting issue as to causation of the fatal injury and identity of the individual who inflicted the fatal blow – the defence asserting that the deceased's girlfriend and another inflicted the fatal blow after the defence had left the scene inflicting no fatal injuries. Damning CCTV footage of the defendant before and after the incident. Hung jury. Re-trial August 2018.

R v Raymond Warren (2017)

Defending numerous allegations of historic sexual abuse and rape by 3 adopted children and 1 foster child. Voluminous unused material concerning educational, medical and social services records, which had to be reviewed and put into chronologies for use with the witnesses and jury. Complicated issues of hearsay, bad character, cross admissibility and contamination/ collusion of evidence. Two of the complainants had made complaints previously but had not been prosecuted until other allegations made on a later occasion. Acquitted on all counts on the indictment.

R v Marcin Wawrzyniak (2017)

Polish speaking father accused of GBH 'baby shaking', which he claimed was done in necessity as his 5-week old baby stopped breathing. Complicated legal issues on causation and defence of necessity and the reasonableness of the defendant's actions. Case complicated by discovering mid-trial issues over fitness to plead and stand trial over undisclosed but long-standing cognitive deficit and untreated epilepsy, as well as admissibility of interviews where no appropriate adult provided. Expert Psychiatrists instructed mid trial and Judge found defendant fit. Conviction appealed over failure to discharge jury and directions to the jury in response to a jury question over how to deal with the defendant's mental age of 12-15. Conviction quashed in the Court of Appeal (November 2017). Reported in Crime Line on 14/12/17 – Judgment: [2017] EWCA Crim 2008

R v Liffin (2017)

Prosecuting attempted murder by defendant against ex-partner and in breach of a restraining order. Broke into her house, armed with a knife and lay in wait for several hours for the complainant to return home. Upon her return home he severely assaulted her, stabbed her thigh with a knife and tried to strangle her, only stopped by the police attending the property. Trial 1 de-railed when the complainant was 'kept away' from court by Liffin and his aunt, Bailey. Further investigation undertaken, discovered over 3000 text messages from Liffin to complainant in breach of restraining order and persuading her not to give evidence. Aunt had taken her to a hotel for the course of the trial. Complicated issues relating to complainant's mental health, which meant calling at trial 2 would be difficult. Charging advice led to charges and eventual plea to section 18 GBH, breach of RO and conspiracy to pervert the course of justice.

R v Burgoine & Nepryahin (2016)

Rape of a teacher by 2 post graduate rowers. Burgoine was the under 23 girls rowing coach at Newcastle University and Team GB. The defendants were alleged to have picked up a drunk woman in a nightclub and

taken her back to a flat and raped her whilst she was drunk and barely conscious. Parts of the sexual activity were filmed and compromising photographs taken and distributed to a Whatsapp group called the 'Gruesome Threesome', along with distasteful messages about the woman and the sexual activity. Highly prejudicial material went before the jury, which made the defence case extremely challenging. Medical and telephone evidence in dispute, lengthy CCTV footage to master. One of the most difficult cases to defend to date. After a hung jury during the first trial, the defendants were acquitted in the re-trial in December 2016.

Clinical Negligence

Vanessa has been recognised as an up and coming junior in the field of clinical negligence by The Legal 500. Her practice is primarily Claimant based. Her experience includes spinal injuries, cardiac, surgical procedures, neo-natal, birth mismanagement and cerebral palsy, dental, gynaecological and delayed diagnosis cases.

Her previous career, as an RGN specialising in acute medicine and surgery, has proved invaluable for this area of practice, not only in relation to the practical experience gained in the clinical setting, but also as to the day to day operations of a busy hospital and the multi-disciplinary teams working within it.

Selected Cases

Fussell Dec'd v Milton Keynes General Hospital & Others (On-going)

Misdiagnosis of cervical cancer.

David Pattrick (Deceased) (2013)

Represented family of the deceased after he died following an operation to remove a gall bladder. Finding of "serious failings" in respect of the care given to the deceased.

Herbert Ward (Deceased) (2013)

Represented family of the deceased after he suffered a serious head injury post operation falling from his bed in the recovery ward.

The Airedale Independent Inquiry (2010)

Inquiry into the deaths of patients due to administration of Morphine and diamorphine by nurses on nightshifts.

Carol Breeze (as Personal Representative of the Estate of Leonard Breeze, deceased) v Saheed Ahmed (2005) EWCA 223

Successfully appealed a decision on causation where a judge had accepted an expert's evidence on a particular issue on the basis that it was supported by recent medical literature, which the Judge did not see and which was later shown, in fact, not to support the expert's opinion.

Public Law

Vanessa's practice also extends into the regulatory/disciplinary arena. Over the years, she has appeared in the Care Standards Tribunal, where she successfully defended a social worker who was challenging the decision to include him on a list of those deemed unsuitable to work with children. Given her clinical negligence experience and the work she does for the medical defence organisations, defending doctors in the Crown Court, she is well placed to represent professionals in disciplinary proceedings and has appeared before the General Dental Council on behalf of a dentist facing allegations of gross misconduct. A good example of her dual practice is that she then represented the same dentist in a civil fraud action bought by the NHSLA in the QBD. She also has experience in prison law, having been instructed in both adjudication and parole board hearings in prisons around the country.

Whilst a private Inquiry, Vanessa was instructed at short notice to act as Counsel to the Airedale Inquiry (chaired by Kate Thirlwall QC (now Thirlwall LJ), between 2009 and 2010. The Terms of Reference set out to analyse the management and practices of Night Nurse Practitioners (NNP) at Airedale NHS Trust, concerning nurse prescribing and IV administration of opiates, following a stayed murder prosecution against a senior NNP. The brief involved Vanessa having to assimilate voluminous amounts of documentation so as to advise the Inquiry solicitors as to which witnesses should be called to give evidence and then giving an Opening statement to the Inquiry, followed by calling and cross-examining 100's of witnesses, consisting of hospital managers, doctors and nurses from the Trust. It was through Vanessa's meticulous analysis of the voluminous amount of documentation that she discovered a file that had been missed by the original prosecution team, which wholly exculpated the NNP from any wrong-doing.

Selected Cases

GDC v Govind

Disciplinary tribunal relating to gross misconduct.

[The Airedale Independent Inquiry \[2010\]](#)

Inquiry into the deaths of patients due to administration of Morphine and diamorphine by nurses on nightshifts.

Family Law

Although Vanessa is not a family practitioner, she has recently started using her specialist expertise from the criminal arena in baby shaking and child killings, in the family court, leading family juniors, in fact, findings involving the same issues.

Memberships

- Criminal Bar Association
- PNBA