



**Adam Kane KC**  
**BA (Oxon), CPE**

**Year of Call: 1993**

**Year of Silk: 2015**

**Adam Kane's practise areas are**

- **Fraud and Financial Crime**
- **Homicide**
- **Organised Crime**
- **Asset Protection**
- **Public Law & Human Rights**

**FRAUD AND FINANCIAL CRIME**

Adam Kane KC is a leading Silk and specialist in white-collar crime. He acts for company directors, entrepreneurs, lawyers and accountants, senior bank officials, financial advisors, medical professionals and investigators in heavy and high-profile proceedings predominantly brought by the Serious Fraud Office, the Financial Conduct Authority and HMRC. He has particular expertise in investment fraud, and dealing with legal and accounting professionals, and a wealth of experience defending in cases of financial-market abuse. He advises and appears in high-profile bribery, corruption and 'misconduct in public office' cases. He represented the turnaround consultancy accountant in HBOS, the chief engineer at Harrods in the Royal Household corruption case, and acted at first instance and on appeal for the cartel organiser in the Marine-Hose case (the first prosecution of Cartel Offending under the Enterprise Act).

Current cases include an insider trading conspiracy (short trading of placings wall-crossed to London Institutional Investor), a £15 million tax evasion scheme by officers of an AIM listed company, a £20 million VAT-offset fraud within a group trading metals, electronics and VOIP minutes, and a company director charged in a £21 million fashion industry fraud. Most recent cases include a solicitor acquitted of all counts in a £10 million property development fraud, and a solicitor acquitted of a £5 million wealth-management and trust fraud.



### **DEFENCE CRIME**

Adam has defended in high-value organised crime, often with an international element, throughout his career. He has particular expertise in massive smuggling cases (drugs and people) often involving complex PII / disclosure / SOCPA issues, and in firearms.

### **HOMICIDE**

Adam has a nationwide practise as a defence specialist in homicide. In addition to organised crime and gangland killings, he has particular experience defending very young (13, 14 and 16 year-olds recently) and otherwise vulnerable people charged with murder, with all the sensitivities as to witnesses, intermediaries and anonymity these cases involve. He also acts in gross negligence and corporate manslaughter cases complimentary to his fraud expertise.

### **ASSET PROTECTION**

Adam has been involved in testing, at first instance and appellate levels, the threats to assets posed by criminal investigations since the early days of Drug Trafficking Offences Act and Criminal Justice Act 1989. He advises and appears for respondents to pre-action restraint proceedings in the Crown and High Courts, in the variation and discharge of extant restraint orders, in confiscation proceedings, and in the adequacy and enforcement of confiscation orders. His core clientele are the subjects of investigations, and criminal defendants, but he also acts for interested parties to pre-charge and confiscation stage proceedings. He brings his forensic expertise in fraud, and knowledge and experience of organised crime, to asset portfolios often valued in the millions and overseas assets with jurisdictional issues.

### **PUBLIC LAW & HUMAN RIGHTS**

The holistic defence of the individual involves consideration of their common law and Convention rights both within, and beyond, the process of a criminal trial. The preservation of those rights by Judicial Review in the High Court can be determinative of decisions and outcomes in the Crown Courts. Adam advises prospective applicants, and appears for applicants for Judicial Review at all stages of the evolution of the criminal investigation. He has acted to review pre-action search warrants, a decision to prosecute by the Information Commissioner, the lawfulness of the s.51 sending procedure, the search of a Solicitors firm to recover privileged Special Procedure material, the refusal of the Attorney-General to issue a nolle prosequi to a defendant medically unable to give evidence at trial, the naming of juvenile offenders in “truly exceptional” murder cases, and the need to enforce confiscation orders within an Article 6 “reasonable time”.

