

Jonathan Lennon

Year of Call: 1997



Jonathan's practice has developed so that he has now been involved in some of the country's largest and most complex fraud and financial crime cases, including the UK's largest mortgage fraud . This is mixed with a civil practice incorporating quasi civil-criminal cases; e.g. POCA civil recovery, cash forfeiture, challenges to Production Orders and Search Warrants.

Jonathan has been appearing in High Court challenges from an early stage in his criminal practice and has appeared in the Court of Appeal and Supreme Court. Jonathan acted as junior in the seminal case on PII and disclosure in criminal cases; *R v H & C* [2003] 1 WLR 3306, Times 24th October 2003.. He was also junior counsel in *SOCA v Gales* [2011] the very first civil recovery case to reach the Supreme Court, which is further expected to be the first case civil recover case to reach the European Court of Human Rights. He was counsel for the successful appellant in the leading case on cash forfeiture; *Angus v UKBA* [2011], High Court.

In *R v Rees* (2011) - Old Bailey; Jonathan acted as junior for the principal defendant in the Metropolitan police's most notorious un-solved murder case. After a 5 month abuse of process hearing the Crown offered no evidence in March 2011. There were around 750,000 pages of material and 5 previous enquiries. Mr. Justice Maddison, the trial Judge said:

"My firm view is that the legal representatives for all the defendants, faced with a mammoth task, have responded magnificently to it. And the quality of the written and oral submissions that I have received has been of the highest quality. The industry and the tenacity which has been shown by the defence teams is to be commended and the defendants will leave court knowing, if they did not already and I think they must have known before, that they have been very well served".

The case is said to have involved one of the longest pre-trial legal arguments in the history of English criminal law and has been linked to the 'phone hacking scandal, has featured on Panorama and been widely reported in all the national newspapers.

In 2017 his client was acquitted of the principal cheat count in a carbon credit fraud

case.

In 2018 Jonathan is representing a number of professional clients, including an accountant charged in a conspiracy to cheat the Revenue case (4 month trial at Southwark Crown Court). He is also instructed in a significant money laundering case at Cardiff Crown Court and is instructed in two applications for Judicial Reviews against the NCA – these are in relation to challenges against search and seizure raids undertaken by the NCA and in respect to a number of Production Orders obtained by the NCA. Both applications involve the alleged bribing of senior government ministers from Caribbean states.

Jonathan is also instructed in the case of R (Virdee & Ors) v NCA, a Judicial Review which is expected to be the leading case on when law enforcement agencies should apply for search warrants as opposed to using their post arrest powers under PACE.

He is on the CPS Specialist Fraud Panel and the Executive Committee of the Proceeds of Crime Lawyers Association and regularly gives seminars and writes articles on financial crime. Jonathan is instructed by both solicitors and prosecution agencies and in recent years has been demand with professional clients.

Jonathan has been repeatedly recognised in legal publications:

2018:

The most recent edition of Chambers & Partners ranks Jonathan as a leading practitioner in fraud:

"Heavyweight fraud and POCA work lie at the heart of his practice. He has the ability to swiftly analyse complex cases with large volumes of documents and produce sound advocacy... "A master tactician in relation to POCA and fraud cases." "You will always find him in the top-class cases, especially in any case involving corporate wrongdoing. He is good at pension frauds, good at the detail, and has an encyclopaedic knowledge of the law."

C+P has a very limited listing of counsel in their POCA and Asset Forfeiture rankings. Jonathan has been ranked in it from its inception and the 2018 edition says this of him; *"he is instrumental when doing civil recovery cases"* . *"He is good on the*

detail and has encyclopaedic knowledge of the law.” Jonathan is probably the most experienced junior in the field of High Court civil recovery in the country and represented Gale in the Supreme Court case of Gale v SOCA [2011] UKSC 49. In 2018 he is instructed in a number of POCA High Court civil recovery cases as well as challenges to Production Orders and Search Warrants.

2017:

The 2017 edition of the Legal 500 describes him as "Unled, he represents defendants in challenging cases."

