



Practice

David is a specialist Defence trial advocate known for thorough preparation, shrewd tactics, astute use of the law, penetrating cross-examination and powerful speech making. He is a highly experienced and a versatile advocate well used to dealing with very serious and complex cases, particularly serious fraud and terrorism.

Recommended as a leading silk by the **Legal 500 (2012)**:

- *"uses the intelligent strategy and tactical analysis of a military general"*

and by **Chambers & Partners UK**:

- *"Forged a particular reputation for representing businessmen in trouble. Popular with the judiciary, his manner has been described as a blend of subtlety and flair "*
- *"A tremendously hard worker, both impressive and witty before judge and jury"*

Current Notable Cases

- **R v AA and others** Representing AA, one of the principal defendants involved in a fatal stabbing in the District and Circle Line ticket hall at Victoria Station on 25th March 2010. Twenty youths were accused of murder. After a three and a half month trial, AA was acquitted of murder and convicted of manslaughter. He awaits sentence.
- **R v RB** Representing RB who was convicted of the abduction and murder of Jennifer Cardy in Northern Ireland in 1981. He awaits sentence. Upon RB's conviction Mr Cardy, the father said "We would like to pay tribute to Mr Spens. We would not have been happy if Robert Black had been convicted without a proper defence, and we believe he got the best defence ever provided for a murderer."
- **R v KD and others (Op Tulipbox)** Representing KD who is accused of involvement in the first carbon credit fraud, causing a loss of approximately £38 million to the taxpayer.
- **R v SB and others (Op Vex)** Representing SB who is accused of involvement in a massive MTIC fraud causing a loss of approximately £90 million to the taxpayer.

Fraud

David appeared for the first defendant in **R v P and others (Op Semi)**, a £24m MTIC fraud. An advantageous plea bargain was negotiated with the Crown. It resulted in his client receiving a sentence of less than four years' imprisonment, thereby gaining him the possibility of parole after serving only half of his sentence. Two lesser defendants who fought the case and were convicted received greater sentences.

He was also instructed in **R v FB and others (Op Wizard)**, a "boiler room" fraud, operating out of Barcelona, Spain. His client was acquitted of the conspiracy to

Year of Call

1973

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Queen's Counsel

1995

Education

1994 - Recorder, 1995 - QC, 2004/5 - Chair of Criminal Bar Association, 2004 - Bencher of the Inner Temple, 2007-2008 - Leader of the South Eastern Circuit

Languages

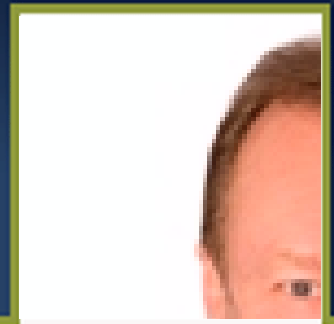
French and some Italian

Practice Areas:

David Spens QC is a member of the following Practice Areas:
- Crime
- Fraud and Regulatory Law
- International Advice and Litigation

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defraud but convicted of money laundering.

David is also instructed to represent the first defendant in **R v CSC and others (Op Duma)**, a MTIC fraud involving a loss of at least £55 million to the tax payer.

Manslaughter by Gross Negligence; Health and Safety Legislation

David is regularly instructed in such cases including two interesting ones below.

The first involved the alleged manslaughter of a Naval Lieutenant by a Petty Officer at the Military Diving School, Gosport, Hampshire. The case required a mastery of the principles of diving, the pathology of death by drowning, the military rules regulating diving and the relevant health and safety legislation.

The second involved the alleged manslaughter of a welder who was blown up while mending the inner bulkhead of a petrol tanker. It required a thorough understanding of the inner workings of petrol tankers, how they are 'degassed', the principles of welding and the relevant health and safety legislation.

Both defendants were acquitted.

Murder

Since defending Learco Chindamo, the youth convicted of murdering the headmaster Phillip Lawrence in 1998, David has been instructed in a great number of high profile cases involving young men accused of murder by the use of knives or guns.

A recent case involving knives was **R v TD [2009] EWCA Crim 1775**, the stabbing to death of Kojo Yenga in broad daylight in Hammersmith Grove.

