

John M. Burton QC



1979 (Inner Temple)

2010 (QC)

EDUCATION

Queen Mary College, London University 1975-1978 Llb Hons
Inns of Court School of Law 1978-1979 Barrister

PROFESSIONAL CAREER

Called to the Bar in July 1979 (32 years call)
Queen's Counsel, 2010

MEMBERSHIPS HELD

Criminal Bar Association, Association of Regulatory and Disciplinary Lawyers

DESCRIPTION OF SPECIALIST AREAS OF PRACTICE

Murder, Commercial Fraud, Terrorism, Money-laundering, Serious Sexual offences, Professional Discipline, Extradition, Actions Against the Police, Prison Law.

John was called to the Bar in 1979 and commenced practice in September of that year. He has practiced mainly in Criminal work as a Defence lawyer and was appointed Queen's Counsel in 2010. He has conducted a large number of cases as Queen's Counsel including several Murder cases (most in the Central Criminal Court), Fraud cases, Appellate work in the Court of Appeal and Terrorism and Terrorism related cases including two appeals in a Control Order case in the High Court. John

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has considerable experience in all areas of Criminal Work and in addition to Murder, Terrorism and Fraud has conducted a large number of cases involving Serious Sexual Offences, Robbery, Firearms, Serious Drugs offences, Kidnapping and Blackmail.

John has considerable experience in Regulatory and Disciplinary law, and in addition to conducting considerable advisory work in this field has conducted cases in the Administration Court, before the General Medical Council, the Professional Conduct Committee of the General Chiropractic Council, the Law Society and the Statutory Committee of the Royal Pharmaceutical Society.

Throughout his career John has conducted a large number of civil cases, including Prison Law cases and Actions against the Police. This has included considerable advisory work and High Court applications and Trials both in front of a Single Judge and with a Civil jury.

John has lectured to Solicitors and Barristers on Human rights, the Criminal Justice Act 2003 and the Terrorism Acts 2000 and 2006. He has also given a paper on Terrorism and Free Speech at an all day conference held by Index on Censorship and has had an article on the Terrorism Act 2006 published in their journal. In November 2008 he addressed Parliaments Joint Committee on Human Rights dealing with the Terrorism Act 2006.

John has also lectured to Chiropractors at their annual conference and elsewhere dealing with aspects of Chiropractic Regulatory and Disciplinary work.



RECENT CASES

CRIMINAL CASES

MURDER AND OTHER OFFENCES OF SERIOUS VIOLENCE

R v JU 2011, representing a Defendant who was charged with wounding with intent. It was alleged that he hit his partner repeatedly over the head with a weapon causing a serious head wound. The prosecution called the complainant, 5 expert witnesses and relied on an alleged confession to a bail hostel supervisor. The Defendant was acquitted after John made a submission of no case and an order for Defence costs was made.

R v JM 2011 representing a Defendant in a murder trial in the Central Criminal Court where it was alleged that the Defendant had stabbed the victim 8 times in the neck. The whole incident was caught on CCTV. The sole issue was whether there had been an intent to kill or cause really serious harm as the Defendant accepted he had caused the victim's death.



R v CL 2011, representing a Defendant in a murder trial at the Central Criminal Court where the Defendant was alleged to have killed a friend in his flat. The Defendant reported the murder claiming he had been present but others had committed the murder. The Prosecution relied heavily upon expert forensic evidence indicating that only one set of blood stained prints were found in the flat, stating these must have been the Defendants.

R v TJ, 2011, representing a Defendant in a murder trial in the Central Criminal Court where it was alleged the Defendant had lured the victim to a quiet area where he was attacked by the Defendant and an accomplice who was wielding an iron Bar. The Defendant was acquitted of both murder and manslaughter after a two week trial.

R v MM, 2011, representing a solicitor arrested on a charge of GBH arising out of a road rage incident in which the victim was assaulted with a wheel brace. The Solicitor was acquitted and awarded Costs out of Central funds at Court



R v RM, 2010, representing a Defendant charged with murder. The Prosecution alleged that the defendant had given large sums of money to a “faith healer” and then wanted the money back. He had ignored her calls and the prosecution alleged that she had assisted in luring him to her address where he was tortured and killed. She accepted that she had asked her friend to contact the victim and had asked her to get the victim to come to her address. After a three week trial, the Defendant was acquitted of murder and convicted of the lesser offences of manslaughter and conspiracy to falsely imprison.

R v GW, 2010, representing a Defendant in an attempted murder trial where the Prosecution alleged that the Defendant had threatened to murder the victim, chased him for 500 yards and then stabbed him seven times in the back with a kitchen knife, causing life threatening injuries. The Defendant was acquitted of both attempted murder and wounding with intent but convicted of the lesser offence of wounding under section 20 of the Offences Against the Person Act 1861.

R v IL, 2010, representing a Defendant in a child battering case where it was alleged that the Defendant had beaten his child so savagely that he had left hand prints on the child’s face, visible for days. The Defendant was acquitted after a successful submission of no case was made by John.



