

# Tom Little KC

Call: 1997 | Silk: 2018

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Tom Little KC is First Senior Treasury Counsel and regularly prosecutes some of the country's most high-profile cases.

This includes the murder of Jo Cox MP, the kidnap, rape and murder of Sarah Everard and the murder of Sir David Amess MP. He has also prosecuted a number of well known individuals for historic sexual offending. They include Max Clifford and Lord Ahmed of Rotherham. In 2021 Tom won Crime Silk of the Year at the Chambers UK Bar Awards.

Tom frequently appears in the Court of Appeal and Supreme Court in cases of general public importance (such as R v Hunter & others, R v Golds, R (Belhaj) v DPP and FCO, R v Umerji and R v Plaku). Tom has also undertaken a significant amount of work for the Serious Fraud Office and is equally adept prosecuting or defending in such cases.

In addition to his heavy criminal and fraud practice Tom undertakes a wide range of civil work. In particular judicial review proceedings both for Defendants and also Claimants as well as Inquests and Inquiries. He was Counsel to the Inquest into the death of Yassar Yaqub in 2022. He also provides strategic advice to liquidators and creditors on the interplay between civil and criminal proceedings where there is suspected fraud as well as regulatory cases in various tribunals.

## Areas of Expertise

### Crime

Tom has conducted more than eighty homicide trials as well as the full range of other serious criminal cases most notably terrorism and sexual offences. He regularly appears in high-profile cases both at Old Bailey and also in the Court of Appeal. He has particular expertise in cases involving expert evidence and also in the handling and use of highly sensitive material (where he combines his experience as both Treasury Counsel and the Special Advocate). However, it is as an appellate advocate that he is particularly well-renowned. He is frequently instructed on appeal in cases that he was not involved at first instance either in appeals where unrelated cases are listed together to address matters of general public importance or as an amicus appointed by the Attorney General to assist the Court on difficult legal issues.

## Notable Crime cases

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### R v Jacques (2023)

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Successfully prosecuted quadruple murder trial in which the defendant killed three generations of one family. Case turned on competing psychiatric evidence as to diminished responsibility.

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### R v Poonia and others (2023)

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Successfully prosecuted murder trial in which victim was murdered in drug debt dispute and his body was then hidden and transferred to the countryside, burnt and buried in a shallow grave.

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### R v Carrick (2023)

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Successfully prosecuted Metropolitan Police Officer who was a serial rapist offending against 13 women over nearly two decades. All offences committed when he was a Police officer.

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### R v McGrory (2022)

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Successfully prosecuted murder and rape offences committed in 1975. The defendant had been acquitted of murder in 1976 but following advances in DNA there was new and compelling scientific evidence which led to the Court of Appeal in 2021 quashing the acquittal and ordering a retrial in which that evidence was the main evidence against the defendant. Tom appeared both in the Court of Appeal and at trial.

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### Attorney General's Reference on a point of law (No 1 of 2022)

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Successfully appeared on behalf of the Attorney General seeking clarification as to whether an ECHR proportionality analysis was required before a defendant could be convicted for an offence of criminal damage arising in the course of a protest. The reference related to the trial of the defendants for the toppling of the Colston statue in Bristol.

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### R v Ali Harbi Ali (2022)

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Successfully prosecuted case relating to the murder of Sir David Amess MP who was stabbed to death in a church whilst meeting constituents.

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### R v Nazir Ahmed and two others (2021)

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Successfully prosecuted Lord Ahmed of Rotherham and his two brothers for historic sexual offending.

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R v Couzens (2021)

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Prosecuted serving Met Police officer Wayne Couzens for the kidnap, rape and murder of Sarah Everard.

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R v Umerji (2021) [2021] EWCA Crim 598

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Tom successfully represented the Prosecution in the Court of Appeal in case involving complex arguments of statutory construction as to whether a defendant must be present at their section 51 hearing in the Magistrates' Court when sent to the Crown Court for an indictable only offence.

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R v Vyas (2020)

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Successfully prosecuted serial stranger rapist whose attacks involved increasing violence culminating in the murder of the last victim.

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R v Bater-James and Mohammed (2020) [2020] 2 Cr. App. R. 20

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Successfully appeared just in the Court of Appeal to represent the prosecution in two conjoined appeals so that guidance could be given on the correct approach to the obtaining of, searching and disclosure of the content of mobile telephones of complainants.

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R v Weir (2019) [2019] EWCA Crim 638

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Successfully prosecuted double murder trial that made legal history. The defendant had previously had his conviction for murder quashed by the Court of Appeal in 2000. Tom represented the DPP in the application to quash the acquittal under the double jeopardy provisions in light of new DNA evidence and then he prosecuted both that and another murder at trial.

