

## Alex Menary

Call 2004



### Clerks' Details

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### Memberships

- Criminal Bar Association
- North Eastern Circuit

### Appointments

- Grade 4 CPS Prosecutor
- Serious Crime CPS Advocates Panel (Level 4)
- RASSO CPS Advocates Panel (Level 4)
- Fee-Paid Tribunal Judge (HESC (MHRT)) 2019
- Recorder (2019)

### Education

- University of Wales, Cardiff LLB 2003
- University of Wales, Cardiff BVC 2004
- Gray's Inn Gray's Inn
- Practice Advisor to BPP Law School, Leeds

### Criminal CV

#### Overview

Alex is a criminal practitioner with experience in a wide range of cases. He acts for both the prosecution and defence.

Regularly instructed in complex and difficult matters, his particular areas of specialism include:

- Fraud
- Sexual offences

Alex is a Grade 4 CPS Prosecutor, Rape Panel member and Serious Crime Panel member. He was also appointed as a Recorder in 2019.

Alex's recent instructions to prosecute include multi-handed serious disorder in a Category A Prison; s22 POCA revisits, and s50 Receiver Appointments on behalf of the Central POCA Unit; Multi-handed conspiracy to supply Class A controlled drugs, involving multiple 'burner' phones, SOE charts, and CHIS considerations; and a Multi-handed Conspiracy to commit Aggravated Burglaries.

Experienced in dealing with both paper and defendant-heavy cases, Alex assimilates facts quickly and focuses on the central issues. He is as comfortable working as part of a team during led cases as he is as a junior alone.

## Cases

**R v E (August 2018):** Led by Sean Smith representing lead defendant in multi-handed £7.5 million renewable energy investment fraud. The case involved fraudulent representations made to investors in private placing and information memorandums, share brokers complicit in the fraud but absent from the dock, and significant witness evidence from investors, some of whom had passed away. The entire trial was conducted electronically with the jury being provided with personal ipads in order to marshall the documentation.

**R v W (July 2019):** Secured a non-custodial sentence for a motorcyclist charged with perverting the course of justice, following attempts to conceal his numberplate from a speed enforcement camera.

**R v E:** Derby CC, January 2018: Successful defence of a man of good character, charged jointly with his wife and other family members in Trial 1 of a crash-for-cash conspiracy to defraud. The case alleged the involvement of the Personal Injury Solicitor in a wide-ranging conspiracy to stage accidents, insert false claimants into vehicles and exaggerate injuries caused. The full PI case files were served along with inter-solicitor and -insurer correspondence adding an additional layer of complexity. The defendant was unanimously acquitted following a 3 month trial.

**R v I, T:** Manchester CC, January 2018: Successful prosecution of hotelier and supplier for VAT fraud.

**R v G:** Grimsby CC, December 2017: Successful prosecution of defendant charged with assisting unlawful immigration, where defendant's van was stopped having arrived on overnight ferry from Zeebrugge. 5 refugees had been concealed in a secret compartment in the back of the defendant's heavily modified van.

**R v M:** Newcastle CC, November / December 2017: Successful defence of classic car restorer charged with international fraud during collapse of previously successful business. 2-week trial involved electronic presentation of hundreds of defence exhibits and photographs of work carried out, good working knowledge and understanding of technical details of repair work, and ability to explain and convey the same to the jury.

**R v J:** Bolton CC, November 2017: Successful prosecution of defendant for non-recent sexual offences carried out against sisters in late 1980's. Unusually both had opted to make statements and appear in open court, dramatically improving the impact of their evidence. Examination-in-chief had to be tactful, sensitive and delicate. Unanimous convictions followed.

**R v S:** York CC, November 2017: Representing defendant with history of drug-induced psychosis charged with Arson with Intent in relation to fire set at terraced property in Scarborough. Detailed assessment of psychiatric history and medical evidence required for purposes of sentence.

**R v O'C:** Carlisle CC, November 2017: Prosecution of defendant charged with violence and sexual offences against former partner. Both parties required special measures to assist them to give best quality evidence.

