

Jon Whitfield QC

1985 (Middle Temple)
2010 (QC)



QUALIFICATIONS

BA: Hons Law 2.1
Tribunal Judge (First Tier Tribunal - Mental Health)
Legal Assessor to the General Medical Council

PROFESSIONAL ASSOCIATIONS

Criminal Bar Association
South Eastern Circuit
Association of Military Court Advocates

OTHER

Pro Bono adviser & commentator on Legal TV (Sky)
Private Pension Fund Trustee
Company Director

AREAS OF SPECIALISATION

Terrorism, Homicide, Fraud & corruption, Mental Health.

GENERAL EXPERIENCE

Jon Whitfield practises mainly in four areas of criminal law: fraud & corruption, terrorism, fatal or serious violence and cases involving mental health.

Jon has just led Liam Walker, also from 15 New Bridge St, in defence of MK a young man accused of a brutal killing on Halloween 2009. Following a five week cut-throat trial, MK who was first on te indictment was acquitted of murder. The case issues included close analysis of forensic and medical evidence to contrast this with the witnesses and co-defendants' description of events at the scene.

Jon acted for the first defendant (Ali) in Operation Overt, the case concerning the alleged conspiracy to blow up trans-Atlantic airliners flying from Heathrow using liquid bombs. The trial and retrial lasted five and seven months respectively. Jon dealt with all aspects of the design, manufacture and deployment of explosives. His work was adopted by all other defence counsel. He also dealt with the audio and video footage in the trials.

He has just completed a satellite trial to the alleged terrorist plot involving a school in Kent and a further related firearms trial.

Immediately before the Operation Overt terror trial Jon led in a multi-handed double murder and conspiracy to commit GBH at the Old Bailey involving a fight between two gangs of Asian youths in Tooting. His efforts in uncovering witness interference led to the acquittal of all defendants and, convictions in an earlier trial being overturned.

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He has recently led in a multi-handed conspiracy to supply drugs; completed three cases of historic sexual abuse; a manslaughter by a defendant suffering from severe mental health problems, and led in a SFO fraud in which multiple bogus identities and companies were used to obtain & launder fees from adult education funds.

As well as the above, Jon receives instructions in cases involving death by dangerous driving, serious organised violence, arson, drug importation and crimes associated with their sale. He has appeared in many high profile cases relating to organised football and race-related violence throughout the country including those investigated and reported in TV documentaries. He has extensive experience of reconstructing events from CCTV and other recorded or digital media.

Jon has spent a considerable amount of time dealing with cases involving defendants with mental ill-health and sits on the Mental Health Tribunal. Since 2007 he has been a Legal Assessor to the GMC.

ATTITUDE TO WORK

Jon is very much a 'team-player', willing to do whatever is necessary properly to prepare and present a case and lead a team throughout this process. This positive approach is characteristic of his attitude towards work and is exemplified in his work in the management of Chambers and its associated Pension Fund. He responds well to the pressures of work, putting in long hours if required, and is able to assimilate large amounts of information and reduce them to a basic understandable core. He is naturally reserved but is capable and combative if the circumstances require it.

CURRENT CASES

R v K & Others - Central Criminal Court

MK and three others accused of a brutal killing on Halloween 2009. MK acquitted of murder after a five week cut-throat trial. Case issues included close analysis of forensic and medical evidence to contrast this with the witnesses and co-defendants' description of events at the scene. The Crown has now announced that they intend to seek a retrial on manslaughter. In the interim bail has been secured for MK.

R v R & Others - Kingston C.C.

Jon is instructed to defend HR the first defendant in the largest MTIC prosecution brought by the RCPO. The case-papers are voluminous (@100,000p) and the case is estimated to last 5m.

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CASES OF NOTE

1. Fraud & Corruption

Re: F (Insight) - SFO

Jon led the prosecution of F who obtained @£1m of local authority funds used to provide care for autistic children. The deception was both against the authorities and an associated factoring company. F fled the jurisdiction necessitating advice on extradition. He was returned to the UK to be confronted by Jon's case-analysis. He pleaded guilty to 14 counts of deception.

