JONATHAN MITCHELL

Called 1974

Practice

Leading work in heavy criminal defence trials. Also advises in civil cases, especially where a criminal investigation has begun or is about to be instigated.

Jonathan Mitchell is associated with the following areas of expertise:

Crime
Fraud & Financial Litigation
International Criminal Law

Cases

Fraud and Financial Regulation

- **R v Day** – Leading Counsel in £22 million mobile phone carousel fraud. The defendant was alleged to have operated a missing trader company.
- **R v Baillie** Operation Shepherd - £50 million MTIC Fraud: 9 month trial.
- **R v Fowler and others -** Leading Counsel in a case alleging Corruption and Dishonesty in the Ministry of Defence procurement process. Defence team successfully stayed the prosecution after a three day abuse of process application on the grounds of non-disclosure and delay. Had the trial proceeded, it would have lasted three months.
- **R v J Burden & Ors** - Leading Counsel in three Indictments of fraud which involved a novel legal argument on the nature of "conversion". On Appeal against Conviction the Court of Appeal upheld the trial Judge's ruling that benefit books were capable of being "converted" for the purposes of the Proceeds of Crime Act 2002 section 327. During the trial there was an unsuccessful Abuse of Process Application concerning the alleged theft of the defendant's marked-up and prepared prosecution case papers, and his instructions and defence papers. It was alleged that these had been stolen from the defendant's cell in Bedford Prison by Prison Officers at the behest of the Police whilst the defendant was attending a Directions Hearing in preparation for this very trial.
- **R v Deb** – Leading Counsel for the defence in a fraud consisting of a £250,000 credit card cloning conspiracy.
- **R v Presland & Ors –** complex in-house fraud of major UK motor manufacturer by the Senior Facilities manager involving the procurement of cleaning contracts.

Proceeds of Crime Act

- **R v Shazia Riasat** - Leading Counsel in a family conspiracy to transfer, convert, conceal and remove criminal property. Members of the family were engaged in the supply of Class A drugs the profits of which were then laundered through bank and other accounts, or were used to purchase cars, property, jewellery or other items. Some of the proceeds were transferred abroad.

Crime

- **R v Abdul Muhid** - Leading Counsel in a Funding Terrorism case
- **R v Sajjad Ahmad** - Leading Counsel in a serious undercover police operation to stop heroin smuggling operations from the Afghanistan/Pakistan Border. The Appeal against Sentence raised the issue of the extent to which a sentencing Court could take into account the "future supply" of drugs. Sentence reduced.
- **R v McInally** – Leading Counsel in a case involving a 14 year old charged with murder in organised gangland violence.
- **R v Kokabzadeh** – Multi defendant conspiracy to murder with the unusual feature that the victim's body had not been found.
- **R v Jimmy Wenman** - High-profile attempted murder case where the victim's girlfriend was a well-known celebrity pop-star.
- **R v Maftonian –** Attempted murder and grievous bodily harm with extradition issues where defendant faced the death penalty in Iran if deported. Court of Appeal quashed deportation sentence.
- **R v Reed** – Love triangle shooting murder with defendant's son as main prosecution witness.
- **R v Morgan & Ors** – Complicated (drugs-use) manslaughter case where five experts were used to establish the cause of death.
- **R v Rember –** Leading Counsel in o*rganised armed robberies of jewellers involving losses of several hundred thousand pounds.*
- **R v A & Ors**– Leading Counsel in case involving large undercover operation using video and audio devices to entrap defendant engaged in heroin supply and money laundering activities.
- **R v-Beale –** Seriously violent rape and buggery in victims own home.
- **R v Idaewor** – Date rape with consent issues.
- **R v Doolan & Ors** – Multi defendant conspiracy to supply class A drugs.
- **R v Parke & Ors –** Multi defendant large scale class A drugs supply.
- **R v Subosits** – Youth accused of violent rape.
- **R v Latchford** – Attempted murder brought about by drugs intoxication and mental health problems.
- **R v O'Brien & Ors**– Multi defendant conspiracies to rob security vans.
- **R v Daley & Ors –** Series of violent gang robberies targeting local grocers and post offices.

