

# 5 KING'S BENCH WALK



## James Martin

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## Practice Profile

*James Martin is recommended Counsel in Chambers and Partners and The Legal 500. He is an experienced practitioner who prides himself on attention to detail and a fearless approach to defending his clients' interests. Described by his peers as "a no nonsense advocate and a tough opponent" (The Legal 500 2017)*

Mr Martin acts as leading counsel in the full range of criminal offending but in particular tends to focus on serious organised crime and fraud. He is also regularly led in homicide cases. He has particular experience in dealing with complex multi-handed cases of all types and is very adept at dealing with technical evidence such as that retrieved from 'phones, computers and associated cell site evidence.

Although a large amount of his work comes from traditional sources James Martin is also able to accept instructions on a Direct Access basis and has been permitted to conduct litigation by the Bar Standards Board.

## Areas of Practice

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

## What The Directories Say

‘A no-nonsense advocate and a tough opponent with an attractive manner before juries.’ *Legal 500 2017*

‘Tenacious and fully committed to every case, he is polite but unyielding.’ *Legal 500 - 2019*

## Recent Cases

- **R v. NT & ors [Maidstone] 2018**

Drink & Drugs fueled Killing of Kent Man

[Jonathan Higgs QC](#) leading [James Martin](#) for Goldkorns Solicitors. Three people were charged with Murder following the discovery of a body left in the stairwell of a block of flats in Chatham. The deceased and the three charged were known drug users and the death had occurred in a nearby flat occupied by one of the accused.

The previous few days were carefully pieced back together by the investigatory team using a combination of CCTV footage, eye witness accounts and call records as well as some footage from mobile phones.

There were complex issues of causation due to the post-mortem findings and in particular the neuropathology results. Besides the factual complications there were also issues relating to identification and also joint-enterprise.

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## **R v KW [Woolwich] 2018**

"Loss of Control" Murder

[Alistair MacDonald QC](#) led [James Martin](#). This case involved the defence of “loss of control” and raised the very difficult question of how a Jury has to approach the three stage test in a case where the violence used was so extreme. In such circumstances the true complexity of answering the final question was exposed. Where the Jury finds there was a loss of control based on a qualifying trigger: are they sure that a reasonable person in the defendant’s circumstances would not have reacted in the same or a similar way?

Considering what a reasonable person who has lost his self-control might do in unusual and difficult circumstances is a very hard task indeed when the Court of Appeal have offered so little assistance on the topic. Instructed by EBR Attridge.

- ## **Operation Pleach [St Albans] 2018**

Multi-Handed Courier Fraud

[James Martin](#) represented the defendant in this multi-handed courier fraud. Operation PLEACH was a Hertfordshire Police investigation into a series of 36 courier fraud offences committed across England between the 1st March and 29th November 2016.

This was another case in which the Crown wrongly indicted a global conspiracy when there were clearly multiple and separate agreements between various defendants. As a result the Crown had to concede the position and substantially change the indictment meaning that DA was no longer charged with any Conspiracy count at all. Instructed by Bark & Co.

- ## **Operation Willsbridge [Southwark] 2018**

£2.1m International Fraud upon Film Rental Equipment Companies

[James Martin](#) represented SH in this matter who was charged with being party to a large scale International Fraud against a number of Film Rental Equipment Companies who were based across the Globe. The Fraud was organised from the UK where the Organised Crime Group assumed the identities of some legitimate businesses in the industry. They were able to dupe associated Insurance companies as well and arrange various hire contracts over a significant period that were worth £2.1m. Ultimately the Crown were persuaded that the evidence of a Global Conspiracy was not present in SH's case and the indictment was amended to a single substantive money laundering offence in his case. SH was duly acquitted by the Jury. Instructed by Bark & Co Solicitors.

- ## **Operation Primrose [Liverpool] 2018**

HMRC "Red Diesel" VAT Fraud

[James Martin](#) was instructed as Leading Junior for this defendant charged with 10 others in a case that involved an huge undercover investigation by HMRC into an alleged nationwide Red Diesel laundering Fraud. There were said to be two principle laundering sites: one in Birkenhead and the

other near Ashford in Kent. Following over 12 months of covert surveillance and a 3 year investigation 11 men were charged with being involved in the Conspiracy said to have involved a loss of over £500k to HMRC in unpaid VAT.