Re: BCH (SFO) - Sheffield C.C.

Jon again led the prosecution of a conspiracy to defraud in which multiple bogus identities and companies were used by managers of an adult-education college and training company to steal and launder @£1m of public funds. Nearly £½m of public money was recovered following legal argument regarding jurisdiction and the pre-eminence of criminal law over foreign trusts.

Re: J - Southwark C.C.

Investors sold huge quantities of near worthless whisky and other alcoholic products as investments and pensions. When the company was closed down, a phoenix-company was used to continue the fraud. One of the longest-running alcohol & investment cases.

Re: I & S & others - Worcester C.C.

Multiple high-yield investment frauds used to extract money from people in the UK, Switzerland and America. The case included cross-examination of some rather reluctant Swiss Bankers regarding their business practices and a solicitor implicated in the fraud. Jon represented the only defendant acquitted of any part of this case.

Re: F (SFO).

Alleged nationwide fraud by medical supply companies, using multiple outlets to exploit inexact legislation. Jon's review revealed that although profits were high, the service was better than the NHS and that the Government & NHS had acquiesced in the alleged offences. Advised that to continue the prosecution would be an abuse of process similar to the Matrix-Churchill scandal of the 1990s.

Re: MIS (SFO) - Southwark C.C.

Instructed by the SFO to prosecute a manager for corruption and the compromise of safety/security in the nuclear power industry, by taking bribes when assessing and awarding lucrative contracts.



R v H & W (CPS) - Southwark C.C.

Instructed by the CPS to prosecute railway managers and maintenance contractors for giving & receiving payments to obtain contracts. Safety was compromised and damage was done to the employing company and genuine competitors. Difficulties included non-disclosure by a dishonest central witness.

R v H & others - St. Albans C.C.

Conspiracy to defraud banks, car manufacturers and insurance companies using forged computer documentation. Major issues included the factual basis of the case, jury unanimity, special verdicts, severance, similar fact and telephone records.

R v H & H (SFO) - Birmingham C.C.

Corruption of local government officers by a developer in order to obtain numerous local-authority funded housing development contracts. Issues included duplicity, general deficiency/continuous offences, the reliability and weight to be accorded to expert witnesses.

2. Terrorism Cases

R v AA & others - Central Criminal Court (at Woolwich)

The terrorist conspiracy to murder 2500 people by blowing-up trans-Atlantic aircraft flying from Heathrow using liquid explosives concealed in drink-bottles. The plot brought Heathrow Airport to a standstill and has changed air-travel for everyone. Jon dealt with all aspects of production, viability and effect of explosives in the initial trial and the re-trial.

R v MA - Central Criminal Court

Supporting terrorism by retaining computerised material likely to be of use to terrorists engaged in preparing attacks on the public at large. Analysis of the case material showed that the material had been downloaded and retained by someone else and MA was acquitted.

R v A - Central Criminal Court

The 'ricin' case. Conspiracy to murder and cause public nuisance through the alleged production of poisons and explosives. The case eventually ended in the acquittal of A and all other defendants save one.

R v A - Southwark C.C.

A was accused of funding terrorism and possession of material useful to terrorists. Non-disclosure and shifts in the prosecution case led to repeated legal argument and A was acquitted, the Crown having withheld information useful to the defence.

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R v K & others - Central Criminal Court

K accused of funding terrorism and conspiring to poison members of the public by tampering with pre-packed foods. After several rounds of legal argument including disclosure and the sufficiency of evidence, the Crown offered no evidence and K was acquitted.

3. Fatal offences

R v K & Others - Central Criminal Court & Court of Appeal

Double murder and conspiracy to cause GBH. Pre-planned violence by two rival south London gangs resulting in the fatal stabbing of two brothers. Jon led Liam Walker (also of 15NBS) and uncovered the gravest example of witness interference ever experienced at the Court. Thereafter Jon successfully argued that the trial was an abuse of process and all defendants in the trial were acquitted. Jon's argument also resulted in the acquittal of several others who had previously been wrongly convicted.

R v W - Cambridge C.C.

