

Benjamin Newton



Call: 2004

Email: b.newton@doughtystreet.co.uk

Profile

Benjamin Newton is instructed to defend those accused of the most serious and complex criminal offences, and regularly appears in high profile and legally significant cases.

What others say

Benjamin is ranked as a leading junior (Band 1) in Crime by the editors of the Chambers & Partners guide to the legal profession, where he is described as ‘A leading junior who garners respect and is labelled as a "diligent barrister" who "gets fantastic results." Praised for his sensitive cross-examinations and skilful client care, he has appeared in numerous headline-grabbing cases in recent years. "An impressive advocate with a keen eye for detail who is able to empathise with clients." "He is really hard-working, very responsive and someone who has a lovely manner with clients."'

Their sources say 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.” It is also said “He’s an excellent advocate with regard to higher courts appellate work.” Sources for their Fraud section say “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 also rated by The Legal 500, which describes him as ‘A real jury advocate with the gift of oratory’. Their sources describe “A thorough, caring and articulate barrister” and “An exceptional junior who obtains excellent results” (Crime), “Completely attentive and client oriented” (Fraud).

Benjamin has substantial experience across all areas of criminal law, but has particular expertise in relation to financial crime, serious sexual offences, and murder/manslaughter. In addition to criminal trials, he regularly advises on and conducts fresh criminal appeals, and has expertise in extradition, courts martial proceedings, and criminal-related public law.

Publications

Benjamin has 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.

Related practice areas

Criminal Law and Appeals

Business Crime and Investigations

Extradition

Anti-Trafficking

Data Protection and Information Law

Financial, Regulatory and Business Crime

Benjamin is consistently instructed in relation to substantial allegations of fraud and money laundering. He is ranked in Chambers and Partners 2019 as a leading junior in financial crime (“Able, very clever and down-to-earth.” “He’s extremely hard-working, gets on with clients and is very bright.”) and in The Legal 500 2019 for Criminal Fraud.

He studied economics to degree level and is comfortable dealing with cases involving the financial markets. Benjamin also has experience in licensing matters and in cases brought by the Health and Safety Executive and other bodies appointed to enforce safety regulations.

In 2019 he has acted for one of the former Barclays employees accused of manipulating the

Euribor rate (R v P, Southwark 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) – the trial of which collapsed due to disclosure issues surrounding the revelation of an unqualified expert.

Benjamin is frequently instructed on behalf of professional clients, defended an accountant for 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). In an ongoing case he defends a company financial controller who was privately prosecuted for fraud and theft of over £1m (R v L, St Albans Crown Court).

Other recent cases include a Carphone Warehouse employee involved in a conspiracy to commit identity fraud against customers across the UK (R v H, Guildford Crown Court), an SFO prosecution against a defendant extradited from Malaysia in relation to a £17m Ponzi Fraud (R v D, Southwark Crown Court).

Benjamin has also acted for the accountant of a highly successful restaurant and property developing partnership; the three defendants facing allegations of cheating the public revenue of £8m (R v P, Southwark Crown Court, led by Adrian Waterman Q.C.), 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).

In earlier years his significant cases included 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. He also appeared in *Operation Inertia* at Kingston Crown Court representing a former company director implicated in a large scale MTIC fraud (led by Rebecca Trowler Q.C.) and *Operation Aloof* at Kingston Crown Court, representing the second of three defendants in a three month trial relating to large scale money laundering through a bureau de change (led by David Hislop Q.C.).

Serious Sexual Offences

Benjamin continually appears 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 has recently acted in relation to the alleged multiple rapes of a woman with disabilities (R v T, Harrow Crown Court), and in a case of brothel keeping and controlling prostitution (R v

H, Canterbury Crown Court).

In 2017 he has represented a defendant accused 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) and a masseur accused of sexually assaulting a client (R v D, Isleworth Crown Court).

In 2016 he acted for the defendant in relation to thirty child-complainants on allegations of inciting and paying for sexual acts (R v Y, Guildford Crown Court), and a defendant extradited from Canada in relation to allegations of rape and sexual assault of his niece (R v S, Woolwich Crown Court).

Earlier cases included defending one of three teenage boys accused of a gang rape on a school friend (R v H, Croydon Crown Court), and one of four cousins accused of systemic sexual abuse of younger family members (R v A, Warwick Crown Court).

He also acted in the trial of a retired vicar on historic allegations, led by Sarah Elliott Q.C. (R v H, Central Criminal Court), and a double jeopardy re-trial on new evidence following acquittal for rape in 1999, led by James Wood Q.C. (R v B, Central Criminal Court)

Homicide

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

He recently represented a young man accused of a fatal stabbing in a park in South-East London (R v A, Central Criminal Court), and another accused of attempted murder following an attack on a sleeping relative with boiling water and a knife (R v Z, Isleworth Crown Court).

