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## Practice Profile

***Gordon is a specialist and successful trial advocate. He has extensive experience in serious and complex criminal cases, frequently acting as a leading junior.***

Gordon accepts instructions on behalf of the defence and the Crown involving all forms of serious offending, but in particular cases of murder, manslaughter, serious violence, drugs, money laundering and serious sexual offences. Gordon is regularly instructed in complex multi-handed cases with voluminous papers requiring attention to detail and forensic analysis. Current instructions include an individual charged with a large-scale fraud, in which the defendant headed a conspiracy using client details he had mined when working for a well-known firm of Criminal Solicitors.

Gordon's Privacy Policy can be downloaded [here](#).

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## Areas of Practice

- General Crime
- Prosecution
- Serious & Organised Crime
- Confiscation, Civil Recovery & Asset Forfeiture
- Homicide
- Military Law
- Road Traffic
- Sexual Offences
- Cyber Crime

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## Reported Cases

- R -v- JD [2021] EWCA Crim 1866 – Consecutive sentences; Determinate sentences; Licence periods
- R -v- TA [2016] EWCA Crim 668 – Admissibility; Attempts; Bad character; Gangs; Murder
- R -v- ML [2018] EWCA Crim 2536 – Mens rea; No case to answer; Prosecution appeals
- R -v- MA [2014] EWCA Crim 1382 - Breach; Sentence length; Sexual offences prevention orders
- R v AM [2013] EWCA Crim 850 - Disparity of sentence; Guilty pleas; Joint enterprise; Offending on bail; Robbery; Separate trials; Totality of sentence; Serious offences
- R -v- AH [2011] EWCA Crim 2227 - Burglary; Custodial sentences; Disqualification from driving; Disqualification periods; Proportionality; Rehabilitation - Interpretation and construction of s.147 of the Powers of Criminal Courts (Sentencing) Act 2000.
- R -v- C; R -v- T [2010] EWCA Crim 761 - Post-verdict communication from jurors

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## News

## **The Lament of AI**

3 December 2024

AI is, without question, a startling development in the world of technology. From summarising reports to creating art and music, its abilities are jaw-dropping. But is it reliable? Can it properly be used in a criminal trial, where people's liberty is at stake?

Gordon Carse has written a short article which can be viewed here: <https://www.5kbw.co.uk/resources/view-article/the-lament-of-ai>

## **Acquittal of Defendants in Large Scale Cannabis Production**

3 December 2024

Following a 3-week trial at Luton Crown Court, Gordon Carse's client was the only acquittal of individuals alleged to have conspired in the industrial scale production of cannabis across numerous addresses in Bedford. The defendant was alleged to have been a principal conspirator and the case was of note due to the attempt to utilize AI in the prosecution.

Gordon was instructed by Leo Martin of Freeman Solicitors.

## **Hung Jury for Dangerous Driving**

19 December 2023

Gordon Carse instructed by Lee Barton of Paul Martin & Co Solicitors, represented a man indicted with causing serious injury by dangerous driving and prosecuted by King's Counsel. Having considered their position following a hung jury, the Crown formally offered no evidence.

## **Conspiring to possess a firearm**

9 November 2023

Gordon Carse successfully represented a client charged with conspiring to possess a firearm with intent to endanger life. The client accepted transporting the shooter to and from the scene and being present when the firearm was discharged - including interacting with him between the two discharges. After a four week trial at Woolwich Crown Court, the client was acquitted of all charges. Gordon was instructed by Jatinder Sokhal of Thomas Boyd Whyte.

## **Recent Cases**

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### **R v JW & Another [Coventry] 2022**

## Murder

Gordon Carse, led by Paul Keleher QC, represented a defendant charged with the murder of two elderly victims separated by a three-year period, in which other serious offending was committed. The case involved complex and extensive expert evidence, including pathology, cell site and DNA evidence.

## **R v SB & Others [Southwark] 2021**

### Assassination of Rival International OCG

Gordon Carse, led by Jonathan Higgs KC, represented an alleged member of a Swedish hit team, hired to assassinate a leading member of a rival international OCG. The case made national headlines due to the professionalism of the assassination, in which latex masks and other disguises were used prior to the shooting. The shooting itself was designed to be shocking, taking place on Christmas Eve on the victim's doorstep and in front of his family.

## **R v JL & Others [Newcastle] 2021**

### National Supply of Wholesale Class A Drugs

Gordon Carse represented the defendant who was alleged to have run cannabis farms and conspired in the national supply of wholesale quantities of Class A drugs. Following section 8 applications and written submissions that there was no case to answer, the Crown offered no further evidence and the Jury returned directed verdicts of not guilty.

## **R v JB & Another [Inner London] 2020**

### Possession of Firearm

Gordon Carse represented the lead defendant in an allegation of possession of a firearm with intent to endanger life. The defendant was a well known 'drill' artist and the prosecution was heavily reliant upon bad character evidence of gang activity (including multiple murders). The defendant was acquitted by the jury.

