



Adam Kane

Year of Call: 1993

Year of Silk: 2015



Criminal defence specialist in corporate and white-collar crime: Revenue & Customs offending, market-rigging, FSA and regulatory matters, investment offences, commercial and residential property fraud, Health & Safety offending, and Data Protection matters. His practise includes advisory and pre-action work, all aspects of asset protection, civil and criminal restraint, forfeiture and confiscation, and judicial review.

Commended as a leading practitioner in criminal fraud in Chambers & Partners every year since 2010. The last edition noted that *"he finds legal loopholes and arguments that nobody else would have thought of."* (Chambers and Partner 2016)

"He is very good in court" (2015) and *"stands out for his work as a criminal fraud junior. He is praised for his capacity for hard work, and his accessible manner with clients."* (2014).

Listed in 2015 Legal 500 in Fraud: *'Fast becoming a serious contender as a new QC.'*

Other specialisations: homicide, complex organised crime notably drug trafficking and people-trafficking.

Inn: Grays

Education: BA (Oxon), CPE

Professional bodies: Criminal Bar Association, Administrative Law Bar Association

FRAUD & FINANCIAL CRIME

Leading defence practitioner in fraud. He has been involved in several of the more significant cases of financial-market abuse prosecuted by the SFO recently, often complex, multiple complainant cases. Regularly defends in bribery, corruption and abuse of position cases. He led for the defence at first instance and on appeal in the first prosecution of Cartel Offending under the Enterprise Act, representing the cartel organiser in the Marine-Hose case. His recent clients have included company directors, IFAs, lawyers, medical professionals, senior bank officials, a prison governor, a customs officer and a private detective.

CURRENT CASES:

Operation Hayrack – for director of company allegedly in cartel involved in bribery and corruption of management at Privy Purse and Treasurers Office of the Royal Household over contracts for the Royal Palaces.

Operation Hornet – for company accountant in bribery, corruption and fraudulent trading case against senior HBOS executives, and officers of corporate turn-around consultancy, exposing the Bank to £35 million losses.

Operation Kyrenia – for director and company secretary in conspiracy to defraud NHS by officers of private perfusion science company in delivery of NHS contracts.

RECENT CASES:

Operations Crystalline and Chainmail – for assistant to director of Wealth Management company advising high net worth individuals in film-investment sideways tax relief fraud. Sole defendant acquitted in both prosecutions.

Operation Bellum – for 1st defendant Nat West Business Banking manager authorizing massive bogus business loans in fraud / abuse of authority case.

Operation Janitor – for alleged controlling mind company secretary to fulcrum company in conspiracy to cheat HM Revenue & Customs in VAT repayment fraud.

Operation Pursuit – for first defendant in £6.9 million commercial property transfer fraud involving brokers, solicitors and estate agents.

Operation MFB – for first defendant in third trial of £300 million MTIC investigation into rag trade, and associated pre-action restraint proceedings for family of principal.

Operation Nanobot – for off-shore IFA in conspiracies to defraud the Revenue and to launder the proceeds of a fraud upon DEFRA.

Operation Raiment – for company director employment agent in massive tax fraud enquiry, acquitted of fraud on management receivers and liquidators, and money-laundering conspiracies through payroll companies.

Operation Groat – for practise manager acquitted of conspiracy to defraud and false accounting charges relating to contract between Dental Practise and NHS Primary Care Trust.

Operation Steamroller – For first defendant in SFO prosecution of \$100 million investment fraud involving 'Reg S' U.S. stock.

Operation Affair – for principal in SFO prosecution of £15 million boiler-room fraud involving investors in the alternative energy bio-tech sector.

Operation XCL (Beijing Olympic ticketing fraud) – for first defendant in SFO prosecution of £4 million entertainment and event ticket-touting fraud.

Operation Duma – for managing director of buffer company in £50 million MTIC VAT fraud.

R –v M (& Others) – for contractor in building contracting bribery conspiracy, to defraud the Ministry of Justice.

Operation Dwight - for first defendant, managing director & former probation officer in £1 million intellectual property fraud on the European Social Fund.

R –v- C & Others – for first defendant director of logistics company in £4 million VAT, fuel fraud and goods conspiracies involving false identity factory.

R –v- M & another – For IFA in corporate & private client bond-stripping and life-assurance & pension policy churning fraud.

R – Whittle & 2 others – For Cartel organiser in SFO prosecution of the marine hose cartel.

ORGANISED CRIME

Defends in high-value organised crime, often with an international element. Has particular expertise in massive smuggling cases (drugs and people) often involving complex PII / disclosure / SOCPA issues.

RECENT CASES

Operation Tavernier – For principal of Immigration Practice and managing director of tailoring business trafficking multiple Pakistani nationals to the UK for commercial exploitation.

Operation Birkhill – Defendant acquitted following 5 month people-trafficking for sexual exploitation and domestic prostitution conspiracy trial involving multiple Central European complainants

R –v- A, Court of Appeal - sentencing considerations for organiser of 5 tonne cannabis importation.

R –v- Camp & Others - for alleged armourer acquitted in case involving super-grass discredited in notorious Morgan murder investigation

R –v- Purcell & Others - for alleged distributor acquitted in 4 tonne cannabis importation.

R –v- Rob & Others – for principal importing largest seizure of heroin on UK mainland.

R -v- Shakeel & 10 others - Sole defendant acquitted of £19 million cigarette duty evasion.

