

Derek Duffy

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Derek Duffy practises in serious **crime** and **fraud**, exclusively as defence counsel.

He also practises in **healthcare professional discipline** and general **regulatory**.

Expertise

Serious Crime

Derek is exclusively a criminal defence specialist, regularly briefed as Leading Junior Counsel. He is highly experienced in complex cases involving homicide, serious organised crime, human trafficking, rape and serious sexual offences. He has conducted numerous defence cases involving money laundering, complex fraud and confiscation cases.

Notable Serious Crime cases

R v Bryant

Crown alleged Bryant was a professional handler of stolen goods and relied on a "Supergrass" who claimed he supplied Bryant with goods stolen during the course of a series of violent robberies. This "Supergrass" had been used successfully as the key witness in obtaining convictions in cases of murder and OCG prosecutions was regarded by the Crown as a highly credible witness. During Bryant's trial we produced evidence fundamentally undermining the credibility of this "Supergrass". As a result of this new evidence the case collapsed and the prosecution offered no further evidence against Bryant. This evidence was then used in the subsequent appeals against the previous convictions of others.

R v Slade, Perman & Others

Slade and his associates identified as a high priority criminal target by the West Yorkshire police and placed under extensive surveillance for in excess of 12 months, during which time a series of crimes were identified, the most significant being sophisticated robberies of cash in transit vehicles and Post Offices. During the course of that surveillance a conspiracy to murder was overheard. The defendants were arrested at the scene of an attempted murder. The defendants were

ultimately prosecuted for conspiracy to murder and subsequently conspiracy to rob. Although the defendants were initially convicted of conspiracy to murder this conviction was set aside by the Court of Appeal. The prosecution offered no evidence during the retrial.

R v Elam

Following the investigation into Slade's& others Elam was identified as a high priority criminal target by the West Yorkshire Police and placed under extensive surveillance for in excess of 12 months during which time a series of crimes were identified. The evidence against him was collected by way of intrusive surveillance including the recording of conversations by various covert means.

R v Sarwar

Sarwar was alleged to be involved in the kidnap and attempted murder of a rival member of an OCG. The prosecution case was that he was lured to Pakistan where arrangements were made to detain, torture and kill him. Following a six-week trial the judge dismissed the prosecution case against him.

R v Husain

Husain was said to be a leading member of an OCG. A dispute arose with another OCG resulting in a gang war. Husain was charged in a conspiracy to shoot members of the opposing groups and their families. It was acquitted following a six-week trial.

R v Gardener & Others

Gardner was alleged to be the head of an OCG. A dispute occurred with arrival organisation resulting in an attempted shooting by Gardner and his accomplices. During the course of the trial several members of the OCG change their accounts and gave evidence against Gardner resulting in his conviction.

R v Watts

Derek was instructed as leading junior. Watts was said to be the leader of an OCG involved in the wholesale importation of class A and B drugs. 30 tons of heroin and in excess of 100 tons of class B drugs were seized from a warehouse controlled by the OCG. In addition the group was identified as supplying other groups throughout the United Kingdom. The matter was listed for trial. During the first week of the trial the prosecution agreed to offer no further evidence in relation to the class A importation and the defendant admitted a limited role only in the supply of class B drugs.

R v Barraclough

An OCG was involved in the systematic theft of millions of pounds worth of goods from lorries in the Midlands. Barraclough was prosecuted for handling those goods. The prosecution case against him consisted of telephone analysis and sightings.

R v Baz

The defendant was said to be involved in the importation of large amounts of class B drugs from the continent under the cover of the legitimate importation of business goods.

R v Hughes

The defendant was said to be involved in the importation of container loads of counterfeit cigarettes and tobacco. Much of the case relied upon telephone analysis and observation evidence. The defendant was acquitted after a three-month trial. Derek has also been instructed in other similar cases involving the importation of tens of millions of counterfeit cigarettes and tobacco (examples R v Moon, R v Feldman).

R v Hoang

Hoang was alleged to be the importer and supplier of class B drugs to a group in the UK for the onward supply. The prosecution alleged Hoang was seen supplying the UK distributors with a wholesale shipment of class B drugs. The prosecution case relied upon identification evidence, observations and telephone evidence. The defendant was acquitted following a 10 week. The remaining defendants were convicted.

R v Metcalf & Others

The Crown alleged that this defendant was responsible for the wholesale creation of drugs that whilst legal themselves were marketed as a controlled drug ecstasy. Fake "ecstasy" was created by a combination of drugs that were not at the time controlled drugs, in particular ketamine. The defendant was charged with a variety of offences including offering to supply control drugs and the laundering of the proceeds of sale. The defendant did not dispute producing tablets in dispute that they were marketed on his behalf as controlled drugs. This case gave rise to significant legal issues. Ultimately certain offences were admitted following the resolution of legal issues.