## **R v KG & Others [Nottingham 2020**

### Attempted Murder

Gordon Carse, led by Sue Rodham, represented the defendant charged with facilitating allegations of attempted murder (2 separate shootings). Following successful submissions as to the admissibility of covert recordings and submission of no case to answer was upheld and the defendant acquitted by directed verdicts.

## **R v CB & Others [Inner London] 2019**

### Multi-Handed County Line Drug Operations

Gordon Carse, led by Danny Robinson QC, prosecuted 21 individuals, over multiple trials, who were charged with a multiple county lines drug dealing operations. All defendants were either convicted or entered guilty pleas for their involvement.

### **R v MW & Others [Liverpool] 2019**

Conspiracy to Supply Class A Drugs

Gordon Carse represented one of the defendants charged with conspiring to supply wholesale amounts of Class A drugs (on one of the multiple occasions of supply in excess of 98kg of 98% pure cocaine was seized). In the third week of the trial the defendant entered a limited guilty plea on an acceptable basis.

### **R v TDN & Others [Wood Green] 2018**

National Supply of Wholesale Class A Drugs

Gordon Carse represented a defendant alleged to be the principal in the national supply of wholesale quantities of Class A drugs. The defendant was the subject of extensive covert surveillance, which included the use of helicopters. The defendant was acquitted by the jury.

### **R v TM & another [CCC] 2018**

Robbery & kidnap

Gordon Carse represented a defendant alleged to have committed robbery, s.18 and kidnapping. Following cross-examination of the principal witness, the Crown offered no further evidence and the jury returned a directed verdict of not guilty.

### **R v ML [Croydon] 2018**

Stabbing of police officer

Gordon Carse acted for the defendant who was alleged to committed a section 18 OAPA offence by stabbing an officer in an attempt to escape arrest. The photographs of the injury caused were ruled too gruesome to be placed before the jury. A successful submission that there was no case to answer was appealed by the Crown. The appeal against the terminatory ruling was successfully opposed.

### **R v. KB & anr [Woolwich] 2017**

Firearms

Gordon Carse represented one of three defendants in a two week cut throat trial. The prosecution arose following an undercover sting operation where meetings and communications arranging the purchase of a glock, MP5 assault rifle, and ammunition were covertly recorded. The defendant was acquitted by the jury. Instructed by Thos Boyd Whyte.

### **R v. Iqbal & ors [Harrow] 2017**

GBH Sc18

Gordon Carse acted for the defendant who was alleged to be the principle in a group attack in which he chased

and threw a young man from the roof of a building causing life-changing injuries. A submission of no case to answer was successfully made and the defendant acquitted following the successful resistance of the prosecution's appeal against the terminatory ruling. Instructed by Imran Khan & Partners.

### **R v. MB & ors [Croydon] 2017**

Cash in Transit Robberies

Gordon Carse defended in this multi-handed conspiracy to commit cash in transit robberies. The defendant and his team were alleged to be responsible for all cash in transit robberies in the South East of England in the first half of 2016. Following halftime submissions verdicts of not guilty were directed by the Learned Judge. Instructed by Goldkorns.

### **R v. B [Lewes] 2016**

Male Rape

Gordon Carse, instructed for the defence, represented this defendant who had raped a vulnerable male when interviewing him for a job and sexually abused and raped him on further occasions over a four year period. The defendant pleaded guilty on the day of trial and a sentence of 3 1/2 years imprisonment was secured. Instructed by Martyn Hewett Solicitors.

### **Operation Peltier 2016**

People trafficking

Gordon Carse instructed as prosecution counsel in this multi-handed prosecution founded on a joint investigation between the Hungarian and Metropolitan police into the trafficking of around 200 woman for the purpose of sexual exploitation. The trial is estimated to last several months.

### **R v. AB 2014**

Possession of firearm with intent to endanger life

Gordon Carse appeared as sole prosecution counsel in a possession of a firearm with intent to endanger life trial. This prosecution arose from an Operation Trident investigation and related to a loaded sawn off shotgun and ammunition. The case relied upon interpretation of DNA evidence and resulted in a conviction.

### **Operation Ralemation 2014**

Investigation by the Trident East Gang Crime Command

Gordon Carse instructed as sole counsel for the prosecution in a 4 handed attempted murder trial. The case was investigated by the Trident East Gang Crime Command. Following a four week trial the defendants were convicted of attempted murder (shooting) and a string of other firearms offences. Sentences totalling over 46 years imprisonment were handed down.

### **Operation Listado 2014**

Conspiracy to supply of class A drugs

Gordon Carse instructed as sole counsel by the defence in multi-handed, multi-kilo supply of cocaine trial. This observation case placed significant reliance on covert listening devices, cell site evidence, ANPR records, call data and text messages. The defendant was the only one acquitted.

### **Operation Kennedy [Portsmouth] 2014**

Conspiracy to supply class A drugs

Gordon Carse led Ben Holt for the defence in this multi-handed Class A conspiracy trial. The defendant was alleged to have been part of a conspiracy to supply over £600,000 of cocaine in and around the Portsmouth area. The defendant's involvement and role were underpinned by cocaine found in his possession, call data and text messages. The defendant was acquitted. Sentences totalling 54 years imprisonment were handed down.

