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## Practice Profile

Senghin has developed an impressive criminal practice encompassing both prosecution and privately funded defence instructions. He is especially valued for his consummate dedication and responsiveness. He is a barrister to whom other barristers turn in cases involving complex or novel points of law.

Senghin's current instructions include the defence of the solicitor charged in the prosecution arising from the Hillsborough Stadium disaster of 1989. (Led by Jonathan Goldberg QC)

Senghin recently represented former Royal Marine Sergeant Blackman ("Marine A") at his successful appeal against conviction where murder was reduced to manslaughter by reason of diminished responsibility. This was the conclusion of nearly two years of work, funded by a Daily Mail campaign and promoted by Frederick Forsyth and Richard Drax MP amongst others. (Led by Jonathan Goldberg QC and Jeffrey Israel)

Senghin was appointed to the SFO Prosecution "B" Panel in 2017 and has been a Grade 3 CPS Panel Advocate since 2014. Senghin is responsible for IT in chambers and his ability to add value in his professional work through his proficiency in IT has been noted frequently. In appropriate cases, Senghin may accept instructions directly from members of the public, without the need for a solicitor.

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## Areas of Practice

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

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## Reported Cases:

- *R v Blackman [2017] EWCA Crim 190* – successful appeal against conviction for murder based on fresh evidence of diminished responsibility
- *R v S [2016] EWCA Crim 1908* – successful appeal against conviction for rape based on inadequate hearsay direction
- *R v Anwar [2016] 4 WLR 127* – successful interlocutory appeal against a ruling that there was no case to

answer on counts of attempted murder and possession of a firearm with intent

## Appointments:

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- SFO Prosecution "B" Panel (2017)
- CPS Advocate Panel at Grade 3 (2014)

## Memberships:

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- South Eastern Circuit
- Criminal Bar Association
- Young Fraud Lawyers Association

## Education:

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- BVC
- CPE
- Philosophy, Politics and Economics, M.A. (Oxon), Balliol College

## Recent Cases

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### R v. B [Wood Green] 2017

Money Laundering over £200,000 in cash

Senghin Kong prosecuted B for possession of criminal property following the seizure of over £200,000 in cash during the course of a joint National Crime Agency / Metropolitan Police operation. Instructed by CPS London.

### R v. S [Chelmsford] 2016

Cyber Crime

Senghin Kong represented a defendant charged with Cyber Crime offences following a lengthy investigation involving the Federal Bureau of Investigation, the National Crime Agency and the Eastern Region Special Operations Unit. The Crown's case was that the defendant had bought and used the "Blackshades" Remote Access Tool but also sold Distributed Denial of Service ("DDoS") tools on hundreds of occasions in the course of a sophisticated commercial operation. The case involved highly technical forensic computer evidence and complex financial analysis of a multitude of bank accounts and Paypal accounts which were said to be used to launder criminal proceeds through an international network of "mules". Following negotiation with the Crown, the defendant tendered acceptable pleas to half the counts on the indictment, on an agreed basis. This, combined with mitigation, resulted in a suspended sentence. Instructed by Sternberg Reed Solicitors

### R v. E & ors [Croydon] 2016

Knife fight in Croydon

Senghin Kong prosecuted 6 defendants charged with having offensive weapons including knives and a taser, who had a very public fight in the middle of a road near West Croydon Station. The trial involved cross-examination of a facial mapping expert called by one of the defendants who was later convicted. Instructed by CPS London.

### **R v. O [Croydon] 2016**

NCA Drugs Operation

Senghin Kong instructed to prosecute the last defendant charged in a substantial NCA drugs operation. The case involved complex cell site and telephone evidence. Instructed by CPS Organised Crime Division.

### **R v. A & anr [Inner London] 2016**

Aggravated Burglary and Sexual Assault

Senghin Kong represented a defendant charged with the aggravated burglary of a house occupied by an elderly husband and wife, during which the wife was sexually assaulted at knifepoint. The case involved cross-examination of the prosecution cell site expert and legal argument as to the admissibility of a defence statement during the prosecution case. Instructed by Thomas Boyd Whyte.

### **R v. B [Southwark] 2016**

Confiscation Proceedings following Mortgage Fraud

Senghin Kong led by Jonathan Goldberg QC in confiscation proceedings on behalf of a defendant who had pleaded guilty to mortgage fraud. The benefit figure claimed by the prosecution was reduced from over £1.8 million (the value of the frauds to which the defendant pleaded guilty) to less than £140,000 following negotiation. Instructed by Burton Copeland.