Reported Cases

- **R v Sanusi 1992 Crim L.R. 43 Held**: The Codes of Practice of the Police & Criminal Evidence Act do not just apply to police officers but also to

Customs Officers.

- **R v Kenny 1992 Crim L.R. 8000 Held**: Notwithstanding that a learned judge holds that an interview is admissible in evidence, where there are breaches of the Codes of Practice the jury must be given some directions about them, to assist them as to the effect of those breaches.
- **R v Skinner 1994 99 Cr App R 212 Held**: When witnesses discussed their evidence in advance of a trial (in this case police officers amending notebooks in an ante-room of the Court building), this was a relevant matter which the jury should take into account when assessing their evidence. This practice by witnesses was to be frowned upon.

Articles & Publications

1998 'Britain's Feudal Future'

2001 'The Wrongs of Human Rights'

2001 Submissions to the EU on European Arrest Warrant

2001 Submissions to the Government on the Auld Report

2002 The role of Habeas Corpus throughout the EU

2002 Review of 'The Practical Guide to Humanitarian Law'

2002 'What is a European Arrest Warrant'

2003 The Rights of Vulnerable Suspects in Criminal Proceedings

2003 Procedural Safeguards in Criminal Proceedings throughout Europe

2003 The Establishment of the International Criminal Court

2006 The Weaknesses and Implausibility of the "Eurodefensor" Project

2007 Necessities and Difficulties from the Lawyer's Perspective (Criminal Proceedings in Europe).

2008 "The 21st Century Advocate": Defending and Protecting the Rights of the Individual Against the "Over-Mighty Subject", the State, and the Collection of States

2008 The Failure of the Brussels "Justice" Forum

2009 Legal Aid in Europe: a Set of Codes for the Enforcement of Good Practice in the Criminal Courts of Europe (based on the case-law of the ECHR)

Associated Work

European Criminal Bar Association

Jonathan Mitchell was one of the Founder Members of the Association at Strasbourg in 1997, was the Treasurer between 2003 -2006, and is presently on the Advisory Board.

Jonathan is presently on the Steering Committee of an EU Commission Project involving both the ECBA and the CCBE (Bars of Europe). This is a Cross-Border Legal Assistance Project which is examining the problems associated with the absence of a proper Legal Aid system in Europe, and especially in "cross-border" cases. The Project will also examine the problems Defence Practitioners are having getting access to information, Disclosure of Prosecution material, gaining the correct Documents for use in Practice in Europe, and in networking with each other. The Final Report will be available in early 2010.

Europe

Jonathan is a Member of the Criminal Law Committee of the Conseil des Barreaux Europeens (Council of Bars and Law Societies of Europe), and a Visiting Lecturer in European Law and British Constitutional Law at the University of Luxembourg.

International Criminal Bar

Jonathan Mitchell helped to set up the ICB which represents parties before the International Criminal Court. Jonathan took part in the Working Group Discussions at the Conferences in Paris in 2001 and 2002, and in The Hague and Berlin in 2003.

Fair Trials International

Jonathan is a Member of the FTI Legal Experts Advisory Panel.

Politics

Jonathan is presently the Prospective Parliamentary Candidate for the Liberal Democrats in Dulwich and West Norwood (currently held by Tessa Jowell-Labour).

In 2005 when Jonathan contested this seat he came second with a swing of 9.2% to the Liberal Democrats.

Jonathan is also a Southwark Councillor for East Dulwich, he is a Committee Member of the Liberal Democrats Lawyers Association, a Member of the Liberal Democrats Human Rights Group, and a Member of the All-Party Parliamentary Group for Democracy in Burma.

Work before Practice at the Bar

Courtaulds Textiles: Marketing Executive with responsibility for Sales, and especially Advertising, in-Store, Catalogues, Magazine and other publications, TV and Radio promotions;

John Laing: Public Relations in connection with the Company's Construction of Oil Rig Platforms for the North Sea, Shopping Centres, Housing Estates, Hospitals and Industrial Complexes.

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UNITED KINGDOM
LEADING SET
2013

BAR MARK
The first set in the
UK to be awarded
the mark