

Mark Cotter Q.C.

YEAR OF CALL: 1994

| YEAR OF SILK: 2017



"Exceptionally thorough at preparing cases and is a master of detail. He is an engaging, direct advocate who has an excellent manner with the judiciary"

CRIME - LEGAL 500 2019

Overview

Mark took silk in 2017, following a highly successful career as a junior specialising in serious and heavy crime (both for the prosecution and the defence). He undertakes a significant amount of private work and has, for many years, been ranked in Chambers and Partners as a leader in the field of crime at the London Bar. Mark is also ranked in the Legal 500 as a leading individual in the field of crime at the London Bar.

‘Able to turn his hand to any area of criminal law to get the best result for his clients.’

Legal 500 2017.

Mark is a specialist in the field of criminal defence and has extensive experience in all areas of criminal work, from murder to money laundering. His particular areas of expertise include acting in cases involving homicide, fraud and serious sexual offending. Prior to taking silk, Mark led in numerous heavy fraud cases, multi-handed conspiracies and cases involving the most serious sexual offences. He has extensive experience of prosecuting and defending intelligence-led operations that raise difficult issues relating to disclosure and public interest immunity.

Mark is also experienced in cases involving regulatory and disciplinary issues and has significant experience of acting and advising in cases of Judicial Review.

In addition to maintaining a high-end defence practice Mark was, at the time of taking silk, admitted to the CPS list at the highest grade (Grade 4) and the Serious Fraud Office list at the highest grade (the ‘A’ list). Mark has extensive experience of prosecuting cases involving serious violence and homicide, allegations of conspiracy and substantial and complex fraud. This includes dealing with cases raising highly complex disclosure issues, including the most sensitive of intelligence material.

Additional information

Direct Public Access

Mark accepts direct public access instructions in suitable cases. He is often instructed to advise on referrals to the Criminal Cases Review Commission (CCRC), or out of time appeals to the

Court of Appeal (Criminal Division).

Professional Memberships

South Eastern Circuit.

Wales and Chester Circuit.

Criminal Bar Association.

Association of Regulatory and Disciplinary Lawyers.

Asset Recovery, Civil Fraud & Confiscation

Mark has appeared in countless confiscation cases and regularly deals with forfeiture and asset recovery. In 2016, he led for the defence in very high value confiscation proceedings described by the Recorder of Cardiff as “extremely complex”. During a fully contested hearing, arguments were advanced relating to trusts, partnerships, registered tenancies and accounting principles. A claim, in excess of £4m, was successfully reduced to a little over £126K. Mark was also instructed to defend in the confiscation proceedings that resulted in the important case of *R v. Powell* [2016] EWCA Crim 1043. Although Mark had to return the case, prior to the appellate stage, it was the corporate veil argument identified by Mark which eventually won out in the Court of Appeal.

Business Crime

Mark also specialises in financial crime, including corporate offences, regulatory offences and substantial conspiracies to defraud. In 2016, Mark was privately instructed by Kingsley Napley to defend in a very high value Bureau de Change fraud and, at the time of taking silk, Mark was instructed for the lead defendant in an extremely serious allegation of Care Home fraud, due to be tried in Liverpool over six months. The case held a heavy civil element, due to substantial proceedings in the Chancery Division (which involved many of the same issues raised by the fraud allegation).

Crime

Mark is a highly experienced criminal barrister with expertise in homicide, sexual offending and fraud. He also has considerable experience of acting in large-scale conspiracy cases covering the full range of serious offences.

In recent years Mark has acted in prominent murder trials at the Central Criminal Court and in Manchester. Since taking silk, he has acted for the lead defendant in an extremely serious and high-profile conspiracy to murder before Dove J. in Stafford Crown Court. He continues to act in another high-profile murder trial due to be heard at the Central Criminal Court in 2017.

Mark's experience in relation to serious sexual offending is vast. His profile includes expertise in advising and defending professional athletes, including Premiership and Championship footballers. Mark has also developed substantial expertise in cases where medical professionals are accused of sexual offending within a clinical setting. He has represented eminent consultant surgeons across the country in this regard. His success within this area of work is well established.

Mark's experience in cases involving drug conspiracies is also particularly extensive, including issues relating to public interest immunity and covert surveillance.

Mark's client care, attention to detail and disciplined work ethic led him to be instructed to act as a leading junior on countless occasions prior to his taking silk. He is consistently in demand with many of the most reputable firms of solicitors in the country.

Professional Discipline & Regulatory

Mark accepts instructions in Professional Discipline & Regulatory matters.

Cases of Note

HOMICIDE

R v. B and others (2017)

Instructed as Queen's Counsel for the second defendant in a seven-handed conspiracy to murder case.

R v. D and others (2016)

Led junior for the defence in a five-handed conspiracy to murder tried over eight weeks before the Recorder of Manchester. Channel 4 are currently preparing a documentary in relation to the case.

R v. O'S (2015)

Led junior in the case of the "Stelfox House" double murder. An extremely rare category of case that involved a lone defendant being accused of double murder within the context of a single incident.

