



Simon is a versatile practitioner whose practice encompasses all areas of criminal law, acting for both the defence and the prosecution, and broader criminal justice work, including prison law and actions for judicial review against bodies operating within the criminal justice system. His distinct areas of expertise complement one another, enabling him to offer a comprehensive service to any client seeking advice or representation.

Simon has a strong reputation and particular expertise in cases concerning confiscation, asset recovery and cash seizure/detention. He has a particular interest in cases concerning human rights and civil liberties. Additionally, Simon has experience conducting proceedings following charges of police misconduct.

Simon has been described as a lawyer of outstanding intellectual ability and a confident and sophisticated advocate. He normally appears in Court as Junior Counsel alone, however, he is regularly asked to act as a Led Junior in proceedings of particular gravity and complexity. Simon appears regularly in the High Court and the Court of Appeal.

Simon is a member of the following practice teams within Chambers: Criminal Law, Business Crime and Financial Regulation, Professional Discipline, Prison Law and Judicial Review/Public Law.

CRIMINAL LAW

Simon has a busy practice encompassing all areas of criminal litigation in the Crown Court. Since commencing his practice Simon has been instructed for both the prosecution and defence in cases of serious violence, arson, fraud, controlled drugs, rape and other sexual offences, serious public disorder, offensive weapons including prohibited firearms, dishonesty, offences against public justice, money laundering and business crime such as fraudulent trading and 'missing-trader' fraud.

Simon is currently instructed in a conspiracy to commit violent disorder involving 21 defendants. He was recently instructed in two challenging section 18 wounding cases: the first involving a stamping which resulted in permanent and severe brain damage and the second involving a stabbing incident in which the defendant had absconded for five years prior to his trial.

Whilst the majority of his practice is comprised of defence instructions, Simon is an experienced prosecution advocate. He has recently been appointed to List C of the Attorney General's List of Prosecution Counsel and, consequently, he is regularly instructed by the UK Border Agency in cases concerning substantial drugs importations. Simon is graded as a Category 2 Advocate by the CPS. He was recently instructed to prosecute a physically disabled mother for an assault upon her 8 week old child.

Notable Cases:-

R v Stewart Diamond [2008] EWCA Crim 923; [2008] M.H.L.R. 124: appeared for the Crown (with Tony Cross Q.C.) in this appeal against conviction for murder which raised points of public importance, addressing principles of admissibility of fresh evidence of diminished responsibility and complex issues relating to fitness to plead.

R v Woolf [2009] EWCA Crim 17: Simon successfully challenged a decision to refuse to allow his lay client's time spent on remand to count towards his sentence pursuant to section 240 CJA 2003. The appeal resulted in his client being released immediately from custody.

R v L (Liverpool Crown Court, July 2007): Simon appeared for the Crown (with Kate Blackwell) in the sensitive re-trial of a police officer accused of assault, perjury and perverting the course of justice.

ASSET RECOVERY / CONFISCATION

Simon has a strong reputation in defending individuals facing proceedings brought under the Proceeds of Crime Act or the preceding legislation. He has extensive experience in conducting confiscation proceedings in the Crown Court, applications for certificates of inadequacy in the High Court and resisting detention/forfeiture applications in the Magistrates' Court. He also has experience in conducting restraint and contempt proceedings in the High Court.

Simon has been involved in many of the leading confiscation cases on Circuit over recent years. He regularly conducts proceedings involving applications for confiscation orders in excess of £1million and he has recently been led in two separate complex confiscation cases in which the Prosecution sought to confiscate in excess of £50 million.

Notable Cases:-

Operation Holdback (Manchester Crown Court and Court of Appeal, ongoing): Simon is currently instructed (with James Pickup Q.C.) in unique confiscation proceedings in which the Crown sought a confiscation order in the sum of £52million, that being alleged to be the proceeds of an MTIC VAT fraud wholly unrelated to the crime of which the Defendant was convicted. The case raises important issues of human rights jurisprudence.

Operation Flamage (Liverpool Crown Court, 2010): Simon was instructed to act on behalf of a defendant against whom the Crown sought a confiscation order in excess of £2million. Simon mounted an abuse of process argument on the grounds that the Defendant could not be afforded a fair hearing, as guaranteed by Article 6 ECHR, owing to his ill health. Following submissions the Judge stayed the proceedings.