In 2017 he acted for one of two brothers accused of a revenge attempted murder (R v G, Stafford Crown Court) and defended a man who had killed his girlfriend with the infliction of over a hundred knife wounds, the issues being fitness to plead and diminished responsibility (R v A, Central Criminal Court, led by Rebecca Trowler Q.C.).

In early 2016 he led Kate O'Raghallaigh in the defence of a nightclub doorman who, along with two others, stood trial for gross-negligence manslaughter following the death of a restrained customer through positional asphyxiation (R v R, Central Criminal Court).

Later in 2016 he was led by Rebecca Trowler Q.C. in the defence of a nurse alleged to be criminally culpable for the death of a patient following a surgical procedure (R v P, Central

Criminal Court). The prosecution offered no evidence following six days of legal argument on abuse of process.

Other recent notable cases include the defence of a well respected property developer embroiled in a multi-handed alleged murder of an innocent bystander at a public house on Borough High Street in London (R v A, Central Criminal Court).

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.

In the spring of 2019 he defended the first of five defendants alleged to have continued in their membership of National Action following the organisation's proscription, contrary to s11 Terrorism Act 2000 (R v J, Birmingham Crown Court, leading Abigail Bright). The case will be re-tried in January 2020 after the jury failed to agree on verdicts.

In the autumn of 2019 he is instructed to defend in a 'County Lines' drug dealing trial and a s18 grievous bodily harm where the complainant was attacked to the face with a knife. In the summer of 2020 he is instructed for the first of five defendants accused of conspiring to bring illegal immigrants into the country.

Earlier examples have included the three-month trial of twenty allegations of perverting the course of justice in relation to serious sexual offences, led by Sarah Elliott Q.C. (R v B, Bristol Crown Court), and the first trial on indictment without a jury – a £1.75m armed robbery at Heathrow Airport, led by Kirsty Brimelow Q.C. (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 TUC rally.

Criminal Appeals

In addition to first instance cases 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 was a contributor to Taylor on Criminal Appeals, edited by Paul

Taylor.

In recent cases Benjamin has successfully achieved the quashing of convictions for historic indecent assault (*R v Youssef* [2018] EWCA Crim 1694) and sexual assault in (*R v Ay* [2016] EWCA Crim 1605).

He is equally adept at pursuing appeals against sentence, achieving substantial reductions in numerous recent cases including *R v York* [2017] EWCA Crim 2544, *R v Oghene* [2016] EWCA Crim 262, and *R v Slater* [2015] EWCA Crim 2084.

Benjamin is also frequently instructed to bring appeals on behalf of victims of trafficking whose status was overlooked when they were convicted of related offences (e.g. *R v HTP* [2016] EWCA Crim 1959).

As well as cases before the Court of Appeal, Benjamin 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).

Earlier significant appellate cases have included *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.

Also, *R v Henry* [2014] 1 Cr. App. R. (S.) 55, in which he acted for a previously unrepresented defendant in relation to an unlawful sentence of imprisonment which was halved on appeal.

Benjamin also appeared as junior to Sarah Elliott Q.C. in Attorney General's Reference No. 71 of 2014 [2014] EWCA Crim 1998, where they successfully protected a merciful sentence imposed upon the mother of a young baby.

Further cases of importance included *R v Barkshire (and others)* [2012] Crim. L.R. 453, the quashing of twenty convictions due to the involvement of the undercover officer Mark Kennedy. Also, *R v Buxton (and others)* [2011] 1 W.L.R. 857; [2011] 2 Cr. App. R. (S.) 23, the 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; [2009] 2 Crim. App. R. 25 was the appeal leading to the first judge-only trial on indictment (led by Kirsty Brimelow Q.C.).

Extradition

Benjamin has significant experience in extradition matters, particularly those raising an issue of human rights.

Kemp v Court of Instruction of Orihuela, Alicante, Spain [2016] EWHC 69 (Admin) related to the proportionality of extradition following a lengthy delay under tagged curfew.

In *Korkosz v Circuit Court, Warszawa-Praga, Poland* [2015] EWHC 698 (admin) an Article 8 challenge was based on the establishment of a new life in this country with a British academic. *Cousins v Grand Instance Tribunal of Boulogne Sur Mer, France* [2014] EWHC 2324 (Admin) related to the Article 8 rights of a retired woman sought for VAT offences in France, whilst *AM v Spain* [2014] A.C.D. 111 concerned the breach of the appellant's young daughters' Article 8 rights.