



# Peter Cooper

Year of Call: 1996

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## Overview

Peter Cooper is a Barrister specialising in Criminal law.

### Advocate Panels:

Peter Cooper has been appointed at the highest level (Level 4) on the following Panels:

- Midland Circuit Advocate Panel
- Midland Circuit Specialist Rape List
- National Serious Crime Group Panel
- National Fraud Panel
- National Proceeds of Crime Panel

Peter deals with heavyweight Criminal work, both defending and prosecuting. He regularly receives instructions in the most serious cases, including murder, attempted murder, manslaughter, rape, historic sexual offences, child abuse, arson with intent to endanger life, firearms offences, drugs offences and fraud.

He has acted either alone or as leading advocate in several murder cases, and in many others led by Queen's Counsel. Whilst the majority of his work is in the Crown Court, he also has a long record of effectively representing private clients in the magistrates' court, including motorists and pub landlords.

He has also acted in regulatory and trading standards cases. He has frequently appeared in the Court of Appeal, and has also dealt with appeals to the Administrative Court in criminal cases by way of case stated and judicial review.

## Practice Areas

### Criminal

Peter deals with heavyweight criminal work, both defending and prosecuting. He regularly receives instructions in the most serious cases, including murder, attempted murder, manslaughter, rape, historic sexual offences, child abuse, arson with intent to endanger life, firearms offences, drugs offences, armed robberies and fraud.

He has acted either alone or as leading advocate in several murder cases, and in many others led by Queen's Counsel. The majority of his work is in the Crown Court, and much of his defence work is legally aided, but he is increasingly receiving instructions in the Crown Court from clients who pay privately to secure his services. He also has a long record of effectively representing private clients in the

Magistrates' Court, including motorists and pub landlords.

Peter has also acted in regulatory and trading standards cases. He has frequently appeared in the Court of Appeal, and has also dealt with appeals to the Administrative Court in criminal cases by way of case stated and judicial review.

### **Notable cases**

At this time (June 2019) Peter is engaged in defending Louise Porton, who is charged with the double murder of her two children, within eighteen days of each other, in 2018. This tragic case features thousands of pages of complex medical evidence. The trial continues.

In 2019, Peter defended KW on charges of causing grievous bodily harm with intent and violent disorder. He was one of eight defendants who were alleged to have attacked a rival gang with swords, an axe, and other weapons. Second by second analysis of multiple phone records and CCTV evidence was central to the case. The trial lasted over two weeks, during which the main prosecution witness accepted, during cross examination by Peter, that he knew KW, had always had a friendly relationship with him, and had not seen him present at any point during the fighting. Subsequently the prosecution encountered difficulties because one of their witnesses had attempted to influence the evidence of another prosecution witness, who was yet to give evidence. The prosecution ultimately resolved the case by accepting pleas to lesser charges from most defendants. The case against KW had however been fatally undermined by the defence, and all charges against him were dropped.

In 2018, Peter defended PD against historic allegations of child cruelty dating from the 1980's, set in a Coventry children's home. The case was tried over a two month period in September to November of 2018. PD was one of numerous defendants who were tried together following a massive police investigation (Operation Cascade). He was a qualified social worker, a man of good character and the consequences of conviction would have been grave. Thorough analysis of many thousands of pages of unused material revealed multiple inconsistencies. Peter was able to expose the fact that the police, following earlier trials, had publicly asked for other complainants to come forward. Some genuine victims had responded to these appeals, but their allegations did not implicate PD. Some unreliable and damaged individuals had also responded to the appeals, and two had made ill-founded allegations against PD. One of these witnesses accepted in cross examination by Peter that PD was a decent member of staff who had done nothing wrong. One persisted in her allegations, but was exposed in cross examination as wholly unreliable. Detailed analysis of contemporaneous work rotas, produced by PD and accepted as genuine by the prosecution, showed that her evidence did not match the facts. Carefully selected character evidence supported the fact that PD was a dedicated and caring social worker, who had always had the best interests of the children at heart. Not guilty verdicts resulted on all charges against PD.