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R v Godinho (2019)

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Defended in murder trial in which the Defendant killed his wife by repeatedly stabbing her in front of their 3 year old daughter close to the primary school at which their other children attended.

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## Public Sector & Human Rights

Tom's judicial review practice is primarily (but not exclusively) based on claims with a link or association to the criminal justice system – notably challenges to prosecutorial decisions and challenges to investigative decisions. He regularly advises the DPP on high-profile challenges to his decisions and policies as well as also advising the Attorney General on public law issues arising from

her functions including her superintendence functions.

#### Notable Public Sector & Human Rights cases

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R (Director of Public Prosecutions) v Bristol Crown Court and others (2022)

Successfully applied to the Divisional Court to rule that the decisions of Crown Court judges to refuse to extend custody time limits because of industrial action by the Criminal Bar Association was unlawful.

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DPP v Cuciurean (2022)

Tom successfully appeared for the DPP in this important case involving consideration of the Supreme Court decision of Ziegler v DPP and its application to other offences committed in the course of protesting.

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R (Jabber) v The Crown Court sitting at Sheffield (2022)

Tom successfully resisted this claim for judicial review which turned on a question of statutory construction relating to the expiry of a custody time limit.

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R (EVAW) v DPP (2019 - 2021) [2021] 2 Cr. App. R. 2

Successfully represented the DPP in landmark and high profile public law challenge in both the Divisional Court and Court of Appeal as to whether the CPS had changed its policy as to whether there is sufficient evidence to prosecute rape cases.

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McCourt v Parole Board (2020) [2020] A.C.D. 127

Represented the Claimant in two day judicial review challenging the Parole Board's decision to release Ian Simms. He was convicted of murdering Claimant's daughter – Helen McCourt in 1989 but still refuses to say where her body is. Tom's submission as to the standing to bring the proceedings were accepted by the Court and represent important clarity on that issue for the families of other victims.

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R (McKenzie) v Lord Chancellor, DPP and the Lord Chief Justice (2020)[2020] 4 W.L.R. 106

Successfully represented the DPP in a challenge to the legality of the suspension of jury trials following the COVID 19 pandemic.

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El Gizouli v SSHD and DPP (2019 - 2020) [2020] EWHC 2516 (Admin)

Successfully represented DPP in two judicial review challenges to the decision making of the DPP and the provision of

documentation to the USA relating to the notorious ISIS Beatles.

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R (Slade and Baxter) v The Attorney General and DPP (2018) [2019] A.C.D. 24

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Successfully appeared for the Attorney General in important public law case relating to the extent of the superintendence function of the Attorney General over the DPP.

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R (Belhaj) v The DPP & Secretary of State for Foreign & Commonwealth Affairs (2017-2018) [2018] UKSC 33; [2018] 3 WLR 435

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Appeared for the DPP in preliminary issue hearing in both the Divisional Court and the Supreme Court relating to the availability of Closed Material Proceedings in a judicial review claim relating to a decision not to prosecute.

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Rabbani v DPP [2018] 2 Cr. App. R. 28

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Successfully responded to this appeal by way of Case Stated in the Divisional Court relating to the obligations on the Police relating to the use of the Schedule 7 powers to ask questions at Airports and ports. In particular, the Court considered the duties relating to searching for confidential information on electronic devices.

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## Fraud

Both as a junior but also in Silk Tom has advised on and appeared in a number of high-profile and complex fraud cases not just for the SFO but also for the CPS. He is also often brought in to advise on discrete legal issues arising in these cases both for the Prosecution and the Defence as well as appearing just in appellate proceedings in these cases.

### Notable Fraud cases

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Re ED

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(2020) Advising on underlying criminality relating to overseas restraint order involving alleged criminality also occurring outside the jurisdiction and whether the conduct alleged amounts to any criminal offence in this jurisdiction.

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R v Umerji and Allad (2018 – 2021)

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Appearing for Prosecution in both complex appeal and confiscation proceedings relating to Defendants who are absconders in multi-million pound MTIC fraud.

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R v Ryjenko & Sanderson (2014 – 2019)

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Successfully prosecuted multi-million cross-jurisdiction corruption and money-laundering trial relating to the European Bank for Reconstruction and Development.

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Re LIBOR (2015 - 2018)

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Advising SFO on alleged LIBOR rigging at RBS.

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## Inquests & Inquiries

Tom has for many years undertaken a whole range of Inquest work. In 2021 he was appointed as counsel to the Inquest touching the death of Yassar Yaqub. In addition he was counsel to Dame Heather Hallett's Review into the Government's 'on the runs scheme' following the Good Friday Agreement and he regularly advises on the interplay between criminal investigations and Inquires. He has recently advised in that context in relation to the Grenfell Tower and Brooke House Inquiries as well as appearing for both the DPP and the Attorney General in the Undercover Police Inquiry.

