

Merry van Woodenberg



Year of Call: 2012

020 7353 5324

Merry specialises in serious and complex crime, and regulation. She has particular expertise in financial crime, serious violent and sexual offences, and cases involving vulnerable individuals.

Merry's practice involves defending in some of the most serious cases to come before the courts. In the last year this has included allegations of terrorism and mass-murder. She defends alone in allegations of serious sexual offending, kidnap, and serious violence. She appears in the Crown Courts and the Court of Appeal.

Merry has extensive experience in cases involving fraud, insider dealing, money laundering, tax evasion and bribery. She has an unusual level of sanctions and export controls experience for her call, with experience of alleged breaches of trade and financial sanctions and of export controls of dual-use products. She has worked on cases and advices in this area for topics ranging from oil, to terrorist financing, to spyware.

Merry also represents corporate clients. She assisted in an internal investigation commissioned by Boohoo, and an investigation into fraudulent practices at a large multinational pharmaceutical company.

Her white-collar experience is complemented by past work at the Financial Conduct Authority (in Retail and Criminal Prosecutions), her work advising the Economic Crime Command in the Attorney General's Office in Jersey, and prosecuting for the CPS for offences such as bribery. She is an experienced LPP and disclosure counsel, dealing in that capacity with cases involving complex PII issues.

Merry has long experience of working with young or vulnerable individuals, and in particular in representing people with Autistic Spectrum Disorder. She works regularly with intermediaries, is a trained vulnerable witness handler, and is used to acting in cases where defendants suffer from acute mental health issues or learning disabilities.

Merry has appeared as a legal commentator on Channel 4 News and for the Financial Times, and has written for ITV News, MSN News, The Lawyer, and The Barrister. Merry is a Trustee of the Kalisher Trust.

Location

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Business Crime & Financial Services

The breadth of Merry's experience in white-collar crime, both prosecuting and defending, means she is perfectly placed to act in cases involving serious financial offending.

Merry's practice in this area is complemented by her past employment at a Band 1 specialist white-collar crime firm, at the Financial Conduct Authority (in Retail, the Criminal Prosecutions Team and the Proceeds of Crime department), and advising the Economic Crime Command Unit in Jersey. She is currently instructed as counsel for the FCA in a case involving alleged misstatements to the market.

Merry has acted in cases involving allegations of bribery, fraud, insider dealing, money laundering, misstatements, and tax evasion. She has an unusual level of sanctions and export controls experience for her call, with experience of alleged breaches of trade and financial sanctions and of export controls of dual-use products. She has worked on cases and advices in this area for topics ranging from oil, to terrorist financing, to spyware.

Some recent cases in financial crime include:

- Acting for the prosecution in the first case involving offences under the Bribery Act 2010 in the English Premiership.
- Acting for the defence in the first Data Protection Act criminal case in which a corporate defendant was charged. Following legal argument as to the construction of a statutory defence, Merry's client was acquitted of all charges.
- Acting for the defence in a case involving a £4million conspiracy to defraud the Legal Aid Agency. Merry's client, a Compliance Officer in a solicitor's firm, was acquitted of all charges.
- Acting as sole prosecution counsel in a fraud case with a national security element.

Criminal Defence

Whilst able to act and advise in cases involving any criminal offence, Merry's particular expertise falls broadly into two camps: serious white-collar crime, and serious violent and sexual crime.

Serious violence and sexual offences

Merry has developed a particular expertise in representing children and other vulnerable individuals, including those with serious mental health issues, learning disabilities, and Autistic Spectrum Disorder. She has represented such individuals in cases of the utmost gravity, including allegations of murder. Merry frequently acts as sole counsel for children accused of rape and other sexual offences. Merry is therefore experienced at working with intermediaries, conducting trials of the facts, and presenting cases with complex psychiatric evidence.

Some recent examples of her work in this area include:

- Junior counsel in a case involving three murders and three attempted murders, with an alleged terrorist motive. Defendant had significant psychiatric issues (Central Criminal Court, 2021).
- Junior counsel for youth with learning difficulties charged with a firearms related murder (Woolwich Crown Court, 2021). Client acquitted following successful half-time submission.
- Junior counsel representing a 14-year old charged with a joint enterprise gang related murder (Woolwich

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- Crown Court, 2021). Client acquitted of murder and manslaughter.
- Acting as sole counsel for a defendant with learning difficulties and ASD on a 27-count indictment, including 11 rape counts (Reading Crown Court, 2021). Complimented by the judge for sensitive and proficient handling of the case.
- Airport bomb hoax (trial in 2022).
- Acting for an 11-year-old charged with a series of alleged rapes (trial in 2021).

White-collar crime

Please see section on 'Business Crime and Financial Services'.

The breadth of Merry's experience in white-collar crime, both prosecuting and defending, means she is perfectly placed to act in cases involving serious financial offending.

Merry's practice in this area is complemented by her past employment at a Band 1 specialist white-collar crime firm, at the Financial Conduct Authority (in Retail, the Criminal Prosecutions Team and the Proceeds of Crime department), and advising the Economic Crime Command in Jersey. She understands how prosecutors think and approach cases, and utilises that knowledge effectively in her defence practice.

Recent cases include:

- Acting for the defence in the first Data Protection Act criminal case in which a corporate defendant was charged. Following legal argument as to the construction of a statutory defence, Merry's client was acquitted of all charges.
- Acting for the defence in a case involving a £4million conspiracy to defraud the Legal Aid Agency. Merry's client, a Compliance Officer in a solicitor's firm, was acquitted of all charges.
- Secured a non-custodial sentence and no confiscation for an individual charged with evading £600,000 tax over several years.

Public Prosecution

Merry has a strong prosecution practice, and has acted for the CPS, the FCA, the SFO, and various Borough Councils. Her work in this area is complimented by past employment at the FCA (in Retail, the Criminal Prosecutions Team and the Proceeds of Crime department), and more recently, her work advising the Economic Crime Command Unit for the Attorney General of Jersey.

Merry is currently instructed for the FCA as junior counsel in a case involving alleged misstatements to the market. She is currently instructed by the CPS as sole counsel in relation to a complex fraud on a public body with a national security element.

Merry was junior counsel in the first Bribery Act prosecution relating to the English football leagues, involving issues of PII and arguments of entrapment. All defendants in that case were convicted.

Merry is experienced with dealing with complex disclosure – including PI – and LPP issues.

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Private Prosecution

Merry's experience acting in high profile public prosecutions underpins her skills and knowledge in this area. She has acted in various private prosecutions, brought by institutions and by individuals, such as:

- Acting for individuals/institutions who allege they have been defrauded and wish to bring proceedings against the alleged fraudster;
- Acting for the prosecutor in alleged cases of sexual offending; and
- Acting in a case alleging a contrived receivership of a casino.

Sports Law

Merry prosecuted the first case of alleged bribery in the English football leagues. She has also acted for the Football Association in regulatory cases regarding players and referees alleged to have breached the FA rules (such as Rule E3 breaches).

Tax

As well as acting in tax evasion cases in the criminal courts (see Business Crime and Financial Services), Merry also acts in the tax tribunals. In particular, Merry's work for the Economic Crime Command in Jersey involved dealing with complex, multi-jurisdictional tax evasions.

Merry prosecuted the first case arising out of the AWRS regulations.

Appointments & Memberships

- CPS Grade 2
- SFO C Panel
- Criminal Bar Association
- Financial Services Lawyers Association
- Young Fraud Lawyers Association

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