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## Practice Profile

***Ben Temple is an experienced senior junior barrister with a thriving practice in both the prosecution and defence of serious criminal trials and is universally acknowledged as an extremely effective and skilful advocate.***

His practice is primarily concentrated upon cases involving homicide with over 30 murder and manslaughter trials undertaken over recent years. Ben has also extensive experience of cases involving serious sexual offending, financial crime, cybercrime, terrorism and large scale conspiracies involving drugs, firearms and armed robberies.

He has appeared in the House of Lords / Supreme Court and has a wealth of experience in the Appellate Courts.

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## Areas of Practice

- Homicide & Corporate Manslaughter
- Prosecution
- Serious & Organised Crime
- General Crime
- Appellate
- Confiscation, Civil Recovery & Asset Forfeiture
- Fraud & Financial Crime
- Military Law
- Sexual Offences
- Road Traffic
- Terrorism
- Regulatory & Professional Discipline
- Cyber Crime

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## Recent Cases

### Operation Marrick [C.C.C.] 2017

Gang Murder

Anthony Orchard QC leading Ben Temple appeared for the Crown in this Old Bailey murder trial involving the gang related murder of a teenager in South Harrow. 2 Teenagers from a rival gang were sentenced to life imprisonment.

### R v. Doherty & anr [Luton] 2017

### Preventing lawful Burial

Ben Temple instructed by EHB Solicitors, acted for this 72 year old man at his trial who was charged with preventing the lawful burial of his sister in law and perverting the course of justice following the discovery of her body in a Luton Garden 12 years after her disappearance. The jury at his first trial was hung, Gregory Fishwick was Counsel at his Re-trial.

Daily Mail report.

### **R v. Mulligan & Clancy [C.C.C.] 2017**

Murder of 'Street Preacher'

Ben Temple led by Sarah Whitehouse QC prosecuted these two homeless men for the senseless stabbing of this Street Preacher early one morning on a busy street in the West End of London.

### **R v. Ruskuls [C.C.C.] 2017**

M4 motorway bridge Murder following sex attack

Benjamin Temple, led by Crispin Aylett QC, prosecuted this homeless man who abducted, sexually assaulted and brutally murdered a 30 year old woman as she walked to work. The defendant was sentenced to life, with a minimum of 30 years.

BBC report here.

### **R v. Burton [Southwark] 2017**

Radio Host accused of trolling a Muslim politician with Islamophobic tweets

Ben Temple prosecuted this right wing radio host whom was jailed for vile Islamophobic' trolling of anti-racism campaigner.

News reports below

Independent

Daily Mail

### **Appeal of DS 2016**

Gross Negligence Medical Manslaughter

Mark Heywood QC leading Ben Temple, acted in the appeal by a doctor convicted of Gross Negligence Medical Manslaughter following the death of a patient after falling unexpectedly ill following knee surgery.

### **R v. Edwards [C.C.C.] 2016**

## Murder

Anthony Orchard QC led Ben Temple for the Crown in this matter where the defendant had strangled her mother. The defendant had a history of psychiatric illness, with violence to family members, dating back to 1991. Three psychiatrists were of the opinion she suffered from schizoaffective disorder.

Evening Standard report [here](#).

## **R v. Aidid & ors [C.C.C.] 2016**

### Murder

Anthony Orchard QC led Ben Temple in this prosecution of 3 women who beat a 21 year old women to death in North London.

Evening Standard report [here](#).

## **R v. De Silva [C.C.C.] 2016**

### Murder

Anthony Orchard QC led Ben Temple for the prosecution in this revenge murder by shooting after an altercation in Wembley, North London.

Evening Standard report [here](#).

## **Operation Crow [Maidstone] 2015**

### Conspiracy to import cocaine

Ben Temple led Dickon Reid in this case involving fourteen defendants charged with conspiracy to import cocaine, amphetamine and cannabis into the United Kingdom.

## **Notable Cases**

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### **R. v. G; R. v. J [2009] UKHL 13; Archbold 2013: 25-67 2009**

#### Use of Articles for purposes of Terrorism

Mark Heywood QC leading Ben Temple for the Prosecution at first instance, the Court of Appeal and the House of Lords where David Perry QC was also instructed.

J was found to be in possession of an extensive library of religious, political, ideological, military and extreme Islamist material some of which had an express terrorist purpose, digitally stored on his laptop, I-Pod, telephone and numerous digital disks comprising several hundred hours of audio and video material and several thousand pages of documentation. J was charged with possessing articles for a purpose connected with terrorism, contrary to section 57(1) of the Terrorism Act 2000. J pleaded guilty to four counts contrary to section 58 of the Act. The Court of Appeal then handed down judgment in R. v. K [2008] EWCA Crim.185 on the point of reasonable excuse under section 58(3). J, having applied successfully to vacate his pleas, claiming erroneous legal advice in the light of R. v. K, re-entered not guilty pleas at a preparatory hearing in the course of which the Recorder of Birmingham,

regarding himself bound by R. v. K, ruled on a question of law formulated by the Crown that, by reference to R. v. K, under section 58 where a reasonable excuse is raised the prosecution must prove a terrorist purpose.

Leave to appeal to the House of Lords was granted. The three certified questions raised substantial, complex issues. The concept of reasonable excuse had to be considered across numerous statutory contexts. The Crown's appeals (G and J) were allowed and J, a year after he had first done so, pleaded guilty to four offences contrary to section 58.