



## Dominic Lewis

### 2000

"An excellent advocate who is able to engage the jury"

- Instructing Solicitor

### Overview

A first-rate junior, as well as an accomplished advocate in his own right, at 18 years' call Dominic has significant experience of both prosecuting and defending at the highest level. He has been at 5 Paper Buildings for his entire career so far, and plans to stay there.

In recent years, Dominic's practice has primarily focused on prosecuting and defending in cases of serious fraud, including acting on the prosecution side in SFO and FCA cases. He acted as junior counsel for the SFO in the Barclays US\$ Libor trial, and has been instructed in the same capacity in the EURIBOR manipulation trial, which is due to be heard in the summer of 2018.

Dominic also has considerable experience of defending those accused of the most serious sexual offences, including in particular historical allegations. He has been fully trained in handling vulnerable witnesses, and his temperate and courteous style can act as a helpful contrast to the heat and noise that can be generated by such cases. His strengths include the provision of always realistic advice, and the delivery of closing speeches that balance logic and emotion to powerful effect.

His practice also encompasses serious driving offences such as causing death by careless driving, cases in which his meticulous approach to preparation and calm manner are significant assets.

Dominic is regularly instructed in an advisory capacity by government agencies, police forces and private individuals in relation to police powers, including for example special procedure search warrants, pre-charge bail and the proper scope of LPP.

In 2010, Dominic was appointed to the panel of Special Advocates. This role involves acting on behalf of individuals in cases that may involve sensitive disclosure issues or matters of national security. Since 2015 he has regularly appeared in SIAC, the High Court and the Court of Appeal in such cases, generally those with an immigration focus. He also appears on the AG's list of barristers authorised to act as independent disclosure counsel in criminal proceedings.

Dominic is qualified to offer advice and representation on a public access basis, meaning that he can be instructed directly by private individuals.

His practice comprises the following areas:

## Criminal Defence

Dominic regularly appears on behalf of defendants facing serious allegations across the range of criminal offences, for example:

- serious fraud and other offences of dishonesty
  - o e.g. R. v. Ekajeh & others, [2012] EWCA Crim 3125
  - o advance fee fraud, mortgage fraud, banking fraud, sham marriage cases, identity fraud, immigration fraud ...
- rape and historical sexual offences
- making and possession of indecent images of children
- offences of terrorism (including s.58 TA 2000 / s.5 TA 2006)
- serious violence (including joint enterprise allegations)
- firearms offences
  - o e.g. AG's References Nos. 48 & 49 of 2010 [2010] EWCA Crim 2521
- Class A drug production, importation and supply
- trafficking for exploitation
- graffiti-related criminal damage

Dominic also appears on behalf of defendants in the Court Martial, both in the UK and abroad.

## Criminal Prosecution

In the last few years, Dominic has been instructed by the SFO in a number of cases concerning benchmark interest rate manipulation, including the Barclays US\$ traders Libor trial (2015-2017) and the Euribor trial (2016-present). Both of these cases concern the alleged manipulation of LIBOR/EURIBOR, key borrowing rates against which large volumes of interest rate derivatives trades are settled each day.

Dominic is a CPS Grade 3 prosecutor, with considerable experience at junior and led junior level, including in appellate proceedings before the Court of Appeal and Divisional Court. He is on the CPS specialist Fraud and Proceeds of Crime panels, and, although he has not applied to be added to the RASSO list has nevertheless completed vulnerable witness training. He regularly provides pre-charge advice to the CPS in matters of serious and complex fraud.

He also prosecutes for local authorities, and advises government agencies and police forces in relation to the use of police powers.

## Consumer law (prosecuting and defending)

- Trade Marks litigation
- CPUTR
- REACH Regulations – product safety litigation
- Environmental Health

## Appellate work

Including acting on behalf of the CPS Appeals Unit in appeals against conviction to the Court of Appeal, and appeals by way of case stated.

## Road Traffic offences

Dominic is regularly instructed (usually by the defence) in road traffic matters, both at first instance and on appeal. He has a proven track record of success in defending against allegations of driving while under the influence of drink and drugs, as well as cases of causing death by careless driving.