The case was split into two trials. During the first trial it became apparent that there were a number of issues with disclosure in the case. This followed repeated requests for disclosure by the Defence teams. At the beginning of the 4<sup>th</sup> week, and after the OIC was subjected to cross-examination on the voir dir, HMRC were forced to seek an adjournment of the Trial once they realised the scale of the disclosure problems in the case.

The application was vigorously opposed by the Defence and ultimately refused by HHJ Trevor-Jones. In his damning ruling he said that there had been “negligence to a lamentable degree” which was “indicative of a more systemic failure.” As a result of the Judge’s ruling HMRC offered no Evidence against the defendants left in the case. Instructed by The Stokoe Partnership.

- **R v JH & Ors [C.C.C.] 2017**

Murder

[James Martin](#) was led by Michael Ivers QC in this case concerning a fatal attack on Halloween 2017 where a group of young men armed with poles and knives attacked another group in a park in Selhurst, near Croydon. Allegations put on a classic Joint Enterprise basis by the Crown. Heavy reliance upon CCTV and Cell site evidence.

- **R v. DC & ors [Birmingham] 2017**

Mortgage Frauds

[James Martin](#) Trial and Retrial of allegations of large scale property frauds. Involved the intentional undervaluing of property in order to sell it on to others within the conspiracy at a discount. Case alleged a conspiracy between an inside man at Severn Trent Water and the other defendants. The property would be advertised and false bids were being submitted by others to enable a selling to one of the members of the conspiracy at a substantial discount. Instructed by Blackfords LLP.

- **R v WM & Ors [Isleworth] 2017**

Conspiracy to Kidnap

[James Martin](#) acted in this case that was said to involve a gang related kidnap and blackmail that was connected to the distribution of drugs. WM was said to be the head of a gang of local drug dealers who had snatched the girlfriend of a rival drug dealer. She was then held until freed by armed officers. Crown sought to link WM to these offences by references to telephone contact, cell site and social media posts as well as undercover video footage. There was a linked undercover operation ongoing at the time connected to separate drugs supply allegations. Unanimously acquitted. Instructed by Goldkorns.

- **R v MT & Ors [Blackfriars] 2017**

## Kidnap and Blackmail

[James Martin](#) was junior alone in this case that was said to involve a gang related kidnap and blackmail that was connected to the distribution of drugs. Case against MT was built on the concept of Joint Enterprise. Said to have allowed her house to be used by other members to kidnap, attack and blackmail another. Unanimously acquitted by the Jury. Instructed by Hodge Jones Allen.

- **R v. Clayson [Maidstone] 2017**

Cold Case Serial Rapes

[Jonathan Higgs QC](#) led [James Martin](#) in this trial involving a series of knifepoint stranger rapes in the early 1990's. Multiple allegations born from a cold case review of DNA recovered from a stocking left at the scene of a brutal stranger rape in the 1990s. This was linked to another attempted rape at the same time and was supported by reliance upon Similar Fact principles alone. Significantly the case concerned the proper interpretation of new statistical analysis of mixed-profile poor quality DNA samples. Instructed by Berry & Lambert.

- **R v MS & Ors [Southwark] 2017**

Conspiracy to Steal and Burgle

[James Martin](#) leading [Lizzie Wilson](#) as led Junior. Case involved allegations that MS was the leading figure in a conspiracy to steal to order high value motor cars either by keyless thefts or by burglaries where the car keys were stolen. It was a sophisticated operation where cars were stolen to order which had a total value of well over £2m

- **R v. Campbell & ors [Birmingham] 2016**

Conspiracy to supply class A and B drugs

[James Martin](#) instructed as junior alone. Large scale conspiracy to supply class A and B drugs.

