

Simon is a specialist in serious criminal litigation. He is instructed nationwide across the spectrum of serious criminal offending and is involved in cases of the utmost gravity, sensitivity and complexity.

Simon is recommended consistently by Chambers & Partners and the Legal 500 for his expertise in general crime, and also in financial and regulatory crime specifically.

In the 2021 Edition of the Legal 500 he is described as:

***'a hugely impressive advocate, whether he is arguing a complex issue of law before the Court of Appeal or arguing a case before a jury.'***

and

***'a quality barrister with a huge intellect. Very good on his feet, great knowledge of the law.'***

The 2021 Edition of Chambers & Partners describes him as:

***"exceptionally bright and very measured in his approach. He is a quality barrister who is really hard-working and very responsive... His attention to detail is brilliant."***

In the 2020 Edition he was described as:

***"a rising star of the Northern Circuit. He just has that magical something. He's very switched-on, very clever, very proactive and hard-working"***

and

***"a quick thinker and a persuasive advocate. He is sought out due to his encyclopaedic legal knowledge and his ability to apply that to defences and legal arguments... In complicated cases he has an unrivalled mastery of detail."***

The Chambers & Partners 2021 crime editorial describes him as *'a talented junior, noted for his expert handling of a range of serious criminal matters. He primarily acts for defendants, and is regularly instructed in homicides and cases involving historic sexual abuse. He is also well regarded for his expertise in drug conspiracies.'*

The financial crime editorial describes him as *'an esteemed junior with a broad practice spanning regulatory and criminal defence work. His expertise encompasses cross-border investigations and cases concerning allegations of fraud and money laundering.'*

Simon has particular expertise in defending allegations of fraud and financial crime, whether brought by the Police / CPS, Serious Fraud Office or other prosecution agencies. In recent years he has been instructed in some of the most complex commercial fraud trials.

Simon is often instructed pre-charge in substantial cases to advise upon challenges to search warrants by way of application for judicial review; applications to discharge restraint orders and to resist applications for forfeiture of assets.



## CONTACT DETAILS

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## PRACTICE AREAS

Criminal law

Financial & Regulatory Crime

Professional discipline

Health and safety

Judicial review

Tax appeals

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## APPOINTMENTS

Recorder 2020 (Crime, Midlands Circuit)

## SPECIALIST PANELS

Crown Prosecution Service - Category 4

CPS Specialist Serious Crime and POCA Panels

Government List of Specialist Regulatory Advocates - List B

MPTS Rule 36(5) Counsel Panel

## POSITIONS

Member of the Inner Temple Bar Liaison and Outreach Committees

Chair of Board of Governors of Egerton High School in Urmston

## AWARDS

Richard Isaacson QC Memorial Scholar (2006)

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He is currently instructed in a number of high-profile murder cases and has an unrivalled track record defending allegations of historic sexual abuse.

He has significant experience in cases arising from alleged organised crime, often involving the discharge of firearms, the importation and supply of controlled drugs and serious violence.

Simon is particularly sought after in cases involving voluminous material and cases with a technological aspect. He has a particular interest in cases that raise issues concerning human rights and civil liberties.

He has substantial expertise in defending professionals and public sector employees accused of criminal offences in the course of their employment or profession. His expertise in professional discipline complements his experience in crime, enabling him to offer a comprehensive service to professional clients seeking advice and representation.

Simon has been instructed in several of the leading confiscation cases over recent years (involving alleged benefit in excess of £50m). He has built a strong reputation and has particular expertise in proceedings concerning confiscation, asset recovery, cash forfeiture, restraint and contempt.

The success of Simon's practice is founded upon his ability to build a good rapport with clients and tribunals alike. He has built a strong reputation with a wide range of clients who value his intellectual ability, tactical acumen and outstanding attention to detail. His client care skills are much praised. He brings diligence, sound judgment and tenacity to every case to ensure the best possible result for his clients.

Simon prides himself on offering a first-rate service and maintaining a close working relationship with those who instruct him, whether a professional client or lay client instructing him directly.

