



Claire Mawer

Call 2014

Claire Mawer is a highly experienced advocate, regularly instructed as a sole or led junior to defend in serious criminal matters in the Crown Court, High Court, Court of Appeal and also the Youth Court.

Claire is routinely instructed to defend in cases covering the full spectrum of criminal offences, including: large conspiracies; homicide (murder & manslaughter); drugs; firearms; burglary; robbery; serious violence (including s.18 GBH); fraud; sexual offences & driving offences.

Claire is particularly experienced in appellate crime and the representation of young defendants (children and young adults) and vulnerable defendants, including women who have entered the criminal justice system due to the experience of trauma and abuse, and defendants who suffer with mental disorders.

Primarily as a result of her experience in representing vulnerable defendants, Claire is particularly experienced in running legally complex defences, including: modern slavery and child criminal exploitation; fitness to plead & insanity; and the partial defences to murder (including loss of control and diminished responsibility).

Examples of recent led work include a successful appeal against a murder conviction involving a woman who killed a violent partner and defending in a multi-handed drugs conspiracy at Guildford Crown Court.

Practice Areas

Appeals

Claire is an experienced appellate advocate in the Court of Appeal and High Court, as both a junior alone and led junior. Claire has appeared in a number of high-profile conviction and sentence appeals and reported cases.

Claire has been singled out for instruction by the Registrar for instruction in a 'mercy-plea' appeal against sentence, as a result of her previous success in representing the Appellant in an appeal against sentence in circumstances where the Appellant was diagnosed with terminal cancer and likely to die in prison, but for the successful appeal.

Examples of Claire's recent, notable work and reported cases include:

- **R v X** (Court of Appeal, December 2020) – Led junior for the Appellant in a high-profile, successful

appeal against murder conviction (reporting restrictions apply) involving a young woman originally convicted of murdering a violent partner. The case involved the admission of fresh evidence relating to the experience of coercive and controlling behaviour and sexual violence as relevant to the partial defences of diminished responsibility and loss of control.

- ***R v D [2021] 1 Cr. App. R. 18*** – Represented the Appellant (described by the press as Britain’s most dangerous woman) in a successful appeal against sentence and co-joined conviction appeal.
- ***R v SOL [2020] 1 Cr. App. R. (S.) 32***– Represented the Appellant in this appeal against the imposition of a sentence of immediate imprisonment, in which the Court of Appeal issued guidance as regards the imposition of suspended sentences and treatment of age/lack of maturity in the assessment of culpability and appropriate sentence.
- ***O v DPP [2018] 1 Cr. App. R. 27, [2018] Q.B. 1086, [2018] 2 W.L.R. 1725*** – Instructed as sole junior in this leading authority relating to the availability of self-defence to offences of assaulting and/or obstruct police officers.

Claire is a long-standing member of Justice for Women (“JfW”), a group of women lawyers who bring appeals and campaign on behalf of women who have been convicted of the murder of a violent partner. Claire was recently a spokesperson for JfW during the campaign relating to the appeal of Sally Challen, chairing events, appearing as a panel member at press conferences, and giving live interviews to BBC News (television and radio) ITV & Sky News. Claire also organised and was a panel member (alongside Harriet Wistrich and Helena Kennedy QC) at the 2018 celebration of JfW’s 25th anniversary.

Claire is also a committee member of the Criminal Appeals Lawyers Association.

Youth Crime

Youth Crime

Claire is hugely experienced in relation to defending youths and young adults charged with the most serious offences in the Youth Court and Crown Court.

Claire is a consultant for the Youth Justice Legal Centre, where her work has involved the publication of their legal guides and appeals against sentence with a particular focus on sentencing issues relating to young adults (those aged between 18 – 25).

Claire has authored or collaborated in the following publications:

- ‘Turning 18’ Practitioners’ Guide, June 2020 (author)
- ‘Child Criminal Exploitation’ Practitioners’ Guide, December 2020 (author)
- Criminal Behaviour Orders, Jan 2021 (collaborator)
- Trauma Involved Lawyering, May 2021 (collaborator)
- Sentencing of Young Adults L.R. 2021, 3, 203-217 Sentencing (co-author with Dr Laura Janes, legal director of the Howard League for Penal Reform and David Emanuel QC)

Claire has also presented at a number of Youth Justice seminars, including:

- ‘Turning 18’ Youth Justice Legal Centre training, June 2020 (alongside Mr Justice William Davies, youth justice lead at the Court of Appeal)
- ‘Turning 18’, London Criminal Court’s Solicitors Association training, June 2020

Examples of Claire's recent cases involving young defendants include:

- ***R v JB, Highbury Corner Youth Court (certificate for counsel)*** – Secured the acquittal at trial of the first of four 13 year old defendants charged with raping a 13 year old girl in care.
- ***R v LWB, Guildford Crown Court*** – No evidence offered in relation to a young man being prosecuted for possession with intent to supply of Class A drugs and firearms offences, involving the s.45 modern slavery defence (Claire helped secure a positive Conclusive Grounds Decision on a NRM referral).
- ***R v KC, Kingston Crown Court*** -Defended 19 year old former care leaver in a multi-handed kidnap and ABH matter. Secured a suspended sentence following a guilty plea, notwithstanding defendant being in breach of an earlier suspended sentence for knife possession.
- ***R v CS, Chelmsford Youth Court (certificate for counsel)*** – Secured acquittal of 16 year old defendant charged with the sexual assault of an 11-year-old girl (which involved entering her home through an open bedroom window) & grooming (two different victims). The case involved significant forensic evidence (DNA and fingerprints inside the bedroom) and sensitive cross-examination of the complainant and her 14-year-old sister.