- **R v. Dinsmore [St Albans] 2016**

Money Laundering

[James Martin](#) instructed as junior alone. Case involved allegations surrounding the proceeds of a complex Fraud taking place in Europe. Various sham companies were offering clients jobs as high end companions for the wealthy. Another aspect of the fraud was a production company offering roles in Pornographic films. Both were shams and the money taken upfront from those involved was being syphoned to the UK.

- **R v. Owen & ors [C.C.C.] 2016**

Largest ever importation of firearms into the UK

[James Martin](#) instructed as junior alone. Largest ever importation of firearms into the UK. Weapons were military grade assault rifles of the type that could have been used in a "Paris Style" attack on the UK mainland. Weapons were smuggled in to the country on a boat into Kent where they were intercepted by armed under cover officers

- **R v. V C & 8 ors [Southwark] 2016**

People Trafficking

[James Martin](#) appeared as leading counsel. 9 defendants charged with people trafficking for the purposes of prostitution and money laundering the proceeds. This case involved a protracted investigation into the alleged conspirators. The evidence centred around flight manifests, Money transfer records, mobile phone downloads and anonymous hearsay evidence taken from internet companies that advertised the prostitutes said to be under the control of the defendants. After substantial legal argument the Crown were persuaded to drop the case against this defendant.

- **R v. Ashfield [Woolwich] 2015**

Rape

[James Martin](#) instructed as defence junior alone. The defendant met the complainant through the "Plenty of Fish" dating website. On their first meeting they ended up having sexual intercourse in his car. The issue was one of consent. Much turned on the comprehensive communication by the complainant via text message with her friends the next day. Cell site information was also crucial in undermining her account of what happened on the evening in question. The defendant was found not guilty by the Jury.

- **R v. D & ors [Winchester] 2015**

GBH Sc18

[James Martin](#) instructed as defence counsel. The defendant was part of a large disorder that centred on the Poison Pub in Basingstoke. It was alleged that for his part in the disturbance he had smashed a bottle on someone's head and had bitten off the ends of two fingers from a man's hand. His defence was that the bottling incident was mistaken identification and the finger biting was self-defence. He was found not guilty by the Jury. Instructed by Goldkorns.

- **R v. Pasquale & ors [Isleworth] 2015**

Multi-handed football violence case

[James Martin](#) instructed in a multi-handed football violence case. Allegation involved organised fighting between rival fans. Case depended largely upon the correctness of police identification from CCTV. After several days of legal submissions made by Mr Martin the identification evidence was ruled inadmissible due to the failure of the police officers to correctly follow the relevant codes of

practice. Case was then abandoned by the Crown against Mr Pasquale.

- **R v. L F [Kingston] 2015**

Attempted Murder

[James Martin](#) instructed as defence counsel. Allegation is that the defendant drove his partner to a remote location and dragged her from the car and attacked her. When this did not work he got back into the car with her and then drove dangerously with the intention of killing them both. In the crash that ensued both were injured but survived. Instructed by Goldkorns.

- **R v. Galvin & ors [Cambridge] 2015**

Conspiracy to supply A and C drugs

[James Martin](#) appeared as defence counsel in a multi-handed conspiracy to supply cannabis and cocaine. This was a large intelligence led operation which centred on the activities of one of the defendants said to be the head of an organised crime group which was supplying large quantities of both Cocaine and Cannabis. The key evidence came from a combination of phone/cell site evidence and the product of a covert listening device placed in the car of the lead defendant.

- **R v. Robbins & ors [C.C.C.] 2015**

Mortgage Frauds

[James Martin](#) instructed as defence counsel in a multi-handed mortgage fraud conspiracy at the CCC. Allegations revolve around a company said to have been set up to provide mortgage to people from the criminal fraternity with no questions asked. The defendant was an employee of the company and is said to have benefitted from such a mortgage. Her husband was involved in money laundering and drug trafficking. Instructed by Thomas Boyd Whyte.

- **R v. Richards [Basildon] 2014**

GBH Sc18

[James Martin](#) represented this defendant who was outside a nightclub when he was involved in an altercation with a man. As a result of his injuries he was in a coma for some time and nearly lost his life. He was left with life changing injuries and his prognosis was not good. On the night in question the defendant always maintained that he acted in self-defence and that the man he struck had been behaving aggressively earlier in the evening. Much turned on the evidence of a number of witnesses. The defendant was found not guilty by the Jury in a matter of minutes.

