

Mark Mullins

YEAR OF CALL: 1995



Mark is an experienced criminal barrister. He is often instructed in serious and complex cases and has prosecuted multi-million pound multi-handed tax frauds, large-scale class A drug smuggling cases and general crime.

Overview

Mark's practice is now wholly criminal related. He is a grade 4 Crown Prosecution Service (CPS) prosecutor and is therefore, often instructed in serious and complex cases. Mark has prosecuted multi-million pound and multi-handed tax frauds, large-scale class A drug smuggling cases and general crime.

In December 2022 and April-May 2023 Mark prosecuted three large scale drugs importations ranging from 50 to 200kg of Class A drug involving tachograph, phone evidence and CCTV.

Synchronising the three strands was key to securing the most recent conviction.

In January 2023 Mark prosecuted a murder in Basildon, led by Edmund Burge KC. This case involved multiple CCTV footage and psychiatric evidence leading to a manslaughter conviction by reason of diminished responsibility.

In 2022 Mark prosecuted two attempted murders which both resulted in pleas to section 18. In one case the victim tragically committed suicide requiring Mark to advise on whether a murder charge should be pursued.

In 2020 and 2021 Mark prosecuted the organisers of two county lines Class A drug supply cases. He is familiar with the use of cell-site and the importance of marshalling evidence in a jury friendly manner so that cases can be presented as clearly as possible to the jury. This was put into good effect during a blackmail prosecution at Snaresbrook in April 2021. Mark will usually prepare his own bundles and is familiar with PowerPoint and Adobe Acrobat software.

In 2021 Mark prosecuted a death by dangerous driving case/PWITS cocaine in Essex resulting in convictions for both defendants. The case went to the Court of Appeal on sentence, but the appeal was dismissed.

Mark has also prosecuted several firearms cases and has become particular familiar with the opportunities as well as the limitations of DNA which is commonly a feature of firearms cases.

Over the years Mark has prosecuted multi-handed cigarette and drug smuggling cases being a leading junior in 2013-14 in an 8 handed prosecution at Isleworth Crown Court.

He has also led in a money-laundering prosecution at Southwark Crown Court in 2018 against his pupillage Head of Chambers, Bill Clegg QC and others – a moment of arrival!

Mark has also led in the retrial of a violent stabbing case (originally an attempted murder) tried at Kingston Crown Court in 2017 and retried 2019 (following an error made by the trial judge on bad character – the prosecution had relied on unlikelihood of coincidence, but the judge

wrongly admitted the bad character as propensity which was overturned by the Court of Appeal).

Mark is also on the Proceeds of Crime Panel and has experience of applying for and varying restraint orders and variations of confiscation orders. Mark has advised on an application to Discharge a Freezing Order under Paragraph 10T(1) of Schedule 1 to the Anti-terrorism, Crime and Security Act 2001. Mark represents both prosecution and defence in these matters.

Mark has had a lot of experience acting for HMRC, the police and NSA in cash forfeiture cases under Part 5, Proceeds of Crime Act 2002.

Professional panel appointments

Grade 4 Crown Prosecution Service (CPS) prosecutor: (General Crime & Proceeds of Crime).
Grade 3 Crown Prosecution Service (CPS) prosecutor: (Fraud).

Professional Memberships

Criminal Bar Association.

Criminal Prosecutions - Private & Public & Criminal Defence

Mark has extensive experience of general criminal work and has particular expertise in both drug and cigarette smuggling prosecutions.

Judicial Review & Public Law

Mark has substantial judicial review experience involving both immigration and criminal

matters and proceeds of crime. Mark has a particular interest in public law and criminal issues relating to Christian belief.

Cases of Note

Sp and others (North Korea) [2012] All ER (D) 112 (Feb)

In January 2012 Mark, along with Manjit Gill QC, successfully defended a challenge by the Secretary of State against a decision of the Upper Tribunal of the Immigration and Asylum Chamber which found that North Korean asylum seekers, who had been outside North Korea for more than 10 years would not be eligible for South Korean citizenship.

R v Pestano

In October 2011 Mark prosecuted Wesley Pestano for tax evasion of £152,000. He lived the high life putting on champagne receptions for ambassadors and lobbyists while inflating his company's sales and expense figures so he could fund his lifestyle from tax rebates.

R v Ogunyinka

In June 2011 Mark successfully prosecuted Olaka Ogunyinka at Hove Crown Court for importing 30kg of the cocaine cutting agent – phenacetin from Amsterdam to the UK. The case is currently before the Court of Appeal.

R v Parman and Woodroof [2011] EWCA Crim 266

On 22nd February 2010 Mark successfully prosecuted 2 smugglers, Woodroof and Parman, responsible for evading £6m duty on cigarettes/handrolling tobacco and wine imported from China, Poland, South Africa, Namibia, France and Italy who were jailed for nearly 20 years in total after a 7 ½ week trial at Ipswich Crown Court. The case went to the Court of Appeal on sentence.

R v Paul Newman

Confiscation Appeal in the Court of Appeal in which Mark represented the CPS to argue successfully that a defendant obtained a benefit in the full value of cheques which passed through his hands notwithstanding that the cheques were not made out to him. Reported in

[2009] 1 Cr. App. R. (S.) 12 and Crim. L.R. 2008, 8, 653-655

R(Stephen Green) v Westminster Magistrates Court [2007] EWHC 2785

High Profile Judicial Review Challenge against a District Judge's refusal to issue a summons against the Director General of the BBC for Blasphemy following the screening of Jerry Springer – The Opera. Mark was led by Michael Gledhill QC (as he then was).

R v Williams [2007]

Unreported concerned irrational findings by the trial judge about the source of mortgage payments by a convicted drug dealer requiring detailed analysis of bank records and receipts and argument whether the discretion not to apply the assumptions was limited to doubleaccounting (not decided).

Tibetan Asylum Seekers

On 14th February 2007 the Asylum and Immigration Tribunal held that returning failed Tibetan asylum seekers faced a real risk of torture/ill-treatment under Article 3 ECHR as well as persecution under the Refugee Convention 1951 because they would be regarded by the Chinese authorities as “splittist”s. Mark Mullins represented the 3 test-case asylum-seekers in this landmark ruling.

Eleonora Suhoviy

The widely reported Ukrainian illegal immigrant who managed to secure an Oxford honours degree after being admitted to Secondary School at the age of 15. Mark was led by Jonathan Goldberg QC in the successful immigration proceedings allowing her to remain in the UK.