

Benefit Fraud

GR faced a £70k benefit fraud charge. It was alleged he had dishonestly failed to declare a change in circumstances which he knew would affect his benefit.

While he was receiving benefit, several hundred thousand pounds appeared in his bank account triggering an investigation.

The money represented the proceeds of sale of a property GR owned in London and he had not declared it.

Advised and represented by Declan Gallagher in Ipswich Crown Court GR pleaded not guilty and went to trial.

At the conclusion of the evidence against GR, the prosecution realised that the offence was not made out.

As we had asserted in a document served on the court and the prosecution from the outset, there had been no change in circumstances. The house had never been declared and the claim had, on the face of it, been false from the outset.

In such circumstances the prosecution can apply to amend the charge. Here, to the displeasure of the judge, they tried to substitute an offence which did not exist at the relevant time.

Legal argument regarding starting again or recalling witnesses continued until eventually the prosecution had no option but to substitute a charge which did not involve dishonesty.

GR pleaded guilty.

After one final bout of legal argument, the judge was persuaded that he had no option but to impose a community penalty.

The original offence carried with it a sentence of up to seven years with a likely range for GR of two years – three years six months custody. GR was naturally pleased and went on to insist that DG represent him in a county court committal hearing.

Which also concluded successfully.