In 2018, Peter prosecuted Mark Barnes for causing serious injury by dangerous driving. The defendant was an epileptic who succeeded in retaining his driving licence by concealing vital medical evidence, including a recent daytime epileptic fit, from his supervising consultant and from the DVLA. He suffered a further epileptic fit whilst driving and collided head-on with another car, causing life-changing injuries to the young female driver. Doctors and psychiatrists were called by the defence and cross-examined. Detailed exploration of complex medical and psychiatric evidence established the truth. A key legal issue involved the question of whether the defendant's driving before the epileptic fit could properly be said to be dangerous, since he knew he was at risk of suffering daytime fits. The judge initially dismissed this argument but Peter successfully argued that it was central to the case, and produced a series of 50 year old legal authorities in support. The judge backed down and accepted it was proper for the case to be left to the jury on this basis. The defendant was convicted and imprisoned.

Also in 2018, Peter prosecuted 32 year old Andrzej Guzdraj for rape and the supply of a Class A controlled drug. The defendant targeted a vulnerable teenager whom he met in town. The complainant suffered from a rare genetic disorder and had the mental age of a 12 year old. It was the prosecution case that Guzdraj supplied her with an ecstasy tablet, alcohol and cannabis, before raping her. Complexities included intermediaries, extensive medical and psychological reports, and complex scientific evidence. The medical evidence showed that the complainant's genetic disorder condition predisposed her to be trusting of adults, and to agree with suggestions made to her by adults. These traits created a major hurdle for the prosecution in a case where lack of consent had to be proved. However the case was prosecuted on the basis that it was obvious to the defendant that the complainant suffered from a serious disability and was not truly consenting. The supply of ecstasy was denied, but traces of ecstasy in a Tic-Tac container seized from the defendant corroborated the complainant's evidence that Guzdraj had given her a "small brown pill", telling her it was a Tic-Tac. Toxicology reports confirmed the presence of ecstasy in the complainant's blood. Guzdraj was convicted and sentenced to a total of 18 years' imprisonment.

Also in 2018, Peter defended Daniel Szulc, who was charged with attempted murder of his ex-partner. The case was especially

challenging because there was clear evidence that he had stabbed her twice with a large kitchen knife, the second time through the heart. There was also evidence of social media messages sent by the defendant before the event, which looked very like threats to kill his ex-partner, and of a message he sent after the event, which looked very like an admission that he had carried out his threat. Discrepancies between the complainant's evidence and that of her new boyfriend were exposed in cross-examination and some aspects of their evidence, including the boyfriend's evidence concerning his own use of a mystery weapon, clearly introduced an element of doubt. The jury ultimately acquitted Mr Szulc of attempted murder. He was convicted instead of the lesser offence of wounding with intent, and received a substantial prison sentence.

Also in 2018, Peter defended David Wesley, a man charged with numerous historic sexual offences against four different under age girls, which dated back to the 1970's. A year long sequence of serious medical events left Mr Wesley extremely unwell and resulted in a delay of nearly a year in his trial. Eventually the judge found Wesley unfit to stand trial, on the evidence of two Consultant Forensic Psychiatrists, but the prosecution continued under the Criminal Procedure (Insanity) Act 1964, with a view to proving that Wesley had done the acts alleged against him. Wesley could not give evidence, because of his medical condition, but Peter's cross-examination of prosecution witnesses still revealed significant weaknesses in the prosecution case. W was acquitted of five counts, which included the three most serious allegations against him. There was a limited range of disposals available and Peter successfully argued that, in these unusual circumstances, the appropriate disposal on each of the other charges was an absolute discharge.

In 2017 Peter defended IS, who was charged with rape. The defence was consent. There was CCTV evidence showing the demeanour of the complainant, repeatedly choosing to put herself in the company of the defendant during the hour or so following the relevant events. This was used to good effect. Peter was able to cross examine the complainant and her violent partner as to matters of bad character, which revealed very different reasons as to why she might have been intimidated into making a complaint of rape. IS was acquitted after trial.

Also in 2017, Peter prosecuted W for repeated offences of rape. W attended a specialist college for students with learning difficulties. There he targeted a vulnerable male student, who had learning and communication difficulties far more profound than his own. He raped his victim on four occasions on college premises. Eventually the victim made disclosures to his family, and a police investigation began. Complexities included the use of intermediaries during the investigation and at trial, to assist the complainant, the defendant, and another prosecution witness. W was convicted after trial. There was a long delay, during which several psychiatric reports were prepared, before W could be sentenced in 2018. Peter took the view that the custodial sentence was unduly lenient and advised that the case should be considered by the Attorney General. This was duly done, and the case was referred to the Court of Appeal. A significantly increased sentence resulted.

