

## David Bentley KC



Call: 1984

Silk: 2013

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### Profile

David Bentley KC, joint head of the Crime team, is a highly regarded criminal defence specialist, whose practice encompasses a wide range of serious and complex crimes, including murder, terrorism, fraud, business crime and sexual offences.

In addition to his trial work, he has an extensive local and international appeals practice.

David has recognised expertise in dealing with DNA and other areas of forensic evidence.

He also acts in inquests – particularly where issues of police misconduct arise.

### What the directories say

David is listed as a leading silk in Legal 500, and as a ranked KC in Chambers and Partners:

*"David is an erudite barrister with an impressive command of the law, able to distill a lot of complex information quickly and easily. In court, he is a compelling and persuasive advocate whom juries warm to."* - Legal 500 2024

*"He has a very good command of the law and facts, and possesses very good judgement."* - Chambers and Partners 2024

*"From a defence point of view he is a fantastic tactician."* - Chambers and Partners 2023

*"David is a compelling advocate. When he speaks, both judges and juries listen. In addition, he has a masterful command of the criminal law, and his submissions on the law are always well-thought-out and persuasive."* - Legal 500 2023

*"Extremely personable and very thorough."* - Chambers and Partners 2022

*"He deals with difficult cut-throats well, giving ground when he ought to and standing ground when he has to. His performances are impressive."* - Legal 500 2022

*"A superb advocate who gets results."* - Legal 500 2020

Noted for representing defendants *"in complex cases with joint enterprise issues."* - Legal 500 2018

*"He remains calm in any storm and his judgement is always spot-on."* - Legal 500 2017

Commended for his *"diligence and cleverness."* - Legal 500 2013

## **Murder**

David has extensive experience in all aspects of homicide defence and appeal. He regularly defends in multi-handed "joint enterprise" trials, often on behalf of young and vulnerable defendants.

He is instructed in several upcoming multi-handed murder trials at the Old Bailey and elsewhere.

## **DNA and other forensic evidence**

David has developed a particular specialism in DNA cases, appearing in many of the leading trials and appeals in this controversial field. This too has been noted by commentators, who state that "DNA evidence is his thing, and he has the ability to understand forensic stuff that is not easy" (Chambers Guide 2014).

He is joint author of the DNA chapter in the leading publication, Rook and Ward on Sexual Offences.

His expertise includes "low template" DNA and complex mixed profiles, and he has extensive experience working with some of the foremost forensic scientists in this field. He has co-authored comprehensive articles on DNA law and practice published in The Archbold Review **September 2012** and **February 2011** and well-received features in the Law Society Gazette,

**January 2015** and March 2017. He was also interviewed by the BBC for the R4 documentary “Forensics in Crisis”.

He has co-presented a seminar on DNA transfer and new methods of DNA profiling. (**DNA Transfer - Why it Matters**)

He is a member of the ICCA experts working group and is a contributor to “**Statistics and Probability for Advocates**” – a guide produced jointly by the Inns of Court School of Advocacy and the Royal Society for Statistics.

He has recently worked on several cases where he has had to advise on digital forensics issues relating to admissibility of EncroChat messages provided to the NCA in Operation Venetic.

His forensic expertise extends to cases involving pathological and psychiatric issues. He recently successfully ran a defence of not guilty by reason of insanity in a case of attempted murder of a police officer.

## **Business Crime**

David has extensive experience in providing focused pre- trial advice, trial representation and appeal advice. He also advises on related confiscation matters. He has advised professionals in relation to resisting or limiting the scope of PACE production orders and related issues of legal professional privilege (LPP).

He has defended in numerous large scale frauds and in money laundering trials.

Recent cases include securing a substantial reduction for his client in a multi-£M SFO “hidden assets” confiscation claim, and obtaining an acquittal for a solicitor at her trial for fraud in relation to a major police operation targeting high-value defence costs order claims.

He successfully defended two solicitors facing a private prosecution alleging fraud – persuading the trial judge to uphold an application to dismiss/abuse of process.

## **Terrorism**

David has successfully represented an alleged dissident IRA terrorist (the Massereene Barracks murders), and secured an acquittal in a case involving allegations of home grown terrorists leaving the UK to fight for ISIS in Syria.

He is currently instructed in a forthcoming high-profile domestic terrorism case at the Central Criminal Court. .

