

Benjamin Burge

YEAR OF CALL: 2011



Ben is a criminal and regulatory barrister, who is frequently instructed as junior counsel in serious and complex fraud, financial and general crime matters.

Overview

Ben is a barrister specialising in white collar crime and financial regulation.

He is regularly instructed as led junior counsel and junior alone in complex, high-value fraud, money laundering and business crime matters.

Additionally, Ben has significant experience acting as disclosure counsel in such cases, with instructions including a series of multi-defendant trials involving conspiracies to launder the

proceeds of crime through various jurisdictions.

Outside of court, Ben has received instructions from law enforcement bodies, financial regulators and private firms to assist with substantial disclosure exercises, evidence reviews and in providing general legal advice.

In recent years, Ben has been instructed:

As part of a team of counsel involved in reviewing historic investigation and case material in connection with the ongoing Post Office Inquiry.

On a lengthy secondment to a global law firm, acting in a small team tasked with investigating and advising on fraudulent schemes being perpetrated against a worldwide e-commerce company throughout Europe, North America and Asia.

In substantial LPP reviews in cases being investigated and prosecuted by the FCA, HMRC, NCA and SFO.

For several months on a secondment to the Financial Conduct Authority's Enforcement and Market Oversight Division to provide legal advice on applications being made by crypto-asset firms seeking registration to operate in the United Kingdom under the Money Laundering Regulations 2017.

By a London based US law firm acting for a senior former FX trader charged by the US Department of Justice with conspiring to manipulate the global FX market. Following their acquittal in the Southern District of New York, Ben's instructions were extended for the civil proceedings brought by the US Government's Office of the Comptroller of the Currency.

By the National Crime Agency to act as independent counsel in a review of the processes, procedures and compliance of production orders, search warrants and evidence obtained in respect of their live and ongoing cases.

Professional Panel Appointments

CPS Specialist Fraud Panel – Level 3.

CPS Specialist Serious Crime Panel – Level 3.

Additional information

Prior to joining Chambers, Ben worked as a paralegal for Corker Binning Solicitors.

For several years, he was appointed as an Independent Custody Visitor for the Avon and Somerset Police Authority.

Education and Training

City Law School, BPTC (Very Competent)

King's College London, LLB (First Class Hons.)

Prizes

Sir Francis Jacobs Prize.

Inner Temple Exhibition.

Professional Memberships

Criminal Bar Association.

Business Crime & Financial Regulation

Over several years, Ben prosecuted a series of cases, including as junior counsel in two multi-defendant, six-month trials, involving numerous members of an international serious organised crime group. As a result of a sophisticated and ongoing internet enabled diversion fraud the group caused worldwide losses of over £20m.

Through the use of malware and other cybercrime technology, the group was able to dupe individuals and companies from around the world into sending legitimate payments into an

intricate web of UK based mule bank accounts, with the monies ultimately ending up in China and Nigeria, or being traced to the payment of goods exported to Africa.

Ben was subsequently instructed as sole prosecution counsel in the confiscation proceedings, with sizeable confiscation orders being made against all defendants. The principal defendants were also made the subject of Serious Crime Prevention Orders.

Additionally, Ben was engaged as disclosure counsel in a series of four HMRC cases stemming from an international money laundering investigation. He is therefore familiar with all aspects of the disclosure process, and has led a team of deputy disclosure officers in reviewing the downloads of mobile telephone and computer devices seized from a number of defendants.

Ben is regularly instructed by the FCA, HMRC, NCA and SFO to review material that is potentially LPP. He has also assisted with exercises to comply with section 2 notices issued by the SFO.

Asset Forfeiture, Confiscation & Civil Fraud

Alongside his criminal practice, Ben has experience in civil proceedings under the Proceeds of Crime Act 2002.

He is regularly instructed by the CPS, local authorities, and private individuals to deal with and advise on high value confiscation matters. Ben has previously prosecuted and defended in cases involving s.10A parties and represented the wife of an international haulier who was convicted of being concerned in a multi-million-pound duty evasion fraud.

