

5 KING'S BENCH WALK



Jonathan Polnay

Call 2000

5 KING'S BENCH WALK

- Tel +44 (0) 20 7353 5638
- clerks@5kbw.co.uk
- 5kbw.co.uk

Practice Profile

Jonathan is a specialist criminal advocate with a wide experience of serious and complex cases, often involving organised crime. He is regularly instructed by Complex Casework Units and Headquarters Divisions. Jonathan is ranked as a leading junior in Chambers & Partners UK Bar Guide 2018 (Band 1) and the Legal 500. Jonathan was appointed Junior Treasury Counsel at the Central Criminal Court by the Attorney General in November 2017.

He is particularly experienced in dealing with the issues arising out of cases that involve intelligence-led policing and RIPA-regulated activity and is often instructed pre-charge to advise law enforcement agencies as well as a leading junior at trial, often against silks. Jonathan has a wealth of experience in dealing with financial crime, direct and indirect taxation and money laundering as well as restraint and confiscation. In particular, Jonathan has conducted a number of cases involving large-scale fraudulent activity arising out of organised immigration crime and corruption.

Over the years, Jonathan has acted in a large number of cases where the victim or defendant is very young, including cases of a sexual nature. Jonathan has appeared in numerous road traffic cases resulting in death or very serious injury. Having previously worked in the computer industry, Jonathan is particularly at ease when conducting cases involving the internet, computer, electronic or mobile phone evidence.

Jonathan accepts instructions from all specialist divisions of the Crown Prosecution Service, Solicitors and when appropriate Direct Professional Access "DPA". Instructions in privately funded matters are accepted subject to The (New) Standard Contractual Terms for the Supply of Legal Services by Barristers to Authorized Persons 2012. Jonathan's Privacy Notice can be [downloaded here](#).

Areas of Practice

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

What The Directories Say

"He instils great confidence in clients." *Legal 500 2016*

'A very effective prosecutor, and also a very hardworking defence junior, who gets on very well with clients.' *Legal 500 2017*

"There are not enough superlatives to do this gentleman justice; he has a prolific energy that galvanises his cases." *Chambers UK 2019*

Reported Cases:

- Dorling [2016] EWCA Crim 1750 – CCRC reference on murder conviction
- Barre [2016] Crim LR 768 – When manslaughter should be left as an alternative to murder
- Hamilton [2016] 2 Cr App R S – Approach to be taken to drug smuggling in prison
- Bhatti [2016] 1 Cr App R 1 – Special procedure warrants in relation to credit reference
- Henry [2015] 2 Cr App R 1 – Double jeopardy trial, definition of ‘new’ evidence
- Patel [2013] Med LR 507 – Actus reus in offence of ill-treatment of mental patients
- King [2012] EWCA Crim 805 – Covert surveillance involving breaches of PACE
- A, B, C, D [2011] 2 WLR 647 – Parasitic accessory liability, pre-Jogee
- Jordan [2009] EWCA Crim 953 - Single act propensity/coincidence in bad character

Recent Cases

- **Operation Tandil [Croydon] 2018**

Violent disorder arising out of an attack on an asylum seeker in Croydon

Two linked trials. [Jonathan Polnay](#) led [Ben Holt](#) in the first and [Ben Holt](#) led [Dickon Reid](#) in the second. A total of 14 defendants were charged with violent disorder arising out of an attack on an asylum seeker in Croydon. The case attracted international media attention. Instructed to SCU at CPS London.

[Daily Mirror report here](#)

[Daily Mail report here](#)

- **R v. Theodore Johnson [C.C.C] 2018**

Prosecution of man for the Killing of his third partner

[Mark Heywood QC](#) and [Jonathan Polnay](#) acted for the Crown in the case of Theodore Johnson whom was sentenced to life with a minimum tariff of 26 years, increased on appeal against Unduly Lenient Sentence, to 30 years in March 2018. Johnson had been convicted previously for the manslaughters of his partners in 1981 and 1993. His third victim, Angela Best, was murdered with a claw hammer in her flat in North London in December 2016.

[BBC report here.](#)

- **R v. Garang & Galean [C.C.C.] 2017**

Teenagers who stabbed selfridges wine salesman to death found guilty of murder

[Jonathan Polnay](#), led by Jonathan Rees QC, prosecuted these two teenagers for the murder of an 23 year old man in North London. The victim was lured to a location just off of Turnpike Lane under the pretence of a car insurance sale, but was robbed and murdered due to a previous dispute over the purchase of a laptop on the gumtree internet site.

