



David Patience

Call 2009

David Patience specialises in general crime, financial crime, judicial review and professional discipline.

He also has significant experience of appellate proceedings and has appeared before the Supreme Court and the Court of Appeal (both Criminal and Civil Divisions). In crime, he both defends and prosecutes and is currently ranked as a leading junior (tier 2) by the Legal 500.

Practice Areas

Coroner's Inquests

David regularly appears in the Coroner's Court and has acted for police officers, doctors and local authorities at inquest proceedings.

In early 2011, David also spent a month on secondment to the Treasury Solicitors, working on disclosure issues relating to an inquest into a death in custody, in circumstances where systemic racism amongst prison staff was alleged by the family of the deceased.

Notable coroner's inquests cases

The Mark Duggan Inquest

Led by Ian Stern QC, representing SC&019, the specialist police firearms officers involved in the incident, both during the inquest at first instance and in the judicial review that followed.

BSB v LM

Led by William Clegg QC, representing a barrister before the BSB, relating to their conduct of the defence in a terrorism trial.

Re X

Acting alone, representing a local authority at an inquest into the death of an elderly pensioner, who had fallen whilst being transferred from a bed to a chair by carers using a hoist.

Re Y

Acting alone, representing a GP at an inquest into the death of a man who had died from an initially undiagnosed ruptured aortic aneurysm.

Re Z

Acting alone, representing a GP at an inquest into the death of a chemotherapy patient suffering from initially undiagnosed neutropenia.

Crime

David appears regularly in the Crown Court, both prosecuting a defending. He has also appeared on multiple occasions in the Court of Appeal, including acting alone, successfully, for the Crown in an appeal against conviction.

Notable crime cases

Bulmer Art Heist Trial

Acting alone, defending a man charged with handling stolen goods and fraud, in relation to a £2.7 million art and jewellery heist at a mansion belonging to the heir to the Bulmer's Cider fortune, both at trial and resisting the prosecution appeal that followed.

R v K

Acting alone, defending a woman pleading guilty to multiple charges of causing or inciting a child to engage in sexual activity and taking/distributing indecent photographs of a child.

R v Garrod & McVicar

Led by Christine Agnew QC, prosecuting two men for manslaughter committed during an alleged robbery of a large sum of cash from a safe house.

R v Rolf Harris

Led by Stephen Vullo QC, defending Rolf Harris at his second and third trials, where he was acquitted of all new charges and in the Court of Appeal, where the most serious conviction from his first trial was quashed.

Stella Creasy MP Twitter Trial

Acting alone, defending a man charged with 'trolling' Stella Creasy MP on Twitter.

R v Murphy

Led by James Turner QC, defending a man charged with murder, who stabbed his father to death after a row about the charging of a mobile phone.

R v Slade

Led by Stephen Vullo QC, defending a man at a retrial for conspiracy to murder. Prosecution offer no evidence after arguments re: disclosure.

R v Anslow

Led by Stephen Vullo QC, representing a defendant appealing against a total sentence of 29 years for drug supply and escape.

R v Noyes

Led by Tim Kendal, representing a defendant facing a 19 count indictment relating to various alleged mortgage frauds totalling in excess of £1 million. Following negotiations, Crown agree during trial for defendant to plead guilty to 7 counts totalling £87,350. Defendant received a suspended sentence of imprisonment and a capped confiscation order.

R v Peter Nunn

Acting alone, representing the defendant charged with 'trolling' Stella Creasy MP on Twitter.

R v K

Led by Peter Lodder QC, representing one of the defendants in confiscation proceedings in respect of the conspiracy to import multiple tonnes of cannabis, which is said to have inspired the BBC 'Shadow Line' drama.

R v Taylor (David) (Court of Appeal (Criminal Division) – [2013] EWCA Crim 15)

Acting alone, representing a defendant in a successful appeal against a sentence of 18 months imprisonment for an offence of burglary of a non-dwelling, committed in breach of two suspended sentence orders, one of them imposed for a similar offence.

EJS Ltd & SB v SOCA (High Court (Queens Bench Division) – [2012] EWCA 2732 QB)

Led junior in an appeal by way of case stated against a forfeiture order. First ever reported case to consider the meaning and operation of section 314 (4) of the Proceeds of Crime Act 2002.

R v Gavin & McDonagh (Court of Appeal (Criminal Division) – [2012] EWCA Crim 2013)

Acting alone, representing the Crown at first instance and in the Court of Appeal. Convictions for theft and use of false number plates secured at trial and upheld on appeal.

R v Patrick (Court of Appeal (Criminal Division) – [2012] EWCA Crim 688 – March 2012)

Acting alone, representing a defendant in a successful appeal against a sentence of 15 months imprisonment imposed for an offence of ABH, committed in breach of a suspended sentence, in circumstances where the defendant had been subjected to considerable racial abuse by the complainant prior to the incident.

R v Pun & Ors (Court of Appeal (Criminal Division) – [2011] EWCA Crim 3165 – November 2011)

Led junior in appeal against conviction on issue of joinder.

Fraud

David has represented people charged with all levels of fraud, from low level benefit fraud to multi-million pound frauds on HMRC.

Notable fraud cases

R v Y

Led by Kieran Vaughan QC, defending a criminal law solicitor acquitted of fraud in relation to claims under Defendant's Costs Orders granted in Crown Court criminal proceedings (currently press embargoed).

R v Edwards & Others

Led by Mark Halsey, successfully prosecuting 5 defendants for boiler room fraud, where elderly investors were conned into purchasing bogus wine investments.

