

## Neil Saunders

Call: 1983



Neil Saunders is a specialist criminal and serious fraud advocate in all criminal courts.

Represents professional individuals and companies being investigated or accused of crime. Also involved in dealing with court summons to produce documents or evidence.

Regularly instructed as leading counsel by large city and specialist white collar fraud firms providing strategic advice during all stages of investigation, including pre charge. Substantial experience in cases where charges not brought following representations being made.

Inquests – advising individuals or institutions re potential verdicts and procedure.

He has advised and appeared in a number of very high profile cases that received considerable media and press attention including cases which involved highly reputable families where children or relations became involved in either violence in night clubs or allegations of rape at house parties.

Neil has defended in numerous police discipline cases including allegations of dishonesty, excessive force, matters of sexual impropriety by police officers whilst on duty; also in cases directed by IOPC. Police disciplinary proceedings both before Metropolitan and Provincial forces.

Previous Grade 4 prosecutor.

Appears on behalf of respondents to special procedure hearings and in sports disciplinary hearings.

Appeared in Divisional court cases involving drink driving legislation and custody time limits.

# Crime

- Serious crime including murder, human and drug trafficking and serious sexual allegations
- Money laundering/complex commercial fraud
- Mortgage fraud
- Banking/advance fee/derivative frauds
- Share dealing allegations
- Tax and VAT fraud
- Bribery/corruption
- Cartels and price fixing/computer misuse

## Notable Crime cases

- **DM**

Defended acting police sergeant accused of misconduct in public office and perverting the course of justice namely in making up a false account and unlawfully arresting an individual following a routine stop and search. Case initially involved failed prosecution of the allegations in magistrate's court. Major issues of mistake of the part of other uniformed officers and lies by civilians.

- **PW**

Represented ex Inspector who was alleged to have unlawfully assaulted a Spurs fan whilst escorting Arsenal fans into White Hart Lane. Further alleged to have then perverted the course of justice in writing a false account of the events.

- **SH**

This individual was alleged to have committed grievous bodily harm by using his car to inflict injury on a 70 year old protestor at the US Airbase outside Harrogate. The incident was filmed on CCTV and a number of significant eye witnesses were called in the case including significant character witnesses who testified to his good standing.

- **CS**

This defendant a French national was arrested 6 months after an audacious plan to steal £4.5m of diamonds from Boodles New Bond Street in a switch or confidence trick. He was the only member of the team to face charges and having pleaded guilty was sentenced to 42 months imprisonment.

# Financial Crime

- Criminal confiscation ; search and seizure orders
- Restraint, third party rights and contempt; civil recovery under Proceeds of Crime Act 2002

## Notable Financial Crime cases

- **MC (2013-2019)**

Alleged to have defrauded employer's company in overseas inheritance scam. Expert evidence needed to explain possible reason for material on emails. Case took over 5 years to come to trial after civil proceedings and applications to stay due to delay and loss of significant items of evidence in the case. Many defence witnesses considered although some not available due to passage of time.

- **DB**

Defendant was responsible for opening multiple bank accounts in names of a deceased individual over a sustained period of time. Charged with various offences including use of many credit cards and failing to repay sums outstanding. He received a suspended sentence having repaid the money.

- **WW (2013-2018)**

Instructions began some years earlier by advising a Nigerian businessman accused of Money laundering. Many millions were defrauded from various NHS Trusts by a variety of fraudsters. The defence case was that he understood those he dealt with were foreign exchange currency dealers and that he paid the equivalent in Naira. Neil had advised this client for some time prior to trial.

- **R v D & Others (2016)**

Neil was part of the FSA/FCA prosecution team for 4 years as this investigation took some years before coming to trial. There were 5 defendants involved in a 5 month trial resulting in convictions of the principle bankers Martyn Dodson and an accountant Andrew Hind. Both men were sentenced to substantial terms of imprisonment. The value of this insider trading was several million pounds with a profit of some £2.6m.

## Inquests & Inquiries

Neil advises families in individual deaths and investigations.

Neil has also represented housing association clients in unfortunate deaths in accommodation.

## Notable Inquests & Inquiries cases

- **Edson Da Costa (2018-2019)**

Lead counsel for the 5 plain clothed officers involved in stopping a vehicle in which the deceased was a passenger. No dispute that Mr Da Costa, unbeknown to the officers, placed numerous packages of crack cocaine and heroin into his mouth on exiting the vehicle. Soon after a struggle he became unresponsive and medical attention was sought. Several days later he died in hospital. The officers were all granted anonymity in giving evidence in the 5 week inquest due to threats that had been made against them.

