



John Carl Townsend

Year of Call: 2006



John Carl provides advice and representation to clients in respect of financial misconduct and business disputes across the civil and criminal courts. His experience encompasses the representation of company directors and finance professionals in allegations of criminal and commercial fraud and he is well placed to deal with cases where there is the potential for dual criminal and civil liability (his experience in this area includes the cross-admissibility of material disclosed in compliance with CPR Part 31).

In the civil courts John Carl appears on behalf of both Claimant and Defendant companies and individuals in a variety of commercial disputes including breach of contract, breach of fiduciary duty, unlawful means conspiracy and deceit. He has experience of cross-border enforcement and registration under the European Enforcement Order regime and the Brussels-Lugano Convention. He has represented companies that have been subject to goods seizures as a result of alleged duty evasion and has been instructed on behalf of companies and individuals in tax tribunal proceedings.

His practice in asset forfeiture and seizure includes international freezing orders in the civil courts and all proceedings connected to the Proceeds of Crime Act 2002 (including Part 5 and Part 6). He has acted for clients in judicial review proceedings and at appellate level.

In addition to his financial practice he represents individuals accused of grave crimes, companies and individuals accused of regulatory breach and has acted on behalf of families in inquest proceedings. In recent years he has appeared in the CIVIG litigation, defended a former Director of KPMG against allegations of fraud and advised a major UK manufacturer in a contract dispute with a supplier.

Member of the Fraud Lawyers Association, ALBA, the Criminal Bar Association and POCLA.

NOTABLE CIVIL CASES:

Steven Acheson & Others - and - Sir Robert McAlpine & Others (2009-2016), High Court of Justice, Queen's Bench Division (the CIVIG Litigation) A £25-million-pound claim against Sir Robert McAlpine and a number of other construction companies for unlawful means conspiracy and breach of the Data Protection Act. Highly complex issues of law and fact with case management being subject to a Group Litigation Order and the overview of a Master and High Court Judge sitting in tandem. Led by Hugh Tomlinson Q.C.

Otkritie Investment Management & Others - and - RP & Others (2014 – present), High Court of Justice, Queen's Bench Division, The Commercial Court Involved in a number of matters relating to the central claim including, at present, junior alone in respect of an appeal against Eder J's 2014 findings, junior alone in the contempt permission proceedings against a separate defendant and led junior in respect of the intended contempt trials.

National Crime Agency - and - A, High court of Justice, Queen's Bench Division (2016) Civil proceedings for non-payment of taxes against an alleged drugs importer. The claim has been brought by the NCA through the assumption of Inland Revenue functions pursuant to Part 6 of the Proceeds of Crime Act 2002. Led by Charles Bott Q.C.

B & Others - and - P, High Court of Justice, Queen's Bench Division (2016) Junior alone on behalf of the Claimants in registration and enforcement of European Enforcement Orders obtained following successful proceedings in Poland.

J & Another, High Court of Justice, Queen's Bench Division (2016) Instructed by a Swiss law firm in relation to the High Court registration of an authentic Swiss instrument subject to Articles 57 and 38(2) of the Lugano Convention.

A Set of Barristers Chambers Limited - and - Former Members, High Court of Justice, Chancery Division (2015) The name of the management company of the former Chambers and the former tenants are not specified above in order to save embarrassment for the parties involved. Instructed as junior alone and successfully represented four former members of a set of chambers in a difficult and fraught dispute about fees that were said to be outstanding to the management company of their former set.

A Sportswear Manufacturer - and - Supplier (2015) Representing a major UK sportswear manufacturer in respect of a contract dispute with a supplier that was based outside of the UK.

Cambri Limited and Others - and - ECA Limited (a Partnership in Dissolution) and Others, High Court of Justice, Chancery Division (2014) Junior alone for the defendant, the principal of a firm of chartered accountants, in an allegation of commercial fraud in the sum of US\$7,130,399.92.

R (on the application of Agogo) - and - North Somerset Magistrates' Court, High Court of Justice Queen's Bench Division, The Administrative Court, [2011] All ER (D) 252 (Feb) Judicial review of proceeds of crime enforcement proceedings connected to a £20m banking fraud. The enforcement decision was quashed as a breach of Art 6(3) ECHR.

NOTABLE CRIMINAL CASES:

R v Balk (2016) Representation of the fourth defendant in relation to allegations arising from an alleged US\$175m fraud against a Russian Bank. (Led Junior).

R v Caussyram (2016) Representation of the second defendant who was a Director of home care provider Care First 24. Eight-week trial. in an allegation relating to fraudulent claims for workers whose leave to remain in the UK had expired or who were improperly working on a self-employed basis. The indictment also contained a count of money laundering relating to £2.5 million pounds of assets. Complex and paper heavy case involving the personal profiles of many hundreds of individual agents of the company (Junior alone)

R v Ndoli & Others (2016) Acted for the second of 7 defendants in a substantial fraud against HMRC, DWP and Eurostar that the Crown had valued at £14m. (Junior alone).

R v BC (2014) Acted for a former KPMG Director accused of fraud. Successfully acquitted after two trials. (Junior alone).

R v Ntege & Others (2014) Acted for the second defendant in substantial and heavily publicised trial relating to alleged sham marriages at the Church of St. Jude and St. Aiden's. Paper heavy and complex. The proceedings were eventually halted as an abuse of process due to bad faith on the part of the UKBA and the serious misconduct of their investigating officers (Leading junior).