Defendant with a very violent personality disorder. Victim attacked, punched to ground and left to freeze to death in sub-zero weather. W's instability led to extreme difficulty in the preparation of the case and the safety of those involved. Substantial issues on sentence and IPP.

R v N - Central Criminal Court

'One-punch manslaughter' case against N who, whilst fighting with his younger brother, was alleged to have punched and killed his uncle who attempted to break-up the fight. N was acquitted.

R v R - Reading C.C.

Stabbing of partner by trans-sexual who blamed a lodger/live-in lover. The lodger was the principal prosecution witness. D's mental state was at the forefront of the case. Issues of similar fact and the analysis of the crime-scene, medical and forensic evidence used to illustrate movement of the body. R was acquitted of murder.

R v C - Stafford C.C.

Stabbing of a man alleged to have stolen funds from a working man's club. Issues of self-defence, provocation, alcohol & perception, force & intent. C was acquitted of murder.

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R v M - Central Criminal Court

Brutal killing of a very frail 87 year old lady in her own home, strangling her and dumping her naked in her bath. Elements of sexual depravity. Forensic evidence put M at the scene. Presence at and timing of death were disputed as were the forensic analysis, alleged motive and the sequence of injuries.

R v K & others - Stafford C.C.

A matrimonial break-up resulted in the wife inciting fatal violence against her husband who was kicked to death by a gang. Issues of participation and joint enterprise, medical evidence & causation. Detailed cross-examination of the medical experts on internal injuries and hospital procedures.

R v O - Kingston C.C.

Pub-killing using pool-cues and beer bottles. Frame by frame analysis of the CCTV used to present a contrary set of facts to the jury who acquitted upon the defence analysis of the central piece of evidence relied on by the Crown.

R v C - Wolverhampton C.C.

Random and apparently motiveless stabbing of a man followed home from a pub. Issues of mental state, diminished responsibility and provocation.

R v L - Reading C.C.

A person in the course of attacking L's girlfriend. was alleged to have been stabbed by L. Issues of provocation and self-defence. The girlfriend became the prime prosecution witness. According to L, she was the killer. L was acquitted of murder.

R v B - Reading C.C.

Alcoholic beaten to death in his home by drug addicts using the place as a squat. Motive, character and forensic issues played a major role. B was acquitted.

R v W - Central Criminal Court

Gang fight resulted in a fatal stabbing. Several members of the same family made this a difficult joint-enterprise case. W was acquitted.



4. Other cases

R v B & another - Portsmouth C.C.

B charged with beating AS almost to death causing permanent life-changing brain injury. The trial lasted two weeks. Despite strong eye witness evidence suggestive of kicking and stamping, following careful analysis of the medical and forensic material the jury were not persuaded of guilt.

R v Z & Another - St. Alban's C.C.

Two defendants obtained @£1/4m by selling allegedly fake goods on e-bay.

R v F - Harrow C.C.

Historic rape of child by gang of youths.

R v V & others - Peterborough C.C.

V & others charged with GBH on a taxi driver. Cut-throat trial, issues of self-defence and, witness collusion.

R v V & others - Cambridge C.C.

Jon defended V said to be the mastermind behind a large drugs-conspiracy. V's trial followed the conviction of other conspirators placing V in an impossible position. Jon managed to secure a 2yr sentence and reduce confiscation from £2m to £300k.

R v MA - Central Criminal Court

Possession of a firearm. D arrested and prosecuted under terrorism provisions. Having been acquitted, he was prosecuted for possession of a flare weapon. Despite prior authority, it was successfully argued that this was not a firearm and MA was acquitted.

R v S & others - Reading C.C.

Leading in a multi-handed and multiple count conspiracy to supply drugs, the evidential basis for the prosecution being almost entirely obtained by covert surveillance.

R v H - Luton C.C.

Historic sexual abuse by stepfather upon two children.

R v S - Reading C.C.

Historic sexual abuse of unconscious woman, in which the only evidence was a video tape made by S and his co-accused.



R v T - Reading C.C.

