

## Benjamin Newton KC



Call: 2004

Silk: 2023

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### Profile

#### Career profile

Benjamin is frequently instructed in relation to allegations of financial crime, homicide, and serious sexual offences but has substantial expertise across all areas of criminal law. In addition to criminal trials, he regularly advises on and conducts fresh criminal appeals, and he has experience in extradition, courts martial proceedings, and criminal-related public law. He also sits as a Recorder in the Crown Court and a judge in the First-tier Tribunal (Mental Health).

#### What people are saying about Benjamin

Benjamin has been ranked by Chambers and Partners UK Bar Guide since 2014 and was recognised at their annual awards in 2019.

He is described as *"an exceptional barrister. He can turn his hand to any case and is always one step ahead. He is extremely personable and puts the client at ease. His advocacy is sharp and persuasive."* *"He is really excellent, very hard-working and outstanding on his*

feet.”.

Their sources have previously said that *“Benjamin Newton is superb. He’s very thorough and likeable, and is fantastic with clients. No matter what kind of client or what kind of case he gets their trust and respect very quickly. What’s more, he’s a fantastic advocate— very persuasive. He’s very attentive, articulate, and good with detail.”* Others noted that *“his temperament is excellent and he copes with whatever is thrown at him. He deals with things in good humour and maintains a clear head at all times.”* He has been described as *“a great jury advocate and cross-examiner who is a joy to work with”* and *“a clever, persuasive advocate, who handles sensitive, vulnerable witnesses beautifully”*. *“His attention to detail and thoroughness are just brilliant”*.

Chambers and Partners have also consistently ranked Benjamin in financial crime for many years, where sources say *“He has a gentle style but his submissions are very powerful and his written work is excellent. He is very quick to respond and is on hand when you need him.”*. *“He is a wonderful advocate and a pleasure to listen to. He can take apart a witness before they realise he is cross-examining. You wouldn’t want to be on the other side of him in court.”*. *“Benjamin has tactical clarity and knows the law very well. It is an absolute pleasure to work with him. He is very clever, persuasive and caring. He is liked by juries and judges respect him.”*.

Their sources have previously said that he *“has an excellent eye for detail, is very practical in terms of getting to the heart of what the issues are, and he is able to come up with solutions. He shows very good judgement.”* *“He is the most gracious and knowledgeable barrister you could ever wish to meet.”* *“An intelligent and forceful advocate who is superb with clients.”* *“He has a sharp mind and is absolutely fantastic to work with.”* *“He is an incredible team player.”* *“Benjamin is a sensational barrister and always does the right thing by the client”*.

He is also ranked in both crime and criminal fraud by The Legal 500, where he is credited as *“a go-to silk. He cares so much about his clients and is the cleverest barrister around. His client care skills are impeccable, his oral and written advocacy are the best in the game and he has a rare ability to translate complex issues into real language. Ben is a first-class barrister, a tactical genius and a true gentleman.”*

*He has previously been described as “a rare breed in that he is exceptionally clever, phenomenally responsive to the needs of those instructing him, empathetic and personable; all while maintaining a necessary and welcome sense of humour. Clients and solicitors feel completely safe in his hands...he is one of the very best.”* *“Ben is just extraordinary. He is super bright with a forensic eye for detail. He is super-efficient and organised, carefully managing and analysing material. However small and apparently inconsequential a detail or document may be, he will be able to identify and comment on it in an instant. He is the real*

*deal*".

In relation to fraud the Legal 500 refer to Benjamin as *"One of the best barristers in the field of fraud and white collar crime. He is always 100% prepared and knows exactly how to challenge the evidence"*.

## **Specialist areas**

### **Related practice areas**

Criminal Law

Business Crime

Anti-Trafficking

Data Protection and Information Law

Criminal Appeals

## **Financial, Regulatory and Business Crime**

Benjamin is regularly instructed in relation to substantial allegations of fraud and money laundering, and regulatory matters of a financial nature.

Having studied economics to degree level Benjamin is very confident in dealing with cases involving the financial markets. From 2016 to 2020 he acted for one of the former Barclays traders accused of manipulating the Euribor rate (*R v P*, Southwark Crown Court).

