

Curriculum Vitae

John M Burton QC

(1979) QC 2010

University of London, Queen Mary College, 1975-1978 LLB (Hons)

Inns of Court School of Law, 1978-1979, Barrister

Called 1979 (Inner Temple)

Pupil Supervisor 1985

Head of Chambers, Mitre Court Chambers, Temple London, 1992-2001

Times 'Lawyer of the Week' 2008

QC 2010

Joined the Public Defender Service Advocacy unit, July 2014.

Currently a member of the BCM (Better Case Management) Committee seeking to make the criminal justice system more efficient.

Expertise

Fraud, Money-laundering, Murder and other serious offences of violence, Terrorism, Serious Sexual Offences.

Called to the Bar in 1979 and commenced practice in September of that year. Practised mainly in Criminal Law, exclusively as a Defence Barrister over the last twelve years and was appointed Queen's Counsel in 2010. In 2008, he appeared in the Times Newspaper as "Lawyer of the Week" for his conduct of the successful appeal in the Court of Appeal case of Samina Malik, AKA "The Lyrical Terrorist", who was reported to be the first female to be convicted under the provisions of the Terrorism Act 2000.

Conducted a large number of cases as Queen's Counsel including cases involving allegations of Murder, Fraud, Serious Sexual Offences, Blackmail, Firearms, Terrorism and Terrorism-related cases, including two appeals in a Control Order case and an appeal in a TPIM case, all in the High Court. Also has conducted a significant amount of Appellate work in the Court of Appeal as Queen's Counsel and currently has cases outstanding in the Court of Appeal as well as one in the Supreme Court.

Considerable experience in Regulatory and Disciplinary law, and in addition to conducting 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.

Conducted a large number of civil cases throughout his career, including Prison Law cases and Actions against the Police. This has included advisory work and High Court and County Court Trials both in front of a Single Judge and with a civil jury.

Lectured to Solicitors and Barristers on Human Rights Law, the Criminal Justice Act 2003, the Terrorism Acts 2000 and 2006, the Supreme Court case of Jagee, disclosure and many other areas. Also sat as a Panel Member at an all-day conference on Terrorism and Free Speech, held by 'Index on Censorship' and has had an article on the Terrorism Act 2006 published in their journal. In November 2008, addressed the Parliamentary Joint Committee on Human Rights dealing with the Terrorism Act 2006.

Has lectured to Chiropractors at their annual conference and elsewhere, dealing with aspects of Chiropractic Regulatory and Disciplinary law and practice.

Notable Cases

Set out below is a selection of cases John has **conducted as Queen's Counsel**, it should not be regarded as exhaustive.

FRAUD

Currently instructed as Queen's Counsel leading a junior in the case of R v TU [2017], a VHCC Immigration and Inland Revenue fraud listed to take five months and starting in February 2018.

R v AS [2017] instructed as Queen's Counsel leading a junior in a three week trial of a company fraud where it was alleged that the defendant was the main instigator of a fraud against a large international company. The prosecution case was that he had used his position to discover the weaknesses in the company's computer software and exploited this by creating a number of false companies which he then placed on the computer system and then 'authorised' them to provide goods and services to the main company. In fact the goods and services did not exist and over a five year period he was alleged to have obtained a minimum of £690,000 and a maximum of £1.6 million from the company.

R v FK [2016] representing a defendant in a multi-handed major international banking fraud that the prosecution claimed had secured well in excess of £150 million for the fraudsters. K's role was said to be that of a trainer of persons who were used to contact and defraud the victims and also as a money launderer involved in dissipating the large sums of money gained in the fraud. John considered the large number of papers in the case and decided that an application to dismiss should be made as certain crucial evidence had not been obtained by the prosecution. At the first hearing of the application the prosecution were granted an adjournment in order to obtain the evidence they needed. Further evidence was served but John advised that the application to dismiss should nevertheless continue. At the renewed hearing the prosecution finally conceded the point and all the charges were dismissed and the defendant released from custody.

R v YB [2013-14] representing the First Defendant in a ten week trial, involving allegations of conspiracy to facilitate the breach of Immigration Law. The Defendant was the Managing Director of a multi-million pound Security Company. The Prosecution claimed that he, his two wives, his nephew and a large number of employees, conspired together with a corrupt Home Office Official, to obtain and use 'Convention Travel Documents' (UK Passports issued to Asylum Seekers) to breach immigration rules so that they could be employed in important positions in his company. The case resulted in a hung jury on the main charge.