[Guardian news report here.](#)

- **Operation Boldo [I.L.C.C.] 2017**

Horsemeat Fraud

[Jonathan Polnay](#) was lead Counsel for the Crown in this multi-handed and much publicised conspiracy involving three prominent businessman passing off horsemeat as 100% pure beef.

[News report here.](#)

- **R v. Whitlock & Baker [Blackfriars] 2017**

Escape from HMP Pentonville

[Jonathan Polnay](#) prosecuted this escape from HMP Pentonville by two cell mates serving substantial sentences. Whitlock & Baker sawed through a bar, crossed a roof and swung out on a CCTV pole before going on the run, being caught after 6 and 2 days.

[News Report here.](#)

- **Operation Polarity [C.C.C.] 2017**

Teenager who masterminded Cyber crime attacks upon Sony & Microsoft

[Jonathan Polnay](#) prosecuted this teenager who set up a computer hacking business that caused chaos worldwide. Adam Mudd was 16 when he created the Titanium Stresser program, which carried out more than 1.7m attacks on websites including Minecraft, Xbox Live and Microsoft and TeamSpeak, earning the equivalent of more than £386,000 in US dollars and bitcoins from selling the program to cybercriminals.

[News Report here.](#)

- **R v. Pantellaro [I.L.C.C.] 2017**

Attempted Murder of Brother & Sister

[Jonathan Polnay](#) was instructed to prosecute this Italian Martial Arts expert whom broke into and stabbed a brother and sister as they slept in their home. The attack was racially motivated and random. The Judge directed a not guilty verdict by reason of insanity and the defendant was detained for mental health assessment.

[Evening Standard report here.](#)

- **R v. Dobby [C.C.C.] 2017**

Drug user admits manslaughter after two killed in Penge car chase

[Jonathan Polnay](#) leading [Anthony Orchard QC](#) appeared for the Crown in this case involving the death of an aunt and 10 year old nephew killed by a drug user during a car chase with Police. The defendant was sentenced to 12 years.

[News report here.](#)

- **R v. Chandler [C.C.C.] 2017**

Serial Rapist

[Jonathan Polnay](#) prosecuted this defendant, dubbed one of Britain's worst sex offenders, who was sentenced to a further 3 life sentences for rapes committed over 30 years ago.

[News report here.](#)

- **R v. Coe [Southwark] 2016**

'Anjem Choudary' associate

[Jonathan Polnay](#) prosecuted this notorious associate of Anjem Choudhary for assaulting teenage muslim children who he saw holding hands.

[Press report here.](#)

- **R v. Oorloff & Dickinson [Guildford] 2016**

£2m 'Rare Earth Metal' Fraud

[Jonathan Polnay](#) led [Ben Holt](#) in this "boiler room" rare earth metals fraud. Both Defendants were convicted after trial of selling worthless Rare Earth Metals as part of an investment. The total value of the scam was £1.9m. Both defendants were convicted and sentenced to a total of 11 years' imprisonment. Instructed by CPS Headquarters Central Fraud Group.

[News report here.](#)

- **R v. Orhon [Kingston] 2016**

Multiple attempted murders

[Jonathan Polnay](#) prosecuted this "disturbed loner" who randomly attacked four women during a stabbing spree in a supermarket car park in Hampton Court as revenge for his perceived mistreatment

by police.

[News Report here.](#)

•

R v. Denning [Southwark] 2016

Historic Sexual Abuse by former Radio 1 DJ

[Jonathan Polnay](#) prosecuted this former BBC DJ whom was jailed for 13 years for a series of child sex offences committed between 1969 and 1986.

[BBC News report here](#)

•

R v. Eren & ors [Wood Green] 2016

Plan to commit armed escape from Wood Green Crown Court

[Jonathan Polnay](#) prosecuted this six-handed conspiracy to escape and possession of imitation firearm case at the Crown Court at Woolwich, as a sole junior. The case centred around a plot to free Izzet Eren whilst he was being transported to Crown Court at Wood Green to be sentenced for firearms offences. During the police operation to disrupt the planned offence, a firearms officer shot dead a man in the car with the conspirators.

[BBC news report here.](#)

•

Operation Lenwade [C.C.C.] 2016

7-handed gang murder

[Mark Heywood QC](#) and [Jonathan Polnay](#) prosecuted this 7-handed gang-murder trial at the Central Criminal Court arising out of a feud between two notorious Hackney gangs. Following the convictions, YouTube was put under significant pressure to remove videos that glorified the gangs' activities.

