



David Patience

Call 2009

David specialises in crime (both general and financial) and professional discipline, as well as related areas of public law. He acts for both individuals and organisations accused of criminal, regulatory or disciplinary offences and also for prosecutorial authorities and regulators who are bringing or considering bringing proceedings in relation to such matters.

He is frequently instructed to act in cases of significant sensitivity and complexity, often being asked to advise when a case is pre-charge. He is also regularly instructed to advise when cases are already at appellate stage and has appeared before the Court of Appeal (both Criminal and Civil Divisions) and the Supreme Court.

Recent cases include:

- R v X – led junior defending at trial a man charged in connection with a £27 million Tenerife based timeshare fraud (trial ongoing).
- R v Zavros & Ors – prosecuting ‘Come Dine With Me’ winners for posing as Border Force officials, to import 58kg of cannabis into the UK from California ([media](#)).
- GMC v Y – advising on appeal against order of erasure following finding of dishonesty.
- R v Z – defending a prison governor at trial, found not guilty of corruption related computer misuse offences ([media](#)).
- R v Higginson & Higginson – led junior prosecuting a husband and wife at trial found guilty of historic sex offences against multiple victims ([media](#)).
- R v X – led junior defending a solicitor at trial, found not guilty of fraud offences relating to costs claims made following the granting of defence costs orders in criminal proceedings ([media](#) relating to sentencing of convicted co-defendants).
- Re: Y – representing a senior consultant at an internal hospital disciplinary hearing.
- R v Z – led junior defending a man found not guilty of conspiracy to produce £12 million worth of counterfeit £20 notes ([media](#) relating to sentencing of co-defendant).
- R v Watkins – prosecuting a teacher for sex offences against teenage boys ([media](#)).
- GDC v McCann – representing the GDC in proceedings brought against a dentist relating to both recent and historic sexual offences against female dental staff ([media](#)).

Older cases include:

- R v L – defending a man pleading guilty to supplying 900kg of cocaine ([media](#)).
- R v C – led junior defending man pleading guilty to gang murder ([media](#)).
- R v Rolf Harris – led junior defending RH at his second and third trials, when he was acquitted of all new allegations of sexual offences after earlier convictions ([media](#)).
- Re: Mark Duggan – led junior representing the specialist police firearms officers, involved in the ‘hard

stop' incident which triggered the 2011 London riots, both at the inquest and in the appellate proceedings that followed ([media](#)).

- [R v M](#) – led junior defending man charged with murdering his father ([media](#)).

Practice Areas

General 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. Previous cases include:

- [Bulmer Art Heist Trial](#) – 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 successfully resisting the prosecution appeal that followed ([media](#)).
- [R v K](#) – 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 ([media](#)).
- [R v Garrod & McVicar](#) – led junior, prosecuting two men for manslaughter committed during an alleged robbery ([media](#)).
- [Stella Creasy MP Twitter Trial](#) – defending a man charged with 'trolling' Stella Creasy MP on Twitter ([media](#)).
- [R v DS](#) – led junior, defending an alleged gangland boss found not guilty at a retrial for conspiracy to murder ([media](#)).
- [R v KM](#) – led junior, 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 ([media](#)).

Professional Discipline

David frequently acts for regulators, including the General Dental Council (GDC), the Nursing and Midwifery Council (NMC) and the United Kingdom's Council of Psychotherapists (UKCP). He has also acted for registrants charged by the General Medical Council (GMC) and the Bar Standards Board (BSB) and has acted for medical professionals facing internal disciplinary proceedings brought by their employer and at inquests into the deaths of patients under their care. Previous cases include:

- [GDC v GD](#) – representing the GDC in clinical misconduct case, relating to the provision of veneers by a dentist at a Harley Street based practice.
- [GDC v G](#) – representing the GDC in a non-clinical misconduct case, relating to inappropriate conduct and mismanagement by an oral-maxillofacial technician.
- [GDC v R](#) – representing the GDC in a clinical misconduct case, relating to implant treatment provided by a dentist under sedation.
- [GMC v Y](#) – advising on appeal against order of erasure following finds of dishonesty.
- [Re: Y](#) – representing a senior consultant at an internal hospital disciplinary hearing.
- [GDC v T](#) – representing the GDC in a clinical misconduct case, relating to implant treatment provided by a dentist under sedation.

