

# 5 KING'S BENCH WALK



## Alistair MacDonald QC

Call 1983 Silk 2000

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- Tel +44 (0) 20 7353 5638
- [clerks@5kbw.co.uk](mailto:clerks@5kbw.co.uk)
- [5kbw.co.uk](http://5kbw.co.uk)

## Practice Profile

*Chairman of the Bar in 2016, Alistair MacDonald QC has been listed by Chambers and Partners and the Legal 500 as a Leader of the Bar for several years.*

He has a wide ranging practice covering all criminal activity including cases involving serious fraud, murder and serious drugs offences including industrial scale importations. He has particular interest in criminal

offences involving complex medical or scientific issues, Infant deaths and complex arson cases are regularly conducted.

### **Recent Fraud Cases include:**

R-v-RD - Carlisle Crown Court

Defended company director on charges of multi-million pound fraudulent trading in relation to his car hire business. Case into fifth week when trial had to be aborted because of illness of the defendant. Intensely complex case involving minute detail of hire purchase transactions in London and the North-West.

R-v-PSK - Central Criminal Court

The defendant was bank employee alleged to have been insider assisting other defendant to commit large-scale fraud on bank. The defendant acquitted. Co-accused convicted.

R-v-Mirzabegi - Leeds Crown Court

Prosecuted £2.5m fraud on VOSA. 28,000 MOT certificates were issued fraudulently. Became involved in case after irregularities at first trial. Defendants convicted.

R-v-M - Leeds Crown Court

Company director and his accountant charged with revenue fraud. Substantial issues between defendants and interpretation of taxation legislation. Defendant acquitted whereas accountant convicted.

## **Areas of Practice**

- Appellate
- Confiscation, Civil Recovery & Asset Forfeiture
- Fraud & Financial Crime
- General Crime
- Cyber Crime
- Homicide & Corporate Manslaughter
- Regulatory & Professional Discipline
- Serious & Organised Crime
- Sexual Offences
- Inquests
- Military Law
- Prosecution

## **What The Directories Say**

"He is very well respected, very knowledgeable and a great advocate with extra skill from his scientific background." *Chambers UK 2019*

"If you want a real leader on the case, then look no further; he really is that good". *Legal 500 2015*

"He is able to get to the crux of a case extremely quickly and instils confidence in clients like few others. He is an exceptionally brilliant advocate who is loved by juries and judges alike". *Chambers UK 2016*

"Well established in the market, he has a stellar reputation for his deft handling of serious crime

cases." *Chambers UK 2017*

"He is a class act in every way." *Legal 500 2016*

'A very accomplished advocate.' *Legal 500 2018*

## Appointments

- 2015 - Chairman of the Bar Council
- 2014 - Vice Chairman of the Bar Council
- 2012 - Leader of the North-Eastern Circuit
- 2011 - Joint Head of Chambers, 16 Park Place, Leeds
- 2008 - Serious Fraud Office Panel
- 2007 - 2012 - Director of Continuing Education North-Eastern Circuit
- 2007 - Master of the Bench Gray's Inn
- 2000 - Queens' Counsel

## Recent Cases

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### **R v KW [Woolwich] 2018**

"Loss of Control" Murder

[Alistair MacDonald QC](#) led [James Martin](#). This case involved the defence of "loss of control" and raised the very difficult question of how a Jury has to approach the three stage test in a case where the violence used was so extreme. In such circumstances the true complexity of answering the final question was exposed. Where the Jury finds there was a loss of control based on a qualifying trigger: are they sure that a reasonable person in the defendant's circumstances would not have reacted in the same or a similar way?

Considering what a reasonable person who has lost his self-control might do in unusual and difficult circumstances is a very hard task indeed when the Court of Appeal have offered so little assistance on the topic. Instructed by EBR Attridge.

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### **R v. Vernarsky [Sheffield] 2012**

Murder

Defended allegation that the defendant, who was a Czech national, had murdered his Hungarian girl friend by strangulation. The defendant was acquitted of murder but convicted of manslaughter.

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### **R v. Birch [Leeds] 2012**

Murder

Defended in murder in which the defendant was alleged to have stabbed victim and then trampled over his body causing broken ribs. She had then spat on him and verbally abused him. The defendant was acquitted of murder and convicted of unlawful act manslaughter. Having been sentenced, the judge,

after a substantial delay, brought the defendant back to re-sentence her on the basis that he had given her excessive credit for her pre-trial offer of manslaughter. After reading extensive skeleton argument reviewing all authorities on this subject, judge left sentence unaltered.

- **R v. X [Birmingham] 2009**

Honour Killing

Defended dental surgeon allegedly involved in joint enterprise “honour killing”. Defendant acquitted.

- **R v. Fullam [Teeside] 2009**

Murder

Defended in New Year’s Eve killing of family man. Jury unable to agree but co-defendant Appleby convicted of murder. At re-trial, Crown accepted a plea to manslaughter and the defendant sentenced to two years six months custody. Appleby reported at AG’s Reference No. 60 of 2009 [2010] 2 Cr.App.Rep. (S) 46 on sentence guideline case on unlawful act manslaughter.