

Matthew Ness

YEAR OF CALL: 2021



Matthew practises in all areas of criminal law. He also accepts instructions in asset recovery and confiscation

"Matthew is an exceptional talent"

Client Testimonials

"He demonstrates confidence and maturity beyond his year of call"

Client Testimonials

Overview

Matthew prosecutes and defends in a wide array of criminal cases including large-scale drug trafficking, robbery, fraud, and serious violent and sexual offences. He specialises in general

crime, drawing on his extensive experience in criminal litigation to instil confidence in clients and solicitors alike.

Instructing solicitors have said:

"The results he has obtained evidence that he is listened to by the Courts."

Client Testimonials

"He's always fully prepared with a clear grasp of important issues."

Client Testimonials

"Matthew takes a clearly focussed approach to cases. He works collaboratively and is always on hand to discuss matters in advance of hearings."

Client Testimonials

"Very capable, hardworking and reliable."

Client Testimonials

Recent Criminal instructions include:

R v B-H – Court of Appeal Criminal Division

Matthew represented a defendant charged with conspiracy to supply cocaine at Kingston Crown Court. The defendant pleaded guilty and received a sentence of 42 months' imprisonment. Matthew advised that the sentence should be appealed on grounds it was manifestly excessive. Leave was granted to appeal to the Court of Appeal, where Matthew successfully argued that the sentencing judge had erred in his categorisation of the offence, and failed to give adequate weight to the defendant's mitigation. The sentence was reduced to 35 months.

R v P & others – Southampton Crown Court

Matthew has been instructed as junior counsel representing the first defendant in a multi-

handed concern in the supply of cocaine trial at Southampton Crown Court. The case involves class-A drug trafficking on a commercial scale and voluminous evidence extracted from Encrochat devices.

R v L – Inner London Crown Court

Matthew represented a defendant charged with multiple allegations of sexual assault of a child under 13. The case involved the pre-recorded cross-examination of a vulnerable child witness. The defendant absconded prior to the trial and the jury were informed he had voluntarily absented himself. Matthew continued to represent the defendant in his absence and challenged the probity of the prosecution evidence. The jury were unable to reach verdicts and were discharged.

R v G – Isleworth Crown Court

Matthew represented a defendant charged with conspiracy to commit burglary and theft over a ten-month period. The prosecution alleged the defendant was part of an organized criminal gang involved in a large number of sophisticated ram-raids on commercial premises, targeting ATMs and safes using high-value stolen 4x4s and getaway vehicles. The total value of cash and goods stolen exceeded £1.2m and over £1.8m of damage was caused. The defendant was a foreign national with previous convictions. The defendant accepted his involvement on a limited basis. Following Matthew's submissions on categorisation and extensive mitigation, the defendant received a sentence of just three years' imprisonment, less than half that received by his co-defendants.

R v G – Snaresbrook Crown Court

Matthew was instructed for the defence in a week-long trial involving two separate allegations of sexual assault committed in breach of SHPO and on public transport by two independent complainants. Bad character evidence was admitted of the defendant's previous convictions for near-identical conduct. That notwithstanding, Matthew secured an acquittal on one of the counts despite the complainant having positively identified the defendant at a video identification procedure. The case involved forensic scrutiny of the identification evidence and extensive cross-examination of the Officer in the Case in relation to failings under the Police and Criminal Evidence Act 1984 Codes of Practice.

R v J – Isleworth Crown Court

Matthew secured an acquittal for his client who was charged with fraud and possession of articles for use in fraud in respect of counterfeit credit cards that were used to purchase high-value goods from Harrods department store in Knightsbridge. Matthew successfully argued to exclude the principal evidence against the defendant on the basis that it amounted to expert opinion evidence that failed to comply with Part 19 of the Criminal Procedure Rules.

Professional Memberships

Criminal Bar Association (CBA).

Defence Extradition Lawyers Forum (DELF).

Women In Criminal Law (WICL).

Criminal Defence

Matthew has a busy practice in the Crown, Magistrates', and Youth Courts and has represented clients in the Court of Appeal. He has experience over a wide range of cases including robbery, theft and fraud, drugs, road traffic, violent and sexual offences.

Criminal Prosecutions - Private & Public

Matthew accepts instructions to prosecute on behalf of the Crown Prosecution Service in the Crown Court as a Grade 2 prosecutor. He is also available for instruction in private prosecutions.

Asset Recovery, Civil Fraud & Confiscation

Matthew accepts instructions in asset forfeiture and confiscation matters. He has experience defending in enforcement proceedings and has received instructions on behalf of the Metropolitan Police in proceedings relating to asset forfeiture.