## Proceeds of Crime

Dominic appears on behalf of both the prosecution and the defence in cases in which confiscation proceedings are contemplated. His practice includes instruction in stand-alone cash forfeiture and confiscation hearings, including enforcement proceedings and appeals. He recently secured a stay of criminal sanctions in enforcement proceedings in which the prosecution were applying to enforce an order made around 10 years ago.

He is familiar with all aspects of asset recovery litigation, including receivership and civil recovery - in respect of which he was instructed for one of the respondents in the leading case of *ARA v. Green & others* [2005] EWHC 3168 (Admin).

He has considerable experience in particular in the field of criminal confiscation and the enforcement of confiscation orders, from both sides of the courtroom.

## Pro bono work

Dominic is a member of the Bar Pro Bono Unit. Past cases which he has undertaken on a pro bono basis have included judicial review proceedings in relation to the withdrawal of LSC funding in a family case, and advising on actions against the police in relation to allegations of wrongful arrest.

Dominic is also regularly instructed in relation to proposed appeals to the Judicial Committee of the Privy Council from various Caribbean states. He continues to be available for advice and representation in

appropriate cases on a pro bono basis.

## Public access

Dominic appears on the register of barristers authorised to conduct public access work:

## Notable Cases

### **R. v. RB** (2016)

Appeared on behalf of the (now elderly) manager of a children's home in the 1970s, charged with sexual offences and child cruelty against 8 different children in his care.

### **R. v. Mathew & others** (2016)

### **SSHD v. EB** (2016)

Acted as junior Special Advocate (led by Zubair Ahmad at 2 Hare Court) instructed on behalf of the appellant in proceedings in the High Court to review an order made against him under the Terrorism Prevention and Investigation Measures Act.

### **R. v. RS & others** (2014-2016)

Acted as led junior counsel (led by Ben Douglas-Jones) in three linked prosecutions for large-scale tax evasion by both companies and defendants.

### **R. v. LN & BK** (2015-2016)

Instructed as led junior counsel (led by David Durose at Furnival Chambers) prosecuting two defendants in connection with the laundering of 100 million euros. The money had been obtained by the first defendant through a fraud practised in Malta upon a shipping company. The money laundering was complex and sophisticated, involving a large number of individuals and corporate identities, and continued even after the first defendant had been arrested and interviewed. The second defendant was a solicitor whose overseas bank accounts were used to receive and transmit the proceeds of crime between a number of jurisdictions. The trial had a unique dynamic given the lack of legal representation for the first defendant. It lasted around five months.

### **R. v. FM** (2015, 2016)

Appeared at both trial and retrial on behalf of a man charged with the systematic sexual abuse of his daughter over a period of around ten years, in which his three other children gave evidence for the prosecution.

### **R. v. BM** (2015)

Appeared on behalf of an elderly man charged with a number of serious sexual offences allegedly committed against the daughter of family friends in the 1970s. The defendant was wheelchair-bound and

had a degree of dementia which – while falling short of the level of disability required to render him unfit to be tried – necessitated the use of an intermediary.

**LBE v. AM & AJ (2014)**

Instructed by the London Borough of Enfield in the prosecution of the owner of an unlicensed casino in North London. “Big Bluff” – the premises in question – was ostensibly established as a private members’ club, but was operated as a commercial poker club, with tournament prizes on occasion running into the tens of thousands of pounds. The owner contested five charges of money laundering but was convicted following a trial and received a sentence of 15 months’ imprisonment on each count. This is believed to be the first such prosecution to be brought in the Crown Court under the money laundering provisions of POCA rather than under s.37 of the Gambling Act, which created a summary-only offence. Further information about the case can be found in an article for Local Government Lawyer, at the link below, but please contact Dominic directly if you would like more information about this prosecution and the regulatory regime.

[www.localgovernmentlawyer.co.uk](http://www.localgovernmentlawyer.co.uk)

**R. v. D (2014)** Instructed at extremely short notice to represent a defendant charged with a number of serious sexual offences, including rape, based on allegations made by a young teenage girl. After lengthy argument the allegations were, quite exceptionally, dismissed by the trial judge at the close of the prosecution case.

**R. v. SY (2013)** Instructed as leading junior counsel to represent a female defendant charged with trafficking a vulnerable woman for the purposes of exploitation. The trafficking allegation was dismissed after legal argument pre-trial.