Operation Capote (VHCC, Liverpool Crown Court, 2009-2010): He was instructed for one of seven defendants ("SM") in confiscation proceedings following convictions for conspiracy to import 40kgs of cocaine and heroin. The Crown sought a confiscation order against SM in the sum of £1.3million. Simon pursued a preliminary legal argument which saw the benefit figure cut to no more than £70,000. At the end of the proceedings the Judge found the defendant to have benefited in the sum of £20,000.

Alta Gas Plc Fraud (VHCC, Liverpool Crown Court, 2008-2010): Simon appeared (with Guy Gozem Q.C.) for a defendant who faced complex confiscation proceedings brought by the Serious Fraud Office following his conviction for fraudulent trading following the collapse of his multi-million pound company. The Crown alleged a benefit of £50million, said to comprise of hidden assets. This case involved complex accounting issues and problems obtaining evidence outside the jurisdiction. At the conclusion of the case the Court made a confiscation order in the sum of £1million.

PRISON LAW

Simon has a keen interest and a particular expertise in the fast developing area of prison law, which has risen to prominence since the introduction of the Human Rights Act. He regularly provides written advice to prisoners regarding their rights whilst detained by the State. He also drafts written representations on behalf of prisoners for the consideration of the Parole Board and Prison Governors.

Simon appears on behalf of prisoners who require oral representation before the Parole Board, both when applying for release post-tariff or seeking to challenge the propriety of an administrative recall. He has experience representing long-term prisoners subject to life sentences, extended sentences and sentences of imprisonment for public protection. He also represents prisoners at disciplinary adjudications held in prison before an Independent Adjudicator.

JUDICIAL REVIEW (PUBLIC LAW) AND HUMAN RIGHTS

Simon has a fast developing practice in the field of public and administrative law – cases in which an individual wishes to challenge a decision of a public body by an action for judicial review. He regularly advises on the powers of public authorities and the rights of vulnerable people whose lives have been affected by the decisions of such authorities. Where a case has merit Simon can provide oral representation before the Administrative Court (in London or one of its regional centres).

Simon's experience of the criminal justice system, through his practice in criminal and prison law, gives him an informed perspective on challenges to decisions made within that system. He receives instructions in judicial review proceedings and appeals by way of case stated arising across the broad spectrum of the criminal justice system.

In criminal cases Simon advises regarding challenges to the decisions of the CPS, Magistrates' Courts (e.g. committal as a grave crime) and the Crown Court in its appellate capacity (e.g. a decision to admit hearsay evidence). He regularly advises in relation to judicial reviews arising from prison law issues (generally against the Parole Board and the Ministry of Justice), in areas such as sentence calculation, security categorisation, unreasonable delay, eligibility for Home Detention Curfew/Early Removal Scheme, irrational decisions, statutory interpretation and procedural failures.

Notable Cases:-

R (on the application of M) v Burnley, Pendle and Rossendale Magistrates' Court [2009] EWHC 2874; (2010) J.P. 102 (Admin): Simon was instructed to represent two children against whom ASBOs had been sought. He challenged the Magistrates' decision to hear the application in the

children's absence. The High Court quashed the ASBOs, holding that the guidance in *Jones* regarding proceeding in absence was applicable to ASBO proceedings in the Magistrates' Court.

CJ v Director of Public Prosecutions (ongoing): He is currently instructed for a serving police officer in relation to an appeal by way of case stated, arising from proceedings in the Crown Court at Caernarfon. The Defendant was charged with exceeding the speed limit. Simon mounted a legal argument to challenge the prosecution on the basis of abuse of process and a statutory bar to conviction. Unsuccessful in the Crown Court, the case is pending a hearing at the High Court.

EDUCATION / PROFESSIONAL

Simon read Law and Politics and graduated from the University of Manchester with First Class Honours. In the same year he was awarded both the College of Law Pro Bono Prize and the Manchester Law Society Prize for his voluntary work at a community legal advice centre.

Simon studied for his Bar Exams in Manchester and was the Richard Isaacson Q.C. Memorial Scholar in 2006. He was Called to the Bar by the Inner Temple in 2006. Simon is a member of Liberty, Amnesty International and the Criminal Bar Association.

PERSONAL

Simon is not a native of the North but he attended university in Manchester and has lived there ever since. When he is not at work he is keen on watching and playing sport, particularly football and cricket. He enjoys going to gigs and the cinema. Simon lives with his fiancée in South Manchester.