Whilst the majority of his practice is comprised of defence instructions, Simon is also an experienced prosecution advocate, receiving instructions to prosecute serious, complex and multi-handed cases. Simon has been appointed a Level 4 Prosecutor by the Crown Prosecution Service and is a member of the specialist CPS Serious Crime and Proceeds of Crime Panels, in addition to his appointment on the List of Specialist Regulatory Advocates.

## Notable cases in which Simon is currently instructed to defend include:

**Encrochat cases arising from the NCA's Operation Venetic** – Simon is instructed in a series of cases in courts across the country arising from the recent high profile hacking of the Encrochat server by the French authorities. Notably, he is instructed (by Middleweeks) in Operation Embossed – one of three lead cases listed for preparatory hearings before Mr Justice Dove to determine the admissibility of the intercept evidence.

**Re TF** - retained (along with Leading Counsel) by a businessman under investigation by the Serious Fraud Office, HMRC and the Insolvency Service in relation to alleged fraudulent property investment schemes. Succeeded in quashing the search warrants (by judicial review) and secured the discharge of the restraint order. Providing ongoing advice in relation to investigation strategy.



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**Operation Colindale at Preston Crown Court** – instructed by Shafi Solicitors (with Jeremy Dein Q.C.) to defend one of seven people accused of involvement in a drive-by shooting in Blackburn that caused the murder of Aya Hachem. Case has attracted widespread national publicity. Listed for trial in May 2021.

**Operation Landseer at Manchester Crown Court**– instructed by Olliers Solicitors (with Tim Storrie Q.C.) to defend one of five defendants accused of the murder of Cole Kerhsaw, in a shooting in Bury. Listed for trial in February 2021.

**Operation Bryson at Leeds Crown Court** – instructed by Stephenson Solicitors to represent a solicitor accused of fraudulent trading in relation to the sale of estate planning instruments in order to evade liability for care home fees. Listed for trial for 3 months in January 2022.

## PAST NOTABLE CASES:

### Business Crime / Fraud

**Operation Abode** – instructed (with Guy Gozem Q.C.) to represent one of six defendants accused by the Serious Fraud Office of organising a £13million fraud in relation to the sale of solar panels. VHCC trial at Liverpool Crown Court which lasted 5 months (instructed by John Greenwood of Stephenson Solicitors)

**R v JH** – instructed to represent the lead defendant in a private prosecution brought at Newcastle Crown Court by the FA Premier League alleging conspiracy to defraud, arising from the importation and distribution of over 8,000 IPTV boxes which enabled users to stream licensed content from the internet without payment. The loss estimated was in the region of £4million (instructed by Gary Broadfield, then of Cartwright King in Manchester)

**Operation Atrium** – instructed to represent the lead defendant in a substantial prosecution at Carlisle Crown Court which encompassed a 38-handed ‘crash for cash’ conspiracy to defraud and a massive money laundering conspiracy spanning three decades (instructed by John Greenwood of Stephenson Solicitors)

**R v MB** – instructed to represent one of three defendants prosecuted at Shrewsbury Crown Court by the Security Industry Authority in relation to their alleged involvement in the forging of assessment documentation. The Prosecution ultimately dropped the case following disclosure requests and the threat of an application to dismiss (instructed by Craig Liversidge of Forbes Solicitors)

**R v FE** – secured the acquittal at Isleworth Crown Court of a staff member at L’Oreal’s Head Office accused of stealing over £40,000 worth of products (instructed by Alex Chaudhary of Mary Monson Solicitors, London)

**R v SM** – secured the acquittal of one of four defendants accused of involvement in a ‘boiler room’ fraud, heard at Cardiff Crown Court (instructed by Geoff Ireland of NGA Solicitors)

### Organised Crime

**Operation Mirato (Dale Cregan & Others)** – instructed (with Rick Holland) to represent one of ten defendants in this high-profile murder trial (which lasted 3 months) amidst unprecedented security and media scrutiny (instructed by Saeed Hafezi, Stephen Lickrish & Associates)



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**Operation Natalis** – instructed (with Jim Pickup Q.C.) for one of five defendants who conspired to export substantial quantities of controlled drugs via the anonymous dark web online marketplace 'Silk Road', conducting over 6,000 drugs transactions and generating income in excess of £1million (instructed by Gary Broadfield, then of Cartwright King Solicitors, Manchester)

