Lucy Waterstone

Junior Counsel - Under 15 Years

CALLED 2021

Lucy practises in crime, extradition and prison law. She prosecutes and defends in the Crown, Youth, and Magistrates' courts in respect of crime, and in the Magistrates' court and High court in respect of extradition. Lucy has a particular interest in working with clients who are vulnerable by virtue of their mental health. She has been described as "compelling, thorough and persuasive" in the Crown Court, and that her "commitment never fails to impress" her clients.

Lucy appears in matters throughout the criminal spectrum, including serious violent crimes, offensive weapons, domestic violence, sexual offences, fraud and dishonesty, drug offences and road traffic offences.

Background and Expertise

Prior to pupillage, Lucy worked for a law firm specialising in prison, mental health and human rights law. She represented clients in Parole Boards and Independent Adjudications, and instigated judicial reviews and criminal appeals. She represented clients with highly complex needs, including youths, foreign nationals, clients with mental health difficulties and high-risk

offenders. She has also spent time in Moria Refugee camp, Lesvos, where she assisted asylum-seekers in their applications for refugee status.

Whilst studying for the GDL, Lucy was the highest scoring individual in the UH/Blackstone's National Criminal Advocacy Competition, which took the form of a mock criminal trial. She is a Lord Denning Scholar at Lincoln's Inn and an Advocacy Scholar at BPP Law School.

Before embarking on her legal career, Lucy had spent time volunteering for NGOs whilst living and working in Latin America. She studied at Balliol College, University of Oxford, where she read slim volumes of verse for her English degree and wrote about electronic music in the University newspaper.

Notable Cases

Driving

R v S, 2022

Defending a charge of driving whilst unfit through drink or drugs, Lucy made a successful submission of no case to answer, highlighting the police's own Code of Practice for Preliminary Impairment tests which officers had knowingly failed to comply with.

Peterborough Magistrates' Court

Driving

Extradition

Poland v G, 2023

Lucy secured the discharge of G where the majority of his conduct outlined in the extradition request was not found to satisfy test for dual criminality. The client was alleged to have insulted a police officer. The District Judge agreed with Lucy's submissions that there was reasonable doubt as to whether the CPS had proved all elements of either a s.5 Public Order offence or wilful obstruction of a police officer.

Finally, the District Judge found that extradition would amount to a disproportionate interference with Mr G's Article 8 rights. The District Judge agreed that the remaining offences were not serious,

would not attract a custodial sentence in the UK, and, originally, had not attracted a custodial sentence in Poland; these factors tipped the balance in favour of discharge.

Westminster Magistrates' Court

Belgium v B, 2022

B was sought by Belgium pursuant to a provisional extradition arrest warrant. The Belgian authorities requested B's surrender to try him for offences related to drug trafficking and being a member of a criminal organisation.

The Belgian authorities failed to produce a certified extradition arrest warrant within 48 hours of B's arrest. Lucy argued that the District Judge was therefore bound to order B's discharge under s.6(2A) of the Extradition Act 2003. Crucially, communication had taken place between Belgium and the UK, but no explanation for non-compliance had been provided. Furthermore, an application for an extension could quite easily have been made in good time and supported by information setting out why it was not reasonable to comply with s.6(2A).

The District Judge agreed that the Belgian authorities' non-compliance was not reasonable in the circumstances, and he therefore refused the application for an extension of time, and so B's discharge was ordered.

Westminster Magistrates' Court

Extradition

General Crime

R v D, 2023

Lucy drafted a basis of plea, which although not accepted was found to not make a material difference to sentencing. She then drafted a detailed sentencing note submitting that the previous SSO need not be activated, and another SSO could be given for the new offence. D was given another SSO for the new offence, the breach was dealt with by way of a fine.

Croydon Crown Court

Crime

R v R, 2023

R was charged with ABH and assault on an emergency worker. Following a finding that R was unfit to plead, Lucy drafted written representations to the CPS to discontinue prosecution, as it was no longer in the interests of justice to proceed. This was successful and the charges were dropped.