- **R v. Gurklytre [Inner London] 2014**

Perverting the Course of Justice / Homicide

[James Martin](#) represented this defendant who was the front seat passenger in her own car which was

being driven by her partner. There was a fatal collision and two pedestrians were run over and were killed as they crossed the road. The car was then driven from the scene to a nearby carpark and set on fire. The Crown alleged that the defendant was party to the destruction of the car and was therefore guilty of attempting to pervert the course of justice. A submission of No Case to answer was made at the conclusion of the Crown's case, this was upheld by the Judge and the case was dismissed.

- **R v. Gibney & ors [C.C.C.] 2014**

Kidnap & Blackmail

[James Martin](#) was junior alone in this Multi-handed conspiracy to Kidnap and Blackmail. This case concerned the enforcement of a drugs debt. The principle defendant was a drugs dealer and the man kidnaped dealt for him. He had built up a significant debt and was taken from the street and held for most of the day. His family were contacted and demands for money were made.

- **R v. Collier [Croydon] 2014**

Fraud

[James Martin](#) appeared for Mr Collier who ran a large scrap yard for many years and was the subject of multiple police operations. At one stage an undercover officer was even deployed to his yard to pose as someone selling stolen cabling. He was accused of processing large amounts of stolen metal including stolen grave plaques and high voltage cable.

- **R v. BD & 6 ors [C.C.C.] 2014**

Murder

[James Martin](#) was led by Stephen Kamlsh QC in this Multi-handed conspiracy to murder at the CCC. The allegation was that an associate of BD was slashed a few months prior to the killing. The man responsible was said to have been located by BD and a gang was called in to kill him. However, the wrong man was killed in a brutal stabbing. The case was heavily reliant upon phone and cell site evidence. The case was resolved ultimately when the Crown were persuaded to accept pleas of guilty to a conspiracy to commit GBH.

- **R v. Flynn & 9 ors [Southwark] 2014**

Fraud

[James Martin](#) was Junior alone in a 7 Handed conspiracy to commit fraud and launder the proceeds. The fraud was completed with the help of an 'inside man'. Money was being diverted from the Royal Marsden hospital which specialises in cancer treatment. A network of individuals were used to filter the money once it had been diverted from within the Trust itself.

- **R v. Dennard & ors [Maidstone] 2014**



Fraud

[James Martin](#) was Junior alone in a multi-handed conspiracy to defraud a number of elderly householders and launder the proceeds. The case involves a number of victims over a considerable period.

- **R v. Saunders & ors [Guildford] 2014**

Fraud

[James Martin](#) was Junior alone in a multi-handed conspiracy to defraud a number of elderly householders and launder the proceeds. The case involves a number of victims over a considerable period.

- **R v. Smith & ors [Guildford] 2014**

Fraud

[James Martin](#) was Junior alone in a multi-handed conspiracy to defraud a number of elderly householders and launder the proceeds. The case involves a number of victims over a considerable period. Some of those victims have now died and the Crown seek to rely upon their recorded testimony.

- **R v. Hillier & ors [Croydon] 2014**

Fraud

[James Martin](#) was Junior alone in a multi-million pound money laundering operation. Hillier was said to be the central figure in the setting up and running of a counting house through which organised crime gangs would launder vast quantities of cash. The case involved a large amount of telephone data and observation evidence.

- **R v. W [Wood Green] 2014**

Rape

[James Martin](#) represented this defendant who was alleged to have seduced a girl at a nightclub and invited her back to his flat where he was said to have raped her. Additional investigations into the CCTV at the nightclub proved important in undermining the complainant's account. Defendant was found not guilty.

- **R v. H & 6 ors [Winchester] 2013**

Conspiracy to Murder

[James Martin](#) was Led by Tim Roberts QC in this Multi-handed conspiracy to commit Murder at

Winchester CC. Allegation was that Mr Hallam was the prime mover in an organised hit on a woman he is said to have been having an affair with. The evidence came from substantial probe material, cell site and other telephone evidence.

