

David Aaronberg QC

1981 (Inner Temple)
2010 QC



QUALIFICATIONS

BA (Hons.) Law

PROFESSIONAL ASSOCIATIONS

Criminal Bar Association
Association of Regulatory & Disciplinary Lawyers

AREAS OF SPECIALISATION

David prosecutes and defends in all areas of criminal law.

Prior to taking Silk, he was on the 'A' panel on the Attorney-General's list of Counsel - approved to prosecute criminal cases of great weight, complexity and public importance.

He was commended in The Legal 500 (2009) as a leading junior in fraud cases and, as a QC, continues to be instructed in complex cases by, for example, the Serious Fraud Office.

David also has considerable experience of regulatory work, particularly on behalf of pharmacists and companies offering pharmaceutical services, as well as Health & Safety prosecutions.

EXPERIENCE

Fraud Cases

Operation Scarp 2011 - Prosecuting six defendants in a £3 million conspiracy to defraud insurance companies in a 'Cash for Crash' scam.

<http://www.dailymail.co.uk/news/article-2051057/Crash-cash-gang-staged-car-accidents-insurance-companies-3million-jailed.html>

R v G 2011 - Defending in a VAT 'Carousel' fraud, involving an alleged loss of £120 million.

R v R 2010 - Defending a director of three companies charged with fraudulent trading.

Operation Sunbird 2007-10 - Leading in three cases prosecuting a total of 16 defendants on charges of conspiracy to defraud NatWest of £20 million; money laundering and forgery.

R v A & Others 2009 - Leading brief prosecuting six defendants who were involved in an international conspiracy to defraud computer wholesalers in France and Germany.

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R v R & Others 2007 - Prosecuting four employees of Barclays Bank for conspiracy to defraud the bank.

R v F 2006 - Defending a bank manager on a charge of conspiracy to defraud Lloyds/TSB and 13 associated offences.

Operation Aladdin 2005 - Leading brief prosecuting six defendants for a conspiracy to defraud numerous insurance companies and associated money laundering.

R v B 2005 - Prosecuting a conspiracy to defraud/money laundering, concerning \$5 million.

R v O & Others 2004 - Leading brief prosecuting four defendants for conspiracy to defraud in a \$2 million high-yield investment scam.

R v G 2004 - Defending in an Inland Revenue 'charity' fraud.

R v R 2002-4 - Defending a solicitor allegedly engaged in an "arrangement fee" fraud concerning \$80 million. This is one of the most complex cases ever brought by the SFO and involved consideration of some 100,000 pages of served documents. Following an interlocutory appeal (reported as **R v B & G [2004] EWCA Crim 1368**) the Crown offered no evidence.

R v U & P 2003 - Leading Junior prosecuting conspiracy to defraud. First ever prosecution of a "Western Union" agent for money laundering.

R v F & Others. 2003 - Leading Junior prosecuting 5 Defendants for the theft of \$5 million from the Bank of Nova Scotia.

R v H 2002 - Defending in DTI fraudulent trading prosecution.

R v A & Others 2002 - Prosecuting an advance fee fraud and an associated multi-million pound money laundering.

R v P & Others 2001-2 (4½ month trial) - Leading brief prosecuting a \$9.8 million international investment fraud. 7 defendants.

R v D 2001 - £2.4 million "Millennium Champagne" fraud, involving substantial legal arguments and cross-examination of champagne experts.

R v P 2000 - Post Office fraud. Defending sub-postmaster charged with systematic benefits scam, involving fake identities, benefit book cover swaps and false accounting.

R v N 2000 (Trial 2) - Leading Junior in £1 million fraud on company creditors. Case stayed on ground of abuse of process following substantial legal argument on delay, human rights, etc.

R v N 1999 (Trial 1) - Leading Junior defending in complex fraud. Defendant was charged with three separate conspiracies to defraud:- (a) company creditors, by asset stripping; (b) the purchaser of the company, and (c) via the payment of an unlawful preference, contrary to the Insolvency Act. No case to answer found on two counts and retrial ordered on third. Experience of witness handling: accountants and insolvency practitioner.

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R v O 1999 - 2 month trial representing a pharmacist charged with conspiring with a doctor to defraud the NHS. Experience of cross-examination of handwriting expert.

R v K 1998 - representing defendant charged with obtaining in excess of £1 million through a complex conspiracy to defraud, involving tracing of assets through many jurisdictions and a technical argument as to the court's jurisdiction to try the case.

R v M 1997 - 3 month trial involving a pharmacist, doctor and doctor's receptionist charged with conspiring to defraud the NHS. Case stayed on ground of abuse of process at close of Prosecution case following submission re (lack of) disclosure.

R v R 1995 - Leading Junior in 4 month mortgage fraud trial. The case involved complex and novel points of law: the trial Judge gave leave to appeal on 8 points of law, including an issue relating to LPP. Also interlocutory appeal. (Main appeal allowed: *R v Mensah-Lartey & Relevy* [1996] 1 Cr App R 143.)