### **Operation Lundie 2013**

Highly professional car theft ring that targeted high end BMWs due to a security flaw in the alarm and immobilizer system

Gordon Carse instructed as led junior counsel for the defence in a multi-handed conspiracy to handle stolen goods trial. The defendant was the ringleader of a highly professional car theft ring that targeted high end BMWs due to a security flaw in the alarm and immobilizer system. The conspiracy operated numerous "chop-shops", which the vehicles were taken to for dismantling prior to being shipped to Lithuania - often within 24 hours. The conspiracy was estimated to be responsible for the theft of in excess of £10 million worth of vehicles.

### **Operation Pearham 2013**

Multi-handed possession of a firearm with intent to endanger life

Gordon Carse appeared as sole counsel for the defence in multi-handed possession of a firearm with intent to endanger life trial. The case was investigated by the Homicide and Complex Case unit of the West Yorkshire Police. The defendant was alleged to have travelled from London with the intention to rob, at gun point, individuals connected to the importation of multi-kilo consignments of heroin. The firearm was repeatedly discharged during the incident. The defendant's connection to the offence and role were underpinned by text messages and calls, cell site evidence, and ANPR records. The defendant was acquitted. Two co-defendants tried separately were convicted and each received sentences of 16 years imprisonment.

## **Articles**

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### **The Lament of AI**

Author: Gordon Carse, 5BKW

AI is, without question, a startling development in the world of technology. From summarising reports to creating art and music, its abilities are jaw-dropping. But is it reliable? Can it properly be used in a criminal trial, where people's liberty is at stake?

In a recent trial alleging large-scale drug production and supply, the Prosecution unleashed its heralded AI tool. The results were, in the Learned Judge's words, lamentable.

As is ever more common in drug cases, the prosecution sought to rely on text messages between conspirators and others to show the mechanics and workings of an organised crime group. The difficulty they faced was not limited to the volume of the data (over 25 devices were seized) but that vast quantities of the messages were in a foreign language. Equally common was the issue. Were the messages sent by the defendant, and what did they mean?

In seeking to rely on relevant material and to discharge their disclosure duties, the prosecution took the somewhat unusual step of handing schedules of messages to an interpreter and asking them to carry out that task. An interpreter – employed by a private business – was tasked to search for any messages that might be relevant to the prosecution and for any messages that might undermine the prosecution case or assist the defence case. The reason? It was cost-effective. The prosecution asserted that translating the messages recovered from the devices would cost in the region of £50,000 – £60,000. Issue was taken with this approach. Could it be right that the prosecution could simply hand over their statutory obligations to a private individual? An individual who had no legal training, no known investigatory experience and who is not subject to the confines of statutory obligation. Well, ultimately, the question was not litigated.

Perhaps recognizing they could not palm off their disclosure obligations to a private individual, the prosecution changed tack and came up with an 'ingenious solution' to avoid the hefty translation fee. Their idea? Feed the schedules of messages through an AI translation tool and then have an officer undertake the disclosure exercise.

Presumably, to avoid the potential data breaches of using a publicly available AI tool, the prosecution turned to TOEX. TOEX is a programme which embeds teams into Regional Organised Crime Units across the country. They offered an AI translation tool they had developed and, apparently, used with great success[1]. Issue was taken with this approach. How could this be considered reliable? How could this approach be considered consistent with Judicial Guidance[2]? These questions were litigated.

The prosecution argued that the reliability of the translation was guaranteed because any messages they sought to rely on would be placed before an interpreter for verification. So, it was argued, that the prosecution had complied with Judicial Guidance that the accuracy of the AI material be checked before it was relied upon.

But what of the disclosure exercise? Well, the prosecution argued, this had been conducted properly by an experienced officer, in line with their statutory obligations.

Taking a contrary position, on behalf of the defendant, it was argued the process was fundamentally flawed. The officer carried out the disclosure exercise not on verified messages but on the product of the AI translation. It was noted that the judicial guidance highlights that "AI tools may be inaccurate, incomplete, or misleading." Was this concern a complaint in the ether? No. Disclosure was sought of the full AI product, and analysis of the AI translation was carried out against the verified messages. The analysis was revealing.

Of the 55 most significant messages relied upon by the Crown against the defendant, not a single AI translation matched the verified translation. Sometimes the difference was insignificant, but sometimes the difference was significant and material.

On any objective analysis, the product of the AI tool was not reliable. The translated messages were either wrong, questionable or unintelligible. If the underlying material upon which the disclosure exercise was conducted was not reliable, how could it be argued the product of the disclosure exercise was reliable? On considering the scheduled 55 messages the Court was not satisfied that it could and the messages, a significant plank of the prosecution case, were excluded.

Whilst the use of AI tools certainly has its place, this case certainly demonstrated its limitations.

[1] *Tackling Organized Exploitation Programme Issue 10 July – September 2024*

[2] *Artificial Intelligence (AI) Guidance for Judicial Office Holders published 12.12.23*