Ben also receives instructions from various agencies and individuals in cash forfeiture proceedings.

He has appeared for both the HMRC and private clients in a range of condemnation hearings

relating to the seizure of various goods and vehicles at various UK ports and airports.

Instructions from the CPS Serious Economic and Organised Crime Directorate (SEOCID) have included the prosecution, as sole junior counsel, of a global chemical and laboratory supplier for offences under the Customs and Excise Management Act 1979, that arose from breaches of sanction controls following their attempt to export dual-use goods to listed third party countries without a licence.

Criminal Prosecutions - Private & Public

Ben is a level 3 CPS prosecutor.

As a specialist panel member he also receives instructions from their Fraud, Serious Crime and Proceeds of Crime Divisions.

He has experience prosecuting a range of matters in the Crown Court, both as junior alone and led junior counsel. Ben's cases have included multi-defendant homicides, armed robberies, drugs and firearm conspiracies (EncroChat), border offences (human trafficking, drug importations and duty evasion), serious assaults and sexual offences.

He is familiar and able to deal with the examination of vulnerable witnesses.

Ben has previously received instructions from the Insolvency Service, and local authorities to prosecute frauds, food hygiene, regulatory and planning enforcement matters.

He also frequently appears as a private prosecutor, acting for parties interested in protecting their clients' trademarks, thefts and frauds, and animal welfare matters

Criminal Defence

Ben has received instructions to defend individuals in the Crown, Magistrates' and Youth

Courts charged with the full array of criminal and driving offences.

He also has experience representing requested persons in extradition proceedings.

Inquests & Inquiries

Ben accepts instructions in relation to Public Inquiries and Inquests.

For several years he has been involved in the ongoing Post Office Inquiry.

Cases of Note

Criminal Prosecutions

R v. AF (Chelmsford Crown Court)

Junior alone in a single defendant case involving the supply of synthetic cannabinoids (spice) into various prisons throughout England and Wales under the guise of legal correspondence.

R v. JH and Others (Chelmsford Crown Court)

Junior alone in a multi-defendant case involving the supply and seizure of tens of kilograms of cocaine throughout Essex over several years.

R v. EI (Inner London Crown Court)

Led junior in the case of a local football coach convicted of 22 counts of sexual assault on seven of his teenage players. The evidence presented to the jury during the five week trial included the recordings of a three-day section 28 hearing. The conviction resulted in a 15 year sentence and the imposition of a Sexual Harm Prevention Order.

R v. WH and Others (Basildon Crown Court)

Led by a Queen's Counsel in a lengthy murder, attempted murder and aggravated burglary covid-trial of six defendants following a raid on a cannabis farm in Essex. Following conviction, two of the defendants were sentenced to life imprisonment with a minimum term of 32 years.

The four remaining defendants were sentenced to 13 years each for their parts in the aggravated burglary.

R v. KN and Others (Basildon Crown Court)

Led junior in an Operation Venetic conspiracy to supply cocaine throughout the United Kingdom. The six-handed case involved the presentation of EncroChat evidence and the extradition of the principal defendant from Spain. Ben was subsequently instructed to deal with an appeal against conviction and sentence by one of the defendants.

R v. OO and Others (Southwark Crown Court)

Led junior in a five-month trial of members of a serious organised crime group engaged in an ongoing internet-based diversion fraud. The case involved non-existent currency trading schemes, and the converting of proceeds into cryptocurrency. Following convictions for conspiracy to commit fraud by false representation and money laundering, sentences of between 5 and 7 and a half years were imposed.

R v. DT and IA (Kingston Crown Court)

Led junior in an armed robbery trial, involving a conspiracy to target banks, building societies and secure cash in transit vans across South West London. The stolen cash was subsequently laundered through betting shops.