Proceedings under POCA to seize £7.5m from a used car salesman as the proceeds of £60,000 worth of crime based on criminal lifestyle.

R v F & M - Blackfriars C.C.

Football hooligans caught by a BBC undercover reporter organising and boasting about their violent and drug-fuelled gang life. Hundreds of video and audio recordings were studied to present reasoned analysis. Issues included publicity which might have prevented a fair trial, disclosure, character & bias, entrapment.

R v B & Others - Bristol C.C.

Organised football related violent disorder. Jon represented the first of eight defendants, leading the cross-examination and argument, which finally resulted in all eight being acquitted.

R v L - Oxford C.C.

Paranoid schizophrenic accused of arson. Confession excluded as unreliable following legal argument on breaches of PACE. This resulted in L's acquittal.

R v H - Luton C.C.

Mentally disturbed man brandishing a loaded weapon at children. H acquitted following argument on fitness to stand trial and mental responsibility.

R v C - Croydon C.C.

C acquitted of GBH following the continued forcing of disclosure from an unwilling and obstructive prosecution. Evidence finally obtained permitted a successful defence argument regarding involvement in the offence.

R v F & others - Oxford C.C.

Massive incidents of football-related violence, organised attack on police. Allegations of police brutality, corruption and the cover-up of misconduct. Close analysis of police and private CCTV recordings. Legal argument on disclosure of sensitive operational logs and tactical documentation.

R v R & others - Kingston C.C.

Allegations of routine physical, sexual and psychological torture of residents at a home for people with mental and/or physical disability.

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REPORTED CASES

AG's Reference (No.3 of 1992) 98 Cr.App.R. 383 CA.

The mental element required in the offence of attempted arson, the defendant being reckless as to whether life would thereby be endangered.

R v Medway Magistrates Court ex parte Goddard (1995 RTR 206) DC.

Established that the Lion Intoximeter is a computer for the purposes of PACE and required strict proof of its proper functioning.

Lectures

The Fraud Act 2006

An overview of the new Fraud Act and its likely impact upon alleged instances of dishonesty.

The Human Rights Act - Its Impact on Fraud Cases

The impact of the Act on reverse-onus offences such as corruption.

Mental Ill Health in the Criminal Justice System

The inadequacies of the criminal legal system in its treatment of defendants with mental and behavioural difficulties.

Disclosure and the CPIA.

One of the first reviews of the Act and all the problems it created.

OTHER RELEVANT EXPERIENCE

Tribunal Judge (First Tier Tribunal - Mental Health)

Jon regularly presides at the MHT advising on law and procedure and, ensuring that evidence is fairly and fully presented in a way the patient can cope with. He has been at the forefront of the recent 'cradle to grave' management approach in MHT cases, ensuring that they are dealt with justly and efficiently.

GMC

In 2007 the GMC recently appointed Jon as a Legal Assessor to the tribunals that govern the professional conduct of doctors. He has advised on several high-profile Fitness to Practice cases as well as on numerous Interim Order Panels.

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Technology

Jon has considerable experience in the use of technology both in court (evidence/argument/presentation) and out of court (research/lectures), in particular the use of computer graphics and video/audio software to edit and present material. He has acted in many video-link and video-evidence cases.

Relevant non-Bar Experience

For many years Jon has been a competitive yachtsman at local and national level. He was involved in promoting sail-boards when they were first introduced to the UK, building and racing his own board and teaching others. More recently, Jon has been involved in racing yachts in this country, Ireland and America. The physical and mental requirements of competitive team-sailing events are commitment, the ability to make good decisions quickly (& justify them), move with events and make good tactical decisions. Of equal importance is to recognise a wrong decision and rectify this promptly.

In 2004 Jon negotiated the demerger terms of the entire criminal group in Hardwicke Building, thereafter creating the financial and managerial base for 15 New Bridge Street Chambers and Riverside Trust Pension Fund which owns the property at No.15. He continues to manage the finances of both. In furtherance of a drive towards efficiency and cost-cutting, Jon created and runs Phire Ltd, a company designed to source and provide pension, health and welfare benefits for lawyers and their families.

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