Within the trial process, Convention rights – particularly Article 6 rights – are an integral part of Adam’s approach, at first instance and on appeal, where he has argued issues of direct applicability or incompatibility on subjects such as the right of the defence pre-trial, to cross-examine the ailing complainant to ensure a fair trial, before the coming in to force of s.28 YJCEA, the compatibility of the hearsay provisions of CJA 2003, the breach of Article 6(3) by



continuation of proceedings against a defendant too ill to give evidence, and the reverse burden in s.90 [and within ss 90 (1) &(2)] Financial Services Act 2012.

### **TESTIMONIALS**

*“Adam is an extremely hard working and diligent silk. His legal knowledge is extensive and his applications and arguments beautifully and clearly presented, both in writing and orally.” – Legal 500, 2024*

*“He is very good at the detail of frauds and is able to understand the realities of what is going on.” – Chambers and Partners, 2024*

*“Adam is a fearsome competitor, an impeccable advocate and highly knowledgeable about the law.” – Chambers and Partners, 2024*

*“He’s incredibly erudite and has a wonderful turn of phrase.” – Chambers and Partners, 2024*

*“Adam is a heavyweight advocate with vast experience and great tactical know-how.” – Chambers and Partners, 2024*

*“Adam is an extremely hard working and diligent silk. His legal knowledge is extensive and his applications and arguments beautifully and clearly presented, both in writing and orally.” – Legal 500, 2023*

*“Adam is a great legal mind and strategist. His knowledge of the facts and the evidence in the case may only be surpassed by his knowledge and command of the law.” – Legal 500, 2023*

*“Adam is an incredibly erudite courtroom performer. His greatest asset is his way with words. He is charming in front of a jury but firm with witnesses when firmness is called for. He is always well-prepared and often spots arguments that others have overlooked.” – Legal 500, 2023*

*“An excellent practitioner who puts his clients at ease. He expertly deciphers complex evidence and leaves the client in no doubt as to what the case against them is.” – Chambers and Partners, 2023*



*"He is a very well-established and highly regarded silk in financial crime. He does some of the biggest cases and is an excellent advocate."* – **Chambers and Partners, 2023**

*"He gets to the heart of the issue quickly and makes very persuasive closing and opening speeches."* – **Chambers and Partners, 2023**

*"Adam can spot the details of a case. He captivates juries."* – **Chambers and Partners, 2023**

*"Adam works hard, communicates with his clients and is able to foresee the legal landscape."* – **Chambers and Partners, 2023**

*"Juries warm instantly to the elegant manner in which he puts his case."* – **Chambers and Partners, 2023**

Ranked as a leader in fraud by **Chambers & Partners** since 2010:

*"An incredible silk and effective defence barrister. He is very determined in his language."* – **Chambers and Partners, 2022**

*"A wonderful advocate with a lovely turn of phrase - juries like him very much." "He is a strong advocate for his clients"* – **Chambers and Partners, 2022**

*"Insightful and perceptive with excellent client care skills."*—**Chambers & Partners, 2021**

*"Has exceptional cross-examination skills and is very good at identifying the issues of the case sometimes at very short notice."* (**C&P, 2020**)

*"Very good with clients and very approachable... He is very committed to his cases."* (**C&P, 2019**)

*"An effective experienced silk who has a rising market profile. He handles matters involving suspected corruption, tax evasion and money laundering... Frequently instructed to represent professionals facing charges of tax and investment fraud."* (**C&P, 2018**)

*"An accomplished advocate who is a regular in high-calibre fraud cases."* (**C&P, 2017**)

*"He finds legal loopholes and arguments that nobody else would have thought of."* (**C&P, 2016**)

*"He is very good in court"* (**C&P, 2015**)



*"Stands out for his work as a criminal fraud junior. He is praised for his capacity for hard work, and his accessible manner with clients." (C&P, 2014)*

The **Legal 500** describes him:

*"Adam is a persuasive and eloquent advocate whose turn of phrase was enjoyed by the jury and judge alike and was whose style is well suited to dealing with a detailed fraud."—Legal 500, 2021*