- **R v. O'Reilly & ors [Reading] 2013**

Fraud

[James Martin](#) was Junior alone in a multi-handed conspiracy to import and distribute multi-million pound loads of cigarettes and hand-rolling tobacco. Evidence comes from substantial probe material in addition to undercover observations and seizures from warehouse found by HMRC.

- **R v. P [Woolwich] 2013**

Rape of Step-Mother

[James Martin](#) successfully represented this defendant who was charged with raping his step-mother. Both were admitted alcoholics and had had sexual intercourse after consuming a large amount of drink. The issue was consent. Defendant was found not guilty.

- **R v. Folkes [Wood Green] 2013**

GBH Sc18

[James Martin](#) represented this defendant, charged with kicking someone out of the top floor window of a double-decker bus in London. The man hit his head on the pavement as he fell from the moving bus and was paralysed. The defendant maintained that he was acting in self-defence as the man had attacked him and his girlfriend as they went to leave the bus. He maintained that he never intended to kick the man out of the window which gave way as the man fell into it. The defendant was found not guilty.

- **R v. F & ors [Maidstone] 2013**

Murder

[Jonathan Higgs QC](#) led [James Martin](#) and successfully defended this allegation of Murder. Principle defendant accused of stabbing his partner in premeditated attack said to have been planned in advance and encouraged by the second defendant who hid in the boot of the car when victim was picked up by the first defendant. Issues in the case involved: Self defence, loss of control, secondary parties to Murder and joint enterprise.

- **R v. JS & ors [Woolwich] 2013**

Kidnap & Robbery

[James Martin](#) was Junior alone in a multi-handed case, lasting 9 weeks at Woolwich CC. Allegations involved separate conspiracies to commit armed robbery, kidnap of two men, false imprisonment of

the two men and Blackmail. The offences dated back to 2008 and these charges came about as the result of an intensive investigation into the voluminous phone traffic picked up at the time between those convicted in the original trial. This evidence was supplemented by the observations from undercover. Central issues in the case involved challenges to both cell site evidence and expert opinion on facial mapping.

- **R v. Pooke [Maidstone] 2012**

Conspiracy to commit Armed Robberies

James Martin Led by Trevor Burke QC in this conspiracy to commit armed robberies from 2001. Defendant was the only man not caught up in the original operation which produced four trials. There are issues of Abuse of Process and other complex issues relating to potential ramifications of the evidence given by other defendants in the original trials.

- **Operation Castle [Maidstone] 2012**

Fraud

James Martin was junior alone in this Multi-handed case involving a conspiracy to steal high value cars to order. Gang were operating in Kent, targeting mainly BMW M3s, disabling the tracking devices and then breaking up the cars and selling on the parts. Involves allegations of money laundering associated with the disposal of the criminally obtained funds.

- **R v. RB & ors [Maidstone] 2012**

Evasion of Duty

[James Martin](#) was junior alone in this multi-handed conspiracy to import counterfeit cigarettes worth several million pounds. Successfully defended man accused of being involved in a conspiracy to import lorry full of cigarettes. Main defendant was accused of being the centre of plan to use his legitimate haulage company to run large imports of counterfeit cigarettes into the UK from Europe.

- **Operation Vara 2012**

Fraud

James Martin was a led junior, successfully defending a man over a 2 year period, accused of evasion of import Duty and VAT on Gold Jewellery. Over £8million evasion involving an international investigation which moved from the UK, to Europe, India and Dubai. This was a case involving a conspiracy to evade import duty and VAT payable on the importation of gold jewellery. In total over £8 million was said to have been evaded. Mr Martin was led in this case and represented a defendant accused of being one of the men responsible for importing the gold Jewellery from Dubai into Frankfurt. The fraud involved the handover of the gold to another member of the conspiracy who would then import into the UK passing off the import as intra-EU trade and therefore VAT exempt. Some of these activities were observed by a covert intelligence unit of the German Police. The case involved complex VAT legal questions as well as Jurisdictional issues.