

John McNamara

YEAR OF CALL: 2014



John specialises in defending individuals facing criminal allegations. He undertakes cases in crime, business crime, confiscation matters and related civil proceedings.

Overview

John is a barrister practising in criminal law and all related areas. He is building a strong Crown Court practice representing defendants charged with a variety of serious criminal matters including fraud, money laundering, violence and sexual offences.

Instructing solicitors have observed that John goes the extra mile in cases involving young and

vulnerable people. He places great importance on caring for the lay client throughout their case whether they are a business professional or a vulnerable person.

John is regularly instructed in the Magistrates' Court on a privately funded basis to represent individuals in a range of general crime cases. He accepts instructions in driving matters and has successfully defended a number of individuals facing drink driving and related charges.

"We have been impressed by John's preparation, client care and advocacy. It is clear he has a keen eye for detail. We have full confidence in his ability to do a fantastic job for our clients."

Feedback from one of John's instructing solicitors

John was instructed as one of a team of disclosure counsel to the Grenfell Tower Inquiry for 8 months.

Direct Public Access

John accepts instructions under the direct access scheme. This allows members of the public to instruct John directly to advise them on or represent them in suitable cases.

Professional panel appointments

Crown Prosecution Service appointed prosecutor - Level 2 (2018)

Attorney General's Junior Juniors Panel (2017)

Additional information

Prior to joining chambers, John worked as a paralegal for two years at Hickman & Rose Solicitors. During that time John assisted Jenny Wiltshire in various cases concerning manslaughter, gross negligence manslaughter and historical sexual allegations.

Education

BBP Law School, BPTC; Very Competent

BBP Law School, GDL; Commendation
University of Warwick, BA (Hons.) History; 2.1

Awards

Ann Felicity Goddard Scholarship, Gray's Inn (2017)

Professional Memberships

Criminal Bar Association (Elected Executive Committee Member 2018 onwards)

Young Fraud Lawyers Association

London Irish Lawyers Association

Asset Recovery, Civil Fraud & Confiscation

Confiscation

John is accepts instructions in confiscation matters. He has defended in confiscation hearings in the Crown Court where he has achieved significantly reduced orders for his clients. John accepts instructions in enforcement proceedings in the Magistrates' Court.

Cash Forfeiture

John is experienced in advising on cash forfeiture cases from an early stage. Both the National Crime Agency (NCA) and the Metropolitan Police regularly instruct John to act in cash forfeiture cases. John has successfully acted in cases where the value of cash exceeds £100,000. John accepts instructions on behalf of individuals facing cash forfeiture proceedings.

“John provided a comprehensive case strategy... he demonstrated excellent witness handling skills and advocacy to achieve an excellent outcome... I trust his judgement.”

Feedback from John's instructing solicitors in a cash forfeiture case

Civil Recovery

John is keen to expand his practice into civil recovery cases brought under POCA and associated areas.

Business Crime

John is building a depth of experience in business and financial crime cases.

John has been instructed by defence solicitors to review and analyse documents in the course of an FCA investigation of an investment banker in a case with multi-jurisdictional issues. John has also undertaken LPP reviews for corporate clients responding to production orders made on behalf of international authorities.

During his time as a paralegal John was part of the team who represented the first LIBOR trader to be exonerated by the FCA's Regulatory Decisions Committee. John also spent time as part of the team who defended a Barclays' derivatives trader charged with conspiracy to manipulate LIBOR.

He accepts instructions in financial and business crime cases.

Crime

Criminal Defence

John's principle area of practice is defending individuals facing criminal allegations. He has worked on cases with clients ranging from high net worth individuals and premiership footballers to very vulnerable young people.

“John's cross examination of the main prosecution witness was impressive.”

Feedback from John's instructing solicitors on a case of section 18 GBH with a Certificate for Counsel in the Youth Court

Before joining the Bar John developed significant experience in litigating criminal cases; he enjoys engaging with instructing solicitors throughout a case to achieve the best result for the lay client.