- **Rashan Charles (2018)**

Neil represented two officers who gave evidence anonymously using cyphers. The principle officer was involved in a struggle with Mr Charles who swallowed a package which prevented him from breathing. The inquest was heard in June 2018 and lasted 3 weeks.

- **Hicks Inquest (2016)**

Represented four officers in three week inquest who denied they were in pursuit of a young man Henry Hicks riding a stolen and upgraded motor cycle. Inquest heard evidence from the officers (who were all granted total anonymity and gave evidence using pseudonyms) as well as from collision investigators and leading experts on definition of pursuit. Judicial Review was inserted in relation to anonymity issue.

- **Fraser MacLennan (2012)**

Neil advised the family of a man who died following a road traffic accident. The family wanted to ensure that all matters were fully investigated by the police and that any issues that needed to be addressed by the coroner would be properly taken into consideration.

- **7/7 Inquest (2010-2011)**

Represented 10 families at the hearings from Oct 2010 to April 2011 from the four bomb sites. The hearing lasted for over 5 months as well as months before preparing. Neil acted for more families than any other counsel and was present for all the evidence at each of the four bomb sites. There were a large number of joint and individual conferences with the families in advance. He also made submissions on many of the recommendations that were adopted by Lady Justice Hallett.

## Professional Discipline

Substantial experience representing police officers of all ranks in serious and high profile cases.

- Police misconduct in disciplinary hearings and PATs
- Misfeasance in a public office
- Regulatory crime/health and safety

## Notable Professional Discipline cases

- **PD (2018)**

Officer alleged to have used excessive force in restraining young person in possession of a 22 inch machete who had rendered a fellow officer unconscious. Officer used martial arts training in restraint.

- **BP (2018)**

Allegations made concerning honesty and integrity by family who were known to the officer for some time.

- **MD (2018)**

Officer disciplined for excessive force when working on close protection detail. Panel found that force used was necessary but in the circumstances excessive. Officer retained his position in the service.

## Notable Cases

### Crime

#### **DM**

Defended acting police sergeant accused of misconduct in public office and perverting the course of justice namely in making up a false account and unlawfully arresting an individual following a routine stop and search. Case initially involved failed prosecution of the allegations in magistrate's court. Major issues of mistake of the part of other uniformed officers and lies by civilians.

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#### **CS**

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#### **RM**

2016

This officer pleaded guilty to misconduct in public office having accepted that he was not authorised to carry a firearm. It was clear that this officer suffered from PTSD and it manifestly affected his position for some period of time.

#### **MS**

2016

The defendant pleaded guilty to attempting to pervert the course of justice. He received a suspended sentence due to the effect imprisonment would have on a number of colleagues and employees.

#### **NW**

2015

This case was the final "hacking" case to be tried. Neil Wallis was the deputy editor of the News of the World under Andy Coulson's reign. The co-accused had pleaded guilty. Mr Wallis' defence was that he had never been involved or party to

any agreement to hack the telephones of any personality. The main witness was a fellow journalist Dan Evans who was cross-examined for several days as to the detailed and contradictory accounts he had previously given.

## **CB**

2013-2014

Prepared, advised and represented the husband of the principal defendant for nearly two years in the “hacking case”. The trial lasted over 8 months. Neil was sole counsel (every other team co-defending and prosecuting had at least one silk). The allegations he faced were for perverting the course of justice.

## **Financial Crime**

### **MC**

2013-2019

Alleged to have defrauded employer’s company in overseas inheritance scam. Expert evidence needed to explain possible reason for material on emails. Case took over 5 years to come to trial after civil proceedings and applications to stay due to delay and loss of significant items of evidence in the case. Many defence witnesses considered although some not available due to passage of time.

### **DB**

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### **WW**

2013-2018

Mr Wagbatsoma is a Nigerian businessman accused of Money laundering. Many millions were defrauded from various NHS Trusts by a variety of fraudsters. The defence case was that he understood those he dealt with were foreign exchange currency dealers and that he paid the equivalent in Naira. Neil has advised this client for some time prior to trial

### **R v D & Others: Southwark Crown Court**

2016

Neil was part of the FSA/FCA prosecution team for 4 years as this investigation took some years before coming to trial. There were 5 defendants involved in a 5 month trial resulting in convictions of the principle bankers Martyn Dodson and an accountant Andrew Hind. Both men were sentenced to substantial terms of imprisonment. The value of this insider trading was several million pounds with a profit of some £2.6m.