R v RC [2013] representing a Defendant charged with an 'eBay' fraud alleged to be the biggest known to date, involving the sale of millions of pounds of counterfeit goods.

R v AM [2012] representing a Defendant who was charged with a multi-million pound mortgage fraud involving the purchase of a large number of business premises. The Defendant was acquitted of all charges and awarded costs out of Central Funds.

R v AM [2012] representing a Defendant who was charged with conspiracy to commit arson of his own business premises. It was alleged that he was one of a number of businessmen who would 'resolve'

business problems by arranging with the others to burn their business properties down to claim insurance money. The Defendant had doubled the insurance value of the property just two weeks before the arson was attempted. The case involved serious disclosure issues and after two weeks of disclosure applications made during the trial, the Prosecution eventually offered no evidence and the Defendant was acquitted and awarded his costs out of Central Funds.

R v TR [2011] appearing in a 5-month trial in Kingston Crown Court on behalf of one of the main Defendants 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 actually 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 a multitude of properties, claims and claimants. On a submission of no case, persuaded the Court that only one count on the indictment should be left to the jury instead of the six that the Defendant was charged with.

MURDER AND OTHER OFFENCES OF SERIOUS VIOLENCE

R v AP [2015] the Defendant was charged with two offences of child cruelty, one offence of causing or allowing the death of a child and one offence of causing or allowing serious injury to a child. The Defendant was the mother of a young mother who had three very young children. All were living under the same roof. The prosecution's case was that both mother and grandmother had the care of a young 7 month old baby who had suffered serious physical injury without either of them seeking medical assistance and then been allowed to die through starvation without either of them adequately feeding the baby or seeking medical assistance. The trial last over three weeks and involved the cross examination of three expert witnesses for the prosecution, namely two pathologists and a professor in neonatology.

R v SC [2015] the Defendant was charged with attempted murder. He had spent the day at his cousin's girlfriend's address and according to her and a friend of hers he had spoken to the victim on the phone and arranged to meet him later at the defendant's home. Before leaving the witness' address he allegedly said he was going to stab the victim. He arrived home and stabbed the victim in the abdomen with a sharp occult knife he possessed. He claimed he acted in self-defence. After a trial he was acquitted of attempted murder but convicted of wounding with intent.

R v VH [2015] the Defendant was charged with one other with a serious allegation of robbery and two offences of intimidating a witness. It was alleged that the Defendant and another person entered the disabled victim's address as trespassers and assaulted him causing him to have an epileptic seizure. Whilst he was having a seizure they stole items from his home which a few hours later they were seen to sell in a local shop. The Defendant was arrested but released on bail. The victim then alleged that the Defendant twice approached him in the street and made threats to him not to give evidence at court. The Defendant denied that there had been any robbery or intimidation and was acquitted on all the charges at trial.

R v AH [2015] the Defendant and the victim were alcoholics. They met with others one afternoon and drank to excess. The Defendant was then alleged to have got angry and attacked the victim, punching him to the head and then allegedly stamping on his head. The victim died from a subdural haematoma. The others present all gave evidence against the defendant. She was acquitted of murder but convicted as manslaughter.

R v SJ [2015] the Defendant was charged with murder. It was alleged that the victim had attended a party where the Defendant was and assaulted a girl. The prosecution alleged that the defendant pretended to calm the situation down and led the victim away and then when the victim was calmed down, plunged a knife deep into the back of his leg. The victim bled to death. Several of the partygoers then gave evidence against the defendant at trial.

R v WY [2014] represented a Defendant charged with murdering an acquaintance by stabbing him through the heart. The Prosecution alleged that he had tormented the victim over a period of time before attending his address late at night with others. The victim refused access but later left his address and it was alleged that the Defendant then attacked him and stabbed him through the heart. The case involved a cut-throat defence as a co-defendant blamed the Defendant for the attack. An independent witness, originally arrested on suspicion of murder, also gave evidence against him, as did a prisoner, who claimed the Defendant had confessed to the killing when they discussed the case in his cell.