Criminal Prosecution

John undertakes some prosecution work for the CPS. He also prosecutes for Local Authorities where he draws on his knowledge from a 4 month secondment to a Local Authority legal team.

Professional Discipline & Regulatory

John is keen to develop a practice defending individuals before a range of regulators.

John has been instructed by the Metropolitan Police to undertake a disclosure review of highly sensitive material, some pertaining to national security issues, for a police misconduct hearing. The case concerned the undercover operations of the Special Demonstration Squad SO12 and the alleged inappropriate sexual relationships between undercover officers and activists. The case has received significant press attention.

Cases of Note

Crime

R v AX [2018]

Junior alone. John secured an acquittal for his client charged with sexual assault. AX was of good character. The trial lasted 3 days and the jury acquitted John's client after 45 minutes. Defence costs order granted.

R v X [2018]

Junior alone (certificate for counsel). John represented an 18 year old of good character in the youth court. X was accused of attempted s18 GBH and s20 GBH. The trial lasted for 4 days. Following John's written and oral submissions of no case to answer the attempted s18 GBH was

dismissed at the close of the prosecution case. John's client was acquitted of s20 GBH.

R v AA [2018]

Junior alone. AA was first on the indictment charged with s18 GBH in a two handed cut throat. The second defendant blamed AA entirely. Prosecution witnesses recalled AA delivering numerous kicks and punches to the complainant. AA was also alleged to have held a weapon to the complainant's face. The complainant suffered a brain haemorrhage, a skull fracture necessitating the removal of part of the skull and ongoing memory issues. Following careful cross-examination and jury speech AA was acquitted of s18 GBH with intent. Convicted of s20 GBH, as was the co-Defendant. Sentenced to 33 months, which is below the guideline starting point.

R v DF [2017]

Junior alone. DF was arrested on the street with a taser which was allegedly disguised as a torch, a machete and a stab proof vest. DF was charged with s5(1A) Firearms Act offence subject to the statutory minimum 5 year sentence. Following representations drafted by John the CPS amended the indictment, charging a s5(1)(b) Firearms Act offence instead. DF was also charged with possession of an offensive weapon. Following extensive mitigation DF received a suspended sentence.

R v GP [2017]

Led junior (led by Queen's Counsel) in case concerning allegations of sexual assault and false imprisonment before the case was discontinued by the prosecution. Defence costs order granted. Continued to be instructed in claim for wasted costs against the CPS.

R v MR [2017]

Junior alone representing a young vulnerable woman charged with robbery at the Crown Court. After extensive mitigation and issues relating to the crossing a significant age threshold, the sentence was deferred. At the same time acted in ongoing Magistrates' Court proceedings for MR and drafted a letter of representations resulting in those charges being discontinued.

R v K [2017]

Acted for a defendant charged who had fraudulently claimed a £20,000 lottery ticket. Following

mitigation the court imposed a sentence significantly below the sentencing guidelines range.

The case attracted national press attention.

(<https://www.telegraph.co.uk/news/2017/06/08/village-shopkeepertold-customer-20k-winning-lottery-ticket-worth/>)

Driving Offences

R v F [2018]

John's client entered a guilty plea to being drunk while in charge of a motor vehicle. John persuaded the court not to impose penalty points; the lay client was concerned on the effect of penalty points on his work and work insurance. The court imposed a short disqualification and a small fine.

R v TL [2017]

John successfully defended a former soldier accused of failing to provide a specimen of breath when required to do so. TL suffered from PTSD as a result of his tour of Afghanistan. The prosecution disputed the defence medical evidence. Defence costs order granted.

R v N [2017]

John's client was acquitted of failing to provide a specimen of breath when required to do so. John cross-examined police officers at length and adduced expert evidence to show that N suffered with anxiety. Defence costs order granted.