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John Upton

Called 1998

Areas of Practice

Crime and Regulatory work – especially Commercial Road Transport, Judicial review.

Having spent a long time in businesses of varying types and sizes, with an emphasis on finance and corporate treasury both domestic and international, I am comfortable with the rapid assimilation of large swathes of detail as well as knowledgeable about business and financial practices. In a previous existence I trained as an accountant and worked in general practice, specialist insolvency, and industry. I was also a classical musician before coming to the Bar.

Case Profile

- **R v Osbery and others 2001**
Southwark Crown Court: Defending in public order case involving the attack on the 1999 Bloody Sunday march through London although defendants featured in the McIntyre Undercover television series about football hooliganism and were part of the Frain and Marriner connection, allegedly.
- **R v Frith and others 2004**
Winchester Crown Court: Defending with QC one of 8 in attempted murder. Client successfully acquitted. 45 day VHCC qualifying case.
- **R v Moyse 2005**
Bournemouth Crown Court: Successful defence of man with learning difficulties and suicidal tendencies on 17 counts of child sex abuse involving three complainants (aged 16 and 17 at time of trial) over a period of 3 to 5 years, some 5 years earlier.
- **Swallow Coach Company 2005**
Transport Tribunal: Successfully appealed decision of Traffic Commissioner on grounds of serious delay which was deprecated by the Tribunal. Decision quoted in the Transport Tribunal Digest and reported at 2005/523.
- **R v Doran 2006**
- Lincoln Crown Court: Defended one of two brothers in kidnapping of labourer. Client successfully acquitted when “victim” confessed to lying about the allegation at the instigation of his mother to get compensation.

- **R v Anderson 2006/2007**
- Nottingham Crown Court: Defended suspected drug dealer on mortgage fraud and money laundering.
- **R v Moss 2006**
Bournemouth Crown Court: Successful defence of client on allegation of raping a 15 year old girl.
- **R v Curtis 2006**
Southampton Crown Court; Successful defence of client accused of homosexual indecent assault of young man suffering from cerebral palsy.
- **R v Maloney and others 2006**
Southampton Crown Court: Client pleaded guilty to his part in defrauding elderly man of his six-figure savings in long term building and insurance advance fee scam.
- **R v Hughes and others 2006**
Portsmouth Crown Court: Defending in major conspiracy to burgle shop premises involving chain of burglaries from Sussex to Dorset and values of over £350,000.
- **R v Williams 2006/2007**
Snaresbrook Crown Court: Defending theft from employer in which real issues began as state of accounting systems of PLC employer and ended as disclosure: client acquitted following successful abuse of process argument after repeated and prolonged disclosure failures.
- **R v Sutton 2007**
Newport, IOW and Portsmouth Crown Court: Client (“knocker” or street antique dealer) pleaded guilty to matters of dishonesty relating to oriental antiques worth over £150,000
- **R v Massive Limited 2007**
Defended public house chain in various Crown Courts in cases involving breaches of Food Hygiene regulations and Waste Packaging regulations.
- **Greaves Surveying and Engineering Ltd 2008**
Transport Tribunal: Successful appeal from decision of Traffic Commissioner on grounds he had trespassed into area of planning law outside his remit (quoted in the Transport Tribunal Digest and reported at 2008/335).
- **Al-Le Logistics Limited 2008**
Transport Tribunal: Successful appeal from decision of Traffic Commissioner on grounds of unfairness due to failure or refusal by VOSA to release documents seized from company before Public Inquiry and subsequent refusal of TC to adjourn PI to allow proper and effective disclosure. Quoted in Transport Tribunal digest and reported at 2008/413.
- **R v Frolovs and others 2008**
Maidstone Crown Court: Defending with QC one of 3 Russians in major (21 million) cigarette smuggling and money laundering case lasting 3 months with considerable disclosure issues and questions about the changing nature of international payments and money transfers.
- **R v Crabb 2009**
Dorchester Crown Court: Defending young mother of 5 children under 8 in 2 month trial on conspiracy to steal property belonging to deceased

farmer. Issues of state of mind of deceased and intent (both of farmer and defendant) as well as legal nature of testamentary bequests and gifts of land inter vivos.

- **R v Semanov (2009)**
Southampton Crown Court: Defended Russian in case of possession of (decommissioned) Kalashnikov assault rifle and Threats to kill
- **R v Semanov (No 2) 2009**
Southampton Crown Court: Successful defence of same Russian in case of marital rape – notable for trilingual interpreting required – Indonesian dialect, Russian and English.
- **R v Traffic Commissioner of South East and Metropolitan Traffic Area, VOSA and TC for North West on application of Al-Le Logistics Ltd (2009-2010)**
Judicial Review with QC of actions of the Defendants against the claimant company and its employees and questioning the propriety of TC quasi-judicial interventions in a case in defiance of judgment of Transport Tribunal judgment.
- **R v Jurdine 2010**
Oxford Crown Court: Successful prosecution of American/Jamaican drug dealer who posed as Investment Banker from the Philippines. The case involved using experience of international business, commerce and finance to unmask the true nature of his activities through cross-examination.

Education & Qualifications

Called to the Bar 1998 (Gray's Inn)
1997-8 BVC Inns of Court School of Law
1996-7 PG Dip Law (Commendation) Bournemouth University
1987-90 BA (Hons) Brunel University Music and Religion 2.1

Professional Courses

- Forensic Accounting
- Serious Sexual Offences
- Criminal Justice Act 2003
- Human Rights Act 1998
- Sexual Offences Act 2003
- Proceeds of Crime 2002

Professional Memberships

- Criminal Bar Association
- Member of Western Circuit
- Thames Valley Bar Mess

Interests

Golf, music, travel and trying to teach Labradors to do the ironing.