



## John McGuinness KC

*'He has fantastic legal knowledge and is a very versatile advocate.'*

Chambers and Partners (2024)

**YEAR OF CALL 1980. APPOINTED KC 2001**

### Education

BA (Law)

### Appointments

KC List for SFO  
Prosecution Panel &  
Proceeds of Crime Panel  
(2017)

Recorder of the Crown  
Court (2002 – present)  
Panel Member:  
Proscribed Organisations  
Appeal Commission (2002  
– present)

Panel Member:  
Disciplinary Tribunal of  
Financial Reporting  
Council (2014 – present)

### Memberships

CBA



### Overview of Practice

John McGuinness is a recognised leader in advising public bodies and companies on a wide range of criminal and regulatory matters, including corruption, terrorism and disclosure. He is retained as leading counsel in cases such as those concerning allegations of multi-jurisdictional tax fraud. He is noted for his strong work ethic and persuasive advocacy style.

Conducts a wide range of appellate work, including: Appeals against conviction and sentence, Judicial Review; Appeal by Case Stated. He is regularly instructed in the High Court, Court of Appeal and Supreme Court in cases of criminal law, public law and human rights.

He has a wealth of experience in prosecuting and defending the most serious matters in the Crown Court including: Homicide, fraud, corruption, insider dealing and asset confiscation.

He appears in the Upper and First Tier Tribunal (Tax Chamber) appeals.

Advises on all aspects of jurisdiction, specialist casework, regulatory, local authority licensing, taxi and private hire.

His current work includes:

*Ziegler v DPP* (Appeal to Supreme Court in 2021) –

Criminal law; Human rights' Arms trade; Demonstrations; Freedom of expression; Freedom of peaceful assembly; Obstruction of highway; Proportionality; Reasonable excuse.

*'He's the consummate professional: he's tough, very hardworking and very authoritative in court.'*

### **Chambers and Partners (2024)**

### **Practice Areas**

Criminal Defence and Prosecution;  
Fraud & Financial Regulation;  
Asset Recovery, Restraint and Confiscation;  
Business Regulation;  
Public and Administrative Law;  
Tax Litigation.

### **Notable Cases**

#### **- Appellate**

*R v Wangige* (Court of Appeal, 2020) – Criminal procedure; Criminal evidence; Abuse of process; Autrefois convict; Causing death by dangerous driving; Charging decisions; Double jeopardy; Fresh evidence; Stay of proceedings.

*R (L) v DPP* (QBD, 2020) – Decisions to prosecute; Domestic workers; Inducement; Slavery; Sufficiency of evidence; Trafficked victims.

*R (Dalton) v CPS* (QBD, 2020) – Civil procedure; Information technology; Judicial review; Permission; Procedural irregularity; Review grounds; Subject access requests.

*R (Thakrar) v CPS* (Court of Appeal, Civil Division, 2019)– Administrative law; Administration of justice; Criminal

procedure; Civil procedure; Appeals; Court of Appeal; Crown Prosecution Service; Discontinuance; Judicial review; Jurisdiction; Permission to appeal; Private prosecutions.

*R v Towers* (Court of Appeal, 2019)– Criminal law; Adverse inferences; Joint enterprise; Jury directions; Murder; Right to silence; Wounding with intent.

*R v Gohil and others* (Court of Appeal, 2018) – Jurisdiction of Court of Appeal to re-open an earlier appeal where defendant alleges prosecution failed to make proper disclosure.

*Belhaj v DPP* (Supreme Court, 2018) – Lawfulness of DPP decision not to prosecute in case of alleged extraordinary rendition.

*Mackinlay & Others* (Court of Appeal and Supreme Court, 2018) – Definition of election expenses.

*DPP v Manchester & Salford MC* (2017) – Breathalyser – Duties of prosecution disclosure re third party material.

*R v Docherty* (Supreme Court, 2017) – Human rights; prohibition on retroactive penalties; application of “lex mitior” principle to domestic law.

*R v Jogee* (Supreme Court, 2016) – Landmark ruling on mental element necessary for secondary party to be guilty of murder which abolished common law test of foresight as the necessary main reason for murder and other crimes of specific intent.

*R v Neuberg* (No.2) CA (Crim), 2016) – Confiscation; offences committed in connection with the running of a business through a company.

*R v Johnson & Others* CA (Crim) – Appeal; extension of time; change of law cases.

*Beghal v DPP* (Supreme Court, 2015) – Compatibility of port powers to stop, search & interview with Article 6 and privilege against self-incrimination.

*AM v DPP* (Supreme Court, 2014) – Challenge to assisted suicide policy by claimant with ‘locked-in’ syndrome.

*R v N* (CA (Crim), 2016) – Provision of confidential information to police for sentence discount.

*Foncomp v HMRC* (CA (Civil), 2015) – VAT input credit, Kettel fraud, contra-trading.

*R v CW & Others* (CA (Crim), 2015) – AG’s consent to prosecutions.

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– **Trials**

*Operation Larkspur* (2019 – 2020) – Ongoing trials re: Alleged Fraudulent claims for legal costs from public funds.

*R v Shahenshah & Ullah* (2018) – Fraud by company directors.

*R v Tanev & Others* (Operation Estuary, 2018) – Importation of firearms across Europe into the U.K.

*R v Mirza and Taheer* (2017) – Leading counsel for the prosecution, responsible for presentation of the case (via timeline) where defendants of all the same family were convicted for preparing acts of terrorism. Substantial evidence in this case was sourced from electronic media.

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