Recent cases involving guns include **R v JC [2010] EWCA Crim 1325**, the shooting of Robert Twelde. An unusual aspect of this case was the calling by the Defence of the one expert in the field of 'gangsta' rap, Dr. Eithna Quinn of Manchester University to contest the prosecution's contention that lyrics found in the draft messages in JC's mobile phone were a statement of intent to kill. Other such cases include **R v AB** (see below), an alleged gang killing and **R v SSS**, in which leave to appeal against conviction has now been granted by the Single Judge on all six grounds.

Another recent case of note was **R v MC**. The defendant was on trial with her blind father and younger brother for killing her uncle who she claimed had abused her physically, sexually and emotionally over a period of years. The killing, which took no less than 24 minutes, happened to have been recorded on a mobile phone. Her defence to murder was diminished responsibility. The Crown did not accept her plea to manslaughter at the beginning of the trial but after three weeks of evidence, before the end of the prosecution case, and before any psychiatric evidence had been called, the prosecution then did accept the plea.

David has been involved in over 250 cases of murder, and has special expertise in cross-examining forensic pathologists and psychiatrists.



Terrorism

He was instructed in three of the most serious terrorist cases in the United Kingdom: **R v WM [2008] EWCA Crim 2653**, the 21 July 2005 attempt to bomb the London Underground, **R v NH**, the Heathrow airport bomb plot, and **R v II**, which involved a plan to blow up the Broadmead Shopping Centre in Bristol by a suicide bomber.

Recent case in the Court of Appeal

R v AB [2010] EWCA Crim 1152: AB, aged 19, was convicted of a revenge gang 'drive by shooting' murder and sentenced to life imprisonment with a minimum term of 32 years. The Court of Appeal granted the appeal against conviction and quashed the conviction, ordering a retrial. The basis of the decision was the trial judge's error in admitting hearsay evidence, namely evidence from a Bebo social networking site, and of a YouTube video.

Other Notable Cases

R v Robert Black

The serial abductor and killer of pre-pubescent girls in England, Scotland and Ireland. The case involved similar fact evidence.

R v Charlie Gilmour

The son of the Pink Floyd guitarist who pleaded guilty to violent disorder during the student protest on 10th December 2010.

R v Faisal Wangita

The son of Idi Amin, accused of murder, convicted of manslaughter.

R v Antoine [2001] 1 AC 340 HL

A case which decided that on the trial of an issue under section 4A (2) of the Criminal Procedure (Insanity) Act 1964 as to whether the accused "did the act or made the omission charged as the offence", "the act" for this purpose refers only to the actus reus of the offence and not the mens rea.

R v Learco Chindamo

The youth convicted of the murder of the headmaster, Phillip Lawrence.

R v Brown and others [1994] 1 AC 212 HL

On the limits of consent to sado-masochistic assault.

R v Martin McCall

The Ealing Vicarage rapist.

R v Kenneth Erskine

The 'Stockwell Strangler' convicted of seven murders and one attempted murder. The case involved similar fact evidence.

R v Sidney Cooke

The notorious paedophile involved in the killing of Jason Swift.

R v Cynthia Payne



'Madame Sin', the Streatham brothel keeper who was acquitted.

Background

David was a Treasury Counsel at the Central Criminal Court between 1988 and 1995.

Subsequently he was one of the first two QCs to appear on the Attorney General's list of Special Counsel instructed to deal with highly sensitive issues of disclosure on behalf of Defendants.

He has been a Recorder of the Crown Court since 1994, authorised to sit at the Central Criminal Court, and qualified to try serious sex cases.

Societies

- Former Chairman of the Criminal Bar Association (2004-5)
- Former Leader of the South Eastern Circuit (2007-2008)
- Bencher of the Inner Temple since 2004
- Temporary member of the Bar of Northern Ireland
- The barrister representative on the Ministry of Justice's High Cost Cases Review Board

Media

- David has commented on Sky News, recently in respect of the Dominique Strauss-Khan case in New York.
- He has also appeared on BBC Breakfast.

Profile updated November 2011