**R. v. CD & AJ (2013)** Instructed as junior counsel alone to represent a woman charged with serious historical sexual offences. The defendant faced trial together with her brother at Maidstone Crown Court. The allegations dated back to the 1970s and concerned a series of assaults on two young children. Dominic’s client was acquitted of all charges she faced. Her brother, was convicted of a number of offences, as reported here.

**LBE v. FTH (2013)** Instructed by the London Borough of Enfield to prosecute a number of defendants in connection with the mis-selling of HGV licence training courses. The company which was operated by the defendants had a turnover of over £2 million, and promised a 24-carat service. However, a significant number of the individuals who contracted to train the company found after making payment that they had been lied to about the quality of service that could be delivered. In some cases no training was delivered at all; in others customers received only partial or inadequate training. The burden of compensating the dissatisfied customers fell in the first instance on the banks or merchant service providers, who were left with a loss of almost £500,000 when the company defaulted on its obligations. Both of the principal defendants (the owner and sales manager of the company) were convicted of fraudulent trading under s.993 of the Companies Act 2006, and the company was convicted of a number of regulatory offences under the CPUTRs.

**R. v. JB & others (2012)** Led junior, acting for a defendant and his company charged with transporting hazardous waste (CRT TVs) to Nigeria under the Transfrontier Shipping of Waste Regulations 2007. The

case arose in part out of an investigation conducted by Sky TV and Greenpeace, and was prosecuted by the Environment Agency. Due to the novelty of the law involved in the proceedings the case was considered by the Court of Appeal on two occasions – once as an interlocutory appeal and once post-conviction, where the relevant law was clarified.

**R. v. SA** (2012) Led junior, instructed to represent a defendant charged (together with his twin brother) with acts preparatory to terrorism under s.5 of the Terrorism Act 2006.

**R. v. KM** (2012) Instructed as junior alone to represent a woman charged with s.18 wounding – the circumstances of which were that she was alleged to have stabbed another woman in the face – and perverting the course of justice.

**R. v. Swan & Woolf** [2012] 1 Cr.App.R.(S.) 90, CA Led junior counsel, instructed to represent a director of a safe deposit company on a number of charges including perverting the course of justice and conspiracy to conceal criminal property. The safe deposit centres in which the defendant was employed were raided back in 2008 as part of Operation Rize, the largest operation ever mounted by the Met Police. This matter has recently concluded after lengthy confiscation proceedings which resulted in a nil order being made.

**R. v. SB** (2010-2012) Instructed by the defence in complicated confiscation enforcement proceedings. The prosecution were applying to enforce a confiscation order made around 10 years earlier by activating a warrant of commitment to prison in default of payment. It was successfully argued on the defendant's behalf that, given the length of time that had passed and the way in which the proceedings had come about the weapon of imprisonment ought to be removed from the court's enforcement armoury. The submission succeeded, the criminal sanctions were stayed and the defendant is no longer liable to imprisonment in these proceedings.

**R. v. Anthony Lee** [2011] EWCA Crim 504, CA Led junior instructed for the prosecution in "The Ritz Fraud".

Instructed alone in the Court of Appeal.

**R. v. DH & others** (2011) Leading junior counsel, instructed to represent a young man alleged to have been in his time the most prolific graffiti artist in London. The defendant was acquitted of around half of the charges that he faced after extensive cross-examination of a police officer who purported to give expert evidence on the topic of graffiti handwriting styles.

See reports below:

•[www.mirror.co.uk](http://www.mirror.co.uk)

•[www.tradingstandards.gov.uk](http://www.tradingstandards.gov.uk)

**R. v. AK** (2010) Instructed to advise and represent a solicitor in an appeal against a conviction for failing to disclose substantial assets to the Official Receiver in connection with bankruptcy proceedings.

**R. v. MH** (2008-9)

Instructed as led junior as amicus curiae in a complicated fraud trial from which the defendant had absented himself, leading his legal team to withdraw.

## Education/Professional

- BA (Hons) Law (Oxon)
- Member of the Criminal Bar Association
- Member of the Bar Council's Law Reform Committee, Surveillance and Privacy Working Group and Money Laundering Working Group