



Nicholas Johnson

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Call 1994

Qualifications:

B.A. (Ebor) English (1st Class); Dip. Law, B.V.C. (London), Pupil Supervisor

Appointments:

2006 Attorney-General's Unified List of Advocates – List A

2008 Grade 4 Prosecutor. Specialist lists for Complex Crime Unit and Fraud Unit.

Recognised by Chambers & Partners 2012 as one of only seven Band 1 Leading Juniors for Criminal Fraud in the UK, described as, “a pleasingly able and personable operator with plenty of gravitas, who is especially good at cross examination.” Recommended in the Legal 500 over the years as a “strong junior” and “a very good choice for serious fraud and money laundering” (2009).

Practice

Nick practices in courts throughout the UK, regularly acting as leading junior in large and complex cases covering the following areas:-

- Fraud – VHCCs, carousel, pharmaceutical, boiler room, diversion, long-firm, property etc, often with international aspects. Includes private work in relation to large organisations and senior executives, including cross-jurisdictional work - e.g. US FCPA 1977 and UK Bribery Act 2010 work. Related money laundering and confiscation proceedings.
- Serious Crime - homicide, including corporate manslaughter, large scale drugs, firearms and other organised crime. Also regulatory crime, serious sexual offences and acting for police and other professionals.

In addition, Nick has developed his experience in the following areas:-

- Health & Safety Enforcement.
- Police and other professional disciplinary proceedings.
- Public Law, judicial review and appellate work, including House of Lords/Supreme Court.
- Extradition.
- Inquests – often involving death while in custody and health and safety aspects.

Recent Experience:

SFO/DoJ v. F 2012. Since 2009, private instructions in a joint SFO/US Dept of Justice investigation into international bribery relating to surgical implants by Johnson & Johnson and its senior executives. Working in tandem with US lawyers on cross-jurisdictional issues, US Foreign Corrupt Practices Act 1977, US-UK extradition, negotiations with the SFO, US Dept Justice, FBI, Securities & Exchange Commission. Involving regular international travel and knowledge of Greek business practices.

R v. Khan & Ors 2012. Leading Junior in one of largest VHCC MTIC mobile telephone frauds, acting for one of main Trial 1 defendants listed for 5 months.

R v. Carbert 2011. Successful defence of senior manager in 3 month trial relating to property fraud, s.9 Fraud Act 2006, statutory construction and application of the identification principle.

R v. Potter 2011. Leading Junior for main defendant in 4 month boiler room SFO fraud, cut-throat defence, 40,000 plus pages, cross-examination of 50 witnesses, extensive expert scientific evidence relating to biofuels and bio-plastics, accountancy evidence.

R v Butt and Ors 2011. Instructed by Manchester CCU in conspiracy to defraud relating to NHS dental practice.

R v. Mitchell 2011. Successful defence of police officer charged with multiple child sexual offences.

Inquest re Adam Milner 2011. Acted for family in jury inquest concerning the death of a toddler at a nursery, choking incident, cross examination of pathologists, issues of standards of nursery care, ambulance practices and training.

R v. Kemp 2010-11. Successful defence of company director in largest ever investigation into pharmaceutical counterfeiting in the EU. MHRA's largest prosecution to date, 5 month trial, required extensive knowledge of pharmaceutical regulations and industry, international aspects.

R v. Lee 2010. Leading Junior defending in "Ritz hotel fraud" - successful defence of alleged conspiracy to defraud by falsely representing that the Ritz hotel in London could be sold. Expert issues relating to the commercial property industry, international aspects.

R v Young-Morgan 2010. Successful defence relating to allegation of fraudulent operation of a solicitors' practice. Fitness to plead and stand trial issues, expert psychiatric evidence.

R v Jones & Jones 2010. Successful prosecution for Fraud Unit, allegation of conspiracy to defraud Pfizer, advised at investigatory/charge stage through to trial, significant IT and disclosure issues.

R v Thompson 2010. International drugs importation conspiracy.

R v Watts 2010. Acted for police officer charged with corruption and supplying Class A drugs.

R v Darlington 2009. Private defence of farmers in large scale prosecution relating to waste regulations.

R v Edwards 2009. Multi-kilo cocaine importation conspiracy.

R v. Fielding 2009-. Defence Leading Junior in a Long-firm fraud involving six bogus companies. 6-8 week Fraud Pros Service prosecution.

R v. CKB Blg Services 2009-. Leading Junior for main defendant (the company) in Health & Safety at Work Act, 12 week prosecution, arising out of standard of care in homes for the elderly. Medical and foreseeability issues.

BERR v. Barton 2009. BERR application for committal to prison in context of civil application to appoint interim liquidators on public interest grounds/winding up.

R v. Smallman & Ors 2008. Leading Junior in 5 month VHCC distance learning company fraud. Complex money laundering issues. Widespread national reporting, including Watchdog, the Daily Mirror and the Today programme.

R v. Sellars 2008. Multiple stranger rapes of young female students. Cold case resurrected on new DNA techniques.

R v. Mohammed 2008. Murder of one Iraqi asylum seeker by another. Expert evidence on interpretation of injuries.

R v. Armstrong-Smith 2008. Conspiracy to Murder, arranging and attempting the killing of his own elderly mother for the inheritance, by forcing pillows on her face.

