

# Holly Fagan

**Year of Call:** 2021

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## Overview

Holly is based in 3PB's Winchester office. She accepts instructions from across the Western Circuit in crime, courts martial and regulatory law.

Holly completed her pupillage with the CPS. Her first six included a month observing defence counsel at a Western Circuit set. She spent the majority of her second six prosecuting trials in the Magistrates' Court and committals for sentence in the Crown Court. Holly prosecutes and defends multi-handed cases, cases involving vulnerable witnesses, special measures, interpreters and unrepresented defendants.

Before converting to law, Holly worked as a management consultant with regulated infrastructure businesses. After qualifying, Holly worked as a Screening Case Officer for the Nursing and Midwifery Council. These experiences gave her insight into the business context of regulation and professional discipline respectively. Holly is keen to develop her practice in these areas of law.

During her legal studies, Holly volunteered as an Appropriate Adult in police interviews, which enhanced her ability to communicate with vulnerable adults and youths. She also volunteered with Vocalise, teaching debating to prisoners in HMP Pentonville, and as an advocate with the Community Empowerment Network which involved representing children at risk of being permanently excluded from school.

Outside of work, Holly enjoys hiking and going to the beach.

## Recommendations

"It was a very difficult trial and you came through it very well. You never lost your poise, you impressed me with your coolness under fire, you made good points throughout and in your final speech. I thought your cross-examination of the complainant was very good and laid the ground well for the trial." **Crown Court Judge**

"I have never had someone fight my corner like you have." **Client**

"I noticed on your sentencing notes that you are still doing pupillage – not something I would have otherwise guessed from the confidence with which you dealt with the various cases you presented. Your very thorough sentencing notes were of great assistance, not least because you distilled the facts of the cases succinctly and your application of the relevant sentencing guidelines was considered and reasonable. This was particularly so in relation to the case of R v B, where you marshalled the facts of multiple offences over a number of different incidents capably and concisely in both your written and oral advocacy. Furthermore, your overall manner in Court was calm and assured." **Crown Court Judge**

"You were excellent. Your questions were well-structured and helpful. We are pleased to get this trial done in one day and that is largely down to you and your succinct and focused questioning." **Chair of the Magistrates'**, after prosecuting a two-

handed full day trial with teenage defendants.

"Holly, you are nothing short of brilliant. Thank you!" **Criminal Defence solicitor**

## Academic qualifications

- BPTC, BPP London (Very Competent)
- GDL, BPP London (Distinction)
- BA History, University of Leeds (2.1)

## Scholarships

- The Reader's Scholarship (Middle Temple)
- Career Commitment Scholarship (BPP London)

## Professional qualifications & appointments

CPS Grade 2 General Crime Panel

## Professional bodies

- Middle Temple
- Women in Criminal Law

# Expertise

## Crime

### Offences against the person

**R v B (2024)** – Crown Court: client acquitted of one charge of intentional strangulation.

**R v C (2024)** – Crown Court: client acquitted of one charge of 4 years of coercive and controlling behaviour and one charge of assault.

**R v C and others (2024)** – Crown Court: Disclosure junior in multi-handed murder and conspiracy to rob trial in which all defendants were convicted.

**R v C (2024)** – Crown Court: Successfully opposed a hearsay application by the prosecution which resulted in them offering no evidence on counts of coercive and controlling behaviour and assault.

**R v O (2023)** – Crown Court – Assault emergency worker: CPS discontinued case after Holly made submissions re realistic prospect of conviction.

**R v C (2023)** – Crown Court – Controlling and coercive behaviour and 2 x ABH: defended sentencing hearing. Despite placing C&C in the A1 category, the Court was persuaded to suspend D's sentence based on credit and personal mitigation.

**R v F (2023)** – Magistrates' Court – Domestic assault by beating and criminal damage: defended sentencing hearing. Persuaded court to not make a restraining order because it would have been a disproportionate frustration of D's ability to see his child.

**R v R (2023)** – Magistrates' Court – Common assault and criminal damage: defended trial. D acquitted of criminal damage.

**R v A (2023)** – Magistrates' Court – Assault by beating and criminal damage: trial which the complainant did not support. Successfully applied for the 999 call to be admitted as res gestae evidence following a contested hearing.

**R v A & A (2022)** – Crown Court – ABH: prosecuted sentencing hearing in which the victim was knocked unconscious during an assault by two defendants. This case was covered in the media: [Brothers kicked unconscious victim in the head during attack | Bournemouth Echo](#)

### Weapons

**R v J (2023)** – Crown Court – Threatening with an offensive weapon in private, assault by beating x 4 and criminal damage: prosecuted sentencing hearing using comparable guidelines for weapons offence.

**R v P (2023)** – Crown Court – Possession of offensive weapon x 2: prosecuted sentencing hearing for defendant who was walking around in public with a knife and an axe.

### Motoring offences

**R v L (2023)** – Magistrates' Court – Driving whilst using a mobile phone: CPS discontinued case after Holly made written submissions re realistic prospect of conviction.

**R v D (2023)** – Crown Court – Causing serious injury by dangerous driving: prosecuted sentencing hearing in case where victim had to have his leg amputated at the roadside following a collision. The case was covered in the media: [Drink driver jailed for Bournemouth crash with motorcyclist | Bournemouth Echo](#)

### Dishonesty offences

**R v P (2023)** – Crown Court – Non-dwelling burglary: defended sentencing hearing. Holly persuaded the Court to suspend the

sentence of imprisonment despite D's record of 15+ non-dwelling burglaries.

**R v G (2023)** – Magistrates' Court – Theft from a person: defended at trial. D acquitted.

**R v D (2023)** – Magistrates' Court – Fraud: prosecuted a company director who faced charges of failing to pay a VAT security or cease trading.

### **Sexual offences**

**R v V (2023)** – Crown Court – 2 x attempting to meet a child under 16, following sexual grooming: despite the custody threshold being crossed, Holly persuaded the court that a community order was appropriate.

**R v B (2023)** – Magistrates' Court – Sexual assault x 3: D accused of sexually assaulting two 15-year-old girls. Persuaded the Court that the accounts of the complainants and other witnesses were inconsistent and D was acquitted of all charges.

**R v P (2022)** – Crown Court – Sexual assault, assault by beating and possession of a bladed article: prosecuted sentencing hearing in case in which the defendant had sexually assaulted a teenage girl and assaulted other children in the home.

### **Other criminal cases**

**R v H (2024)** – Crown Court – production of cannabis: Holly persuaded the CPS that her client was a victim of trafficking and modern slavery and the case against him was dropped.

**R v E & F (2023)** – Magistrates' Court – Hunting and night poaching: prosecuted a two-handed trial in which both defendants were convicted of multiple offences. Successfully opposed a half-time submission.

**R v W (2022)** – Magistrates' Court – Malicious communications: successfully prosecuted a trial in which intoxication was raised by the defence.

**R v P (2022)** – Crown Court – Cultivation of Cannabis: prosecuted sentencing hearing for defendant who had 45 cannabis plants and 900g of dried cannabis bud in his home.

## **Articles**

Holly Fagan outlines the new sentencing guidelines for perverting the course of justice and witness intimidation – both effective from 1/10/2023; and guidelines in relation to dangerous driving and causing serious injury by dangerous driving – both effective from 1/7/2023.

[View Article](#)