SERIOUS FRAUD

R v TR, 2011, appearing in a 5 month trial in Kingston on behalf of one of the main Defendant's in an MTIC fraud where the Crown alleged £175 million of Revenue had been put at risk by the fraud and in excess of £120 million had been lost to the Revenue.

R v SK, 2010, representing one of the main Defendants in a six week trial alleging large scale housing benefit fraud involving many properties, claims and claimants. On a submission of no case, John persuaded the Court that only one count on the indictment should be left to the jury instead of the six she was charged with.

R v IH, 2009, representing a Defendant in a 10 week mortgage fraud trial alleging that he and a number of relatives had been involved in a large scale mortgage fraud involving millions of pounds of building society money. The defendant was acquitted of the major count after a successful submission was made by John at the end of the Prosecution case. He was acquitted of the remaining charge involving one property at the end of the defence case.



R v CC, 2005 representing a Defendant charged in a large scale conspiracy to handle stolen art works valued in excess of £1 million. After a 5 day hearing dealing with disclosure and abuse of process arguments, the Crown offered no evidence and the Defendant was acquitted.

R v BB, 2005 representing a Defendant in a money laundering trial in which it was alleged that she had laundered in excess of £2.5 million of money by use of false companies and money transfers. The jury could not agree in the first trial and a retrial was ordered. After further disclosure arguments the Prosecution offered no further evidence and the Defendant was acquitted.

R v BI, 2005, representing a Defendant in a multi handed conspiracy to defraud involving in excess of £1 million. John persuaded the Crown to sever the Defendant from the main trial and proceed on substantive rather than conspiracy charges. The Defendant was then acquitted of all charges at her trial.

R v F 2004, representing a Defendant in the trial of an 18 Defendant, £1 million + conspiracy to defraud the London Clearing banks. The Defendant was acquitted of all charges on the direction of the trial judge after John made a successful submission of no case.

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TERRORISM AND TERRORISM RELATED WORK

RE CD, 2011, appearing for the Appellant in a Control Order case in which it was alleged that the Appellant had been planning a “Mumbai style” attack on London. Appeared in both the Relocation Appeal and the Substantive Control Order appeal.

The substantive appeal is reported as **CD v Secretary of State for the Home Department - [2011] All ER (D) 15 (Aug), Neutral Citation Number: [2011] EWHC 2087 (Admin)**

The relocation Appeal is reported as **CD v Secretary of State for the Home Department - [2011] All ER (D) 203 (May), Neutral Citation Number: [2011] EWHC 1273 (Admin)**

R v AI, 2010, representing the main Defendant in a terrorism case referred to as the “Blackburn resistance” trial alleging that the Defendant and others were preparing for acts of terrorism, disseminating terrorist publications and possessing articles that were likely to be useful to terrorists. The Defendant was acquitted of the latter offence but convicted of the first two.

R v NA, 2008-2009, representing a Defendant who was charged with conspiracy to transfer firearms between Manchester and London in 2007. NA was acquitted after a three month trial.



R v OB, 2008, representing one of the main Defendants in a three month trial acting for the second of eight Defendants, all charged with terrorist offences relating to speeches which had been videoed in a Mosque.

R v Samina Malik, 2007 representing a Defendant known as the “Lyrical Terrorist” who was charged with terrorist offences relating to her possession of certain terrorist related material. She was acquitted of the main charge but convicted of an alternative charge which was later quashed on appeal (see Appeals below).

R v MR, 2006/7, Representing the first Defendant to be charged and tried with Solicitation to murder concerning protests conducted against Danish cartoons which depicted the prophet Mohammed.

APPEALS

R v RM, 2011, appeared on behalf of the Appellant in the Court of Appeal in the successful appeal of RM where her sentence of 10 years for manslaughter was reduced by the Court of Appeal to 8 years.



R V AI, 2010, appeared on behalf of the Appellant in the Court of Appeal in an application for leave to the Court of Appeal concerning issues arising under the Terrorism Act 2006.

R V MR, 2008, appeared on behalf of the Appellant in the Court of Appeal, successfully persuading the Court of Appeal to reduce a sentence of 6 years to 4 years for the offence of solicitation to murder.

R V Samina Malik, 2008, CA, appeared on behalf of the Appellant in the Court of Appeal in a case successfully challenging the conviction of a Defendant known as the "Lyrical Terrorist" who had been convicted under section 58 of the Terrorism Act 2000.

John was named "Lawyer of the Week" by the Times newspaper as a result of his conduct of this case.

R V TR, 2007, CA appeared on behalf of the Appellant, dealing with a successful sentencing appeal in a money laundering allegation concerning in excess of £1 million where the sentence was reduced from 5 years to 3 years.



WS V R, 2006 appeared on behalf of the Appellant in a successful High Court and Crown Court application to reduce a confiscation order from £121,000 to nil.

SEXUAL OFFENCES

R V RJ, 2009, appeared on behalf of the Defendant who was charged with historical rape allegations where two of the defendant's nieces alleged rape and indecent assault occurring over 30 years ago. The defendant was acquitted by the jury in relation to the majority of the rape allegations but the jury were unable to reach verdicts on others. The Defendant was retried and convicted a few months later by which time two further nieces made similar allegations against him.