**R v D:** Carlisle CC, October 2017: Re-trial of defendant charged with sexual assault of step-daughter in early 1970's. Case complicated due to similar allegations being made by sister that were subsequently withdrawn. Sentence following trial considered the conflict between maximum sentences available at the time and the vastly inflated tariffs under SOA 2004.

**R v W:** Nottingham CC, October 2017: Successful defence of 20-year old defendant of good character charged with rape of associate on night out. Careful analysis of disclosed unused material relating to phone contact, expert evidence RE: DNA and CCTV footage resulted in a unanimous acquittal.

**R v A:** Preston CC, September 2017: Successful prosecution of defendant for wounding with intent, against background of membership of group of local alcoholics and excessive intoxication by all parties at time of allegation.

**R v L:** Teesside CC, September 2017: Successful prosecution of company secretary charged with theft from employer by way of bank transfers and petty cash over 5-year period. The defendant's actions had ruined the company, led to staff being laid off and ex-employees losing their homes.

**R v S:** York CC, September 2017: Successful defence of defendant charged with non-recent sexual offences dating from the early 1990's made by family friend. Unanimously acquitted.

**R v C:** Leeds CC, September 2017: Secured suspended sentence order for defendant of good character charged with fraudulent evasion of tax over 4-year period.

**R v F:** Truro CC, August 2017: Successful defence of defendant charged with money-laundering following significant cash transfers from local nightclub owner.

**R v M, B, M:** Manchester CC, August 2017: Successful trial of 3 defendant allegation of robbery, where the remote detached premises was attacked by 3 men in balaclavas at night, and the homeowners forced to empty contents of safe and jewellery. Attempted theft of expensive vehicles was foiled. The defendants were linked by virtue of DNA analysis, ANPR evidence of their vehicle and cell-site analysis linking them to the relevant area. Defendants sentenced to 9-14 years imprisonment.

**R v A:** Bolton CC, August 2017: Secured suspended prison sentence for partner of defendant caught dealing Class A Controlled Drugs from home address. A was the carer for 2 young children and from text messages plainly only became involved due to pressure from co-defendant.

**R v W:** Preston CC, August 2017: Defence of football coach charged with sexual offences against boys dating from late 1970's when defendant was a youth himself. Sentencing

exercise considered the statutory maxima at that time considering the defendant's age and the application of the 2014 Sexual Offences Guidelines from SGC.

**R v M:** York CC, August 2017: Suspended sentence for victim of domestic abuse, charged with wounding partner with samurai sword. Successfully submitted that due to reckless nature of assault as accepted by prosecution that inevitable custodial sentence need not be immediate.

**Operation Nightingale:** Newcastle CC, August 2017: Successful prosecution of 8 defendant money-laundering trial, where the defendants had dispersed funds between their accounts following Trading Standards fraud originally perpetrated in the London area. Analysis of bank accounts revealed significant transfers and cash withdrawals of over £300,000.

**R v C:** Leeds CC, July 2017: Defence of psychiatric patient charged with wounding ex-partner during psychotic episode. Expert psychiatric evidence called resulting in making of Hospital Order without restrictions.

**R v MA:** Manchester CC, July 2017: Successful prosecution of a licensed taxi driver for offences of sexual assault relating to 14-year old passenger complainant. The case involved a number of young witnesses, special measures provisions and bad character evidence relating to similar allegations made by others.

**R v PB:** Manchester Crown Court, July 2017. Successful defence of a nursing assistant charged with a campaign of sexual abuse of an adolescent mental health patient whilst detained on the ward at Cheadle Royal Hospital. The complainant's father had been convicted at an earlier trial of sexually abusing her prior to her admission, complicating the disclosure process during the 2-week trial. The defendant was unanimously acquitted.

**R v H, S and A:** Leeds Crown Court, April 2017: Led junior for second defendant on trial for murder in cut-throat defence, arising out of background of street-drinkers in Scarborough. The defendant suffered from alcohol dependence syndrome raising antithetical issues of diminished responsibility and loss of control.