R v. BC and Others (Blackfriars Crown Court)

Led by a Queen's Counsel in a six-month, 10 handed conspiracy to commit fraud by false representation and money laundering. The case focused on cybercrime technologies, such as malware and phishing techniques, which were being widely used alongside various forms of digital communication to steal over £10m from individuals and companies worldwide. The trial attracted media attention due to the nature and value of the fraud, and the scale of the defendants' offending. As sole prosecution counsel, Ben subsequently dealt with the lengthy, covid delayed, confiscation proceedings and was retained to consider the unsuccessful appeals against conviction and sentence lodged by the principal defendants. Ben later advised on, and was instructed in, numerous follow on cases as additional conspirators were arrested and charged.

R v. AB and Others (Harrow Crown Court)

Led junior in a high-value money laundering operation on the streets of North London.

R v. BH and Others (Maidstone Crown Court)

Junior alone in a multi-handed case of aggravated burglary and firearms offences.

R v. LB (Canterbury Crown Court)

Junior alone in a racially aggravated assault by a footballer against an opposing team member.

R v. DR (Wigan & Leigh Magistrates' Court)

Private prosecution for selling counterfeit tobacco.

Criminal Defence:

R v. TN (Blackfriars Crown Court)

Ben's client was unanimously acquitted of ABH and possession of an offensive weapon following an allegation that he had repeatedly attacked the complainant with a hammer causing head injuries. As a result of subsequent submissions, the Crown decided not proceed with allegations of perverting the course of justice and witness interference.

R v. DA (Harrow Crown Court)

Ben persuaded the Crown to offer no evidence on two counts of theft and possession of an

offensive weapon.

R v. UZ (Sheffield Crown Court)

Ben's client was tried on counts of threats to kill and ABH alongside co-defendants facing an allegation of attempted murder. After a successful half-time submission, Mrs. Justice Andrews directed the jury to return a not guilty verdict on the threats to kill. The Crown subsequently offered no evidence on the remaining ABH count.

R v. GL (Canterbury Crown Court)

Ben persuaded the Crown to offer no evidence against his client, charged with causing bodily harm with wanton or furious driving, after making representations on the inconsistencies between the witnesses' evidence at CCTV footage as to which motorbike had collided with the complainant groundsman on the golf course.

R v. LM (Maidstone Crown Court)

Client charged with a knife point robbery and bladed article. After numerous disclosure requests the Crown decided not to proceed with the robbery count.

R v. PS (Lincoln Crown Court)

Representing a vulnerable defendant charged with aggravated arson in relation to a care home, Ben persuaded the court to impose a conditional charge due to his client's health and personal circumstances.

R v. B (Maidstone Crown Court)

Ben acted for a client charged with numerous counts of supplying class A drugs. After discussions with the Crown, the case proceeded on a single count and his client was ultimately acquitted.

R v. G (Croydon Crown Court)

After pleading guilty to fraud on the day of trial, the client received a sentence of 4 months' imprisonment, suspended. This was despite obtaining a significant sum of money through a fake telephone agency and having previous convictions for dishonesty, the most recent being

for a like offence.

R v. B (Birmingham Crown Court)

Crown offered no evidence after a trial in which the co-accused was unanimously convicted of several counts of benefit fraud. The case involved the use of an interpreter and a cut-throat defence requiring the cross-examination of family members.

R v. B (Kingston Crown Court)

Client acquitted of possession of a bladed article amid knife crime publicity.

Driving Offences:

R v. D (Greenwich Magistrates' Court)

Ben secured the acquittal of an individual charged with being Drunk in Charge. The police officers had discovered him sat in the driver's seat of a car, with others, parked on a main road in the early hours of the morning with the keys on the dashboard.

R v. K (Brent Magistrates' Court)

Ben's client was acquitted of being drunk in charge of a vehicle after officers arrested him sitting in the driver's seat whilst in possession of the keys, and with the rear brake lights illuminated.

Youth Court:

R v. D (Basildon Youth Court)

A 17 year old defendant was acquitted of four charges of Aggravated Arson said to have been committed at her home address. The case involved the cross-examination of an eight year old via video-link, and his mother, over who had started the fires.