### **R v BW: Guildford Crown Court**

2015

Instructed to defend in relation to allegations of fraud by false misrepresentation and forgery involving officials at HMRC and the SRA. Considerable number of legal argument as well as client’s medical difficulties.

### **R v PM: Southwark CC**

2013

Prosecuted for FSA (now FCA) a senior equities dealer from Legal and General Investment Management Holdings Ltd

who obtained shares as part of the team on the firm's Equity Central Dealing Desk for Insider Trading. This defendant was in possession of information which was used by his accomplices to place significant spread bets. He had been an approved person and was FSA (now FCA) registered. On conviction sentenced to 2 years imprisonment and received significant confiscation order.

**R v N: Central Criminal Court**

2012

Prepared in 2012 for a trial involving an alleged fraud involving imported garlic into the UK. Just before trial the defendant absconded and was tried in his absence with no representation. On conviction he was sentenced to a substantial term of imprisonment.

**R v JW: Southwark CC**

2012

Pleaded guilty to various offences of fraud from the Royal Academy of Music when she was the finance and administration director by means of a false invoicing system. Classic allegation of serious breach of trust that involved her repaying over £400,000 back to RAM at the outset of the investigation.

## Inquests

**Edson Da Costa**

2018-9

Lead counsel for the 5 plain clothed officers involved in stopping a vehicle in which the deceased was a passenger. No dispute that Mr Da Costa, unbeknown to the officers, placed numerous packages of crack cocaine and heroin into his mouth on exiting the vehicle. Soon after a struggle he became unresponsive and medical attention was sought. Several days later he died in hospital. The officers were all granted anonymity in giving evidence in the 5 week inquest due to threats that had been made against them.

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### **2017**

Alleged Misconduct of anonymous Officers A, B, C and D following the death of Henry **Hicks**. MPS Gross Misconduct hearing centred on issue of whether or not officers were engaged in a pursuit. Due to threats officers remained anonymous throughout the proceedings even though they were held in public. All officers were cleared of all allegations brought in IPCC directed hearing.

### **JC**

2016

Main officer accused of sexual impropriety whilst driving his private vehicle in the vicinity of a bus stop where 2 young women were standing. He denied this and a subsequent allegation that he and his brother also a police officer attempted to pervert the course of justice in fabricating a false alibi. This case was more involved due to the use of cell site analysis.

### **CL**

2016

This case alleged that officers during the student riots had perverted the course of justice in giving untruthful accounts of



the events on the evening in question. Having been acquitted in the Crown Court the Gross Misconduct allegations were stayed as an abuse of the process due to the identical issues being alleged with no new material at all after 5 years. Also there was clear prejudice as a result of the failure to subsequently investigate legitimate lines of enquiry.

## Regulatory

### **SIA v Sabrewatch & Others**

2009-10

Prosecuted as lead counsel this first major trial for the Security Industry Authority.

This case was brought against a well-known company and three of its principal directors for failing to adhere to the licensing policy and ensuring its guards were licensed under the Security Industry Act. Following a two month trial at Southwark convictions against all the defendants' significant costs, fines and confiscation orders were made. The case was defended by a variety of silks and leading juniors. The preparation for this trial took many months in advance of the jury being sworn in. the process of bringing the case to trial took a number of years due to issues raised by the defence teams.

## Memberships

- Association of Regulatory and Disciplinary Lawyers
- Criminal Bar Association
- Fraud Lawyers' Association
- South Eastern Circuit

## Education

- BA (Hons) Law

## Appointments

- Bencher, Middle Temple (2015)
- South Eastern Circuit Committee (2006-2009)
- Recorder, South Eastern Circuit (2004-)
- Governor ICSL (1999-2001)
- Advocacy Trainer, Middle Temple (1998-)
- Bar Council and CBA Member (1996-1999)

## Other Information

- Golf, 22 handicap; competent skier; and willing bridge partner.
- RFU Referee Levels 1 and 2, ex member of London Society of Referees.
- Qualified RFU mini/midi coach level 1 and 2, ex player at London Welsh RFC.
- Previously licensed and qualified pyrotechnic and DCPS choral society.

## Accreditations