R v Cesar

Derek was instructed to represent the first defendant in a multi-handed people trafficking case. It was alleged but the defendant was the head of a family had recruited vulnerable individuals in Slovakia and brought them to the UK when they were subsequently exploited by having the benefits removed from them and forcing the men to work for minimal daily payments, retaining the wages that should have been paid to them. The trial proceeded for 10 weeks and involved the cross examination of multiple complaints legal arguments in relation to the form and content of the indictment, the admissibility of evidence, hearsay applications and other issues. As Derek was first on the indictment it fell to him to conduct much of the advocacy in the case.

R v Elliot

This was a case of historic abuse in a children's home. Allegations were made by multiple complaints following high-profile disclosures of abuse relating to other establishments within the same geographical area. The allegations related back the late 70s and early 80s and were therefore difficult to investigate. However substantial defence investigations did identify inconsistencies in the evidence. Following a long trial the defendant was acquitted.

R v Campbell

The defendant and one other was charged with multiple offences of rape. The Crown alleged the defendant himself out to be a premiership football player, deceive the complainant and arranged for her to attend hotel where he and others raped her when she had consume so much alcohol she was unable to consent. The case involved substantial investigation including the recovery of CCTV on social media communications to demonstrate consent. In addition expert evidence was called to deal with the consumption of alcohol the inferences to be drawn from the appearance of intoxication on the CCTV. The defendant was acquitted of all charges of rape.

R v Lawson

Lawson was charged with rape of a former partner. He alleged her complaints were fabricated. The prosecution were slow in disclosure an appropriate disclosure had still not been made on the day of trial. Although the judge directed that the trial should start the case was adjourned following the playing to the jury of the complaints video evidence on the first day due the insistence of the defence that they were entitled to certain disclosure prior to the cross-examination of the witness. A when disclosure was made the Crown conceded the complainant was so unreliable the case could not proceed no evidence was offered.

R v Webster

The defendant was charged with the rape of his former wife in the sexual assault of his stepdaughter. Although the stepdaughter was unable to identify the date upon which the alleged sexual assault occurred the defence case involved the presenting the detailed alibi to establish that the defendant could not in present with the complainant in the circumstances or day on which the offence could have occurred. The defendant was acquitted operation of his former wife during the first trial but a retrial was ordered in relation to his stepdaughter. He was convicted of the sexual assault officer daughter on the retrial but this conviction was set aside

due to a misdirection by the judge. The prosecution's application for a retrial was refused and the defendant was acquitted.

R v Harvey

The defendant as a youth at the time but was sent for trial to the Crown Court. Derek was instructed to take over the case at short notice. Harvey was alleged to have sexually assaulted and raped a number of girls. The case was complicated by the fact that he suffered from aspergers syndrome and the impact this would have on his understanding of the issues, his evidence and his presentation to the jury. During the course of the proceedings it became clear that the Crown had failed to disclose all the relevant social media communications. Appropriate disclosure was obtained. The defendant was acquitted of all charges.

R v X

The defendant was accused of the abduction off the street and rape of the complainant. The defendant did not dispute he had associated with the complainant at the time it maintained that he had neither abducted nor raped her. The case turned entirely on the cross-examination of the complainant. Following a trial the defendant was acquitted on all charges.

Financial & Corporate Crime

Derek's fraud practice benefits from his extensive previous experience as a Solicitor and partner in a leading law firm where he was head of the fraud department. He has successfully defended a number of criminal fraud, regulatory and proceeds of crime cases. He is regularly briefed to defend solicitors, accountants, financial advisors and other professionals.

Notable Financial & Corporate Crime cases

Barlow Clowes

Derek led the defence team on behalf of the second defendant GV Cramer. At the time this prosecution was the largest fraud prosecution conducted in the United Kingdom. The case involved the use and alleged misuse of offshore companies and involved worldwide investigations. The prosecution disclosed in excess of 1 million pages of documentation. The defence used a team of lawyers to investigate and analyse this material. Ultimately the case concluded in a seven-month trial during which GV Cramer was acquitted of all charges. Derek also dealt with the civil and bankruptcy proceedings arising from these charges. The bankruptcy order obtained against Cramer was annulled in the civil proceedings dismissed.

Brakes, Klenk, Kosnowski & Others

Derek was initially instructed on behalf of two of four defendants prosecuted for insurance fraud, Klenk and Kosnowski. Kosnowski was a Lloyds broker. It was the Crown's case that Brakes and others conspired with the Lloyd's broker to set up fraudulent insurance schemes. Derek made successful applications to dismiss the case against Klenk and Kosnowski. He was subsequently instructed on behalf of the 3rd defendant in the case that ultimately proceeded to trial.