**Operation Bloodstone:** Teesside Crown Court, April 2017: Provided pre-charge advice and prosecuted through to cracked trial a five-defendant conspiracy to steal nitrous oxide cylinders from NHS and private hospitals, where the Hampshire based gang had travelled as far as Inverness and Penzance in a sophisticated and well-planned year-long operation. The defendants were implicated by cell-site analysis, phone attribution, CCTV and ANPR stills in addition to the recovery of vehicles with multiple cloned identities.

**R v M:** York Crown Court, February 2017: Successful defence of chauffeur at private hire firm charged with theft of fuel by use of fuel card. Significant discrepancies between paperwork retained by the employer made it clear before the jury that no reliance could be placed on company documents. Unanimously acquitted.

**R v C:** York Crown Court, February 2017: Successful defence of a care-home director charged with Fraud. Following service of the defence statement and disclosure requests the prosecution offered no evidence.

**R v A:** Teesside Crown Court, February 2017: Successful pre-charge advice and prosecution of cold-caller who had befriended a vulnerable elderly man and extracted £30,000, the man's life savings, from him in a fake investment scam.

**R v W:** Teesside Crown Court, December 2016: Successful prosecution of stepfather for a campaign of rapes against stepdaughter between the ages of 10-16, and additional punishment rape of mother. The defendant was convicted unanimously after a 10-day trial and sentenced to 23 years imprisonment.

**R v BG, LH and others (Operation Fig):** Bradford Crown Court, June 2016-December 2016: Led junior in successful Home Office and WYP Immigration Fraud and Bribery prosecution. The defendants ran a profitable immigration firm submitting false housing reports in support of visa applications to the Home Office, in addition to establishing sham companies to demonstrate wages being paid to applicants. Passport and naturalisation applications were also fraudulently submitted. When accreditation was withdrawn, the second defendant attempted to bribe officers from the Office of the Immigration Services Commissioner to regain their license. The served evidence totalled 28,000 pages. The case was complicated as the unused material was damaged in flooding. As a result, a complete review of the unused material was undertaken by Alex working with the investigation team prior to trial, a task that took 3 months, considering thousands of client files and an estimated 100,000 pages of material in addition to electronic items that were seized. The majority of the witnesses were Chinese nationals, understandably nervous about their immigration status, the majority of whom required interpreters.

**R v H:** Teesside Crown Court, May 2016: Successful prosecution of 37-year old defendant for attempting to groom a person he believed to be a 14-year old child via WhatsApp and Viber.

**R v T:** York Crown Court, March 2016: Successful defence of care-home worker charged with ill-treatment of dementia patient. Disclosure requests revealed that records had been fabricated by senior members of staff, training was inadequate and often incomplete, and staff were left to fend for themselves. Unanimously acquitted.

**R v C:** Teesside Crown Court, March 2016: Finding of fact hearing into patient alleged to have used aerosol can and lighter to burn fellow vulnerable resident at sheltered accommodation.

**W v DPP, RCJ:** March 2016: Successful appeal against sentence for 26-year old defendant convicted of Aggravated Burglary, Burglary and Perverting the Course of Justice.

**R v K:** Manchester Crown Court, January 2016 and York Crown Court, April 2016: Successful defence of wholesaler charged with linked offences of Fraud and Handling Stolen Goods.

At Manchester the prosecution offered no evidence prior to trial; at York the defendant was unanimously acquitted after jury trial.

**R v L:** Leeds Crown Court, Dec 2015: Successful defence of licensee of Wakefield public house for non-recent allegations of sexual assault against his wife. The case was heard against the background of divorce proceedings heard 8 years before in which the complainant had given differing accounts and significant evidence had not been challenged. Unanimously acquitted.

**R v F:** Leeds Crown Court, September 2015: Led junior in murder arising out of argument between heroin addicts on the streets of York, where the deceased had never recovered and passed away after 2 years in a hospice. Required commissioning of expert consultant neuropathologist reports in addition to pathologist and psychiatric reports. Case was further complicated as the defendant had been represented by Alex during the intervening period and convicted of theft from person as alternative to aggravated burglary, yet prosecution attempted to adduce evidence of the latter by calling the complainant from prison.