*"a real fighter, which is why his clients love him." Legal 500 2020*

*Listed in 2015 Legal 500 in Fraud: 'Fast becoming a serious contender as a new KC.' Legal 500 2015*

## **APPOINTMENTS / MEMBERSHIPS:**

BA (Oxon), CPE, KC

Adam is a member of:

- South Eastern Circuit;
- Criminal Bar Association;
- the Fraud Lawyers Association;
- Administrative Law Bar Association and
- Grays Inn

## **PRACTICE AREAS**

### **FRAUD AND FINANCIAL CRIME**

Recent cases which have attracted national publicity have included:

Fraudsters who ran fake visa scam and stole £13m from HMRC – The Telegraph  
<https://www.telegraph.co.uk/news/2018/11/23/fraudsters-ran-fake-visa-scamandstole13m-hmrc-sentenced-31/>



HBOS manager and other City financiers jailed over £245m loans scam - The Guardian  
<https://www.theguardian.com/business/2017/feb/02/hbos-manager-and-othercityfinanciers-jailed-over-245m-loans-scam>

Royal Household worker Ronald Harper jailed for £100k bribes - BBC News  
<https://www.bbc.co.uk/news/uk-england-london-37497808>

City traders jailed in film tax scam - Financial Times <https://www.ft.com/content/cb6aea3a-9f50-11e5-8613-08e211ea5317>

Real life Wolf of Wall Street fraudsters who fleeced British investors out £60m – Daily Mail  
<https://www.dailymail.co.uk/news/article-2650954/Real-life-Wolf-Wall-Streetfraudsterssplashed-champagne-lifestyle-fleecing-British-investors-60million-jailed.html>

**RECENT CASE SYNOPSIS:**

Operation Bryson – for senior partner of solicitors firm, accused and acquitted of orchestrating a £5 million wealth management fraud, by high-pressure mis-selling of trusts designed to defeat claims to claw-back of care home fees.

Operation Benadir - for Solicitor and Head of Commercial Property Department in 15 partner firm, accused and acquitted of facilitating £10 million double-financing fraud by manipulating registrations at the Land Registry and Companies House to disguise or expunge existing charges

Operation Comfort – for Managing Director of energy comparison and switching companies fraudulently trading and defrauding consumers and energy suppliers in £3 million Trading Standards prosecution.

Operations Berg/Meeker & Bygone – for Chartered Accountant drafting financial accounts and auditing payroll for dozens of distressed, dormant or bogus companies supporting £8 million PAYE tax fraud and Home Office Tier 1 immigration fraud.

R -v- B & Another – Joint CTU and HMRC prosecution of owner and director of internet trading company for e-Bay fraud, corporation tax and VAT evasions, and channeling criminal funds through Dubai.





Operation Alfreton – for GP and medicare entrepreneur in FCA prosecution of FSMA and FSA offences from investment fraud raising funds for asset acquisition across free-zone and non-free zone in Dubai, relying on equity in non-free zone assets.

Operation Hornet – for company accountant in bribery, corruption and fraudulent trading SFO prosecution of senior HBOS executives, and officers of corporate turn-around consultancy, exposing the Bank to £35 million losses. The defendant was acquitted of artificially inflating earnings projections, and manipulating the management accounts of the principal company, and convicted of fraudulently defraying and concealing the distribution of the assets of a subsidiary.

Operations Crystalline and Chainmail – for assistant to director of Wealth Management company advising high net worth individuals in HMRC film-investment sideways tax relief fraud. Sole defendant acquitted in both prosecutions.

Operation Hayrack – for director of engineering consultancy and chief engineer at Harrods in cartel involved in bribery and corruption of Privy Purse and Treasurers Office of the Royal Household over contracts for the Royal Palaces.

Operation Bellum – for 1st defendant Nat West Business Banking manager authorizing massive bogus business loans in fraud / abuse of authority case.