Chambers & Partners - Ranked in as a Leading Junior in Fraud and Proceeds of Crime: *“He is of huge practical assistance of those who instruct him. He is very good at guiding professional clients through difficult cases, produces excellent written work, and has put so much into cases over years.” One of the best juniors in financial crime, and someone with a phenomenal brain and a capacity for hard work. He leaves court at the end of a long day and overnight produces a brilliant skeleton argument.”*

“He’s extremely articulate and intelligent, and impresses with this advocacy skills – he certainly manages to get the attention of the court and the judge.” “Very conscientious and someone with great drafting skills.”

2015:

Chambers & Ptnrs (Financial Crime, 2015); “A popular choice of junior for those seeking expertise in property, tax and carbon credit fraud. He undertakes both prosecution and defence work and frequently lectures on corporate crime issues.”

“He is a forceful advocate in court and his technical knowledge is second to none.”

The 2015 edition of Chambers & Partners lists only 25 leading juniors nationwide in the field of 'POCA Work & Asset Recovery', Jonathan is in this select listing. The 2015 edition notes:

“A renowned fraud practitioner who regularly prosecutes and defends in confiscation and asset recovery proceedings. He has experience of acting with regard to international

mutual assistance requests, multi-jurisdictional recovery claims and contempt of court cases.

"Has the right client manner to guide clients through what are always difficult and stressful proceedings."

"He's absolutely tremendous at drafting, which can be everything in POCA work. His knowledge is immense too and he keeps on top of everything."

Legal 500 (Fraud inc asset forfeiture 2015): *"Brilliant at the complex stuff."*

2014:

"He's shown excellent command of the law and its implications. He's also shown himself to be good at drafting and negotiating with the other side" and "First class when it comes to pure forensic ability." Chambers and Partners (2014).

"He is phenomenal and his work rate is astonishing." (Chambers and Partners 2014, Financial Crime) and *"He is a very serious fraud lawyer. He is very determined and exceptionally good at what he does."* 2013: Chambers & Partners (2013) described Jonathan as a *"walking Archbold"*.

2012 Chambers & Partners (2012) *'clients take to him immediately'*, he *'works well with solicitors'*, *'his paperwork is impeccable and he is quick at turning it around.'*

2011 Legal 500 (2011), described Jonathan's knowledge of the law as *"second to none."* *"Jonathan is recognised as a leading junior in the field of criminal fraud"*

Chambers and Partners, 2011: *Sources identify Jonathan Lennon as a rising star in the fraud arena. Much of his success is attributed to the fact that "his written work is brilliant, he sticks to deadlines and he doesn't leave any stone unturned" which in turn makes him popular with solicitors.*

Chambers & Partners (2011): *"sources identify Jonathan Lennon as a rising star in the fraud arena. Much of his success is attributed to the fact that his 'written work is brilliant, he sticks to deadlines and he doesn't leave any stone unturned'. He is popular with solicitors"*.

Articles/ Seminars/ Publications Speaker at White Paper Conference; Controlling and Handling CHISs, July 2006 Speaker at JUSTICE/Sweet & Maxwell Conference, December 2006

Middlesex Law Review 2007 – article on Asset Recovery

Article in Fraud Intelligence, 2008, Freezing Across the Atlantic – re Freezing Orders

Training & Seminars

CLT Lecture, September 2009 on Fraud Act 2006

Speaker, Birmingham, 9th July 2009, VAT Tribunals

Podcast with CPDcast on POCA Asset Recovery and previous Podcast on Abuse of Process

Speaker at CLT Conference in March 2009 on POCA Restraint Orders

Speak at post-graduate law lecture, Kings College, London, March 2009

Contributing author to '*Covert Human Intelligence Sources. The 'Unlovely' Face of Police Work,*' Waterside Press, 2009

Articles for Proceeds of Crime Review – quasi criminal proceedings: 2009 and SOCA v Pelekanos, No. 4, 2010 Article in Journal of International Banking and Financial Law, Financial Crime Updates in April and October 2011

Delivering POCLA seminar in Chambers on the new Unexplained Wealth Orders, April 2018.