HOMICIDE

Acts across the spectrum of homicide offences from murder through baby-shaking to fatal accident & gross negligence manslaughter cases.

RECENT CASES

R-v-C & Others – Revenge murder in Polish community over turf-war.

R -v- T & Another – For parent in multiple-injury and baby-shaking case with public law family proceedings in background.

R -v- B – Former tax inspector acquitted on appeal of murder of husband who disappeared 10 years before proceedings.

R -v- P – Head of far-right organisation acquitted of murder, convicted of manslaughter of fellow officer.

R -v G – Night-club bouncer acquitted of group murder of club-goer.

R -v I – Asylum-seeker convicted of murder of one male partner, acquitted of robbery of another.

R -v- N – Builder acquitted of revenge murder of father-in-law over abuse claims.

R -v- Wheeler - Royal Mail lorry-driver acquitted over crushing death of colleague in HSE prosecution.

R -v- Burnett – HGV-fitter acquitted of gross negligence manslaughter of apprentice in HSE prosecution.

REPORTED CASES

R -v- Kapikanya J Crim L [2016] 80(1), 5-7: Voice recognition and the permissibility of comparison by a jury unaided by expert evidence

R -v- Banfield [2014] Crim L R 147: Crown obligation in a 2 party joint enterprise murder to prove concert, rather than shared motive and opportunity

R -v- Whittle & Others, [2009] Lloyds Rep. FC. 77: Aggravating and mitigating features of cartel offending per s.188 Enterprise Act

R -v- McPherson [2006] 1 Cr.App.R. 30: Determining competence in very young witnesses, interpretation of s.54 YJ&CA 1999

R –v- H [2006] 1 Cr.App.R. 4: Applying CJA 2003 hearsay provisions to preparatory hearing in serious fraud trials (acting for managing director of £35 million company as engine of £20 million series of fraud trials)

R –v- Harmer [2005] 2 Cr.App.R. 2: Defining essential elements of conspiracy to launder the proceeds of crime (acting for principal moving £2.5 million to Spain)

R [Hallinan Blackburn Gittings & Nott (a firm)] –v- Middlesex Guildhall Crown Court [2005] 1 W.L.R. 766: Defining the scope of the fraud exception to legal professional privilege, ref special procedure order per Sch 1 to PACE 1984

R–v-Hare & O’Sullivan, The Times, December 16th 2004: Judicial impropriety and fairness of proceedings

R–v-D (Video testimony) [2002] 2 Cr.App.R. 36: Determining competence in very old witnesses at common law; limitations to right of cross-examination under Human Rights Act and at common law

R (Harmer)–v-Comms for Customs & Excise & other cases [2002] 2 Cr.App.R 40: Test cases on the application of s.51 Crime & Disorder Act 1998 sending procedure.

R–v-Crisp, The Times, 18th June 2002: Application of s.22 Criminal Appeal Act and Article 6 rights to attend appeals.

OTHER CASES OF INTEREST

R –v- K & 5 others, July 2010, Manchester Cr Ct: For principal acquitted of commercial property development fraud

R-v-K &4 others, Jan - Feb 2010, Stafford Cr Ct: Security consultant acquitted of blackmail/kidnap conspiracy

AG’S Refs No. 19 & 20 of 2009, [2009] EWCA Crim 2011 – Bird: Resisting ref for offender re 900,000 Ecstasy tablets & 15 kilos of cocaine

R–v-Yaqoob, July 2009 Leeds Cr Ct: Prison governor acquitted of £1.2 m mortgage fraud & money laundering conspiracies

R–v-Watson & 5 Others [2009] EWCA Crim 1688: Principal in 50 kilo cocaine & money laundering conspiracy

R–v-W, Feb 09, Snaresbrook Cr Ct: Ex-Royal Marine acquitted of blackmail conspiracy

R (on the application of Flaherty)-v- City of Westminster Magistrates Court [2008] EWHC 2598

Admin: Staying enforcement of post-committal confiscation proceedings for abuse / breach of Article 6.

R-v-Gibbs & 3 Others, Oct – Dec 2006, C.C.C.: Footballer acquitted in robbery/murder conspiracy

R-v-Dunhill & 9 Others, Jan – Apr 2006, Bristol Cr Ct: Tobacco family heir acquitted of conspiracy to supply massive quantities of cocaine to undercover police officer in “sting” operation

R (Deamer)-v-Southampton Justices [2006] EWCA Admin 2221: Applying Article 6 reasonable time requirements to enforcement of £7.5 million confiscation order nine years after imposition

R-v-Aldridge & 5 others [2006] EWCA Crim 1970 : Organiser of Heathrow Securicor Omega bonded warehouse armed robbery; continuing application of Turner Guidelines to serious examples of offence

R-v-R, December 2005, Exeter Cr Ct : Owner of care home acquitted of gross negligence manslaughter in Health & Safety prosecution by C.S.C.I.

R-v-Mascarenas & 2 Others, Nov 2004, Norwich Cr Ct : Financial Services & Markets Act abuses by underwriter funding multi-million pound international aeronautical fraud

R-v-Holborough & 10 others, [2002] EWCA Crim 2631: Sentencing and confiscation appeals re organiser of £14 million hi-tech copyright fraud upon BSKYB via decoding devices

R-v-Mohammedi & 11 others, CCC, April 2001, Butterfield J: Sole defendant acquitted at first trial of Afghan “Stansted hijacking”