Operation Kyrenia – for director and company secretary in NHS Direct prosecution of conspiracy to defraud NHS by officers of private perfusion science company in delivery of NHS contracts.

Operation Janitor – for alleged controlling mind company secretary to fulcrum company in conspiracy to cheat HM Revenue & Customs in VAT repayment fraud.

Operation Pursuit – for first defendant in £6.9 million commercial property transfer fraud involving brokers, solicitors and estate agents. Misuse of TR/1's ad the Lanr Register to permit re-financing and double-financing of development properties.

Operation MFB – for first defendant in one of 3 HMRC prosecutions of £300 million MTIC investigation into rag trade, and associated pre-action restraint proceedings for family of principal, who absconded to Dubai.



Operation Nanobot – for off-shore IFA in conspiracies to defraud the Revenue (an early example of trading in VOIP minutes) and to launder the proceeds of a fraud upon DEFRA.

Operation Raiment – for company director of employment agency in massive £40 million tax fraud enquiry, acquitted of fraud on management receivers and liquidators, and money-laundering conspiracies through payroll companies.

Operation Steamroller – For first defendant in SFO prosecution of \$100 million investment fraud involving 'Reg S' U.S. stock. Core London-based investment house piggy-backing regulated firms in Madrid and Berlin to target UK investors.

Operation Affair – for principal in SFO prosecution of £15 million boiler-room fraud involving investors in the alternative energy bio-tech sector, via a Spanish-regulated investment house.

Operation Groat – for practise manager acquitted of conspiracy to defraud and false accounting charges relating to contract between Dental Practise and NHS Primary Care Trust.

Operation Dwight – for first defendant, managing director & former probation officer in £1 million intellectual property fraud on the European Social Fund, involving mis-representation of management accounts to secure matched funding from EU.

R –v- M & another – For IFA in corporate & private client bond-stripping, and life-assurance & pension policy churning, in £5 million mis-selling fraud.

R –v- Whittle & 2 others – For Cartel organiser in SFO prosecution of the Marine Hose cartel, setting the tender prices for contracts with national governments, involving Dunlop, Pirelli, Bridgestone and Yokohama in the price-fixing plan.

Operation XCL (Beijing Olympic ticketing fraud) – for first defendant in SFO prosecution of £4 million entertainment and event ticket-touting fraud.

Operation Duma – for managing director of buffer company in £50 million MTIC VAT fraud.

R –v M (& Others) – for contractor in building contracting bribery conspiracy, to defraud the Ministry of Justice.

## **HOMICIDE**

Recent cases which have attracted national publicity have included:





## **2023**

**Operation Feather** – For Defendant P, acquitted by the jury of all murder / manslaughter allegations, in Tiktok Influencer double murder. The 2 victims included a young man who had an affair with an older married woman. Facing the blackmail of exposure, she, and her daughter the influencer, lured them to a meeting, when they were forced off the road at 100 mph during a car chase. P ran a cut-throat defence against the other 7 that he was not a participant, alternatively the car-chase was an OSE.

<https://news.sky.com/story/tiktok-influencer-mahek-bukhari-found-guilty-of-murdering-her-mothers-lover-and-friend-12914761>

**Operation Cranmore** - For defendant acquitted by the jury of murder and manslaughter at the Manchester Caribbean Carnival. The defendant used an axe to strike a gun from the hand of one rival, and chased off another gunman, in a case where 2 members of his group were convicted of murder, and 2 of the gunmen of attempted murder.

<https://www.itv.com/news/granada/2023-05-17/murderer-laughed-and-hugged-friends-after-stabbing-gang-rival>

**Operation Bonsul** - For defendant acquitted of murder in alleged reprisal killing in a crowded nightclub. The defendant pleaded guilty to manslaughter after the Court excluded evidence of an earlier alleged attempt by the defendant to kill the victim in a drive-by shooting.