## Education

- History BA (Hons), Nottingham University 1995
- PGDL Nottingham Law School 1996

## Memberships

- Criminal Bar Association
- Administrative Law Bar Association
- South Eastern Circuit
- North Eastern Circuit

## Appointments

- First Senior Treasury Counsel (2024-date)
- Senior Treasury Counsel at the Central Criminal Court (2017-2024)
- Junior Counsel to the Crown (Civil) 'A' Panel (2014-2018)
- Junior Treasury Counsel at the Central Criminal Court (2012-2017)
- Special Advocate (2010 – date)
- Deputy High Court Judge

- Recorder of the Crown Court and County Court
- Judicial College Tutor for Criminal Law training for the judiciary
- Bencher of the Middle Temple

## Notable Cases

- Inquest touching the death of Mohammed Yassar Yaqub. Appointed as Counsel to the Inquest involving a fatal shooting by the Police at junction 24 of the M62.
- R (EVAW) v DPP (2019 – 2021) Representing the DPP in landmark and high profile public law challenge to whether the CPS has changed its policy as to whether there is sufficient evidence to prosecute rape cases.
- R v Vaitkevicius and Sanders (2020) Successfully prosecuted both parents for causing or allowing the death of their 4 week old child.
- R v Vyas (2020) Successfully prosecuted serial stranger rapist whose attacks involved increasing violence culminating in the murder of the last victim.
- R (McKenzie) v Lord Chancellor, DPP and the Lord Chief Justice (2020) [2020] 4 WLR 106 Successfully represented the DPP in a challenge to the legality of the suspension of jury trials following the COVID 19 pandemic.
- El Gizouli v SSHD and DPP (2019 – 2020) Successfully represented DPP in two judicial review challenges to the decision making of the DPP and the provision of documentation to the USA relating to the notorious ISIS Beatles.
- McCourt v Parole Board (2020) [2020] A.C.D. 127  
Represented the Claimant in two day judicial review in July 2020 challenging the Parole Boards decision to release Ian Simms. He was convicted of murdering Claimant's daughter – Helen McCourt in 1989 but still refuses to say where her body is. Tom's submission as to the standing to bring the proceedings were accepted by the Court and represent important clarity on that issue.
- R v Bater-James and Mohammed (2020) 2 Cr. App. R. 20 Successfully appeared just in the Court of Appeal to represent the prosecution in two conjoined appeals so that guidance could be given on the correct approach to the obtaining of, searching and disclosure of the content of mobile telephones of complainants.
- R v Weir (2019) Successfully prosecuted double murder trial that made legal history. The defendant had previously had his conviction for murder quashed by the Court of Appeal in 2000. Tom represented the DPP in the application to quash the acquittal under the double jeopardy provisions in light of new DNA evidence and then he prosecuted both that and another murder at trial.
- R v Godinho (2019) Defended in murder trial in which the Defendant killed his wife by repeatedly stabbing her in front of their 3 year old daughter close to the primary school at which their other children attended.
- R v PY [2019] EWCA Crim 17; [2019] 1 WLR 3249 and R v SA & others [2019] EWCA Crim 144 Appeared as an amicus appointed by the Attorney General to assist the Court of Appeal in two unrelated cases relating to the procedural requirements necessary before the Prosecution can make a terminatory ruling appeal to the Court of Appeal.
- R v Mackinlay and others (2018) [2018] UKSC 42; [2018] 3 WLR 556 Successfully appeared for the Prosecution in the Supreme Court on the meaning of the election expenses and in particular that there is no requirement for property, goods, services or facilities transferred to or provided for the use or benefit of a candidate free of charge or at a discount.
- R (Belhaj) v The DPP & Secretary of State for FCA (2017-2018) [2018] UKSC 33; [2018] 3 WLR 435 Appeared for the DPP in preliminary issue hearing in both the Divisional Court and the Supreme Court relating to the availability of Closed Material Proceedings in a judicial review claim relating to a decision not to prosecute.
- R v Watt (2018) Successfully prosecuted double jeopardy rape case having previously appeared in the Court of Appeal to quash the defendant's acquittal for an offence of attempted rape dating back to 1989.

- R v Ullah (2017) Successfully prosecuted so-called 'Jihadi James Bond' for various terrorism offences linked to cyber terrorism.
- R v Holloway (2016) [2017] 1 WLR 1660 Appointed by the Attorney General as an amicus to assist the Court of Appeal on the powers of a Crown Court Judge to appoint an advocate to the Court. Submissions accepted by Court.
- R v Thomas Mair (2016) Successfully prosecuted Mair in the high profile murder of Jo Cox MP.

## Accreditation Logos