### **Appeal Re: F 2016**

Appeal of Confiscation Order

Senghin Kong represented the Appellant at his successful appeal against a confiscation order and was commended by Davis LJ on the clarity of his written and oral submissions. The Crown had successfully argued below that debts incurred solely by the Appellant but secured on his family home should be paid from the proceeds of sale before division between the Appellant and his wife who shared the beneficial interest in the property equally. On appeal, the Crown conceded that this was wrong and the Court of Appeal held that these debts should be paid out of the Appellant's share of the proceeds of sale as to hold otherwise would lead to a disproportionate result.

### **R v. A & anr [Wood Green] 2016**

Conspiracy to fraudulently obtain mobile phone upgrades

Senghin Kong instructed to prosecute two defendants charged with a conspiracy to obtain fraudulently mobile phone upgrades. The loss to the mobile phone company was in excess of £40,000 as a result of offending over a 2 year period. Instructed by CPS London.

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

#### Attempted Murder

Catherine Farrelly leading Senghin Kong in this prosecution of 6 defendants on charges including attempted murder, possession of a firearm with intent to commit robbery and conspiracy to rob. At the close of the prosecution case the learned Judge upheld submissions of no case to answer on the charges of attempted murder and possession of a firearm with intent to commit robbery. As a result the prosecution appealed this at an expedited hearing. The Court of Appeal allowed the prosecution appeal and the trial continued on all charges. Leveson LJ gave the judgment of the court reported here. The 6 defendants were eventually convicted of possession of a firearm with intent to commit robbery and conspiracy to rob. The case involved complex cell site evidence and legal argument. Guardian report here.

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

##### Theft From Employer

Senghin Kong prosecuted a defendant extradited to the UK to face multiple charges of theft from employer, which involved advising on speciality issues.

#### **Re: B Ltd 2015**

##### Bribery and Corruption arising out of Civil Proceedings

Senghin Kong advised a company in relation to possible liability for bribery / corruption offences arising out of conduct which was the subject of civil proceedings. Instructed by Bark & Co Solicitors.

#### **R v. S [Inner London] 2015**

##### Conspiracy to Supply Drugs

Senghin Kong prosecuted a defendant for possession of over £20,000 worth of Class A drugs with intent to supply and possession of a loaded firearm with intent to endanger life.

#### **Kent Police v. M 2015**

##### Asset Forfeiture

Senghin Kong represented the Respondent in a 3 day application for the forfeiture of nearly £100,000 in cash as a result of multiple seizures. There was complex legal argument as to the application of proportionality in such proceedings. Instructed by Thomas Boyd Whyte Solicitors.

#### **R v. J & anr 2015**

##### Fraudulent Trading

Senghin Kong represented a company director charged with fraudulent trading arising out of what the prosecution described as a “copycat website”. Initially the prosecution suggested the value of the fraud was £500,000. Following negotiation, a plea to breach of the Unfair Trading Regulations 2008 was accepted and the defendant received, exceptionally, a conditional discharge. The defendant was also subject to a restraint order in these proceedings which the prosecution alleged she had breached in contempt proceedings which were withdrawn following negotiation. Instructed by Thomas Boyd Whyte Solicitors.

### **R v. S [Guildford] 2015**

Conspiracy to burgle high value motor vehicles

?Senghin Kong represented one of five defendants charged with conspiracy to burgle high value motor vehicles worth over £100,000. Following negotiation, there was a plea on a basis which resulted in a suspended sentence. Instructed by Thomas Boyd Whyte Solicitors.

### **R v. A & ors 2014**

Mortgage Fraud and Cheating the Revenue

Senghin Kong advised a company in relation to possible liability for bribery / corruption offences arising out of conduct which was the subject of civil proceedings. Instructed by Bark & Co Solicitors.

### **R v. B & ors [Harrow] 2013**

Bogus college immigration fraud

Jonathan Higgs QC led Jonathan Polnay and Senghin Kong prosecuting three defendants involved in running a bogus college for conspiracy to assist unlawful immigration. The defendants were convicted after a 3 month trial. The case involved complex legal argument in relation to Griffiths-type conspiracies and substantial disputed evidence from forensic accountants. Senghin Kong was instructed to prosecute the resulting 3 day confiscation hearing without a leader, against three QCs and juniors. Instructed by CPS Central Fraud Group.