R v MF [2013] successfully represented a Defendant charged with murder and manslaughter by alleged asphyxiation. The prosecution alleged that there was a drunken fight between two alcoholics resulting in the Defendant putting considerable pressure on the victim's neck or back which caused asphyxiation. No injuries could be seen to the neck or the back but the Prosecution alleged that there were signs of petechial haemorrhages in the eyelids which supported an allegation of asphyxiation. Research suggested that there was some evidence that these signs could be caused by lengthy CPR, which had in fact been conducted in this case. Following John's cross-examination of the Crown Pathologist, the Learned Judge agreed to a submission of no case to answer and the Defendant was acquitted.

R v DP [2013] representing the Defendant who was charged with causing grievous bodily harm with intent and child cruelty to his girlfriend's 13-month-old baby. The child suffered serious injuries including a fractured skull and serious injuries to his genitals and other injuries over a six month period in 2011. The Defendant maintained that he had not caused the injuries and they must have been caused by the mother, who had been charged with permitting him to cause the child cruelty and was tried at the same time. The case accordingly involved a cut-throat defence.

R v SK [2013] the Defendant was charged with the murder of his mistress who was found dead in her home by her children when they returned from school. The Defendant had been seriously injured in a road traffic accident and was using crutches at the time of the incident. An eyewitness saw a man with crutches entering the back gate of the property at around the time she was killed. The case involved a large number of difficult areas of expert and medical evidence.

R v Carlo Dawes [2012] the Defendant arrived home in the early hours of the morning and discovered his wife asleep on the sofa with a sleeping man. The Defendant threw a vodka bottle at the victim, waking and stunning him at the same time and then got a knife which he plunged deep into the victim, killing him. He claimed that he acted in self-defence but there were also a question of 'loss of control' in the case. (John took the case on appeal to the Court of Appeal and this is now one of the leading authorities on 'loss of control defences'.)

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, as witnesses, the complainant and 5 experts and relied on an alleged confession to a bail hostel supervisor by the Defendant. After cross-examination of all the witnesses, a submission of no case was made and the Defendant was acquitted.

R v JM [2011] representing a Defendant in a murder trial in the Central Criminal Court where it was alleged that the Defendant (who had a previous conviction for manslaughter) had stabbed the victim 8 times in the neck. The whole incident was caught on CCTV. The sole issue was whether there had been intent to kill or cause really serious harm, as the Defendant accepted he had caused the victim's death, but stated he was too drunk to remember what his state of mind was.

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 after smoking crack cocaine. The Defendant reported the murder claiming he had been present but others were responsible. 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 Defendant's. The case involved the detailed cross examination of three expert witnesses in different disciplines.

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 an alleged road rage incident in which the victim was assaulted with a wheel brace. The solicitor was acquitted and awarded his Costs out of Central Funds.

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 but had been unaware that anyone intended to harm the victim even though she was in the house when he was killed. After a three week trial, the Defendant was acquitted of murder and convicted of the lesser offences of manslaughter and conspiracy to falsely imprison.

SERIOUS SEXUAL OFFENCES

Currently instructed in R V ME, a case involving allegations of conspiracy to rape two children under the age of 13.

R V ME [2017] the Defendant was charged with twenty counts of rape and other sexual offences against his step-daughter, his own son and his 5 month old baby.

R V SL [2014] the Defendant was charged with 19 counts of sexual offences against his step daughter, alleging rape and other sexual offences allegedly committed when she was aged 13 to 17. At an earlier trial he was acquitted of 7 of the counts but were hung in relation to the remaining 12 counts including allegations of rape. At the retrial John argued that the 7 acquittals were important evidence affecting the complainant’s credibility. After a legal argument taking place over 5 days the learned Judge agreed and made a direction to that effect. After a further 5 days the jury acquitted the defendant on all the remaining counts.

R V SL [2012] the Defendant was charged with raping four separate girls after using a ‘date rape’ drug. He had filmed some of the instances which the girls stated they did not recall but were discovered when he showed one video to a friend. The Defendant accepted, as he had to, that the filmed incidents occurred, but he claimed the sexual acts were consensual. The other acts he denied. The case took four weeks to conduct and involved numerous difficulties and technical arguments. The Defendant was convicted in relation to the allegations that were filmed but acquitted of the others.

TERRORISM

Re CD [2012-13] appearing for the Appellant in a TPIM case in which it was alleged that the Appellant had been planning a “Mumbai-style” attack on London.