Also in 2017, Peter defended George Moreton, who was charged with rape. He had had a stormy relationship with the complainant over many months. On the night in question they met in an hotel and consumed a great deal of alcohol. There is no doubt that Moreton damaged the hotel television in the course of an argument, and the complainant made a prompt allegation of that to hotel staff, but she did not make an allegation of rape. She returned to the hotel room, where Moreton had fallen asleep. Subsequently hotel staff called the police to investigate the criminal damage. Police officers attended the hotel room, where Moreton and the complainant were both present. Again no immediate complaint of rape was made, but subsequently the complainant did allege that she had been raped. It was the defence case that sex had taken place consensually but that the complainant had made her rape allegation vindictively, because the defendant had told her that he wanted to terminate their relationship. Social media evidence revealed that the complainant had posted a series of messages during the course of the proceedings, clearly intended for the defendant's eyes, effectively gloating that she would soon be putting him behind bars. After a trial lasting several days, and extensive cross-examination of the complainant, Moreton was acquitted. He was sentenced for the criminal damage and did not go to prison.

Also in 2017, Peter defended D, who was charged with rape. He was some 20 years younger than the female complainant. She claimed at trial that theirs had never been a serious relationship, but was just a brief casual fling which she had tried to bring to an end. She made a prompt complaint, within an hour of the alleged rape, and she had told some friends a short time beforehand that she was in fear of D. Furthermore D had physically assaulted her during the incident, causing visible bruising. This he admitted. Her injuries lent powerful support to her allegation of rape. However, careful examination of many thousands of social media messages between D and the complainant, over a period of several months, revealed a very different story. They showed that the complainant had been obsessively jealous of D, and had repeatedly expressed a desire to have a long term relationship and to have his children. They also showed her talking with enthusiasm in the past about hard, rough sex. Her claim that she did not want to see him at all on the night in question, and had feared a visit from him, was fatally exposed as false by messages she had sent to him that night, about an hour before she called the police. She made clear that she wanted D to come to her home, had left a key out for him, and wanted sex with him. After a trial lasting several days, and extensive cross-examination of the complainant, the prosecution were forced to offer no

further evidence. D was acquitted.

Between 2015 and 2017 Peter defended Natasha Frazer who was one of 21 defendants charged with a Category 1 Class A drugs conspiracy, extending across wide areas of the Midlands. A Wolverhampton based gang were moving large scale heroin and cocaine operations into other towns. Organised crime group leader Michael Porter received 20 years' imprisonment. Frazer was described by the prosecution as one of his senior lieutenants. The evidence was strong and the papers were very extensive: 17,633 pages in total. It was vital to identify key exhibits early and offer appropriate advice. This was done and Frazer pleaded guilty at an early stage on a basis, attracting full credit. Considered mitigation resulted in a sentence of just 40 months' imprisonment: significantly lower than others in the case.

In 2016 Peter, leading Anthony Cartin of St Ives Chambers, defended Marcus Woolcock. Marcus Woolcock was one of 5 men charged with multiple rapes and the trafficking for sexual exploitation of six young females. The case involved over 10,000 pages of evidence and even more unused material. Peter and Anthony's repeated disclosure requests uncovered vital material. They successfully applied to cross examine complainants on sexual behaviour. The case involved exceptionally sensitive cross examination of young complainants. Successful submissions of 'no case to answer' were made in respect of one rape and two trafficking counts. Ultimately, Woolcock was acquitted of ten counts: six rapes, three trafficking counts and one count of assault by penetration. He was convicted of two counts only, namely sexually assaulting and trafficking a single complainant, which were the least serious counts he had faced.