He has recently represented an alleged participant in a conspiracy to launder £7.2m of fraudulently obtained payments (*R v A*, Southwark Crown Court) and a foreign exchange markets trader accused of defrauding investors (*R v B*, Bournemouth Crown Court).

Other cases in recent years include the first of three defendants accused of conspiracy to commit fraud in relation to direct payments for personal care (*R v N*, St Albans Crown Court); a highly respected jeweller accused of fraud in the course of his trade (*R v L*, Wood Green Crown Court); a marketing executive accused of fraud by abuse of position (*R v D*, Kingston Crown Court); and one of eight defendants alleged to have misled investors through the sale of carbon credits and diamonds in a multi-million pound 'boiler room' fraud (*R v A*, Southwark Crown Court).

Benjamin is frequently instructed on behalf of professional clients. He recently acted for a company director accused of using a prohibited name following liquidation of a company contrary to s216(3) Insolvency Act 1986 (*R v B*, Westminster Magistrates Court). He

previously defended an accountant against whom allegations of fraud and forgery were dismissed following a submission of no case to answer and in whose favour a wasted costs order was made against the CPS (*R v J*, Southwark Crown Court), and also a company financial controller who was privately prosecuted for fraud and theft of over £1.5m (*R v L*, St Albans Crown Court).

Earlier significant cases include an SFO prosecution against a defendant extradited from Malaysia in relation to a £17m Ponzi Fraud (*R v D*, Southwark Crown Court); an accountant facing allegations of cheating the public revenue of £8m (*R v P*, Southwark Crown Court); and a solicitor accused of fraudulently posing as the freeholder of properties so as to extort payments from lessees (*R v M*, Bournemouth Crown Court).

Benjamin also has experience in licensing matters and in cases brought by the Health and Safety Executive and other public bodies appointed to enforce safety regulations.

## Serious Sexual Offences

Benjamin has vast experience in cases relating to the most serious allegations of sexual offending, including cases attracting publicity and requiring careful and delicate conduct both in and out of court. He is also regularly instructed to provide those who have been convicted with fresh advice on appeal.

Recent cases include a man accused of repeatedly sexually abusing his best friend's daughter (*R v L*, Snaresbrook Crown Court), an alleged rape in a woman's bedroom having followed her home and forced access (*R v M*, Croydon Crown Court), an alleged rape at the Notting Hill Carnival (*R v J*, Isleworth Crown Court); a father accused of sexually assaulting his daughter's friend (*R v B*, Guildford Crown Court); historic allegations of rape of a child (*R v M*, Snaresbrook Crown Court); commercial-scale controlling of prostitution (*R v D*, Woolwich Crown Court); and an allegation of sexually assaulting an emergency worker (*R v A*, Chelmsford Crown Court).

Benjamin has previously acted in cases involving: a masseur accused of sexually assaulting clients (*R v M*, Inner London Crown Court); a step-father accused of historic allegations of abuse against his step-sons (*R v S*, Maidstone Crown Court); a couple who abused a young child (*R v D*, Woolwich Crown Court); alleged multiple rapes of a woman with disabilities (*R v T*, Harrow Crown Court); accusations of historic familial sexual abuse (*R v Y*, Isleworth Crown Court); a retired home tutor accused of sexually assaulting a child (*R v B*, Central Criminal

Court); a defendant extradited from Canada in relation to allegations of rape and sexual assault of his niece (*R v S*, Woolwich Crown Court); teenage boys accused of a gang rape on a school friend (*R v H*, Croydon Crown Court); and cousins accused of systemic sexual abuse of younger family members (*R v A*, Warwick Crown Court).

## Homicide

Benjamin is frequently instructed to defend in cases of murder, attempted murder, and manslaughter at first instance and to provide fresh advice on appeal.

He is currently instructed for the first of three defendants accused of a fatal stabbing in a reprisal attack (*R v W*, Central Criminal Court); a defendant alleged to have killed his flatmate while suffering from schizoaffective disorder (*R v S*, Croydon Crown Court); and a defendant alleged to have strangled his partner while suffering from schizophrenia (*R v T*, Inner London Crown Court).