Appointments Grade 3 prosecutor CPS Specialist Fraud Panel CPS Specialist POCA Panel CPS

Fraud and Financial Crime

Recognised as a leading junior in the field by Chambers and Partners and the Legal 500, Jonathan is regularly asked to act in cases involving large scale fraud and/or money laundering allegations.

R v S: (2016); Southwark Crown Court. Carbon credit fraud allegation. Jonathan's client is an eminent academic in the field of conservation who is accused of cheating the revenue alongside a number of business people. Client said to have been fraudulently involved in "sideways relief" claims. The case is intensely factually and technically complex and involves investment sums of approx. £175 million and tax risk/losses of around £63 million. Trial, September 2016.

R v C (2016) Sheffield Crown Court. C and other co-defendant's acquitted when the prosecution offered no evidence. This followed defence demands which ultimately the Crown could not meet. C had been accused of conspiracy to launder the proceeds of crime through a number of solicitor firms and a private bank which he was said to be involved in managing and operating.

R v David Purdie (2015); Teesside Crown Court. Junior counsel for the main defendant in what is likely to have been the biggest mortgage fraud case in Britain with claimed losses of £111m. <http://www.bbc.co.uk/news/uk-england-tees-34549500>

R v B (2014); Birmingham Crown Court. SIPP pension fraud allegation; Jonathan represented a director of a pensions administration company – acquitted following half-time submission. Prosecution unsuccessful appeal for co-defendants led to Lord Chief Justice's ruling in Court of Appeal case of R v Quillan: <http://www.taxjournal.com/tj/articles/r-v-quillan-and-others-15042015>

R v R (2014); Leeds Crown Court. Jonathan represented a legal professional who was said to have been involved in laundering the proceeds of drugs trafficking. There were a total of 20 defendants tried over a series of trials. R was the only one to be acquitted following a successful half-time submission. http://www.thetelegraphandargus.co.uk/news/10877598.Ringleader_of___13m_drug_smuggling_gang_goes_on_the_run_from_ten_year_jail_sentence/?ref=var_0

R v Todd (2014); Canterbury Crown Court. Acting for HMRC in prosecution of a VAT fraud, T convicted.

R v Bache (2013), Birmingham Crown Court. Junior counsel acting for an accountant in large scale Construction Industry Scheme tax fraud case. <http://www.itv.com/news/central/2014-07-30/fraud-gang-jailed-for-90-years-after-8m-money-laundering-scam/>

R v Wright (2012) Newcastle Crown Court. Appeared as junior alone in a large scale 'cash for crash' motor insurance conspiracy to defraud case; <http://www.bbc.co.uk/news/uk-england-tyne-21833605>

R v U (2011) Birmingham Crown Court. Counsel in a significant and complex money laundering and taxation fraud conspiracy. Trial, leading to acquittal, lasting 3 months; <http://www.bbc.co.uk/news/uk-england-birmingham-19011318>

SFO v Baird (2011) Chelmsford Crown Court. Lead counsel in a case involving a large scale 'boiler room' operation based in Spain.

R v R (2011) Teesside Crown Court. Mortgage fraud. **R v K**(2010) Leeds Crown Court. Conspiracy to defraud.

R v Goldsmith (2009) Lincoln Crown Court. Representing a man accused of 'con man' fraud-obtaining credit, goods and services by pretending he was a 'celebrity chef'.<http://news.bbc.co.uk/1/hi/england/lincolnshire/8188360.stm>

R v Sra (2008) Leeds Crown Court. Instructed as junior counsel, client was accused of defrauding HMRC of excise duty and VAT due on rebated fuels.

R v Cheema (2008) Leeds Crown Court. Junior counsel in money laundering case involving professional mortgage advisor.

Confiscation, Civil Recovery and Asset Forfeiture

Recognised as a leading junior in POCA work by Chambers and Partners and the Legal 500.

Jonathan has been involved in High Court civil recovery claims since the creation of the now defunct Assets Recovery Agency.

