



Michael Attenborough

2008

Michael defends and prosecutes a wide range of increasingly serious and complex criminal cases. He recently secured the acquittal of a man who was alleged to have grabbed a 19 year-old stranger on the street, pulled her into a wooded area and sexually assaulted her by penetration. Earlier this year he appeared as junior counsel for one of the defendants in a case investigated by the National Crime Agency and described by the Daily Telegraph as English Football's Biggest Match Fixing Scandal. Michael has been instructed on his own to defend in an 11 handed conspiracy to commit fraud in respect of the obtaining of driving licenses and a 16 handed conspiracy to commit fraud by abusing the Oyster card system costing Transport for London and Southeastern Trains hundreds of thousands of pounds.

Michael is a Grade 3 prosecutor on the CPS list. In that capacity he has successfully prosecuted defendants charged with serious offences relating to drugs, fraud and violence. He is currently instructed to prosecute a conspiracy to commit fraud at St Albans Crown Court involving the manipulation of chip and pin devices. He recently secured convictions on all counts in a multi-handed burglary trial involving the presentation of cell site evidence. During that trial Michael was commended for his careful and sensitive approach to cross-examining one of the defendant's through an intermediary.

Michael is also regularly instructed to prosecute for local authorities and private companies. He has developed particular expertise in prosecuting offences relating to trademark and copyright infringement whilst instructed by TM Eye Ltd and the Federation Against Copyright Theft.

Michael's experience extends to the Court of Appeal where he succeeded in overturning a defendant's conviction for assaulting a pregnant ex-partner on the basis that the trial judge had wrongly admitted hearsay evidence (cited in Archbold at 11-3e & 11-21).

Notable Cases

R v LS

The defendant was alleged to have pursued a 19-year old girl along a street and then dragged her into a wooded area. He was then said to have committed a combination of three sexual assaults including one by penetration. Michael succeeded in adducing hearsay evidence recorded by the police during the original investigation which fundamentally undermined the timeline of events described by the complainant. R v MB
The case arose from an investigation backed by a national newspaper and subsequently taken on by the

National Crime Agency into match fixing in English football. The case was one of the first major prosecutions under the Bribery Act 2010 and involved covert surveillance evidence, evidence from an undercover operative and a huge volume of communications data.

R v AH

The defendant was said to have committed two sexual assaults in a unique manner which matched his previous convictions for sexual assault. He was deemed unfit to stand trial and Michael was appointed to represent his interests in the trial of the facts. Michael made a successful submission of no case to answer in respect of one of the allegations on the basis of the prosecution's flawed chain of evidence of identification.

R v Tindle, 175 J.P. 462, CA (Archbold 11-3e & 11-21)

Michael persuaded the Court of Appeal to quash the defendant's conviction for assaulting his pregnant ex-partner on the basis that the trial judge had wrongly admitted hearsay evidence. Stanley Burnton LJ concluded that: "Only in rare circumstances, if any, can it be right to allow evidence of this importance to be adduced when there has been a failure to take reasonable steps to secure the attendance of the witness. There was no justification for it to be admitted in the present case."

R v MF

Michael was instructed to defend a young man of good character alleged to have participated in a conspiracy with 15 other defendants to commit fraud by abusing the Oyster card system. The fraud was worth several hundred thousand pounds.

R v Bello

Junior counsel for the first defendant in a three-month trial concerning a conspiracy to breach immigration law.

R v Shanahan

Prosecuted a case described by the Director of Brent & Harrow Trading Standards as: "one of the worst possible examples of a bogus builder deceiving and defrauding the public".

R v J

Defended a man of good character charged with sexually assaulting a colleague.

R v Behcet

Prosecuted a man who forced his way into his ex-partner's home and fractured her nose.

HMRC v Lawry

Overtaken a condemnation order made on behalf of HM Revenue & Customs in respect of a client's car which had been used to import a large volume of tobacco.

Education/Qualifications

Education

LLB (Queen Mary, University of London) Scholarships/Awards: Horace Avory Benefactors Scholarship Inner Temple Major Exhibition Duke of Edinburgh Entrance Award

Articles/Lectures

Abuse of Process in Confiscation Proceedings - Accredited CPD Lecture, April 2010 - presented an analysis of the circumstances in which the doctrine of abuse of process has been successfully deployed during confiscation proceedings.

Unsilent Witness

Commercial Litigation Journal, August 2009 - examination of the factors which typically need to be considered when instructing a forensic accountant (assisted Ben Douglas-Jones with research)