

Giles Pengelly

Crime



Year of Call: 2017

Email Clerks: crime@no5.com

Giles now exclusively practices criminal law where he both prosecutes and defends in the Magistrates' Court, Youth Court, and Crown Court.

Unusually, for a Midlands-based criminal barrister, Giles also regularly appears in extradition proceedings at Westminster Magistrates' Court.

Giles is hard-working and responsive – he likes to get involved, early, in a party's preparation for trial. Particularly when defending, Giles takes time and care with his clients to understand their positions and to provide them with reassurance.

Giles is a confident trial advocate and, where appropriate, will fearlessly argue points of law for his clients.

Giles has first-hand experience of the decision-making processes, and culture, of the police and the Crown Prosecution Service ("CPS"). Among other things, Giles was seconded to the CPS as a Senior Crown Prosecutor from May to December 2022.

Giles was appointed as a Legally Qualified Chair of the Police Misconduct Panels for the South Eastern Region in December 2023.

Recent Cases

Reg v D.B. (Crown Court sitting at Wolverhampton)

Defended at a trial of issue concerning the possession with intent to supply 6kg of cocaine; the Defendant's basis of plea asserted she was 'lesser role' within the sentencing guidelines. Before the hearing, she was advised abandon her basis of plea and expect a sentence of around ten years imprisonment. At the trial of issue, the basis of plea was abandoned; nevertheless, the Court accepted all of Giles' submissions and

sentenced her to four years imprisonment.

Rex v K.A. (Crown Court sitting at Birmingham)

Instructed to prosecute a ten-day trial concerning allegations of controlling and coercive behaviour comprising both the 'violent' and 'non-violent' offences. The Defendant pleaded guilty to the non-violent offence only and received 27 months immediate imprisonment consecutive to another sentence.

Reg v S.B. (Crown Court sitting at Birmingham)

Defended at a sentence involving numerous child images offences and attempting to cause a child to engage in sexual activity which, in turn, involved the making of threats and blackmail. After hearing both sides, including the Defendant's strong personal mitigation and making various protective/other orders, the Court imposed a sentence of two years imprisonment suspended for 18 months.

Rex v H and L (Crown Court sitting at Wolverhampton)

Prosecuted a two-handed seven-day trial concerning allegations of robbery involving six child witnesses. Contested argument to exclude cell-site evidence.

Rex v N.S. and others (Crown Court sitting at Warwick)

Defended at a seven-day trial concerning a serious violent incident which involved the use of an axe. The Court accepted Giles' submission of no case to answer in relation to one of the two charges; after N.S. was convicted of affray, the Court accepted Giles' submissions about the limits of the prosecution's evidence of N.S.'s involvement - N.S. received a suspended sentence.

Reported Cases

Souza v Souza [2021] EWHC 199 (Fam) (Royal Courts of Justice, Cohen J)

Ali v Barbosa [2019] EWHC 2776 (Fam); [2020] 2 F.C.R. 263 (Royal Courts of Justice, Lieven J)

Appointments

- Legally Qualified Chair of the Police Misconduct Panels, South Eastern Region
- Grade Two Prosecutor (General Crime)
- Grade Two Specialist Prosecutor (Serious Crime and Proceeds of Crime)
- Grade One Specialist Prosecutor (Extradition)

Memberships

- Midlands and Oxford Circuit
- Criminal Bar Association
- Extradition Lawyers' Association
- Derby and District Law Society

Awards

- 2018 – Baron Dr. Ver Heyden de Lancey Prize (Middle Temple)
- 2016 – Brick Court Chambers Scholarship (Middle Temple)

Qualifications

- LLM, European Public Law and Governance – Maastricht University, The Netherlands

- MA (Cantab), Philosophy and Law – King's College, Cambridge