

## Ben Thomas

Call: 2010

### Crime

Ben has a strong practice in all areas of criminal law. He is a CPS Level Three Prosecutor and has an equally successful and busy defence practice. He has also appeared as a led junior for both the prosecution and the defence in the full range of criminal work. He has experience of conducting paperless trials and presenting cases to juries electronically. He is comfortable with conducting proceedings through interpreters.

His practice encompasses the full range of criminal law, including sexual offences, serious violent offences, firearms and drug trafficking. He has a particular expertise in complex and paper heavy fraud work and is regularly instructed in such matters. Having been instructed as prosecution junior in a series of paper heavy mortgage frauds he has considerable experience in dealing with disclosure of unused material, Section 8 applications and issues regarding PII and intelligence. He has successfully applied this experience to his defence practice. Ben also has a strong interest in human rights and civil liberties and has successfully defended in prosecutions brought following demonstration and protests.

Ben is also experienced in defending applications under the Proceeds of Crime Act He has been instructed to represent Defendants and interveners in the Crown Court solely in respect of Proceeds of Crime Act applications. He has experience of dealing with applications to vary restraint orders, receivership applications, applications to vary confiscation orders and enforcement proceedings.

### Notable cases

- R v Amin, Arapaj and Butlin (November 2018)- Junior for the prosecution arising out of a fatal shooting by the police on the M62 in January 2017.
- R v Ahmed, Khan and Cotter (July 2018)- Successful prosecution of County Lines drugs operation. This case rested on interpretation of phone evidence and drugs expert evidence.
- R v Spedding [2018] EWCA Crim 1937 (July 2018) Appeal against sentence where the Court of Appeal overturned both the finding of dangerousness and reduced the sentence.
- R v [Arthur Wilder](#) (June 2018) Successful Prosecution of Defendant in a £1 Million mortgage fraud.
- R v [Findlay Windas and Others](#) (March 2018)- Led Junior in the successful multi handed prosecution for Conspiracy to Supply Drugs and Prohibited Weapons. Following conviction and sentence, Ben received extremely positive feedback from both the CPS and the Police.
- R v PL (November 2017)- Represented Defendant accused of serious sexual offences against his daughter. The Defendant was already serving an extended sentence for similar offences against another family member. Case was further complicated by some of the offending having taken place when the family lived in Scotland.
- R v GH (August 2017)- Successful defence of historic allegations of rape alleged to have occurred in 1976 when the defendant was 16 years old.
- R v Hammed (June 2017) Successful prosecution of a sham marriage immigration fraud. This case involved significant evidence being given by video link from Pakistan.
- R v [Malkeet Singh Rathod](#) (February 2017) Led Junior for the main defendant in industrial scale immigration fraud involving widespread abuse of the sponsor licence scheme. Acted alone in respect of the confiscation proceedings.



### Education:

**2008** University of York, BA (Hons) History

**2009** College of Law, PgDip Law

**2010** College of Law, BVC ('outstanding')

### Career:

**2011** Pupil of Gill Batts at New Park Court Chambers, Leeds

**2012** Tenant at New Park Court Chambers, Leeds

**2015** Tenant at Park Square Barristers, Leeds

**2016** CPS Level-3 prosecutor

- R v RW (December 2016) Successful defence of woman of good character accused of theft of £30 000 worth of stock from her former employer over a significant period of time.
- R v JN (November 2016) Successful defence of man of good character accused of handling stolen lorries valued at £150 000.
- R v SW (September 2016) Successful submission of no case to answer in respect of alleged joint enterprise Section 18 offence, based on the principles in [R v Jogee \[2016\] UK SC 8](#)
- R v Muelenbroeks and Clarke (August 2016) Successful prosecution of two defendants for conspiracy to supply £60 000 worth of heroin.
- R v JB (February 2016)- Successful defence in a £350 000 conspiracy to fraudulently obtain meat from suppliers across the United Kingdom and Eire.
- R v [David Purdie and others](#) (September 2015) Led Junior Counsel for the Prosecution in an eight handed £200 000 000+ mortgage fraud.
- R v KS (August 2015)- Defence of woman accused of perverting the course of justice over alleged false allegation of sexual assault against a police officer. Advised as to the obtaining of a psychiatric report regarding the issue of intent. Following service of that report the Prosecution offered no evidence.
- R v PJ (June 2015) Successful defence of man of good character in respect of an allegation of inflicting grievous bodily harm on his neighbour following long running and acrimonious neighbour dispute.
- R v Nigel Carroll (November 2014) Led Junior on behalf of a Defendant accused of attempted rape, sexual assault and multiple burglaries. The Defendant had a significant history of sexual offending.
- R v AS (September 2014) Defence of a sales manager accused of fraud against his former employer. Successful application made to stay the indictment as an abuse of process as a result of significant prosecution disclosure failures.