Defence

Claire Mawer is a highly experienced defence advocate, regularly instructed as a sole or led junior to defend in serious criminal matters in the Crown Court, Court of Appeal and High Court.

In general crime Claire is routinely instructed in the full spectrum of criminal offences, including: homicide (murder & manslaughter); drugs; firearms; conspiracy; burglary & robbery; serious violence including s.18 GBH; fraud; sexual offences & driving offences.

Claire is particularly experienced in the representation of young defendants (children and young adults) and vulnerable defendants, including women who have entered the criminal justice system due to the experience of trauma and abuse and defendants who suffer with mental disorders.

Primarily as a result of her experience in representing vulnerable defendants, Claire is experienced in running legally complex defences, including: modern slavery and child criminal exploitation; fitness to plead & insanity; and the partial defences to murder.

Examples of Claire's recent defence cases include:

- ***R v DA, Maidstone Crown Court, 2021***. Represented a defendant charged with a joint enterprise aggravated burglary, which was alleged to have involved the use of a firearm and other weapons in the theft of large quantities of product from a cannabis farm. The Crown accepted a plea to possession of an offensive weapon and received an 18 month Suspended Sentence. .
- ***R v JEC, Croydon Crown Court, 2021***. Secured a 3 year sentence for a defendant who pleaded guilty to four counts of causing serious (life changing) injury.
- ***R v JB, Highbury Corner Youth Court (certificate for counsel), 2021***. Secured the acquittal of the first of four 13 year old defendants charged with the gang raping a 13 year old girl.
- ***R v KD, Guildford Crown Court*** – Represented vulnerable defendant, with a low-IQ and PTSD arising from childhood sexual abuse and violence in adult intimate relationships, charged with multiple counts of child cruelty.
- ***R v AD, Canterbury Crown Court*** – Defending in multi-handed aggravated burglary and firearms case, involving cell site evidence, psychological evidence and an application to introduce serious defendant bad character.

- ***R v LWB, Guildford Crown Court*** – Representing a young man being prosecuted for possession with intent to supply Class A drugs and firearms offences. The case involved the s.45 modern slavery defence (Claire helped secure a positive Conclusive Grounds Decision on a NRM referral).
- ***R v YM, Inner London Crown Court***– Successfully represented 18 year-old defendant who was arrested as a 16 year-old for possession with intent to supply Class A drugs and assault offences. Following receipt of a positive conclusive grounds decision, Claire successfully persuaded the prosecution to offer no evidence following representations relating to child criminal exploitation, culpability and maturity.
- ***R v FC Isleworth Crown Court*** – Defending in serious s18 GBH trial (a Category 1 offence due to the severity of the injuries), involving a difficult identification and alibi defence whilst simultaneously avoiding the admission of the defendant’s previous convictions for violent offences.
- ***R v SJ, Guildford Crown Court*** – Led junior in high-value multi-handed conspiracy to supply class A drugs, spanning a number of county-lines operations. Received the instruction after representing the client successfully in previous criminal proceedings
- ***R v CS, Chelmsford Youth Court (certificate for counsel)*** – Represented 16 year old defendant in two separate and grave matters at Norwich Youth Court on a certificate for counsel: trespass & sexual assault against an 11-year-old girl (which involved entering her home through an open bedroom window) & grooming (two different victims). The case involved significant forensic evidence (DNA and fingerprints inside the bedroom) and sensitive cross-examination of the complainant and her 14-year-old sister.
- ***R v JFM, Isleworth Crown Court*** – Defending serious s18 GBH, in which victim sustained extensive life changing injuries, where the defence was one of drug induced psychosis.

Extradition

Claire represents Respondents, at first instance and on appeal to the High Court, in extradition proceedings involving a wide spectrum of issues, including cases advancing Article 8 and Article 3 grounds.

Examples of Claire’s recent extradition cases include:

- ***R v PN, 2021***. Represented the Requested Person at first instance and on appeal (permission granted) in an Article 8 appeal.
- ***R v PM, 2021***. Successful representation of a Requested Person whose extradition was refused on the basis of Article 8 grounds, in circumstances where the RP’s son suffered with severe disabilities.

Road Traffic

Claire is routinely instructed in a wide range of driving matters, from cases pleading special reasons and exceptional hardship through to serious driving offences including causing serious injury by dangerous driving.

Fraud

Claire has experience of disclosure review in a number of serious fraud cases, which include:

- ***Axiom Legal Financing Fund, 2021*** (instructed as disclosure counsel by the SFO)
- ***Euribor, 2018*** (instructed as disclosure counsel by Howard Kennedy LLP)
- ***Tesco, 2018*** (instructed as disclosure counsel by the SFO)

Memberships

- Justice for Women
- Criminal Appeals Lawyers Association
- Criminal Bar Association
- South-Eastern Circuit

Qualifications

- Lord Mansfield Scholar (highest BPTC scholarship), Lincolns' Inn
- BPTC, The Inns of Court School of Law
- Graduate Diploma in Law, The College of Law
- MA History, University of Cambridge