Jonathan is frequently briefed in POCA cash forfeiture cases where police/ customs etc have detained cash. Jonathan's case of **Angus v UKBA [2011] Lloyds Rep FC 329** changed the law in this area, where the High Court confirmed that police etc who made forfeiture claims had to plead what type of criminal offence was alleged to be the source of the detained cash. It was no longer enough to simply prove the cash was on the

balance of probabilities the proceeds of some crime.

National Crime Agency v Ghulam, joined with NCA v Jardine (2016). Two separate civil recovery cases joined. Jonathan successfully argued that the NCA – and High Court’s practice - of withholding from the Respondents witness statements used by the NCA in *ex parte* proceedings to secure orders such as Disclosure Orders and Property Freezing Orders was unlawful Such evidence must now be disclosed (judgment 19/2/16; [2016] EWHC 255 (Admin)).

NCA v S (2016); currently instructed in on-going civil recovery claim, acting for principal Respondent accused of involvement in drug trafficking.

NCA v D (2016); currently instructed in on going civil recovery claim, acting for second Respondent accused of involvement in drug trafficking. NCA now using civil route following acquittal in criminal case at Bristol Crown Court.

NCA v A (2015); Acting for second Respondent on High Court civil recovery claim involving expert evidence – settled.

SOCA v Gale (2011) Supreme Court. This was the first POCA civil recovery case to reach the highest court in the land. Jonathan was junior counsel in a 2 day appeal before a 9 panel court. The case concerned the applicability of Art 6 of ECHR - specifically the standard of proof, in cases where a Respondent has been acquitted in previous criminal proceedings. The appeal also dealt with the proper recoverability of the costs of an Interim Receiver appointed by SOCA.

Following comments made by the Court to the effect that the whole 'confusing area' would benefit from consideration by the Grand Chamber of the EctHR the Art 6 point is now submitted to Strasbourg. <https://www.supremecourt.uk/cases/docs/uksc-2010-0190-judgment.pdf>

Asset Recovery Agency v Allen (2008), High Court. Civil asset recovery claim by ARA (now National Crime Agency), High Court trial of convicted drugs trafficker whose confiscation order was quashed and monies returned only to be pursued by ARA/NCA in the civil courts.

Asset Recovery

Jonathan is frequently instructed by both Government agencies and private individuals in

a wide range of issues arising from asset recovery. These include issues surrounding confiscation orders, receiverships, restraint orders and international mutual legal assistance.

SFO v N (2015-16). Acting as junior counsel for the SFO on behalf of overseas agency. Prohibition Order in place under POCA in support of a civil recovery claim to be made pursuant to foreign request in overseas civil proceedings against assets said to be the proceeds of crime.

Serious Fraud Office v Saleh (2015). Acting as junior counsel for the SFO. S was a spouse of an African diplomat based in the USA. S was suspected of being in receipt of the proceeds of bribery by a Canadian firm that had secured oil exploration rights in Chad. The proceeds were said to include shares in the bribing company – those shares were sold on the London Stock Exchange thus establishing SFO jurisdiction to freeze the assets and seek a civil recovery order. S claiming that a spate Canadian court ruling that was *in rem* prevented the SFO from making an claim against the money. SFO successful in High Court ([2015] EWHC 2119 (QB)), S is appealing to Court of Appeal in November 2016.

R v G (2014-2015) Old Bailey. Acting for CPS in contempt of court proceedings against G. Further litigation resisting a defence application for decrease in confiscation order (s23 of POCA) and successful application to increase the confiscation order and default term.

R v O (2014); Wood Green Crown Court. Acting for defendant in significant confiscation proceedings. **Serious Fraud Office v Z** (2014) acting as junior counsel for SFO in case involving restraint order against proceeds of

an ex-public official from Ukraine.

HMRC v K (2011); High Court. Acting for 3rd party ex-wife in s77 Criminal Justice Act 1988 proceedings seeking enforcement of confiscation order.

U.S. Securities & Exchange Commission v G. Manterfield (2009) High Court. Lloyds Law Reports, 334. Junior counsel in a significant case where the US authority sought to freeze the assets of a US based British hedge fund manager who the SEC were pursuing in a civil action in the US. The SEC sought a freezing injunction from the High Court; issues included whether High Court could issue freezing injunction to overseas

body seeking to enforce a foreign penal law – it was successfully argued that one of the US civil remedies was in fact penal; applying Art 6 of the European Convention.