R v Whittaker

Whittaker was a substantial businessman. He operated a number of Mercedes-Benz franchises and was involved in commercial property. The Crown alleged that he created fleets of "ghost" commercial vehicles by attaching legitimate but unused VIN plates to existing vehicles thus enabling him create multiple false identities for each legitimate vehicle and finance each vehicle on multiple occasions causing losses in excess of £10 million. Following lengthy investigations and defence evidence the prosecution accepted a plea on a limited basis.

R v Dunne

Dunne was an accountant and charged with cheating the revenue. It was claimed he conspired with the owners of limited companies, while acting as the company

accountant, to suppress turnover and profits and therefore tax liability. The matter was listed for trial with Dunne first on the indictment. After three weeks of cross examination by Derek of expert witnesses and police officers the judge invited the prosecution to offer no evidence. The Crown accepted this invitation and the defendant was acquitted.

R v Rennie & Others

Rennie was employed by Milner’s solicitors. The Crown alleged that solicitors at the practice stole money from client account with the help and assistance of Rennie. This case requires a complex financial investigation. Ultimately Rennie was acquitted.

R v Buckley

Instructed as Leading Junior. Allegations of multi-million pound fraud involving the West Yorkshire Ambulance trust, including the siphoning of money from the trust to directors of it involving complex interlinked transactions and setting up of a register of Pilipino nurses claimed to have been brought to this country under the NHS direct scheme. Acquitted. All other defendants convicted.

R v Ives

Instructed as Leading Junior. Alleged large-scale multimillion-pound fraud involving copyright infringed sales of computer equipment and software, false account and theft, following severance from French multi-national. Listed for a 10-week trial. Acquitted.

R v Russell

Instructed as Leading Junior. Alleged complex fraud by the directors of Exeter City Football Club. Allegations of fraudulent due diligence, trading whilst insolvent, false accounting, VAT fraud, obtaining the services of Michael Jackson by deceit, false declaration of tickets sales. Acquitted on principle charges after legal argument.

R v Thompson

Instructed as Leading Junior. Thompson was charged with conspiracy to defraud and money laundering. She acted on behalf of co-defendants and set up a series of companies in order to disguise the participation of her co-accused. In excess of £12.5 million was obtained by a diversion fraud from a series of UK companies. The trial lasted for 12 weeks. Thompson was acquitted of conspiracy to defraud.

R v Keith & Others

The prosecution alleged that Milner and Keith set up a fraudulent company for the purposes fraud. Keith was the director of the company Milner a shadow director. Assets were transferred into the company and then dissipated. The Crown alleged fraud losses well in excess of £1 million. It was the Crown’s case that Keith and his company acted as the legitimate front to discuss the dishonest actions of Milner. Following a 10 week trial Milner was convicted of all allegations and received a 17 year sentence. Keith received mixed verdicts but was convicted of minor offences only and sentenced to 20 months.

R v Ramzan & Others

Ramzan was charged this in a massive money-laundering operation during which period in excess of £100 million was transferred out of the UK by misusing the Hawalla banking system. Cash deliveries, often in excess of £500,000 per delivery, were being received by local Hawallas. This case consider the operation of the Hawalla banking system in the UK and as a result of this prosecution new procedures were put in place to help regulate this system.

R v Omer

Omer was said to be engaged in the misuse of the transfer of monies to the Indian continent. Expert evidence was called on the use of the money transfer system. The case against Omer was based entirely on telephone schedules and observations.

Directors Disqualification

Directors Disqualification proceedings are an increasingly popular disciplinary measure. Derek has advised in, and successfully defended, proceedings brought against directors. Derek is currently instructed in Directors Disqualification proceedings arising from the most complex DTI investigation ever undertaken.

Derek has given a number of lectures in various aspects of fraud and tax defence work. Alongside KPMG, he has undertaken a series of lectures on VAT and Revenue investigations and proceedings arising there from.

Notable Directors Disqualification cases

Barlow Clowes

Just about everything! £150M.

R v Holden

Financial Services. £3.5M.

R v McCluskey

Banking, Franchising, Mortgage Stock exchange. £40M.

R v Harris

SFA, Stock Exchange, Compliance [Mini Baring]. £100M.

R v Finnigan

Banking, Deposit taking. £2M.

R v Braund

Advance fee fraud. £11.7M.

R v Turner

Insolvency, Rogue liquidator.

R v Whittaker

Finance, Mortgage. £35M.

R v Thissleton

VAT, HMRC.

R v Huggan

Insurance, Fraudulent trading. £1M.

R v Moran

Advance Fee. £100M.

R v Sagar

Insolvency, VAT, HMRC. £1.2M.

R v Golding

Insolvency, VAT, HMRC. £2M.

R v Lytle

Insurance.

R v Baxter

Vehicle finance.

R v Davison

PAYE.

R v Appleyard

HMRC, PAYE.

R v Cocker

HMRC, PAYE.