Previous murder cases include:

- Murder for gain – twenty-seven stab wounds - in the course of a fraudulent transaction (*R v G*, Snaresbrook Crown Court).
- Eight-handed murder with a firearm following a group confrontation (*R v C*, Central Criminal Court).
- Murder resulting from a prolonged beating filmed as a deterrent to others (*R v M*, Harrow Crown Court).
- Double attempted murder of a shopkeeper and bystander—a trial of the act after the defendant was found unfit to stand trial (*R v S*, Snaresbrook Crown Court).
- Attempted murder in the context of a Grindr meet-up (*R v M*, St Albans Crown Court).
- Conspiracy to murder arising from an alleged gang reprisal attack using a firearm and machetes (*R v A*, Central Criminal Court).
- Attempted murder involving a stab wound to the heart of the defendant's drug dealer (*R v F*, Croydon Crown Court).
- Murder of the mother by the father of three young children—a highly complex 'missing body' case (*R v L*, Woolwich Crown Court).

- Murder (stabbing) in a fight resulting from an online feud (*R v A*, Central Criminal Court).
- Attempted murder of a sleeping relative with boiling water and a knife (*R v Z*, Isleworth Crown Court).
- Murder (stabbing) of an innocent bystander at a public house on Borough High Street in London (*R v A*, Central Criminal Court).
- Attempted murder in revenge for the killing of a nephew in a death by dangerous driving (*R v G*, Stafford Crown Court).
- Murder of a girlfriend through the infliction of over a hundred knife wounds, the issues being fitness to plead and diminished responsibility (*R v A*, Central Criminal Court).

Benjamin also has experience in relation to complex gross-negligence manslaughter cases, including the death of a restrained customer by three nightclub doormen through positional asphyxiation (*R v R*, Central Criminal Court) and the death of a patient following a surgical procedure (*R v P*, Central Criminal Court).

Benjamin is also regularly instructed in relation to road traffic fatalities. He is currently instructed in relation to a night-time fatality on a quiet residential road (*R v S*, Isleworth Crown Court) and recently represented a woman who had knocked over an elderly man while pulling away from a busy junction (*R v Y*, Harrow Crown Court).

## Terrorism

Benjamin has appeared in numerous significant terrorism cases, recently representing a female 'lone wolf' who had planned a suicide attack at St Paul's Cathedral (*R v S*, Central Criminal Court) and the founder of the right-wing proscribed group National Action (*R v D*, Central Criminal Court).

He also acted in two lengthy trials for the first of five defendants alleged to have continued in their membership of a proscribed organisation, contrary to s11 Terrorism Act 2000 (*R v J*, Birmingham Crown Court).

Benjamin has previously acted for a serial offender in relation to dissemination of terrorist material and encouraging acts of terrorism (*R v N*, Newcastle Crown Court), and a defendant involved in a multi-handed confidence fraud targeting retired individuals across the south of England that was dubbed the 'Bank of Terror' and tried at the Central Criminal Court due to

alleged connections to ISIS.

## Serious Criminal Offences

Benjamin is consistently instructed to act for defendants charged with the most serious of offences across the criminal spectrum and is specifically sought to represent individuals charged with unusual offences.

He recently acted for a retired nurse who was tried for sending threatening communications to members of the House of Lords in support of the Assisted Dying Bill (*R v O*, Southwark Crown Court). Prior to this he was instructed in a five-handed conspiracy to commit grievous bodily harm with intent and joint enterprise false imprisonment relating to an alleged honour attack (*R v I*, Wood Green Crown Court) and an organised crime conspiracy relating to drugs and firearms arising from the EncroChat hack (*R v H*, Southwark Crown Court). He also represented a lorry driver accused of conspiring with three co-defendants to facilitate unlawful immigration into the UK (*R v M*, Newcastle Crown Court).

Earlier examples included the three-month trial of twenty allegations of perverting the course of justice in relation to serious sexual offences (*R v B*, Bristol Crown Court), and the first trial on indictment without a jury—a £1.75m armed robbery at Heathrow Airport (*R v C*, Central Criminal Court).