R v W 1995 - Leading Junior in accountancy fraud. 30 count indictment alleging the obtaining of approximately £1 million from clients. Case involved consideration of some 70,000 pages of material.

R v T 1994 - representing book-keeper charged with manslaughter, arson and conspiracy to defraud, on an allegation that he conspired with company directors to set fire to the premises of an ailing business in order to make a fraudulent insurance claim. A fireman died in his attempt to put out the fire.

R v B & Others 1992/3 - Leading Junior (Defending) in 5½ month VAT fraud trial involving 24,000 pages of exhibits.

Other Criminal Cases

R v M 2011 - Attempting to pervert the course of justice

R v W & Ors. 2010 - Defending the head of a family firm charged with numerous trading standards offences, alleged to have led to multi-million pound losses to trademark holders.

R v D 2007 - Defending a pharmacist charged with manslaughter - allegation that a patient died following a dispensing error.

R v P 2006 - Defending a juvenile on a manslaughter charge involving an unusual causation issue.

Operation Ballpoint 2005-2006 - Leading Junior (leading two others) in a case concerning the corrupt relationship between a Kent police officer and criminals charged with conspiracy to pervert the course of justice; harassment; witness intimidation; burglaries, and the handling of stolen vehicles.

R v H 2005 - Defending in conspiracy to handle stolen computer and photographic equipment.

R v I & R 2005 - Leading Junior prosecuting a \$2m money laundering case.

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R v B & Others 2003 - Leading Junior prosecuting three defendants engaged in the manufacture of false identification documents.

R v K 2003 - Defending in unusual "voice identification" murder.

R v K & Others 2002 - Leading Junior prosecuting a corruption conspiracy, involving security staff at Heathrow who took bribes to smuggle passengers using false identity documents onto aircraft.

R v P 2002 - Leading Junior prosecuting soliciting murder trial, in which an undercover officer was solicited by a remand prisoner to murder his co-defendant.

R v P 2001 - Defending in a £60 million excise duty evasion.

R v M 2000 - Unusual high-profile conspiracy to rape case, in which a Cambridge student could remember nothing of the alleged rape, but the Crown was permitted by the trial Judge to call expert evidence on consent. Conviction quashed on appeal (*R v U & Others* [2001] EWCA Crim 1381)

Other cases not individually listed above include:

- Offences of violence: murder; manslaughter; rape; armed robbery; aggravated burglary, etc.
- Customs offences: conspiracies to import and supply Class A drugs; supply of Class A drugs to undercover police officers, and prohibited importation of alcohol;
- Child abuse
- Obscene publications
- Firearms Offences
- Corruption
- Judicial review

Regulatory Work

David has very substantial experience representing, in particular, pharmacists who have either been charged with criminal offences, e.g. fraud or offences under the Medicines Act, or who are facing proceedings before the Disciplinary Committee of the General Pharmaceutical Council.

In 2010, in **Royal Pharmaceutical Society v D**, he defended a pharmacist in a professional misconduct case concerning the death of a patient.

Most notably, in 2005, he led in the disciplinary proceedings against a pharmacist acquitted of malpractice in respect of supplies of diamorphine to Dr Harold Shipman.

In 2004, he represented **Boots plc** in proceedings before the General Optical Council for making claims allegedly incapable of substantiation in relation to publicity for laser surgery. In 2006, he represented **Sainsbury's Supermarkets Ltd.** and the company's Superintendent Pharmacist in disciplinary proceedings before the Royal Pharmaceutical Society.

He has appeared before the Solicitors' Disciplinary Tribunal.

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Health & Safety Work

David acted for **Vauxhall Motors** in a prosecution by the Civil Aviation Authority relating to the sending of dangerous goods by air.

He has also acted on behalf of a company, **Deco Marble & Granite Ltd.**, prosecuted by the Health & Safety Executive when an employee was killed by a load of falling granite and limestone slabs.

PRESENT CASELOAD

R v S, S & P - Prosecuting the perpetrators of a €20 million bank fraud (instructed by the Serious Fraud Office)

Operation Daybreak - Prosecuting a £40 million 'Ponzi' investment fraud

Operation Saisir - Prosecuting a £6 million conspiracy to defraud insurance companies by staging fake road traffic accidents and submitting bogus claims

Republic of Trinidad & Tobago v Panday - Defending a former Prime Minister in proceedings alleging breaches of the Integrity in Public Life Act

R v Di Stefano - Prosecuting a high-profile figure - "the Devil's advocate" - for deception offences.

OTHER USEFUL BACKGROUND INFORMATION

In 2006-7, was instructed by the Independent Police Complaints Commission as Independent Counsel to conduct a review of police conduct following the collapse of the "Prudential Pensions" case in 2005.

Recorder; Advocacy Instructor for Inner Temple

Fluent French speaker.

PUBLICATIONS

The Bribery Act 2010: All Bark and No Bite....?" - Archbold Review Issue 5 June 7 2010

All hail the Bribery Act - the toothless wonder! Archbold Review Issue 6 July 6 2011

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