R V NP, 2008, appeared on behalf of the Defendant charged with sexually assaulting his daughter. The Defence of "sexsomnia" was raised, namely, that the Act was committed during a sleepwalking state.

R V JB, 2007 appeared on behalf of the Defendant, a cricket coach charged on a 19 Count indictment. He was accused of raping a female student that he coached and also charged with abuse of position of trust. After a two week trial he was acquitted of all charges.



ROBBERY

R V JK, 2007 appeared on behalf of the Defendant charged with conspiracy to rob involving a series of robberies on cash transit vans in North London. The case involved extensive use of cell site evidence. K was acquitted of all charges.

R V MK, 2007 appeared on behalf of a Defendant charged with conspiracy to steal £170,000 + from the Post Office and with perverting the course of justice. It was alleged that the Defendant had persuaded the Co-Defendant, a post office driver, to stage a robbery and hand over the cash to the Defendant who would then split the proceeds with him. The Co-Defendant admitted the offence and gave evidence against MK including evidence that MK offered him £50,000 not to give evidence in the case. On a submission of no case John persuaded the Judge to withdraw the perverting the course of justice charge on a legal technicality.

PROFESSIONAL DISCIPLINE

GMC v Dr. S. 2010 Advising a medical expert witness who was facing disciplinary proceedings.

GCC V Dr. C. 2010, Appearing for a Chiropractor who faced a number of allegations relating to his; assessment of, treatment of, communication with, excessive charging of and the taking of an excessive number of x-rays of a patient. The Chiropractor admitted most of the allegations and the GCC were persuaded not to proceed with others. The Chiropractor was admonished.

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GCC v Dr. C, 2009, Appearing for a Chiropractor who had a finding against him and had been suspended and then had a conditions of practice order imposed. John persuaded the tribunal that no further action should be taken after this review hearing and that the terms of the Conditions of Practice Order should be removed.

GCC v Dr. W. 2008, Appearing for a Chiropractor charged with disciplinary offences relating to allegedly making disparaging comments about other professionals and allegedly advising that wrong exercises be carried out. Dr. W was acquitted after a successful submission of no case.

RPS v GC, 2007, Appearing for a Pharmacist charged with disciplinary offences concerning the wrong labelling of drugs given to patients. GC was acquitted on a submission of no case.

GCC v Dr. C, 2007, Appearing for a Chiropractor charged with disciplinary offences relating to record keeping and the excessive taking of X-rays.

GCC v Dr. C, 2006, Appearing for a Chiropractor charged with disciplinary offences relating to dishonesty and record keeping. Dr. C was acquitted of all allegations of dishonesty after a hearing lasting three days.

GCC v Dr. H, 2006, Appearing for a Chiropractor charged with disciplinary offences relating to the data protection act and the treatment of a patient. Dr. H was acquitted of all charges after a three day hearing.



GCC v Dr. P, 2006, Appearing for a Chiropractor charged with disciplinary offences relating to the use of traction devices in chiropractic care. Dr. P. was acquitted of all charges after a two day hearing.

GCC v Dr. S, 2006, Appearing for a Chiropractor charged with disciplinary offences relating to record keeping and the treatment of a patient.

GCC v Dr. N, 2005, Appearing for a Chiropractor charged with disciplinary offences relating to the treatment of a patient. Dr. N. was acquitted of all charges after a two day hearing.

GCC v Dr. M, 2005, Appearing for a Chiropractor charged with disciplinary offences relating to chaperoning and the examination of a female patient. Dr. M was acquitted of all charges after a 5 day hearing.

GCC v Dr. J, 2004, Appearing for a Chiropractor charged with disciplinary offences relating to record keeping and the treating of patients.

Dr. Gage v General Chiropractic Council 2004, Admin Court, Jackson J. Appearing for Dr. Gage in the only case to be taken to the High Court involving the procedure adopted in the Chiropractic Professional Conduct Committee.

GCC v Dr. G. 2004, Appearing for a Chiropractor charged with disciplinary offences relating to breaches of the rules concerning advertising and promotion.



PRISON LAW

John has represented Shaikh Abu Hamza and Peter Foster in cases involving aspects of prison law. He has conducted parole hearings and hearings before the High Court relating to the perfunctory increase in categorisation of a prisoner requiring his movement to a secure prison from an open prison. John successfully argued for a reconsideration of the categorisation which allowed the prisoner to return to an open prison.

ACTIONS AGAINST THE POLICE

Ian Jackson V Chief Constable of Sussex Police 2009, Appearing for Mr. Jackson in a trial in front of a Judge alone, relating to a number of allegations, including one that the Claimant had been assaulted and injured by a Police officer using an ASP (An extendable Police Truncheon). After a three day hearing the action was settled on the basis that the police pay costs and damages for the assault and the Chief Constable of Sussex make an apology to Mr. Jackson which was reduced to writing and read out in open court.