Benjamin also has a wealth of experience defending activists and protestors, including Trenton Oldfield, who disrupted the 2012 University Boat Race; twenty defendants in the Ratcliffe-on-Soar power station case that gave rise to the undercover police officer scandal; and the UK Uncut activists who occupied Fortnum & Masons during a Trades Union Congress rally.

## Criminal Appeals

Benjamin is frequently instructed to advise on fresh appeals and applications to the Criminal Cases Review Commission, and regularly appears in the Court of Appeal. He is a contributor to *Taylor on Criminal Appeals*.

Current cases include the appeals of two environmental activists who were convicted of crimes instigated by an undercover police officer; several fresh appeals for individuals convicted of sexual offences; and numerous victims of trafficking convicted without

recognition of their true status.

From 2012 to 2021, Benjamin advised and acted for the Shrewsbury Pickets, building workers who were convicted of offences following the first national building workers strike in 1972. Following extensive work by the Shrewsbury 24 Campaign and a referral by the Criminal Cases Review Commission, their convictions were eventually quashed by the Court of Appeal almost fifty years later (*R v Warren and others* [2021] EWCA Crim 413).

Benjamin regularly represents victims of trafficking who were wrongly convicted of criminal offences (examples include *R v AAC* [2023] EWCA Crim 15; *R v AGM* [2022] EWCA Crim 920; *R v V(T)* [2019] EWCA Crim 1223; *R v N* [2019] EWCA Crim 984; and *R v HTP* [2016] EWCA Crim 1959).

Other notable cases include:

- *R v Elmi* [2023] 1 WLR 121: Conviction quashed for a presumptive refugee convicted of possession of a false identity document with intent.
- *R v Shaikh* [2021] EWCA Crim 45: Successfully opposed opposition to Solicitor-General's Reference relating to the length of minimum term on a life sentence for preparation of a terrorist act.
- *R v Abdulahi* [2021] EWCA Crim 1629: Conviction quashed following the admission of fresh evidence.
- *R v Youssef* [2018] EWCA Crim 1694: Convictions quashed due to trial judge directing the jury to disregard an aspect of the defence.
- *R v York* [2017] EWCA Crim 2544: Reduction in sentence for sexual offences against multiple complainants.
- *R v Ay* [2016] EWCA Crim 1605: Convictions quashed due to defective legal directions.
- *R v Oghene* [2016] EWCA Crim 262: Reduction in sentence for rape.
- *R v Kail* [2015] Crim. L.R. 359: A guideline judgment by Leveson LJ following joined appeals concerning the elements to be proved in relation to defendants who are unfit to plead.
- *R v Slater* [2015] EWCA Crim 2084: Reduction in sentence for historic sexual offences.
- *R v Henry* [2014] 1 Cr. App. R. (S.) 55: Unlawful sentence of imprisonment imposed on unrepresented defendant reduced by half.



- *R v Barkshire (and others)* [2012] Crim. L.R. 453: Quashing of twenty convictions due to the involvement of the undercover officer Mark Kennedy.
- *R v Buxton (and others)* [2011] 1 W.L.R. 857: Quashing of restraining orders imposed upon thirteen environmental activists following an obstruction of the railway at Ffos-y-Fran opencast coal mine.
- *R v Twomey (and others)* [2010] 1 W.L.R. 630: Appeal leading to the first judge-only trial on indictment in England and Wales.

Benjamin also has expertise in criminal-related judicial review, such as the quashing and remittal of a sentence due to procedural unfairness in *R (on the application of Gatenby) v Newton Aycliffe Magistrates Court* [2017] EWHC 3772 (Admin).

## Publications

Benjamin is co-editor of *Human Rights in Criminal Law* (Bloomsbury 2023) and has previously contributed chapters to *Human Rights in the Investigation and Prosecution of Crime*, edited by Jonathan Cooper OBE and Madeleine Colvin, and *Taylor on Criminal Appeals*, edited by Paul Taylor. He also regularly writes articles and presents seminars on his specialist areas of practice.

## Memberships

Benjamin is a member of the Fraud Lawyers Association, the Criminal Bar Association, and Lawyers for Liberty.