



## David Smith

A wealth of experience both prosecuting and defending serious violence, sex, drugs and fraud

### YEAR OF CALL 1988

#### Education

Leeds Beckett University  
CIFE [Centre of  
International Federalism,  
Vorarlberg, Austria] The  
Inns of Court School of  
Law

#### Appointments

CPS External Advocates  
Panel: Level 4  
CPS Specialist Rape List

#### Memberships

The Honourable Society  
of the Middle Temple  
The South Eastern Circuit  
The Criminal Bar  
Association  
Fraud Lawyer Association

#### Awards

Commander's  
Commendation,  
Metropolitan Police,  
(awarded for prosecuting  
multiple defendant drugs  
cases involving  
undercover police

#### Overview of Practice

David Smith has been practicing at the bar continuously for over 30 years and has a practice spanning the whole criminal calendar. David both prosecutes and defends in equal measure and finds there to be a great advantage in practice to possessing both skill sets.

David has both prosecuted and defended in multiple defendant trials as leading and junior counsel in cases involving serious violence, drugs, fraud, child cruelty and sexual offending.

David is known for his work with vulnerable witnesses and defendants, children and the mentally ill.

#### Practice Areas

- **Criminal Defence and Prosecution**

#### Crimes of Violence

- Murder
- Attempted Murder/GBH
- Unlawful Wounding/Assault
- Kidnap/False Imprisonment/Blackmail
- Firearms Offences
- Child Cruelty
- Violent Disorder
- Prison Mutiny

#### Drugs

officers)

- Importation
- Supply

### **Sexual Offences, (Historic and Contemporary Offending):**

- Rape/Sexual Assault
- Sexual Activity with Children
- Child/Extreme Pornography: making and distribution
- Review of Social Services Records
- Breach of Restraining Orders/Sexual Harm Prevention Orders

### **Dishonesty**

- Fraud – Advance Fee, Benefit Fraud, Employee/Employer
- Money Laundering
- Possessing Criminal Property

### **Drugs**

- Importation
- Supply

### **Miscellaneous**

- Kidnap/False Imprisonment
- Blackmail
- Causing Death by Dangerous Driving
- Perverting the Course of Public Justice
- Confiscation arising from the above
- Private, Domestic Violence Defence

Advising in all areas, including pre-charge advising for the Crown Prosecution Service.

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### **Notable Cases**

– [View All](#)

*R v Ahmed, Berrada, Chartsrivisej, Cocilnau, Abdikarim and Ismail* (Isleworth Crown Court, January – February 2020) – Leading Counsel for the Prosecution. Escalating drug dealing in the Isleworth area, leading to the attempted murder by shooting of a rival at Isleworth Railway Station. The subsequent discovery of an arms cache including a self-loading pistol, ‘sawn-off’ shotgun and a machine gun with ammunition. The case involved extensive CCTV, telephone, cell-site evidence, DNA and expert ballistics evidence.

[View media report](#)

*R v Beeton, Davis, Doherty, Holland, Howard, Luciano, Oldfield, Orsmond, Piper, and Sharp* (Kingston Crown Court, January – April 2019) – Defence/alone. Conspiracy to supply several tonnes of cocaine over several months. The evidence included police surveillance, phone data, Encro-phone use, cell-site and site survey. Issues arose over evidence tampering (by police mid-trial), phone attribution, cell-site location, bad character, (one defendant was in prison for the whole period of the conspiracy). The case was made all the more difficult by a conflict with two of the main defendants, leading to the client’s acquittal.

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*R v Brabon, Moon, Amin, Mahamud and Carter* (Snarebrook Crown Court, May – June 2019) – Leading Counsel for the Prosecution at trial and alone in the Court of Appeal on appeal against conviction and sentence. This case concerned Kent based defendants supplying cocaine from Liverpool to a group of individuals in East London. A police intercept prevented the drug hand-over, to which one of defendants had brought a loaded firearm. This case involved managing observation evidence, as well as extensive phone evidence, cell-site evidence, prison phone evidence and contested DNA evidence.

*R v Fay, Ball and Kundi – Operation Goldstone* (Southwark

Crown Court, completed July 2020) – Defence counsel: alone. A ‘boiler room fraud’ involving the sale of coloured diamonds. The defendants were referred to as the Alan Partridge group because Mr Kundi claimed that he could “convince white mice that black cats were lucky”. There were a substantial number of elderly and vulnerable complainants and a link to a shadow director who appeared on ITV’s reality TV show, ‘TOWIE’. Though convicted, an initial benefit figure of £1.8 million from criminal lifestyle resulted in an confiscation order of £153,000 being made.

Trial:

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POCA:

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