Re X (2009) Advising in relation to a UK company contract with a Saudi re sale of military hardware and implications of new Bribery Act 2010.

Cancer Research UK v Morris & Morris (2008), High Court ([2008] EWHC 2678 (QB)); Executive employee of charity accused of defrauding the charity; charity then sought to freeze assets in the High Court. Successful submissions preventing use of information gathered by employee in investigation being passed onto police in criminal investigation.

Homicide and Corporate Manslaughter R v H (2016) Old Bailey, led junior in murder trial at Old Bailey.

R v Woodier (2012) Teesside Crown Court. Junior in murder case dropped by Crown immediately prior to defence dismissal application.
http://www.thenorthernecho.co.uk/news/9452624.Middlesbrough_man_denies_part_in_fatal_punishment_beating/?ref=rss

Organised Crime: R v Todd (2015); Canterbury Crown Court. Appeared for defendant in large scale cigarette smuggling case by

defendants involved in haulage industry in North East of England. Acquitted.

R v Rochford Birmingham Crown Court (2013). Lead counsel representing the main Defendant in a drugs trafficking case involving s a long and complex covert police operation

R v Duffy (2012) Northampton Crown Court. Conspiracy to supply drugs, junior alone.

R v Hussain (2011) Bradford Crown Court. Leading junior representing defendant accused of conspiracy to import guns and ammunition from the USA.
<http://www.theguardian.com/world/2011/oct/21/gun-smuggling-gang-leaders-jailed>

R v Sirignano (2010), Brighton Crown Court. Junior counsel for principal defendant in huge conspiracy to import cocaine case.
http://www.theargus.co.uk/news/5421996.Brighton_s_Mr_Big_made___1million_from_drugs__court_told/

R v Saltmarsh (2007) 2 Cr. App. R (S) 99. Reported appeal case regarding appropriate length of sentence in case involving large scale importation of guns and distribution of drugs. <http://news.bbc.co.uk/1/hi/england/manchester/5224924.stm>

R v Dent (2007) Southampton Crown Court. Leading junior in a case of large scale cultivation of cannabis. **R v Ellis** (2006) Old Bailey. Junior for defence in multi-handed conspiracy to commit series of armed robberies case.

<http://news.bbc.co.uk/1/hi/england/london/4770632.stm>

R v Durrani (2006) Leeds Crown Court. Junior in massive heroin distribution case. <http://www.yorkshireeveningpost.co.uk/news/latest-news/top-stories/163-7m-drug-plotters-jailed-for-86-years-1-2141733>

R v Rahim (2005) Norwich Crown Court. Junior in murder allegation where Defendant successfully pleaded manslaughter by way of provocation. <http://news.bbc.co.uk/1/hi/england/norfolk/4000995.stm>

R v H & C [2003] 1 WLR 3306, Times 24th Oct 2003. This went onto become the leading case on disclosure and PII. **Pre-charge Advisory Work:**

Jonathan is often asked to advise, both prosecution and defence in relation to pre-charge issues such as the securing of or challenges to Restraint Orders and search warrants etc.

Department of Business Innovation & Skills v Y and others (2016). Derby Crown Court. Acting for prosecution where defendant in fraud case had transferred land to family member – BIS wanting Land Registry issues settled and Restraint Order secured. Advised on issues of corporate veil and Land Registration rules – secured Restraint Order.

Re B (2016). Advising defence pre-charge in extensive police investigation into alleged pension fraud.

Re I (2015-2016). Advising defence pre-charge. Company directors of financial advice firm. Linked to the CWM Forex investigation by the City of London police and alleged FOREX investment fraud. <http://www.cityam.com/211002/heron-tower-raid-colourful-world-chelsea-fc-s-forex-partner-cwm-fx>

Re: K (2014-2016); Woolwich Crown Court. Police seized cash from employee of money service bureau and then sought *ex parte* Production Orders against K and his various companies. Application to set aside Production Orders successful.