R v. McAllister 2008. Armed robberies, sawn off shotguns, circumstantial and scientific evidence, case successfully appealed on basis of wrongful admission of bad character previous acquittal evidence.

R v. Sobande & Bryant 2008. Prosecuted in 5 week conspiracy to commit cash-in-transit robberies, based predominantly on circumstantial evidence.

R v. Jeremy Smith 2007/8. £1.6m POCA confiscation case brought by Assets Recovery Agency.

R v. Raja & Ors 2007 Leading Junior in VHCC conspiracy to defraud insurance companies and launder proceeds, concerning high powered and luxury motor vehicles; issues included the alleged funding of terrorism via Pakistan and the investigation into the July 7th London bombings.

R v. Hill 2007 DTI VHCC prosecution of £1M+ buy-to-let fraud, first of its type, Leading Junior for Defence.

R v. Sant & Ors 2007 VHCC mortgage/money laundering fraud in Liverpool.

HSE v. Bifranghi 2007, Industrial death case, prosecuted on behalf of HSE.

R v. Ibrahim 2007. Large-scale drugs importation and conspiracy, acted for defence led by QC in confiscation and appellate proceedings.

R v. Edwards 2007 School teacher charged with sexual offences against four pupils.

R v. Anderson 2007. Conspiracy to murder (contract shooting), instructed after initial conviction, resurrected a successful appeal against conviction, against original prosecution team. Then leading junior in re-trial which resulted in charge being discontinued.

R v. Ali Campbell & Ors 2007 Prosecuted murder, revenge attack upon alleged paedophile.

R v. Hussain & Ors 2006 VHCC building society fraud, forensic accountancy evidence, leading junior for defence.

McDonnell (Inquest) 2006, 8 week jury inquest, represented police custody sergeant who was in charge of the deceased in custody, scientific and police restraint issues.

R v. Desmond & Ors 2006 VHCC international diesel fraud, leading junior, significant PII issues, scientific issues.

R v. McGuinness & Ors 2006/7 £120m+ MTIC carousel fraud concerning mobile telephones, acted for main defendant, led by QC. Defence Costs Order became the subject of a successful Judicial Review.

R (Barton) v. Laverick 2006/7. Private prosecution of one company director by another. Diversion fraud with complex computer evidence issues.

R v. Tolson & Ors Acted for one of main defendants in largest investigation into drugs and firearms supply in West Yorkshire, abuse of process/CHIS and RIPA issues.

R v. Mayne Acted for a children's author charged with historical rapes and sexual assaults of multiple complainants.

R v. Swane Instructed by CPS Special Casework in gross negligence manslaughter/health & safety prosecution of a railway foreman.

R v. PFE & Ors Acted for company and chief executive in 6 week trial of gross negligent manslaughter arising from crushing accident in an industrial baling machine.

R v. Charlton Prosecuted an 8 week murder – female killed partner during sexual role-play, complicated scientific, psychiatric and IT issues, defence of slow-burn provocation and traumatic amnesia.

R v. Wardle Murder during a violent burglary, acted for defence, CTL and Human Rights issues appealed to House of Lords – see case below.

Appellate Level Cases of Note:-

R v. Zaboli & Ors [2010] EWCA Crim1273 - successful appeal in conspiracy to blackmail.

R v. Fielding [2010] EWCA Crim 427 - successful appeal in conspiracy to defraud Court of Appeal referring to the "attractive and persuasive argument".

R (Green) v. Police Complaints Authority & Oths (House of Lords) [2004] 1 WLR 725, UKHL6 – Black youth driven over during police chase and surveillance operation, subsequent claim of deliberate racist attack by an agent of the State, issues as to the impact of Arts 2 & 3 ECHR upon a victim's rights of disclosure and effective involvement in subsequent investigations into police driver, who I acted for. Established important principles governing a victim's rights in various proceedings.

R v. DM [2008] EWCA Crim 1544 – successful preparatory hearing interim appeal in an armed robbery case, concerning the scope of previous acquittal evidence as bad character and the application in this context of s.101(3) of the CJA 2003.

R v. Anderson [2006] EWCA Crim 1506 – leading junior in successful appeal against conviction in conspiracy to murder (contract killing), issue as to limits upon legitimate cross-examination of credibility, prosecution offered no evidence on main charge at re-trial.

A-Gs Refs (139, 140, 141) of 2006 [2007] EWCA Crim 463 – appropriate levels of sentencing for large-scale importation of cannabis.

R v. Hill [2004] EWCA Crim 1855 – successful appeal in conspiracy to defraud.

R (Wardle) v. Crown Court at Leeds – [2001] 2 WLR 865 (House of Lords) – elderly man attacked and killed during a burglary, prosecution changed charge from murder to manslaughter after unjustifiable delay, issues of custody time limits, abuse of process, statutory construction, Art 5 ECHR.

R (P(A) and Others) v. Leeds Youth Court [2001] 5 Arch News 1 DC – ambit of abuse jurisdiction in magistrates' court, advance disclosure

R v. Carass Times 21.1.02 CA – statutory construction of reverse burden of proof

s.206 of the Insolvency Act in the light of the Human Rights Act.

Personal

Part-time lecturer at the College of Law, York.

Japanese Speaker

Interests – Contemporary Photography, Walking, Skiing