## **Appeals**

Potential miscarriages of justice are a particular area of interest, and he receives instructions on a referral basis on a range of serious cases – including being instructed to provide a second opinion, as assigned counsel by the Registrar of Criminal Appeals, and in cases involving referrals from the Criminal Cases Review Commission (CCRC).

He has authored an article on post- Jogie joint enterprise appeals for the **Law Society Gazette**.

His current instructions include advising a doctor in relation to a CCRC referral against a conviction for an assault offence which has blighted his medical practice, as well as several murder conviction appeals

## **International**

David was asked to advise jailed Malaysian politician and “PM in waiting”, Anwar Ibrahim, prior to his **release and pardon**. David identified a number of concerns over the safety of the conviction for Sodomy which were subsequently highlighted in a **press conference**. He was pardoned due to “a clear miscarriage of justice”. Anwar subsequently agreed to be a guest speaker at a Doughty Street event about his case, and David was on the panel, and spoke about the legal issues that had arisen.

## **Direct access**

David accepts both public and privately funded instructions, and is accredited with the Bar Council to accept "**public access**" (direct) instructions in appropriate cases.

## **Seminars/lectures**

He has co-presented (along with leading US DNA expert Professor Dan Krane) seminars at Doughty Street Chambers and in-house with leading solicitors on recent developments in DNA law and practice. His most recent seminar related to DNA transfer and new methods of DNA profiling.

He was invited to speak at an international seminar at Cambridge University in August 2016 on the use of probability and statistics in criminal cases.

He has guest lectured to students on the Forensic Science Masters Course at UCL in relation to DNA and expert evidence.

He has lectured on aspects of money laundering, and has contributed to the BBC's "Law in Action". David has provided training for a range of organisations including a leading media organisation (on crime-related media issues), the Criminal Cases Review Commission, Liberty and the DCA.

He has provided bespoke in-house legal training to top-tier firms involved in business crime.

He has a keen interest in international legal issues, and in 2015 was invited by the Foreign Office to travel to Shanghai where he spoke at a UK-China seminar on UK criminal justice perspectives; also travelling to Hong Kong in 2016.

## **Education**

LLB (Hons)

## **Related practice areas**

Criminal Law

Criminal Appeals

Business Crime

Inquests and Public Inquiries

International Law

International Criminal Law

## **Criminal Appeals**

- R v James and Karimi - provocation in murder; precedent between HL & Privy Council.
- R v G - counsel's conduct of defence affecting safety of conviction.

Other recent appeals include:

- R v Shivers [2013] - successful Northern Ireland conviction appeal from "Diplock" murder/terrorism trial.
- R v MDS [2013] - successful murder appeal based on jury misdirection.
- R v Yearwood [2011] - successful referral conviction appeal on issue of impartiality/jury composition. (Acquitted following retrial)
- R v Zulhayir - appeal dealing with issues of jury notes, jury bias and article 6 ECHR right to fair trial by an impartial tribunal.
- R v Whitehead - successful sentence appeal, with important guidance re applicability of sentencing guidelines in cases of major confidence fraud.
- The landmark House of Lords decision R v Kennedy - unlawful act manslaughter & causation.
- R v Powell (re competence of very young children to give evidence).

- R v Atkinson (bad character).

## Homicide and Related Grave Offences

- Securing an acquittal in a murder case founded on "unconvincing" hearsay evidence,
- Representing a Mexican national in a transgender escort murder case,
- Acting in a multi-handed joint enterprise murder arising outside a party,
- representing a young man accused of being the lynch-pin in a "contract killing" conspiracy to murder,
- R v JG. Defending vulnerable young client in drugs- related murder allegation relating to rough sleepers in central London. Victim chased and stabbed from behind. Acquitted on basis of reasonable self defence.
- Appeal of AH. Major post-Jogee joint enterprise murder appeal with consideration of expert evidence of autism.
- Appeal of SD. Out of time murder appeal based on fresh evidence of unfitness to plead
- R v GB. Multi-handed joint enterprise murder in Tamil community. Complex causation issues.
- R v B. Targeted killing in notorious Moss Side area of Manchester. High profile murder case with defence based partially on complex DNA evidence from a knife abandoned at the scene indicating one of the fatal injuries may have been caused accidentally by an associate of the deceased.
- R v H. Joint enterprise murder case. One of the first to be heard following the landmark Jogee decision in the Supreme Court. Allegation that victim was deliberately targeted and ambushed on his way home, following an earlier incident at the Notting Hill Carnival. Client (one of 3 on trial) was acquitted of murder, but convicted of manslaughter.
- R v C. Highly challenging murder case, where young client had stabbed to death abusive ex partner of his mother. Wound was single blow to the heart with sufficient force to cut through a rib. Defence was one of accident in the course of using a martial arts move to disarm the victim – and involved complex forensic issues relating to the legitimacy of the technique, the amount of force needed, and whether pathologically credible. Jury unanimously acquitted client in half an hour.
- R v D. Joint enterprise stabbing murder in South London. Teenage defendants and victim. Very difficult case involving issues of which of the two defendants caused the fatal wound, and a "cut throat" defence where each blamed the other. Client acquitted following third trial – the first having been aborted and the second having led to a hung