Inner London Crown Court

R v B, 2023

B is a young man with limited antecedents, but with severe mental health and alcohol issues. Lucy represented B at trial, where he was charged with possession of knife and threats to kill. The complainants were his neighbours. Lucy's cross-examination made clear that their evidence was inconsistent and possibly untrue, and the District Judge acquitted B of threats to kill. Sentencing for the knife was adjourned for a PSR, and B continued to be remanded in prison, where he had been for a month pre-trial after numerous breaches of bail. The PSR came to the conclusion that he couldn't access mental health treatment due to his alcohol issues and couldn't access alcohol treatment due to his mental health issues.

The author came to the decision that neither she, nor her colleagues, wanted to work with B in the community due to his complex needs. Lucy suggested to the District Judge that B could be given a deferred sentence in a month's time, be released on bail, be trusted to adhere to strict bail conditions, and engage voluntarily with alcohol services, to be evidenced at the next hearing. The District Judge agreed. Lucy kept up with B through his solicitors to ensure he did what the District Judge had asked. He was sentenced to a short SSO.

Highbury Magistrates' Court

R v B, 2022

This was a DV ABH case. Bad character, namely a large number of CRIS reports involving the defendant and the complainant, and previous convictions for violence against partners, hadn't been applied for by the Crown. Lucy was served the unused on the morning of trial, where a number of helpful points which went to the complainant's lack of credibility were drafted by her into s.10 admissions. The District Judge found B not guilty on the basis of those accepted admissions. The Crown tried to apply for an acquittal restraining order. Lucy successfully argued that this couldn't be done, as he had been found not guilty at trial and the CRIS reports couldn't be used as they weren't evidence in the case.

Stratford Magistrates' Court

Violence

Youths

R v X (a child) and another, 2023

Lucy successfully applied for bail in the case of a 17-year-old who had been involved in the robbery of two children, involving a knife. X had a long history of violent robberies and breaches of bail and had been remanded in custody at the first appearance. Lucy was successfully able to suggest remand into local authority accommodation where X had previously been living, making use of previous PSR's and sentencing council guidelines on vulnerable children in custody.

Inner London Crown Court

R v X (a child), 2023

X was charged with GBH, x2 assaults and one charge of criminal damage – the complainants were three 13-year-old girls.

Lucy drafted a defence statement requesting specific disclosure, which was not given by the CPS until the day of trial. Once this was served, it became clear that many reasonable lines of enquiry had not been followed. After highlighting the evidential difficulties to the Crown and the OIC, they offered X a youth caution to all charges. X accepted the caution, but only on a basis drafted by Lucy, which significantly reduced his culpability.

Maidstone Youth Court

R v X (a child), 2022

Lucy represented X in his sentencing hearing, where she successfully managed to avoid a DTO for her seventeen-year-old client for various violent offences. Her client had a long history of previous offending whilst on an YRO with an ISS, along with breaches of conditions and having issues with his YOT team. Lucy successfully took the District Judge through the positive parts of the PSR and X's antecedents to differentiate from the offences for which X was to be sentenced. X's ISS was revoked and reinstated with fewer conditions in order to ensure X was not set up to fail.

Stratford Youth Court

Youths

Achievements

Memberships

- Lincoln’s Inn
- Women in Criminal Law
- Young Legal Aid Lawyers
- The Criminal Bar Association.
- The Defence Extradition Lawyers Forum

Appointments

- CPS Panel (Grade 1)
- CPS Extradition Panel (Grade 2)

Awards

- Advocacy Scholar, BPP Law School (2017)
- Lord Denning Scholar, Lincoln’s Inn (2016)

Education

- BPP Law School, BPTC (2017-2018)
- City, University of London, GDL (2016-2017)
- University of Cambridge, CELTA (2015)
- University of Oxford, Balliol College, BA (Hons) English Language and Literature (2011- 2014)