R v W (2015) Attempted murder of a prostitute in a stabbing attack in a block of flats. The case required the analysis of complex DNA evidence and the cross-examination of child witnesses and a vulnerable victim. (Junior alone).

R v A and Others, Central Criminal Court (2013) Successful cut-throat defence against Queen's Counsel in the context of a murder trial. (Junior alone).

R v Pagan, St. Alban's Crown Court (2012) Allegation of child destruction and s.18 wounding with intent. The defendant had entered a psychotic state having consumed the legal high 'AMT', which caused serious injury to his partner and the death of their unborn child. Issues of non-insane automatism and drug-induced psychosis. The defendant was eventually found to lack the necessary intent to be guilty of the offences (Junior alone).

R v Jawad, Guildford Crown Court (2012) Appeared for the first defendant in a complex, multi-handed, international conspiracy to ship high value, stolen prestige vehicles to the Middle East. (Junior alone).

R v Cheliou and Others – Cross-border conspiracy to manufacture electronic devices for use in fraud and fraud by UK wide cash machine interference.

Fraud and Financial Crime

Provides advice and representation to companies and individuals in relation to allegations of civil and criminal fraud. His civil practice includes representation in the Queen's Bench and Chancery Division in connection with claims for deceit, breach of fiduciary duty, unlawful means conspiracy, dishonest assistance and knowing receipt. As a result of his dual practice John Carl has frequently advised on the difficulties arising from civil disclosure obligations in the context of concurrent and connected criminal investigations. His experience includes complex claims with pleaded losses in excess of £100m.

John Carl's criminal fraud practice encompasses SFO investigations and all aspects of financial misconduct. He has advised on a number of occasions in relation to the assertion of privilege in investigations conducted pursuant to s.2 of the Criminal Justice Act 1987 and the process for identification of disclosable material. Notable cases have included:

Appearing for a defendant in an SFO fraud and money laundering trial where the total loss is said to amount to some £150m.

Successfully defending a former KPMG Director in a prosecution for internal fraud.

The representation of a former city CFO in respect of allegations of internal and inter-company fraud.

Representation of a defendant company director in a Chancery Division claim for breach of fiduciary duty by making a secret profit.

Contempt proceedings arising from alleged third-party disclosure failures in a £25 million SFO investigation.

Leading counsel for the 2nd Defendant in one of the largest sham marriage connected fraud prosecutions ever undertaken in the United Kingdom.

Representation of a former accountancy Partner in relation to a Chancery Division claim arising from the disposal of \$8m of assets belonging to a US corporation.

Representation of the second defendant in a £14m multi-agency (HMRC, Home Office and DWP) fraud prosecution.

Commercial Court proceedings arising from a US\$175m fraud.

Representation of a Director of home care provide Care First 24 regarding an allegation of criminal fraud and a separate count of money laundering relating to £2.5m of assets.

Confiscation, Civil Recovery and Asset Forfeiture

Acts for claimants who seek the recovery and protection of their assets through the use of freezing orders and the issue of claims alleging fraud and other types of misconduct. He has represented companies and individuals who have suffered loss as a result of misrepresentation, breach of contract and breach of duty. Recent clients have included a major UK sportswear manufacturer and a company defrauded by the actions of a purported business consultancy.

His experience of confiscation proceedings includes the representation of defendants in relation to all aspects of the Proceeds of Crime Act, including Part 5 (civil recovery) and Part 6 (assumption of Revenue functions in respect of taxation). He has represented defendants in the High Court, the Crown Court and the Tax Tribunals in proceedings connected to the use of powers of recovery and enforcement under POCA and has advised in respect of the tension between criminal confiscation orders and third party interests in connected civil proceedings.

In asset forfeiture John Carl has advised companies and individuals who have been made the subject of freezing orders (in the civil courts) and restraint orders (in the criminal courts). He deals with the variation and discharge of such orders on behalf of their subjects and affected third parties. His asset forfeiture practice also encompasses the appeal of goods seizures by HMRC for non-payment of duty and he has successfully represented a number of foreign companies that have been the subject of haulage seizures.

Regulatory and Disciplinary Proceedings

Represented companies and individual Directors who have faced regulatory prosecution for a range of licensing, environmental and trading standards breaches. He has advised a number of financial professionals in respect of suspected breaches of FCA obligations.

Organised Crime

Represented numerous individuals who have been accused of involvement in complex criminal conspiracies. Notable cases include:

R v O'Neill and Others [Operation Ninjask] – Representing the central figure in the distribution of massive quantities of cocaine [Junior alone against Queen's Counsel].

R v Jawad and Others – Appeared for the first defendant in a complex, multi-handed, international conspiracy to ship high value, stolen prestige vehicles to the Middle East.

R v Cheliou and Others – Cross-border conspiracy to manufacture electronic devices for use in fraud and fraud by UK wide cash machine interference.

R v Godek and Others – Importation of a large quantity of automatic firearms from the Czech Republic.

R v Hassan and Others – Attempted assassination of rival gang member.

R v B and Others – Acted for the first defendant in a large conspiracy to Import 32Kgs of heroin.

Public Law

Offers advisory and advocacy assistance in all areas of Public Law. His experience includes judicial review proceedings relating to asset forfeiture, prisoners' rights and associated human rights issues.