R v X

Acting alone, defending a man in a three-month trial charged with money laundering in relation to an alleged boiler room 'rare earth metals' fraud.

Gambian Diplomat Fraud

Led by Dean Armstrong QC, defending a Gambian diplomat charged with conspiracy to cheat the revenue in relation to duty free tobacco purchased under the diplomatic privileges scheme.

R v Noyes

Led by Tim Kendal, representing a defendant facing a 19 count indictment relating to various alleged mortgage frauds totalling in excess of £1 million. Following negotiations, Crown agree during trial for defendant to plead guilty to 7 counts totalling £87,350. Defendant received a suspended sentence of imprisonment and a capped confiscation order.

R v PL

Led by Dean Armstrong QC, representing the only acquitted defendant in a 3 month trial, which was the first of a series of trials relating to a £6 million CIS Fraud.

R v S & C

Acting alone, David represented a woman, C, jointly charged with her ex-partner, S, on a 15 count indictment with offences of selling counterfeit children's shoes on eBay and money laundering up to £300,000. Suspended sentence secured for C, following guilty pleas to part of the indictment.

R v YB

Led by Dean Armstrong QC, representing the former Deputy High Commissioner of the Gambia, who faced allegations of a £4 million conspiracy to cheat the revenue in relation to purchases of duty free tobacco under the diplomatic privileges scheme.

R v AK

Led by Richard Kovalevsky QC, successfully representing a well-known music producer in an alleged fraudulent acquisition of land. An application for reporting restrictions was successfully made prior to the trial commencing.

Judicial Review

David has acted in a number of judicial review cases. He has also acted in appellate proceedings in the High Court and Supreme Court relating to extradition proceedings.

Notable judicial review cases

McNutt v TFL [2019] EWHC 365 Admin

Acting alone for TFL, successfully resisting a taxi driver's case stated appeal against a conviction for failing to carry a disabled passenger.

R (Association of British Commuters) v Secretary of State for Transport [2017] EWHC 2169 Admin

Led by Jamas Hodiala, acting on behalf of commuters in challenge to the Government's handling of Southern trains and the Govia Thameslink Railway franchise. Crowdfunded case.

R (Hopkins) v HMP Bronzefield [2016] EWHC 606 Admin

Led by Jamas Hodiala, acting for a private prison, defending a claim for a declaration and damages as a result of the prison's enforcement of a policy preventing those in an intimate relationship from sharing a cell.

R (Halligen) v SSHD (Supreme Court – [2012] UKSC 20 – January 2012)

Second junior in appeal to the Supreme Court against a decision of the High Court ([2011] EWHC Admin 1584). Appeared alone in High Court to make oral submissions. Supreme Court makes landmark judgment applying Article 6 of the ECHR to extradition proceedings for the first time.

R (Robin Murray) v Lord Chancellor (Administrative Court – [2011] EWHC 1528 (Admin) – June 2011)

Application for judicial review of Lord Chancellor's decision to close Sittingbourne Magistrates' Court. Solely responsible for drafting the application for a protective costs order, which was conceded on behalf of the Lord Chancellor.

R (Asliturk) v City of Westminster Magistrates Court (Administrative Court – [2010] EWHC 2148 (Admin) – July 2010)

Led junior in judicial review against first instance decision to refuse an application for discharge under section 75 of the Extradition Act 2003. Now one of the leading authorities on time limits under that section.

Professional Discipline

Between March and October 2012, David spent six months seconded to the Regulatory Legal Team of the Nursing and Midwifery Council (NMC), where he gained significant experience reviewing fitness to practice cases, drafting charges and managing investigations, in addition to conducting numerous interim and substantive hearings before all three of the NMC's Practice Committees.

Since then, he has continued to act for the NMC and also prosecutes for the United Kingdom's Council of Psychotherapists (UKCP) and the General Dental Council (GDC).

He also has experience of proceedings before the Bar Standards Board (BSB).

Notable professional discipline cases

BSB v LM

Led by William Clegg QC, representing a barrister in regulatory proceedings before the Bar Standards Board

concerning LM's conduct of the defence in a terrorism trial, in a case that attracted considerable media interest.

NMC v SC [2012]

Acting alone, prosecuted conviction case concerning nurse who had sustained convictions for possession of child pornography. Nurse 'struck off' at conclusion of proceedings.

NMC v GB [2012]

Acting alone, prosecuted misconduct case concerning nurse who was alleged to have instructed colleagues 'not to rush' if a vulnerable patient suffered a cardiac arrest.

NMC v C [2012]

Acting alone, prosecuted misconduct case concerning nurse who was alleged to have had a sexual relationship with a vulnerable patient.

Sports Law

David has a developing Sports Law practice. He has acted for British Fencing in proceedings relating to a complaint against a referee and has also represented a well known Table Tennis player in proceedings against the English Table Tennis Association ('ETTA'), relating to a selection decision for the Commonwealth Games in Glasgow 2014.

Notable sports law cases

X v ETTA

Represented a well known Table Tennis player in proceedings challenging a selection decision for the Glasgow Commonwealth Games 2014.

British Fencing v Y

Represented British Fencing in proceedings relating to a complaint against a referee.

Directory Quotes

- "He prosecutes challenging cases." **Legal 500**
- "Hardworking, intelligent and with a very good bedside manner with clients." **Legal 500**

- “A very clever and hardworking barrister.” Legal 500