**Operation Monaco** – instructed to represent the lead defendant in a 14-handed prosecution concerning an alleged conspiracy to supply Class A drugs around the North West of England. Simon's client was accused of heading the OCG orchestrating the supply of drugs and using serious violence against rival gangs, including the use of firearms (instructed by Fida Hussain of Jon Mail Solicitors)

**Operation Noble** – secured the acquittal on a half time submission of a client accused of conspiring to fire a shotgun into the home of a member of a rival organised crime group (instructed by Vaqas Latif of Rees Clayton Solicitors).

**Operation Sprint** – instructed (with Tim Storrie) to represent the lead defendant in an international people trafficking ring who was alleged to have raped and imprisoned his victim (instructed by Dylan Bradshaw, Waddingtons Solicitors)

**Operation Bellow** – instructed to represent one of seven defendants in a 6-week trial, accused of planning and executing the kidnapping at gunpoint of a rival gang member (instructed by Max Saffman of Olliers Solicitors)

**Operation Victor** – secured the acquittal, after a 9-day trial, of a client charged with money laundering as part of a multi-handed conspiracy to import controlled drugs (instructed by Nick Dearing of Donald, Race and Newton Solicitors)

**Operation Everyman/Ferngate** – instructed to represent one of seven defendants accused of masterminding the importation of 47kgs of cocaine from Ecuador. As a result of successful negotiations with the Crown, Simon's client pleaded guilty to importing just 2kgs, resulting in a substantially reduced sentence (instructed by Saeed Hafezi, Stephen Lickrish & Associates)

**Operation Elmond** – instructed to represent a young man accused of supplying cocaine. Despite being found in possession of over 2 ounces of cocaine in his car, along with a collection of snap seal bags, and despite a recent conviction for supplying cocaine, Simon secured his acquittal at Leeds Crown Court (instructed by John Hera, then of Mary Monson Solicitors)

## Murder / Serious Violence

**Operation Thames** – instructed as junior Counsel for the Prosecution in the trial at Manchester Crown Court of Stephen Archer, convicted of the murder by arson of his sister, who he doused in petrol before setting her alight (instructed by CPS Manchester)

**Operation Zebra** – instructed as junior Counsel for the Prosecution (led by Guy Gozem Q.C.) in the trial at Manchester Crown Court of Vincent O'Kane, convicted of the murder of a vulnerable friend by stamping on his chest in a drug-fuelled rage (instructed by CPS Manchester)

**R v Stewart Diamond [2008] EWCA Crim. 923:** instructed as junior Counsel for the Prosecution (led by Tony Cross Q.C.) in an appeal against conviction for murder, re the admission of evidence of psychiatric illness after conviction where the issue was not raised during the original trial.



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**R v PH** – successful representation of a prisoner at HMP Manchester accused of causing grievous bodily harm with intent when he caused permanent damage to a fellow prisoner's eye using a broom handle (instructed by Richard Holliday of Olliers Solicitors)

**R v VL** – instructed to represent a young man of good character accused of causing grievous bodily harm to a soldier whilst at home on leave during a scuffle in the street. The soldier suffered a permanent brain injury. On the day of trial Simon persuaded the Crown that they had no realistic prospect of conviction and the case was dropped (instructed by Damien Pickup of Farleys Solicitors)

## Sexual Offending

**R v SM** – instructed (with Andrew Thomas Q.C.) in a national test case in which a young man of good character was accused of rape on the basis of an active deception as to his HIV status and causing grievous bodily harm. This was the first prosecution of its kind in the country. Following submission of an application to dismiss and application to stay the indictment as an abuse of process, the Prosecution elected not to proceed and the client was cleared of all charges (instructed by Samantha Smith, then of Mary Monson Solicitors)

**R v LC** – successfully defended at trial at Croydon Crown Court a young defendant with mental health difficulties, accused of historic sexual offending against three distant relations, including the alleged rape of his three-year-old cousin (instructed by Colleen Dickinson-Jones of Roebucks Solicitors)