Between 2014 and 2016 Peter prosecuted G, who was 17 at the time of the offences, on three charges of attempted murder: G had repeatedly stabbed his mother and two young sisters, causing terrible injuries. The case was prepared for trial but ultimately the prosecution accepted pleas to three offences of wounding with intent to cause grievous bodily harm. Following a succession of psychiatric reports, a 'Newton' hearing ensued, with the issue being whether excessive consumption of 'energy drinks' could have triggered a temporary psychosis in G. The medical issues were such that the case was described by two experienced forensic psychiatrists as "the most complex case we have seen". Some 12 psychiatric reports from five different consultant psychiatrists were considered. The trial of issue required exceptionally skilled cross examination of defence consultant forensic psychiatrists. The defence psychiatrist's opinion that G had suffered a psychosis because of his excessive consumption of energy drinks was rejected. G received life imprisonment.

Also in 2016, Peter represented high profile defendant Kelly Mahon, who had snatched a nine-week-old baby after an elaborate deception. Mahon believed her boyfriend wanted a child, and she could not bring herself to tell him she could not have children. She feigned a pregnancy and stole a baby. Thankfully the baby was swiftly recovered by prompt police action. This sad background founded powerful mitigation. Peter obtained a psychiatric report, which helped achieve a much lighter prison sentence than might have been imposed.

Also in 2016, Peter prosecuted Damian Malolepszy for being concerned in supplying Daniel Bagnall with Class A drugs which caused his death. The drugs were the notorious 'Superman' PMMA tablets which caused at least three deaths in Suffolk and one in Shropshire around New Year 2015. Numerous obstacles were overcome in relation to a series of reluctant, frightened and hostile prosecution witnesses, and Peter coaxed vital admissible evidence from each. Complex legal arguments were necessary in relation to bad character, the admissibility of the evidence of Bagnall's death, the admissibility of evidence of hostile witnesses and reporting restrictions. Malolepszy was convicted and received a long prison sentence.

In 2015 Peter defended a man, TT, in a medically complex "baby shaking" case. TT was an inarticulate defendant charged with causing grievous bodily harm with intent, after his three-month-old son had been admitted to hospital with life threatening brain injuries. The case was prosecuted by Queen's Counsel but Peter defended alone. There was extremely complex medical evidence embracing senior paediatric neurosurgeons, neuroradiologists, ophthalmologists, and paediatricians. Skilled cross examination of numerous prosecution experts was required. The defendant was acquitted after a two week trial, the jury being persuaded that the injuries may well have been caused by an accidental fall downstairs, which was the defence case. It remains a tragic probability that, at some future point, the young son will die as a result of his injuries. If TT had been convicted as charged, he would in the event of his son's death have become liable to be convicted of murder. His acquittal effectively saved him from living under that threat for the rest of his son's life.

Also in 2015, Peter defended a 15-year-old boy, K, who was charged with rape of children aged three and five. Exceptionally delicate cross-examination of very young children revealed what police interviewers had failed to elicit: that the children were not distinguishing between penetration (on the one hand) and external touching (on the other hand). Following Peter's cross examination there was no evidence of penetration and K was acquitted of all the rape charges after a submission of no case to answer. K was also acquitted of lesser 'sexual activity' charges involving the three-year-old child, after Peter pointed out to the jury the real risk of this child's evidence

having been contaminated by her hearing things said by her older brother. K was however convicted of the 'sexual activity' charges involving the elder child. Detailed mitigation restricted the sentence to a two year detention and training order.

Again in 2015, Peter defended a defendant, TB, in a hugely complex historic rape case. The alleged offences dated from the 1970's, so the events were over 40 years old. Obscure but important legal provisions and presumptions, long since abolished, were researched and used by Peter to good effect. The complainant and two other witnesses were all profoundly deaf, which led to cross-examination taking place via two signing interpreters and a profoundly deaf intermediary. Peter's submission that there was no case to answer on some rape counts was upheld. Peter's detailed analysis of extensive medical records threw doubt on the credibility of the complainant, who had suffered from longstanding hallucinations and psychosis. The defendant was ultimately acquitted of all remaining counts by the jury.

In 2014 Peter defended Harry Card, one of a large group of men charged with two separate conspiracies to import cocaine and with conspiracy to import cannabis. One conspiracy alone involved an alleged agreement to import over 60 kilos of cocaine. Harry Card admitted involvement with cannabis (helping out his father in Spain years before) but denied any involvement in cocaine. Spanish telephone intercept evidence from 2007 and 2008 lay at the heart of the case. Two main offenders had pleaded guilty before trial but nine defendants were tried. The prosecution were represented by Queen's Counsel and junior counsel, but Peter defended alone. The prosecution claimed that Harry Card's role was central to the case and he was placed first on the indictment. The case involved more than 10,000 pages of evidence in addition to the transcripts and recordings of over 4,000 telephone calls. The telephone recordings were successfully explained to the jury and Card was acquitted of both cocaine conspiracies after a three month trial which concluded in January 2014.