<https://www.bbc.co.uk/news/uk-england-birmingham-65416734>

**Operation Eider** - For youth acquitted of murder and manslaughter when aged 14. The defendant, aged 13 at the time of the killing, was alleged to have joined 10 others on a 'steaming' trip to Redditch, where a middle-aged shop-goer was stabbed and killed at a supermarket by 5 of them. The principal was convicted of murder, the youth and two others of violent disorder.

<https://www.theguardian.com/uk-news/2023/jan/18/boy-15-found-guilty-of-software-engineer-ian-kirwan-murder-at-redditch-asda>

## **2022**

**Operation Tongling** – For defendant acquitted by the jury of murder and manslaughter over involvement aged 17 in a running street battle with knives following a drugs ambush. A broad-daylight machete attack in South London witnessed by dozens of on-lookers, which led to the murder convictions of 2 others, in which the defendant gave evidence of selfdefence.

<https://www.dailymail.co.uk/news/article-11795977/Chilling-video-captures-moments-criminal-sent-Jamaica-kills-man-horrific-knife-fight.html>



**Operation Paracress** – For married father acquitted by the jury of murder, manslaughter and attempted murder following joint enterprise reprisal assaults after a violent disorder in Bradford city centre. The defendant denied knowledge of or participation in a common design which led to homicide convictions of 3 others.

<https://www.bbc.co.uk/news/uk-england-leeds-62169476>

**Operation Greendale** – For defendant acquitted of murder on the Crown offering no evidence re joint enterprise stabbing at a Leicester Christmas street party.

<https://www.bbc.co.uk/news/uk-england-leicestershire-61554550>

**Operation Adelite** – For defendant acquitted by the jury of conspiracy at murder, convicted of GBH conspiracy, in gang-feud case when aged 17. The conspiracies followed the murder of a drill artist by a rival Manchester group of youths.

<https://www.nytimes.com/2022/11/16/world/europe/uk-ademola-adedeji-murder-conspiracy-gangs.html>

## **2021**

**Operation Minuet** – 17 year-old acquitted of murdering one teenage gang member and attempting to murder another, and of assisting offenders, in gang “hunting” case in Derby. Intermediaries for 2 defendants.

<https://www.bbc.co.uk/news/uk-england-derbyshire-59657459>

**Operation Thatcher** – For 14 year-old gunman and youngest ever known killer by shooting in the UK, in notorious broad-daylight murder of 15 year-old. Intermediaries for 3 defendants.

<https://www.standard.co.uk/news/uk/teenager-youngest-gun-killer-14-jailed-murder-birmingham-yussuf-mustapha-keon-lincoln-b969024.html>

**Operation Sweep Mike** – For 16 year-old gunman receiving longest sentence ever imposed on a person aged 16 at the time of the killing, for murder by shooting of member of rival gang in reprisal violence. Defendant with learning disabilities - Intermediaries for 3 defendants

<https://www.bbc.co.uk/news/uk-england-south-yorkshire-59085628>

**Operation Orient** – for principal in murder and attempted murder Samurai sword attack in reprisal violent disorder

<https://www.bbc.co.uk/news/uk-england-beds-bucks-herts-58585297>

**Operation Outfit** – Defendant convicted of gross negligence manslaughter following asphyxiation of partner during drink and drug fuelled consensual sado-masochism



<https://www.bbc.co.uk/news/uk-wales-56999895>

**Operation Paperpond** – Defendant acquitted of murder and of assisting offenders following luring of victim to hub for drug dealing and prostitution

<https://www.thetelegraphandargus.co.uk/news/19121103.man-teenager-given-lift-sentences-brutal-bradford-murder/>

**R -v- J** – Defendant acquitted on appeal of murder by attempted decapitation of former cohabitant of psychiatric ward following their mutual release into the community

<https://www.mirror.co.uk/news/uk-news/evil-murderer-who-stabbed-vulnerable-23423856>

## **2020**

**Operation Riviere** – Defendant acquitted of murder, manslaughter and weapons charges over Somali / Russian feud

<https://www.dailymail.co.uk/news/article-8675047/Knifeman-29-murdered-Russian-businessman-39-east-London-street-row-cannabis.html>

**Operation Peatminster** – Defendant convicted of murder in organised crime group torture case video'd on mobile phones of assailants. Appellate guidance on propriety of **Lucas** direction with silence inference.

