



# Justin McClintock

YEAR OF CALL: 2009

## EXPERTISE

Justin's practice encompasses all aspects of crime, including serious violence, fraud, drugs and public disorder.

He regularly acts in cases involving human rights issues and offers additional expertise in immigration and regulatory matters.

Justin is a tenacious and tactically astute advocate who is prepared to fight hard to achieve the best outcome for those he represents. He is known for his personable and straightforward approach and is regularly instructed to defend the young and vulnerable. Justin has also enjoyed consistent success acting for professionals charged with criminal offences.

## NOTABLE CASES

### Drugs

R v G - Led for four weeks in trial concerning £4.7 million counterfeit medicine importation described as the most serious fake medicine fraud in the European Union.

R v VH - Crown compelled to offer no evidence after Justin successfully opposed both hearsay and bad character applications in respect of an alleged benefit fraud at an address where approximately 1 kg of cannabis was discovered.

R v K – Defendant acquitted by the jury of conspiracy to supply 20kg of cannabis having not given evidence in his trial.

R v O – Secured suspended sentence for defendant who pleaded guilty to commercial production of cannabis. An immediate custodial sentence had been viewed as inevitable.

### Dishonesty

International Cricket Council v Salman Butt – Instructed as part of the defence team for former Pakistan cricket captain Salman Butt in disciplinary proceedings alleging match fixing in test cricket matches.

R v B and others – Instructed in case where the defendant had laundered £9.8 million. Court persuaded to impose a sentence that made him eligible for release following the sentence hearing.

Home Office v C – Privately instructed in a two-day cash forfeiture hearing. Secured the return of cash sums of £24,000 and €35,000 following extensive legal submissions re the leading authority of Angus.

R v G and another – Secured unanimous acquittal of straight-A university student charged with burglary after six-day trial.

R v R – Secured double acquittal of mum charged with money laundering.

Civil disobedience

R v M - Trial counsel for protestor accused of damaging a painting valued in excess of £100 million.

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## **Violence**

R v D – Successful defence of 18 year-old charged with s.18 GBH, the jury returning a unanimous not guilty verdict in less than 20 minutes.

R v G – Successful defence of defendant accused of whisky bottle attack and sexual assault.

R v A - Successful defence of defendant accused of hammer attack on a jogger.

R v A – Successful abuse of process argument on the basis that the Crown had unfairly and inappropriately attempted to lay a new charge on the day of trial.

R v W – Counsel for a defendant charged with the knifepoint robbery of an elderly disabled man. The defence was that the defendant had been kidnapped and tortured before carrying out the robbery under duress. The trial involved complex submissions regarding the bad character of a non-defendant (the alleged kidnapper) and legal argument re the admissibility of expert evidence as to the defendant's ability to resist threats.

## **Sexual offences**

R v K – Secured not guilty verdicts on all charges in a case concerning allegations of serious sexual assault, battery, and witness intimidation (charged as an attempt to pervert the course of justice). News item here.

R v O – Secured unanimous not guilty verdict from the jury in case where the defendant had allegedly exposed his genitals to various members of the public through his tights in a branch of Blockbuster Video.

R v T – Successful defence of man charged with an act outraging public decency and breach of notification requirements.

R v D – Successful defence of youth in multi-handed sexual assault case. The complexity of the case was such that certificate for counsel was granted.

## **Firearms**

R v B – Suspended sentence achieved on the basis of 'exceptional circumstances' where the minimum sentence was 5 years' imprisonment. This sentence both written and oral submissions on the application of R. v Avis [1998].

## **Road traffic**

R v B – Crown forced to offer no evidence after just a single question of the complainant in cross-examination.

R v J – Achieved a not guilty verdict in a drink-driving trial concerning a defendant who had been drinking prior to crashing his car, tested positive for alcohol at the road side, and accepted that his driving had been dangerous.

R v W – Secured not guilty verdict on drug-driving charge where the defendant had failed a roadside field impairment test and tested positive for cannabis at the police station

## **Reported Cases**

R. (on the application of Wright) v CPS [2015] EWHC 628 (Admin) – successful appeal on the basis of flawed evidence re the identification of magic mushrooms (news item here)

Allan v Croydon Council [2013] EWHC 1924 (Admin) – Successful case stated appeal against ASBO terms that were unnecessary / excessively restricted the appellant's right to associate with his friends.

### **Other Experience**

- Assisted in research / editing of the second edition of 'Abuse of Process: A Practical Approach' (Colin Wells, 2011).
- Author of 'The LawWorks Immigration Report: Assessing the Need for Pro Bono Assistance' (2008).

### **PROFESSIONAL ASSOCIATIONS**

South Eastern Circuit

Criminal Bar Association

### **QUALIFICATIONS**

LLB (King's College London)

BVC (College of Law)

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