Also in 2014, Peter was instructed to prosecute DE, a young man charged with the knife murder of a 15-year-old boy. Peter led another counsel in this trial, which attracted local and national media interest. The defendant was represented by Queen's Counsel and a junior counsel. Several young frightened witnesses gave evidence assisted by special measures. There were significant legal issues concerning the admissibility of informal admissions and whether it was right that the judge should direct the jury on self-defence, even though it had not been relied on by the defence. The defendant gave evidence and was cross examined by Peter. He was convicted after trial and was subsequently refused leave to appeal.

Again during 2014, Peter prosecuted Akeel Hussain for murder. Peter acted alone, the defendant being represented by two counsel, a leading junior and a second junior. It was not in issue that the defendant had killed his partner by stabbing her 50 or 60 times, but there were complex medical issues of diminished responsibility, having regard to serious paranoid episodes. Those episodes were however, on the Crown's case, brought on by heavy use of cocaine. After five days of trial the defendant changed his plea to guilty, shortly before the close of the prosecution case.

Also in 2014, Peter defended a young man, BK, in a murder which involved extraordinarily complex medical and causation issues. A man was assaulted, suffered head injuries, was discharged from hospital, but then died some three days later. At an early stage Peter was instructed alone, without a QC, and made an application to dismiss the murder charge on causation grounds, which at that stage was unsuccessful. Two murder trials subsequently ensued. Peter successfully obtained leave to instruct Queen's Counsel and was led by Rachel Brand QC. At the first trial, BK and a co-defendant were both convicted of a lesser charge of causing grievous bodily harm with intent, but the jury could not agree on murder. At the re-trial for murder, submissions of no case to answer were successful in respect of both defendants, on causation grounds.

Again in 2014, Peter prosecuted Malcolm Blood for 17 historic sexual offences (rapes and indecent assaults) committed against two young children in the 1970s. The victims had not felt able to come forward until over thirty years after the abuse. Blood denied all charges but was convicted after a six day trial and was sentenced to serve 18 years' imprisonment.

In 2013 Peter prosecuted a 13-year-old defendant, K, for the rape of a three year old child. At the first trial, the evidence of the toddler victim was ruled inadmissible and the jury was discharged. Successful legal submissions prepared by Peter led to the admission of hearsay evidence at a later re-trial, and the young defendant was convicted.

Also during 2013, Peter defended in the high profile and tragic child murder of four-year-old Daniel Pelka. Led by Stephen Linehan QC, he defended Magdalena Luczak, Daniel's mother. The case received widespread nationwide TV and newspaper coverage throughout the two month trial, and on many occasions since. Both Luczak and her partner were convicted of murder, the prosecution having put their case on a basis of joint enterprise. The trial judge in her sentencing remarks said, however, that she was satisfied that the co-accused Mariusz Krezolek had inflicted the fatal blows. By way of a footnote to this tragic case, both Luczak and Krezolek have since

died in prison.

In 2012 Peter defended in a murder case where issues of the utmost sensitivity resulted in most of the trial being heard in private. He also defended that year in a multi-million pound mortgage fraud, one of the largest to have been prosecuted in the UK. He successfully prosecuted several defendants who had taken part in the 2011 August Riots.

Also in 2012, Peter prosecuted Mark Pickering, who was convicted after trial of the sexual assault of a child. Before the Court of Appeal he successfully resisted Pickering's appeal against conviction, in one of a consolidated series of landmark appeals concerning the admissibility of mixed profile DNA evidence.

Since 2011 he has appeared successfully in a number of high profile cases involving the alleged grooming and sexual abuse of teenage girls by gangs of older men. He has defended in some and prosecuted in others. His cross examination of a young complainant in one such trial resulted in her admitting that she had made a false allegation in order to protect the true offender. The prosecution later offered no evidence against Peter's client, TA, on that charge. The true offender was subsequently convicted after trial and was sentenced to 14 years' imprisonment for a variety of serious offences against young girls.