<https://www.bbc.co.uk/news/uk-england-leeds-51840188>

## **2019**

**R -v- Walters & Others** – 17 year-old acquitted of murder and convicted of manslaughter during spate of knife-point robberies in Birmingham

<https://www.dailymail.co.uk/news/article-7511361/Three-killers-stabbed-boy-16-deathRambo-knife-face-jail.html>

**R -v- Page** – Defendant with Asperger's Syndrome acquitted of murder, guilty of manslaughter (diminished) having killed his mentally vulnerable mother for whom he was carer.

<https://www.bbc.co.uk/news/uk-england-birmingham-48911546>

**R -v- Sanghera & Another** – Defendant acquitted of murder and convicted of manslaughter following revenge machete attack in Northampton



<https://www.bbc.co.uk/news/uk-england-northamptonshire-47318612>

**R-v- Aziz** – Rape and murder of a 14 year-old in Wolverhampton by a schizophrenic 16 yearold requiring an intermediary through trial; guidance from Lord Chief Justice on appeal re anonymity and reporting restrictions in “shocking” cases

<https://www.mirror.co.uk/news/uk-news/revealed-boy-17-who-raped-18775401>

### **OTHER**

**R -v- Ingram & Another** – Murder of a 16 year-old following a knife-fight in Sutton Coldfield

**R -v- Sadiq** – Murder in a drugs feud; considerations of remoteness where victim ‘left for dead’ in road and struck by by-passer in Sheffield.

**R -v- Czyz & Others** – Pre-*Jogee* Joint liability of getaway driver in drugs war amongst Polish community in Staffordshire

**R -v- Taburak & Another** – For parent in multiple-injury and baby-shaking case in South London with public law family proceedings in background.

**R –v- Banfield** – Former tax inspector acquitted on appeal of murder of husband who disappeared from West London 10 years before proceedings.

<https://www.dailymail.co.uk/news/article-2381961/Lady-killers-Shirley-Lynette-Banfield-murder-convictions-quashed-Court-Appeal.html>

**R –v- Pakulski** – Head of far-right Neo-Nazi organisation acquitted of murder, convicted of manslaughter of fellow officer of ‘Wolf’s Hook White Brotherhood’ in Nottingham.

**R –v- Wheeler** – Royal Mail lorry-driver acquitted over crushing death of colleague in HSE prosecution at Reading.

**R -v- Burnett** – HGV-fitter acquitted of gross negligence manslaughter of apprentice in HSE prosecution at Kingston.

### **DEFENCE CRIME**

#### **RECENT CASE SYNOPSIS:**

**Operation Filtergill** - Attempted murder by shooting, armed robbery, and possession of firearms with intent (3 separate incidents). For professional hitman, using semi-automatic



handguns and long-barrelled firearms in organised crime operations, including heroin importation. <https://www.yorkshireeveningpost.co.uk/news/crime/gunmen-given-jail-terms-totalling-more-than-50-years-for-attempted-murder-over-failed-contract-killing-when-shots-were-fired-at-house-in-pudsey-3278683>

**R -v- Savastru & 3 Others** - Defendant acquitted of conspiracies to burgle and to launder money, following Britain's largest burglary conspiracy (£26 million) , involving the burglary of the homes of the manager of Chelsea FC, the owner of Leicester City FC, and the Ecclestone F1 family's London home

**Operation Tavernier** – For principal of Immigration Practice and managing director of tailoring business trafficking multiple Pakistani nationals to the UK for commercial exploitation.