## Contact Ben's clerks

[Andrew Thornton](#) on [0113 213 5202](#)

[Gina Hawkins](#) on [0113 213 5205](#)

[Rebecca Wilson](#) on [0113 213 5203](#)

[Hannah Dempsey](#) on [0113 213 5211](#)

[Elaine Foster-Morgan](#) on [0113 213 5217](#)

[Robyn Nichol](#) on [0113 213 5253](#)

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## Regulatory & Public

Ben Thomas is a C-List Specialist Regulatory Advocate.

Ben has considerable experience of prosecuting regulatory offences on behalf of local authorities for the full range of regulatory offences including unauthorised demolition, breach of hygiene improvement notices and breach of enforcement notices. He has represented local authorities in relation to appeals against abatement notices. He also has experience of taxi licencing appeals for both Appellants and the Respondent. He is regularly asked to advise in relation to new legislation and regulations. He is always happy to assist with advice, whether in writing or in conference

Ben has represented Defendants prosecuted by the Environment Agency and by the local authorities for offences relating to waste disposal and breaches of tree preservation orders. He has also prosecuted cases on behalf of DEFRA and successfully defended in prosecutions brought by rail companies. Ben has been instructed to defend in applications brought by the police for Gang Related Violence Injunctions and also has experience of representing defendant's facing committal to prison for breach of these injunctions. Ben has experience of defending applications for Anti-Social Behaviour Orders, and has a particular interest in defending applications for

Premises Closure Orders under the Anti-Social Behaviour Act 2003, both at first instance and on appeal. He has considerable experience in defending applications for forfeiture of cash under the Proceeds of Crime Act 2002 and applications under the Customs and Excise Management Act 1979. He has also appeared at Inquests and at parole board hearings

Ben has been instructed as independent counsel in relation to reviewing material and advising in respect of Legal Professional Privilege for both the Police and Her Majesty's Revenue and Customs.

## Notable cases

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- [CSG v Craven District Council](#) (December 2018) On going appeal regarding abatement notice.
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- [KR v Kirklees Council](#) (February 2018) Appeal against the revocation of an alcohol licence.
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- [Nasir Ali v Craven District Council](#) (November 2017) Successfully resisted the appeal against the revocation of a taxi licence in respect of a driver who had been alleged to have committed a sexual assault on a passenger. The appeal was dismissed, and the revocation upheld notwithstanding the decision of the police not to charge.
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- [Kirklees Council v JGC \(Ltd\)](#) (July 2017) Defence of land agents for breach of a Tree Preservation Order.
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- [Craven District Council v David Eckersall](#) (January 2017) Successful prosecution for the demolition of a Grade II listed building. This case attracted significant media interest
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- [Northern Rail v MM](#) (April 2014) Successful defence of teacher accused of offences contrary to the railway byelaws.
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- [The Chief Constable of West Yorkshire Police v LC](#) (January 2014) Represented a Defendant in an application brought by the police for a Gang Related Violence Injunction. Successfully argued that any application should be stayed pending the Defendant's on-going criminal proceedings and that an interim injunction was unnecessary in the circumstances
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- [Sandwell Council v IO](#) (October 2012) Three day contested application for premises closure order.
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- [The Chief Constable of West Yorkshire Police v PM](#) (January 2012) Successful defence in cash forfeiture proceedings.
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## Contact Ben's clerk

[Madeleine Gray](#) on [0113 202 8603](#)

[Patrick Urbina](#) on [0113 213 5250](#)