In 2010 Peter defended David Evans, a man of good character who was charged with death by dangerous driving. At first sight, there appeared to be strong independent evidence against Mr Evans, who had already been advised by another barrister that he had little hope of an acquittal and should plead guilty. Mr Evans had himself been seriously injured in the fatal accident and had no recollection of the final moments before impact with the dead man's vehicle. Peter advised the instruction of an accident reconstruction expert. Mr Evans was acquitted at trial after the independent witnesses were shown, through cross examination and the evidence of the defence expert, to have given flawed evidence, and quite probably to have been the cause of the fatal accident.

## Older cases of significance

Peter led Roger Thomas of St Ives Chambers in the successful defence of SW, one of the defendants in Operation Shepherd, a landmark £70 million "carousel fraud" trial which lasted for nine months: one of the longest criminal trials ever heard in the UK. The prosecution were represented by Queen's Counsel and three junior counsel. Most of the other defendants in that case were convicted and lengthy prison terms were imposed.

Peter has expertise in DNA and cell site evidence and his cross examination of a cell site expert was instrumental in the acquittal of a man charged with the Birmingham gangland murder of Ezron Germaine.

Peter also has experience in prosecuting very large scale international immigration conspiracies, notably Operation Cirene and Operation Coptine.

## Reported cases

[R v Dlugosz; R v Pickering; R v MDS \[2013\] 1 Cr.App.R. 32](#)

R (on application of Lawson) v Stafford Magistrates Court (2007) 104(40) LSG 26

[Revitt, Borg & Barnes v DPP \[2007\] 1 Cr App R 19](#)

R v Fletcher [2002] 2 Cr App R (S) 127

R v Mountford [1999] Crim LR 575

# Qualifications

MA (Jurisprudence) Oxford University

# Memberships

Criminal Bar Association

## Advocate Panels

Peter Cooper has been appointed at the highest level (Level 4) on the following Panels:

Midland Circuit Advocate Panel

Midland Circuit Specialist Rape List

# Recommendations

**Chambers and Partners 2020:** "He is calm, measured, and realistic." "A highly respected barrister and a leader in the criminal field."

**Legal 500 2019:** "An effective advocate with great attention to detail."

**Chambers & Partners 2019:** "A class act and the go-to guy for many clients. Incredibly knowledgeable."

**Legal 500 2018:** "He has exceptional legal knowledge."

**Chambers & Partners 2018:** "A very hard-working individual who has a substantial Crown Court practice."

**Chambers & Partners 2017:** "He has an excellent presence in court and his attention to detail is superb. He has real gravitas and inspires confidence in the client that he is somebody who will put forward their case very well."

**Legal 500 2017:** "A great senior junior, who always displays a real command of case details."

**Chambers & Partners 2016:** "I'm never afraid of sending a difficult or demanding brief, whether in terms of complexity or sensitivity." "Right at the top of the profession and an outspoken advocate in favour of the criminal legal aid Bar."

**Legal 500 2015:** "Possesses all the skill, expertise and gravitas of a QC in all but title."

**Chambers & Partners 2015:** "He is organised and efficient."

**Legal 500 2014:** "A humane practitioner, with a safe pair of hands."

**Legal 500 2013:** The "meticulous, proactive and incredibly hardworking" Peter Cooper "displays real sensitivity in criminal cases."

**Legal 500 2012:** "St Ives Chambers' Peter Cooper acts in serious murder and serious sexual offence cases."

**Legal 500 2011:** "Peter Cooper continues to appear in top-end criminal cases."

**Legal 500 2010:** "Peter Cooper has exceptional attention to detail, and is astute at identifying key issues early."

**Chambers & Partners 2008:** "St Ives Chambers' Peter Cooper is a quality performer."

**Chambers & Partners 2006:** "Brings a stamp of quality to every case he takes on."

## Further Information

Peter Cooper is a Pupil Supervisor.

He delivers seminars and has lectured solicitors and barristers on numerous topics, including the law and practice of historic sexual offences, making best use of expert evidence, and on the right of an accused to remain silent.

A former defence solicitor and Principal Crown Prosecutor, he has over 30 years' experience as a criminal advocate.

## Privacy Notice

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