**Operation Birkhill** – Defendant acquitted following 5 month people-trafficking for sexual exploitation and domestic prostitution conspiracy trial involving multiple Central European complainants

**R –v- A, Court of Appeal** - sentencing considerations for organiser of 5 tonne cannabis importation.

**R –v- Camp & Others** - for alleged armourer acquitted in case involving super-grass discredited in notorious Morgan murder investigation

**R –v- Rob & Others** – for principal importing largest seizure of heroin on UK mainland.

### **ORGANISED CRIME**

**R -v- Savastru & 3 Others:** Defendant acquitted of conspiracies to burgle and to launder money, following Britain's largest burglary conspiracy (£26 million) , involving the burglary of the homes of the manager of Chelsea FC, the owner of Leicester City FC, and the Ecclestone F1 family's London home

**Operation Tavernier:** For principal of Immigration Practice and managing director of tailoring business trafficking multiple Pakistani nationals to the UK for commercial exploitation.



**Operation Birkhill:** Defendant acquitted following 5 month people-trafficking for sexual exploitation and domestic prostitution conspiracy trial involving multiple Central European sex worker complainants

**R –v- A, Court of Appeal:** sentencing considerations for organiser of 5 tonne cannabis importation.

**R –v- Camp & Others:** for alleged armourer acquitted in case involving super-grass discredited in notorious Morgan murder investigation

**R –v- Rob & Others:** for principal importing largest seizure of heroin on UK mainland.

#### **ASSET PROTECTION**

**Re K:** for defendant in POCA and inadequacy proceedings with alleged £14 million asset portfolio mainly in arms-length UAE assets

**Re M:** for offender compromising multi-million POCA proceedings in FCA fraud on the basis of the irrecoverable nature of non-Free Zone assets in Dubai

**Re P:** for two children of operational target of £350 million tax fraud, in pre-prosecution restraint proceedings

**Re O:** for offender upholding post-conviction divorce settlement against POCA and LA contribution claims

**Re G:** For offender achieving variation and settlement of POCA order following £60 million fraud by intervention of management receiver for property portfolio

**Re C:** for respondent to pre-charge restraint proceedings in £10 million VAT & other frauds

**Re W:** for successful appellant establishing that the maximum default term for cases exceeding £1 million should be reserved for egregious cases ( ref **[2011] EWCA Crim 1485** )

**Re F:** for offender establishing the applicability of Art 6 reasonable time requirements to enforcement of POCA confiscation orders (ref **[2008] EWHC 2589 (Admin)** )

**Re D:** for offender challenging enforcement of £5.5 million confiscation order under Drug





Trafficking Act 1994 on reasonable time / legitimate expectation grounds ( ref **[2006] EWHC 2221 (Admin)** )

**Re E:** for offender successfully appealing both benefit and available amount in Drug Trafficking Act proceedings (ref **[2003] EWCA Crim 3150** )

**Re H:** for offender successfully appealing adverse judicial finding of his quantification of realisable assets under CJA 1989 ( ref **[2002] EWCA Crim 2631** )

#### **PUBLIC LAW & HUMAN RIGHTS**

**R. (on the application of Smith-Allison) v Westminster Magistrates' Court (No.2), [2021] EWHC 2361 (Admin):** Relevance of civil proceedings (and undertakings within them ) to the discretion of a Magistrates Court whether to issue a summons in a private prosecution.

**R -v Aziz :** Guidance on lifting reporting restrictions on juveniles guilty of “exceptionally grave offences”, and the competing jurisdictions of JR and appeal (ref **[2019] EWCA Crim 1568**)

**Re M:** Whether the reverse burdens in s.90 (1) and (2) Financial Services Act 2012 are compatible with the presumption of innocence in Article 6 ECHR.