jury.

- R v Q. Fatal revenge attack involving group ambushing deceased. Trial commenced on joint enterprise murder allegation, but manslaughter plea negotiated on limited post –Jogee basis. No evidence offered on the murder, and acquittal directed.
- R v Gomez [2015]– high-profile transgender murder
- R v Ajufo [2015] – joint-enterprise stabbing
- R v Joseph [2015] – joint-enterprise murder
- R v Myers [2013] – conspiracy to murder
- R v MDS [2012] - murder featuring complex DNA evidence
- R v Thiam. Man accused of murdering brother.
- R v Dos Santos. Murder featuring complex DNA evidence
- R v Meek. The Cripps Corner contract killing.
- The landmark House of Lords decision R v Kennedy - unlawful act manslaughter & causation.

## Other Serious Criminal Offences

- Acting for a vulnerable deaf defendant in a complex multiple rape case.
- R v KL. No evidence offered (and not guilty verdicts ordered) in robbery case where client had no recollection of alleged incident. Rare defence of non- insane automatism successfully deployed based on defence-commissioned psychiatric report with which the prosecution expert concurred.
- R v AK [2013] – multiple rape/assault/false imprisonment.
- R v Erin - doctor accused of perverting the course of justice
- R v Davis - multi-handed rape.
- R v Nelson - conspiracy to supply class A drugs on a wholesale basis.
- R v Bilton (and 10 others) - anti-fascist violent disorder allegation.
- R v Burke - conspiracy to supply class A drugs (successful dismissal application).
- R v Powell - blackmail and firearms offences against the QPR football chairman, Gianni Paladini.
- R v Peach and Others - gold bullion scam with money stolen from comedian, Ricky Gervais.
- R v Mentore - the "Prada gang" robberies.
- R v Sagar - solicitor indicted for corrupt practices.
- R v Gatsinzi and Others - described by the BBC as "the UK's biggest ever stolen car racket".

- R v McLaughlan and Others - where he acted for the lead defendant in a major "ghost worker" fraud against the MOD at the Devonport nuclear submarine base.
- R v Victor - campaign of rape and robbery.

## Terrorism

- Defending in a major animal rights "terrorism" case in Oxford,
- Acting for a doctor accused of perverting the course of justice following a tabloid "sting" operation
- Acting for an accused in the Massereene Barracks shootings in Northern Ireland (and on his successful appeal),
- Acting for a man accused of attempting to leave the UK to fight for ISIS,
- R v Keeler [2015] – terrorism case related to ISIS
- R v Green [2012] – bomb hoax central London siege.
- R v Shivers and Duffy. "Terrorist" related shootings in Northern Ireland.
- R v Broughton. Acted for leading animal rights activist on "terrorist" attacks against Oxford university.

## Regulatory and Financial Crime

- Representing an IFA in a £12M "Ponzi" fraud.
- Acting for a client facing money-laundering charges in proceedings related to a recent landmark Supreme Court decision on definition of "criminal property"
- R v Lewis and others [2016] – money laundering case linked to landmark Supreme Court judgment
- R v Whitehead - IFA involved in £12M pyramid fraud.
- R v Anwoir and Others - £50M money-laundering scam.
- R v Sophocleous - multi- £M VAT fraud.

## Inquests & Public Inquiries



- Re CH. Jury inquest. Representing family of deceased who died of positional asphyxia following arrest. Extensive cross-examination of police in relation to excessive use of force - leading to highly critical narrative verdict.
- Re Colin Holt [2015] – death in custody case.