Re CD [2011] appearing for the same Appellant as above when he was subject to a Control Order. 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 Abbas Iqbal [2010] representing the main Defendant in a six-week 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. John took the matter on appeal to the court of Appeal and the case is referred to in the 2018 edition of Archbold at 25-186, relating to section 2 of the Terrorism Act 2006 and at 25-192 relating to section 5 of the Terrorism Act 2006. R. v. Iqbal (Abbas Niazi) and Iqbal (Ilyas Niazi), unreported, December 21, 2010, CA ([2010] EWCA Crim. 3215)

APPELLATE WORK

Instructed in R v ME 2017, an appeal against sentence where a discretionary life sentence was passed for multiple counts of rape and sexual offences against children.

Instructed in R v FK 2017, an appeal against conviction and sentence in a case involving a potential multi million pound ‘vishing’ fraud.

R v AP [2016] appeal to the Court of Appeal against conviction and sentence in a case involving allegations of cruelty to a child and causing or allowing the death of that child.

R v SC [2016] appeal to the court of Appeal against an extended sentence of 13 years passed when a man was convicted of wounding with intent after a trial.

R v Yilkes Bala [2016] [2016] 2 Cr.App.R. 14, appeal to the Court of Appeal against conviction. Dr Bala had entered into a polygamous marriage with his second wife in Nigeria. They were both charged with the offence of conspiracy to breach certain immigration rules. John argued that section 2(2)(a) of the Criminal Law Act 1977 should apply to a polygamous marriage. (Section 2(2)(a) states that person cannot be convicted of an offence of conspiracy committed solely with their spouse.) The Crown Court judge disagreed and Dr Bala was convicted. John drafted the grounds of appeal and represented Dr Bala at the Court of Appeal hearing, arguing, (paragraph 32 of the judgment), “Mr Burton went on to submit, and eloquently so, that those who are married under polygamous marriages are not to be, differentiated from those married under monogamous marriages.”

The Court of Appeal agreed that section 2(2)(a) of the Criminal Law Act, “extends to a spouse under a polygamous marriage,” but added that the marriage had to be one, “recognised under English law as valid.”

The court concluded that Dr Bala was domiciled in the UK at the time of the marriage and under section 11(d) of the Matrimonial Causes Act 1973 his marriage was void and therefore he could not rely upon the section. Accordingly, Dr Bala’s appeal was dismissed.

The Court certified a question of public importance but refused leave as did the Supreme Court.

R v WY [2014] appeal to the Court of Appeal against sentence in a murder case where the appellant had been given a life sentence with a minimum of 28 years. The Court of Appeal reduced the minimum term to 25 years.

R v CARLO DAWES [2013] appeal to the Court of Appeal on whether the defence of 'loss of control' should have been left to the jury. Reported as R v Dawes; R v Hatter; R v Bowyer [2013] 2 Cr App R 3.

R v SL [2012] appeared on behalf of the Appellant in the Court of Appeal in a renewed application for leave to the Court of Appeal concerning issues surrounding allegations of multiple rapes and the admissibility of evidence.

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 a renewed application for leave to the Court of Appeal concerning issues arising under the interpretation of sections 2 and 5 of the Terrorism Act 2006.

R v RJ [2010] appeared on behalf of the Appellant in the Court of Appeal in a renewed application for leave to appeal in a case involving historical sex offences and cross admissibility.

To Note/Other

VHCC

Defended in numerous VHCC cases involving Fraud, Terrorism and POCA hearings. **Currently instructed in one large scale POCCA hearing involving numerous properties in the UK and abroad.**

Complexity and Scale of Evidence

Conducted many cases that have exceeded three months. The longest to date lasted eight months. Accustomed to long and complex trials. Dealt with cases involving vast quantities of papers, digital material and complex computer evidence. Very experienced at, and interested in, scientific and medical issues, and in cross-examining experts in these fields.

Information Technology

Fully computer conversant and prepares all cases with the assistance of computers utilising the latest software. Uses Word, Excel spreadsheets, OneNote and PDF conversion software in the preparation and presentation of cases. Fully conversant in the forensic manipulation of data from telephone logs, and similar computer material, in order to present cases in a professional and appropriate way.

Contact Details

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Offices in Cardiff, Swansea, Pontypridd, Cheltenham, Darlington & London.
Available to meet solicitors and clients at any convenient location.