**Re G:** challenging the implied promise of the Information Commissioner not to prosecute a Private Investigator during the interview process about collection and disclosure of confidential information

**Re Flaherty's application:** Applying the reasonable time requirements in Article 6 to confiscation enforcement proceedings, as part of the sentencing procedure engaging those minimum rights

**Re Hallinans' application:** Applying the exception in **Cox & Railton** to the use of a Special Procedure warrant to force solicitors acting in good faith to disclose draft witness statements

**Re Deamer's application:** applying the administrative concept of disappointed legitimate expectation to the enforcer's inactivity over confiscation orders



**Re Harmer's application: test cases on the sending procedure that replaced committal:** whether a prosecuting authority may change an information when a defendant is before the Court so as to engage sending procedures otherwise inapplicable.

### **REPORTED CASES**

**R -v- Meanley, [2022] EWCA Crim 1065:** Reduction in sentence from murder tariff of 27 years to 22 years for boy aged 16 at time of fatal shooting – the continuing importance of obtaining pre-sentence reports in mandatory life cases, particularly for juveniles.

**R -v- Wainwright, [2021] 2 WLUK 61:** Propriety and terms of *Lucas* directions in s.34 inference from silence cases

**R. (on the application of Smith-Allison) v Westminster Magistrates' Court (No.2), [2021] EWHC 2361 (Admin):** Relevance of civil proceedings (and undertakings within them ) to the discretion of a Magistrates Court on issuing a summons in a private prosecution.

**R -v- Cartwright, [2020] Lloyd's Rep. F.C. 547:** Applicability of the principles of secondary liability attributable to an aider and abettor in respect of offences of fraudulent trading under the Companies Act 1985 s.458

**R -v Aziz, [2020] Crim. L.R. 356:** Guidance on lifting reporting restrictions on juveniles guilty of “exceptionally grave offences”, and the competing jurisdictions of JR and appeal

**R -v- Hamburger, [2017] 2 Cr.App.R. 9:** ‘Clarification’ that in exceptional circumstances a defendant may apply to adduce his “proof of evidence” rather than testify, and the limitations of video-link directions for defendants

**R -v- Kapikanya [2015] 7 WLUK 225:** Voice recognition and the permissibility of comparison by a jury unaided by expert evidence

**R -v- Banfield [2014] Crim L R 147:** Crown obligation in a 2 party joint enterprise murder to prove concert, rather than shared motive and opportunity

**R -v- Whittle & Others [2009] Lloyds Rep. FC. 77:** Aggravating and mitigating features of cartel offending per s.188 Enterprise Act

**R -v- McPherson [2006] 1 Cr.App.R. 30:** Determining competence in very young witnesses, interpretation of s.54 YJ&CA 1999



**R –v- H [2006] 1 Cr.App.R. 4:** Applying CJA 2003 hearsay provisions to preparatory hearing in serious fraud trials (acting for managing director of £35 million company as engine of £20 million series of fraud trials)

**R –v- Harmer [2005] 2 Cr.App.R. 2:** Defining essential elements of conspiracy to launder the proceeds of crime (acting for principal moving £2.5 million to Spain)

**R [Hallinan Blackburn Gittings & Nott (a firm)] –v- Middlesex Guildhall Crown Court [2005] 1 W.L.R. 766:** Defining the scope of the fraud exception to legal professional privilege, ref special procedure order per Sch 1 to PACE 1984

**R–v-Hare & O’Sullivan, The Times, December 16th 2004:** Judicial impropriety and the effect of judges intervention on fairness of proceedings

**R–v-D (Video testimony) [2002] 2 Cr.App.R. 36:** Determining competence in very old witnesses at common law; limitations to right of cross-examination under Human Rights Act and at common law

**R (Harmer)–v-Comms for Customs & Excise & other cases [2002] 2 Cr.App.R 40:** Test cases on the application of s.51 Crime & Disorder Act 1998 sending procedure.

**R–v-Crisp, The Times, 18th June 2002:** Application of s.22 Criminal Appeal Act and Article 6 rights to attend appeals.