**R v RE** – secured the acquittal, after a 7-day trial, of a client accused of historic sexual abuse against the children of three family friends between 1970 and 1998 (instructed by Ellie Akhgar, then of Mary Monson Solicitors, Manchester)

**R v KM** – successfully defended at trial a young man accused, with three others, of engaging in sexual activity with a child in a case arising out of the Rochdale child sexual exploitation investigations (instructed by Noel Trussler of Connor, Ross, Brown Solicitors)

**R v SF** – successfully defended at trial a young man accused of sexually abusing his younger sister, when she was aged just four years old, despite having written a letter of confession and failing to attend his trial (instructed by Ellie Akhgar of One Legal Solicitors)

**R v ME** – successfully represented at trial a young man of good character accused of raping and sexually abusing a teenage girl who he had abducted from a city centre street in Liverpool (instructed by Samantha Smith at Mary Monson Solicitors)

**R v AA** – successfully represented one of five defendants charged with conspiring to rape a 15-year-old girl during Eid celebrations in Rusholme, Manchester. Simon persuaded the Crown that there was insufficient evidence to proceed against his client and, on the day of the application to dismiss, the Crown offered no evidence (instructed by Ellie Akhgar, then of Mary Monson Solicitors)

**R v LR** – successful defence at trial of a young defendant with complex personal difficulties, who had been accused of historic sexual and physical abuse of a family friend, when he was just 16 years old, including the rape of the Complainant when she was 10 years old (instructed by Sam Smith, then of Mary Monson Solicitors)

**R v RL** – successfully defended at trial a client accused of rape and assault by penetration of the teenage girlfriends of his two nephews (instructed by John Greenwood, Stephenson Solicitors)



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**R v SS** – following submissions on an application to dismiss, Simon secured the dismissal of charges alleging participation in the gang rape of a 14-year-old boy (instructed by Garry Leaver of Farleys Solicitors)

**R v AJ** – represented at trial at Nottingham Crown Court a man accused of serious sexual offences over 30 years earlier when he was just 14 years old – secured his acquittal in respect of the allegations of rape, albeit convicted of indecent assault, but which resulted in a non-custodial sentence (instructed by Graham Rishton of Mary Monson Solicitors)

**R v PD** – Successful submission of no case to answer following detailed cross-examination of the computer expert called by the Crown in the case of a mental health nurse accused of making child pornography (instructed by Kristian Cavanagh of NGA Solicitors)

## Confiscation / Asset Recovery / Restraint

**Operation Holdback (R v Bagnall) [2013] 1 W.L.R. 204** – instructed (with James Pickup Q.C.) in confiscation proceedings concerning over £52million alleged to be the proceeds of an MTIC VAT fraud wholly unrelated to the crime of which the Defendant was convicted. Following the Court of Appeal hearing, the case is now pending before the European Court of Human Rights. (Instructed by Shah Ali, of Osborne Knight Solicitors)

**Re: TH and associated businesses** – instructed to represent a successful businessman whose substantial personal and company assets had been restrained following an ex parte application by the local authority, preventing him from operating his businesses. Simon drafted an urgent application to discharge the confiscation order which was heard on the final sitting day before Christmas. The order was duly discharged and the Prosecution ordered to pay the Client's costs.

**Operation Flamage** – Simon was instructed by Graeme Tindall of SFN Solicitors to act on behalf of a defendant resisting an application for a confiscation order in excess of £2million. Simon argued abuse of process 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** - instructed by John Greenwood of Stephenson's in confiscation proceedings following convictions for conspiring to import 40kg of cocaine and heroin. The Crown sought a confiscation order in the sum of £1.3million. Simon pursued a preliminary legal argument which saw the benefit figure reduced to no more than £70,000.

**Alta Gas Plc Fraud** - Simon appeared (with Guy Gozem Q.C.) for a defendant who faced complex confiscation proceedings following his conviction for fraudulent trading relating to the collapse of his multi-million pound company. The Crown alleged a benefit of £50million. This case involved complex accounting issues and obtaining evidence outside the jurisdiction (instructed by Saeed Hafezi of Stephen Lickrish & Associates).



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