[Daily Mail report here.](#)

•

R v. Vassell & ors [C.C.C.] 2016

6-handed kidnap, torture and blackmail

[Jonathan Polnay](#) successfully prosecuted this 6-handed kidnap, blackmail and torture case at the Central Criminal Court. Following a perceived drug debt, the Defendants kidnapped the victim and held him hostage. He was made the subject of numerous sadistic assaults when the demanded ransom was not paid.

<http://www.mirror.co.uk/news/world-news/reservoir-dogs-inspired-gang-tortured-7313282>

•

R v. Paul [Blackfriars] 2015

Historic Sexual abuse in Lambeth Children's Home'

[Jonathan Higgs QC](#) leading [Jonathan Polnay](#) prosecuted this prolific paedophile. Paul was convicted by the jury of numerous counts of serious sexual abuse of boys in his care in a Lambeth children's home.

<http://www.bbc.co.uk/news/uk-england-london-35316685>

•

R v. H & anr [Southwark] 2015

International Cricket Match-Fixing

[Jonathan Polnay](#), Led by Jonathan Laidlaw QC, successfully defended a practising criminal barrister, accused of perverting the course of justice. The case attracted national and international press attention as it centred around an International cricketer, whom was also cleared, of lying under oath in a 2012 Libel trial.

•

R v. Jones [C.C.C.] 2015

£1.8m racehorse fraud

[Jonathan Polnay](#) appeared for the Crown in this Prosecution of City Banker for defrauding friends and colleagues of £1.8m in a false racehorse investment scheme.

[Press report here.](#)

•

R v. Shaibu & Nelson [C.C.C.] 2015

Discharge of automatic weapons at PCSO

[Jonathan Polnay](#) prosecuted this two handed trial at the Old Bailey involving a proposed revenge attack to seek retribution on a group they believed was responsible for assaulting one of their gang associates armed with a submachine gun. A PCSO who heard the altercation intervened and was shot at but was unhurt. The defendants were jailed for 24 years & 12 years.

[News report here.](#)

•

R v. Dwayne Henry [Blackfriars] 2015

Double-jeopardy prosecution of serial rapist

[Mark Heywood QC](#) leading [Jonathan Polnay](#) prosecuted this Defendant, who described himself as the 'Hackney Ripper', who stood trial and was convicted of a series of rapes of prostitutes, receiving a sentence of life imprisonment. The Defendant had previously been acquitted of rape. A successful application was made to quash the acquittal under the double-jeopardy provisions of the Criminal Justice Act 2003, and join the re-trial to the new proceedings.

[Daily Mail report here.](#)

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

Standing Order Fraud

[Jonathan Polnay](#) led [Ben Holt](#) for the Crown in a nine-handed standing order fraud that was set up and orchestrated by an inside man working with Nationwide bank. Case involved a considerable amount of forensic and banking evidence. (Investigated by DCPCU, instructed by CPS SCU). Jury were unable to reach a verdict on defendant said to be "inside man". Prosecuted re-trial alone and the defendant was convicted. [Mail Online news report.](#)

- **R v. Iqbal & 18 ors [Southwark] 2014**

Banking & Credit Fraud

[Robert Ellison](#) led [Jonathan Polnay](#) for the Prosecution in this 19 defendant Credit and banking fraud with many thousands of pages of served and unused evidence. A conspiracy to defraud creditors and 'Acquiring Companies' by abusing technical weaknesses in the 'chip and PIN' payment process. The fraud was so complex that the trial judge described the methodology and money laundering as an 'impenetrable scheme'.

- **Operation Goomburra [C.C.C.] 2013**

Joint Enterprise Murder

[Mark Heywood QC](#), [Jonathan Polnay](#) and [Alison Wilkes](#) Prosecuted this 3 month,10-handed murder trial at the Central Criminal Court with extensive cell site, phone download and CCTV evidence, including the use of electronic presentation aids (360 mapping).

- **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

- **Operation Cent [C.C.C.] 2013**

Anti-corruption unit worldwide investigation re: bomb detection units

[Jonathan Higgs QC](#) leading [Jonathan Polnay](#) represented a defendant in the much publicised Old Bailey trial involving the worldwide sale of "fake" bomb detection devices. Instructed by Gary Bloxsome of Blackfords LLP.

[BBC news report here.](#)

- **R v. Patel [Southwark] 2014**

First ever prosecution for Acquiring Biological Weapons

[Jonathan Polnay](#) prosecuted this young women who was charged with the first ever prosecution under the Biological Weapons Act and attempted murder of her mother, after attempting to poison her, taking her inspiration from the series "Breaking Bad".

[News report here.](#)