R v. S (2013)

Junior alone in a three handed murder. Mark had to return this case prior to trial, however, before returning it he drafted a written application to dismiss the murder charge against Smith and this argument was successfully advanced before the Recorder of Stafford by Queen's Counsel who replaced Mark. The QC in question confirmed that the application was allowed purely on the basis of Mark's written submission.

R v T and others (2011)

Leading Junior for the first defendant in a nationally reported, three-handed murder, where the body of the deceased was kept in a flat for a number of days before being disposed of via a wheelie bin.

SERIOUS SEXUAL OFFENCES

R v Franklin (2016)

Successfully prosecuted a historic allegation of sibling rape (brother on sister) where the victim's own family had turned against her

R v. G (2016)

Instructed in an 'out of time' application to the Court of Appeal in relation to a sentence of imprisonment for public protection imposed following convictions for child sex offences some years ago. Mark successfully submitted that the sentence was unlawful. In addition, once the CCA corrected the error, Mark succeeded in persuading the Court that an IPP was, in any event, wrong in principle. The sentence was quashed and replaced with a determinate sentence

R v. B (2016)

Privately instructed to defend a renowned 1960's film director accused of various indecent images offences. Mark eventually caused the Crown to drop the case following legal submissions and evidence gathering that demonstrated that the images in question could not be proved to be unlawful.

R v. B (2015)

Junior alone privately instructed to defend an eminent surgeon accused of sexual offences within the workplace. An acquittal was secured.

R v. M (2014)

Junior alone privately instructed to defend in a sexual assault case where the complainant was only four years of age. Commended by the Resident Judge of Lewes Crown Court for conduct of the case.

R v. A and others (2013)

Junior alone for the first defendant in a seven defendant paedophile ring case heard in

Middlesbrough. Mark's client pleaded guilty on a limited basis following protracted negotiations.

R v. B (2013)

Junior alone in defending one of the four Brighton and Hove Albion footballers accused of sexual assault. Mark represented the first defendant and co-defended with three Queen's Counsel. Mark was the only junior in the case and undertook all the central cross-examination of the Crown's witnesses which ultimately contributed to the across the board acquittals that followed a trial and re-trial.

R v. J (2013)

Junior alone in defending a high profile musical composer accused of rape. Mark was privately instructed in this case and secured a jury acquittal within six minutes of jury retirement.

R v. A (2013)

Junior alone in defending a leading transplant surgeon accused of sexual assault in a clinical setting. Mark's vigorous and detailed approach to disclosure in this case contributed to another swift jury acquittal.

BUSINESS CRIME AND FRAUD

R v. Fallon (2017)

Mark was instructed by the Specialist Fraud Division of the CPS to lead Stephen Hopper of 5 Paper Buildings in this multi-million pound trader fraud that was heard over ten weeks. The case involved a complex Ponzi scheme and substantial issues surrounding Forex trading on the spot markets. Convictions were secured.

R v. K and others (2017)

Mark led Eleanor Scott in this 10 week conspiracy to money launder, pervert the course of justice and false accounting case. Mark's client was acquitted on all counts. The investigation into the case by the Anti-Money Laundering Task Force had spanned more than five years and over 35,000 pages of material were relied upon by the Crown. The principal issues in the case involved allegations of computer manipulation and forgery. Mark's substantial experience of white collar fraud and the Money Laundering Regulations were brought to bear during this complex trial.

R v B. and others (2017)

At the time of taking silk Mark was instructed to defend (as a led junior) in this six month, multi-handed care home fraud

R v. V and another (2016)

Privately instructed by Kingsley Napley to defend in a multi-million pound money laundering case involving international issues and significant expert evidence (ESDA and MLR's).

ASSET RECOVERY AND POCA

R v. M and another (2016)

Instructed by Bivonas Law to lead for the defence in a contested and very high value confiscation enquiry. Following a fully contested hearing the original benefit figure of over £4m was reduced to less than £0.5m. During a lengthy hearing technical and evidential arguments were advanced, covering topics such as corporate veil and registered tenancies.

SERIOUS AND ORGANISED CRIME

R v. C and others (2015)

Junior alone for one of the lead defendants in a seven defendant money laundering conspiracy. Mark was one of only two counsel in the case who remained in court during an ex parte PII application which was made during the trial. Mark and one other (John Warrington – also counsel from 5 St Andrew's Hill) made submissions to the judge. Following the hearing, Mark's client and two others (including John Warrington's client) had no evidence offered against them as a result of the Crown's failure to obtain immunity.

R v. C and Others (2014)

Leading junior for the first defendant in a seven defendant conspiracy to commit aggravated burglary. The case was heavily dependant on cell site evidence, an area where Mark has particular expertise.

R v B (2012)

Junior alone for the defence in a conspiracy to hack into the United Nations Central Computer in order to steal €4 million worth of exchangeable carbon credits.

R v W H and others (2011)

Junior alone for the defence in a ten-handed conspiracy to defraud. The case involved car clocking on an industrial scale and money laundering through mortgage instruments. The case was one of the few, to date, which have been disposed of by way of a serious fraud plea agreement, which included all confiscation findings.

OTHER NOTABLE

R v A (2010)

Junior alone in successfully defending an Olympic diver charged with assault.

Accreditation