## **Notable Cases**

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### **R v Alexander Blackman [Court Martial Appeal Court] 2017**

Murder reduced to manslaughter following CCRC reference and second appeal

Jeffrey Israel and Senghin Kong led by Jonathan Goldberg QC and instructed under the Bar Direct Access scheme, represented former Royal Marine Sergeant Alexander Blackman (also known as “Marine A”) who succeeded after a long campaign for justice in having his conviction for murder reduced to manslaughter by diminished responsibility. The campaign was led by the renowned author Frederick Forsyth and the Daily Mail, and supported by thousands of members of the public.

The new legal team submitted a 100-page report to the CCRC in December 2015. A year later the CCRC referred the case back to the Court Martial Appeal Court who swiftly quashed the conviction for murder and imposed a sentence for manslaughter which would allow for the former sergeant's almost immediate release. Outside Court after the sentencing hearing on 28 March 2017, the wife of Marine A, Mrs Claire Blackman said:

*"We are overjoyed at the judges' decision to significantly reduce Al's sentence, such that he can be released imminently. This is the moment that we have all been fighting hard for. It is hard to believe that this day is finally here. There are so many people we must thank for getting us here. They include of course our brilliant legal team, Jonathan Goldberg QC, Jeffrey Israel and Senghin Kong, thank you all. They also include the fabulous Frederick Forsyth and the wonderful Richard Drax MP, both of whom have fought tirelessly in support of Al."*

Mrs Blackman later added:

*"Jeffrey consistently offered us calm, considered and professional advice. His patience knows no limits. His knowledge and observation skills meant that he was always open and honest - never promising anything he couldn't deliver. And he certainly delivered."*

*"What Senghin doesn't know about the law and its application isn't worth knowing. His knowledge and attention to detail is incredible and yet his approach was always to help us clearly understand and explore solutions. Everyone needs a Senghin on their team."*

To read more about this case please use the links below:

Daily Mail report on the sentencing (28 March 2017)

Telegraph report on the sentencing (28 March 2017)

The sentencing remarks (28 March 2017)

Daily Mail report on the conviction being quashed (15 March 2017)

Guardian report on the conviction being quashed (15 March 2017)

The appeal judgment (15 March 2017)

Joshua Rozenberg's commentary in anticipation of the appeal hearing (5 February 2017)

Daily Mail Campaign for Justice page

## **R v S [Court of Appeal] 2017**

Appeal against Rape Conviction

Senghin Kong led by Jonathan Goldberg QC represented S at his appeal against conviction for rape and other offences against his ex-wife. The prosecution case depended on the hearsay evidence of the ex-wife who had sent a number of letters from Israel, some of which stated that her initial complaint to the police was false or inaccurate. Fulford LJ allowed the appeal on the basis that the trial judge's direction had been inadequate in circumstances where the complainant had given two contradictory accounts. Instructed by Sonn McMillan Walker.

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

Attempted Murder

Catherine Farrelly leading Senghin Kong in this prosecution of 6 defendants on charges including attempted murder, possession of a firearm with intent to commit robbery and conspiracy to rob. At the close of the prosecution case the learned Judge upheld submissions of no case to answer on the charges of attempted murder and possession of a firearm with intent to commit robbery. As a result the prosecution appealed this at an expedited hearing. The Court of Appeal allowed the prosecution appeal and the trial continued on all charges. Leveson LJ gave the judgment of the court reported here. The 6 defendants were eventually convicted of possession of a firearm with intent to commit robbery and conspiracy to rob. The case involved complex cell site evidence and legal argument. Guardian report here.

### **R v. F & ors [Canterbury] 2013**

Conspiracy to assist Unlawful Immigration

Mark Dacey led Senghin Kong defending an accounts manager at a security company. The defendant was charged with two counts of conspiracy to assist unlawful immigration. The allegation was that the company was receiving refugee passports unlawfully issued by a corrupt Home Office official. The defendant was acquitted of one of the counts at the close of the prosecution case following a successful submission of no case to answer, and acquitted of the other by the jury after a 3 month trial. Instructed by Thomas Boyd Whyte Solicitors.

### **R v. B & ors [Harrow] 2013**

Bogus college immigration fraud

Jonathan Higgs QC led Jonathan Polnay and Senghin Kong prosecuting three defendants involved in running a bogus college for conspiracy to assist unlawful immigration. The defendants were convicted after a 3 month trial. The case involved complex legal argument in relation to Griffiths-type conspiracies and substantial disputed evidence from forensic accountants. Senghin Kong was instructed to prosecute the resulting 3 day confiscation hearing without a leader, against three QCs and juniors. Instructed by CPS Central Fraud Group.