- GDC v I – representing the GDC in a clinical case, relating to complex restorative treatment involving multiple crowns and bridges provided to a patient.
- GDC v J – representing the GDC in a clinical misconduct case, relating to Invisalign orthodontic treatment provided by a dentist.
- GDC v N – representing the GDC in a clinical misconduct case, relating to implant treatment provided by a dentist under sedation.
- GDC v B – representing the GDC in a non-clinical misconduct case, relating to alleged abusive phone-calls made by a dentist to GP surgeries. Case included interrelated complex health matters. Subsequent health case also conducted.
- GDC v McCann – representing the GDC in proceedings brought against a dentist relating to both recent and historic sexual offences against female dental staff ([media](#)).
- Re X – representing a local authority at an inquest into the death of an elderly pensioner, who had fallen during transfer from a bed to a chair by carers using a hoist.
- Re Y – representing a GP at an inquest into the death of a man who had died from an initially undiagnosed ruptured aortic aneurysm.
- Re Z – representing a GP at an inquest into the death of a chemotherapy patient suffering from initially undiagnosed neutropenia.
- 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 ([media](#)).
- NMC v SC – representing the NMC in conviction case concerning nurse who had sustained convictions for possession of child pornography. Nurse ‘struck off’ at conclusion of proceedings ([media](#)).
- NMC v GB – representing the NMC in misconduct case concerning nurse who was alleged to have instructed colleagues ‘not to rush’ if a vulnerable patient suffered a cardiac arrest ([media](#)).
- NMC v C – representing the NMC in misconduct case concerning nurse who was alleged to have had a sexual relationship with a vulnerable patient ([media](#)).

Financial Crime

David is frequently instructed in cases relating to financial crime and has represented people charged with all levels of fraud offences, from low level benefit fraud to £multi-million frauds on HMRC. Previous cases include:

- R v X – defending at trial a man charged in connection with a £27 million Tenerife based timeshare fraud (trial ongoing).
- The Pensions Regulator v Barratt & Ors – led junior, prosecuting a number of defendants for their part in a criminal enterprise operating from Spain, which persuaded 245 members of legitimate UK occupational pension schemes to transfer their pension savings, worth about £55,000 on average and with a total value of £13.7 million, into scam pension schemes under the control of the defendants ([media](#)).
- R v Y – led junior defending a solicitor at trial, found not guilty of fraud offences relating to costs claims made following the granting of defence costs orders in criminal proceedings ([media](#) relating to sentencing of convicted co-defendants).
- R v Edwards & Others – led junior, successfully prosecuting 5 defendants for boiler room fraud, where elderly investors were conned into purchasing bogus wine investments ([media](#)).
- R v Z – defending man in a three-month trial charged with money laundering in relation to an alleged boiler room ‘rare earth metals’ fraud ([media](#) re: co-defendant).
- Gambian Diplomat Fraud – led junior, defending a Gambian diplomat charged with a £4 million

conspiracy to cheat the revenue in relation to duty free tobacco purchased under the diplomatic privileges scheme ([media](#)).

- R v N – led junior, 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 junior, representing the only acquitted defendant in the first of a series of trials relating to a £6 million CIS Fraud.
- R v S & C – defending 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 AK – led junior, 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.

Public Law / Judicial Review

David is frequently instructed to act in judicial review cases, including advising on the prospect of being able to bring such proceedings and acting for defendants to claims already issued. He has also acted in case stated appeals in the High Court. Previous cases include:

- Ifon v London Tribunals Road User Charging Adjudicators (and TFL as an interested party) – acting alone for TFL, successfully resisting a claim relating to TFL’s refusal to cancel a penalty charge notice issued for driving in the congestion zone and the subsequently refusal of appeals relating thereto by independent adjudicators. Permission refused on the papers and at an oral renewal hearing.
- 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 junior, acting on behalf of commuters in challenge to the Government’s handling of Southern trains and the Govia Thameslink Railway franchise. Crowdfunded case.
- R (Gourlay) v SSJ [2016] EWHC 1957 (Admin) – led junior, acting for a private prison as an interested party in a claim relating to the non-provision of rehabilitative courses for post-tariff life sentenced prisoners.
- R (Hopkins) v HMP Bronzefield [2016] EWHC 606 Admin – led junior, 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) – led junior in 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.

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**