



David Malone

Call: 1998



David Malone is generally instructed to provide advice and representation in serious and complex cases and appeals.

In addition to casework David provides clear and comprehensive advice and briefings, to individuals and organisations, on law and procedure. He has been specially commended by the Bar Council for pro bono (legal work undertaken without charge) work and a campaign which led to a change in the law. David is particularly keen to undertake work where there is an interesting or novel point of law or fact to consider.

His wide-ranging practice covers the following broad areas of law: human rights; criminal law (including serious and complex fraud work); regulatory law (including health and safety law, environmental law, licensing law and professional discipline); police law and procedure; prison law; inquests and public inquiries; criminal injuries compensation; victims' rights; tribunal work, appeals (including judicial review) and miscarriages of justice.

David is approachable and works closely with the individuals and organisations that instruct him. He is experienced with liaising with the media on cases and he has worked with journalists on legal campaigns. He is frequently called upon by the media to comment on legal issues.

In potential miscarriage of justice cases David will consider working on any appeal on a pro bono basis, including providing a second opinion on appeals and applications to the Criminal Cases Review Commission ('CCRC'). He is currently involved in a number of high profile appeals.

He originally trained as a biochemist and he is often required to deal with expert, scientific and forensic evidence.

David successfully served for a number of years as one of the youngest Heads of Chambers in the country at a large and established set of barristers' chambers. He has been interviewed for the prestigious 'My Legal Life' in the Law Society Gazette.

Crime

David Malone specialises as an advocate in criminal and associated areas of law and practice.

He has been described by a Resident Judge (the Senior Circuit Judge at a Crown Court centre) as a "fearless defender" after successfully appearing for the defence in a couple of difficult trials in quick succession in front of him.

David has also been approved to prosecute Grade 4 cases (the highest grading) by the Crown Prosecution Service ('CPS'). Further he has been appointed to the CPS Specialist Advocate Panels for fraud, rape and child sexual abuse cases. These appointments - to prosecute the most serious and complex cases - are made to a relatively small number of some of the country's best advocates after a rigorous assessment process. His CPS appointments demonstrate that his training, experience and expertise to handle the most demanding cases are both current and relevant.

It is widely anticipated that advocates instructed by the defence - such as David - will be similarly formally graded in the future, but in the meantime clients must ask questions about the training, expertise, experience and results of the individual(s) representing them. David has an excellent record of defending in the most challenging cases

A Senior Crown Court Judge and Queens Counsel has said of him, "It is unusual for a barrister at the present time to be able to prosecute and defend at this level. It speaks highly of him that he is so trusted on both sides" .

David is usually instructed via a solicitor but he has been appointed directly by the court to cross-examine complainants and witnesses on behalf of unrepresented Defendants in serious and sensitive cases. These cases typically involve vulnerable Defendants and/or witnesses. For example he has been appointed by a Resident Judge to assist the court in the trial of a Defendant diagnosed with paranoid schizophrenia and charged with the attempted murder of his psychiatrist.

He has successfully acted in the full-range of criminal cases in his career. For example:

Violent Crime

David has been instructed in numerous cases involving allegations of violent crime, such as serious assault, aggravated burglary and robbery, involving all manner of weapons and defences.

Sexual Offences

David has prosecuted and defended in a myriad of rape and child sexual abuse cases, including allegations regarding incidents that occurred a number of decades ago. This is one of the most difficult areas of criminal law and practice, with trials often conducted in the full glare of the media spotlight, and importantly he has been approved by the CPS to prosecute their cases.

Notable work includes: acting for the prosecution in R v Anigbugu (2010) and correctly advising the Attorney General's office that the sentence was unduly lenient - the Lord Chief Justice subsequently gave the "safe-haven" sentencing guidance [see Attorney General's Reference (Nos 73, 75 and 3 of 2010) R v Anigbugu; R v Pyo; R v McGee]; acting in cases of alleged historic abuse; acting in cases of alleged serial rape, and challenging the high profile prosecution of 'Sarah' [see R v A (2012) EWCA Crim 434]. Sarah's Case is currently due to be lodged before the CCRC. David was part of the legal team that secured criminal injuries compensation for 'Sarah'.

Other notable cases include:

Rose v R (2011) EWCA Crim 579: The appeal concerned fresh evidence of an alleged retraction by the complainant to the defence solicitor.

R v B (2003) EWCA Crim 696: The appeal (led by Sasha WASS QC) concerned a child complainant's refusal to answer questions in cross-examination and the lack of corroboration.

Organised Crime

David has comprehensive experience of prosecuting and defending in cases dealing with organised crime, criminal networks and conspiracies.

Another Crown Court Judge commended his work in a serious and complex conspiracy case by stating, "It was a pleasure to have such a beautifully prepared case presented by Counsel who had mastered his brief so comprehensively".

Fraud and Proceeds of Crime (POCA)

David has been involved in fraud, corporate crime, money laundering and POCA cases of every conceivable type. His experience and expertise is demonstrated by his appointment to the CPS Fraud Panel.

In the course of his career he has acted in the following types of fraud/POCA cases: wine fraud; art fraud; Tax and VAT fraud; business/corporate fraud; charity fraud; mortgage fraud; insurance fraud; advanced fee fraud; identity fraud; cyber crime/online fraud; pyramid schemes; benefit fraud and breach of trust. The value of these frauds has ranged from thousands to tens of millions of pounds. In some of the cases David has had to quickly acquire a level of expertise in a particular field covered by the alleged fraud. For example learning about vintage Vivienne Westwood clothing.

Homicide

David has appeared as counsel in a wide variety of murder, attempted murder and manslaughter cases in both the Crown Court (including the Central Criminal Court/Old Bailey) and the Court of Appeal. In murder cases he has been led by Queen's Counsel. In attempted murder and manslaughter cases he has acted alone, including notably against Treasury Counsel.

His scientific training and expertise are invaluable in handling expert and forensic evidence in cases of this nature. He also has training and experience in dealing with clients with mental health issues, plus all types of psychiatric and mental health defences.

Road Traffic

David has expertise in police law and procedure. He has acted in the complete-range of road traffic offences including the most serious and complex offences - breaches of health and safety legislation, causing death by dangerous driving and manslaughter.

Slavery & Human Trafficking

David has appeared in a number of human trafficking cases. He has also lectured on this important area of law and practice.

Protest and Public Order

David has acted in a multiplicity of protest and public order cases involving serious and complex issues of human rights and civil liberties. For example allegations of aggravated trespass by protest groups, allegations of serious violence against property and people during protests, and large scale disorder at a prison.

He has advised a specialist police team at Scotland Yard on the law and procedure relating to protest and public order and the policing of demonstrations.

Appeal cases include:

R v Farmer (2013) EWCA Crim 126: The appeal concerned violent disorder at a demonstration and the "Brown Direction".

R v Parkinson (2004) EWCA Crim 2757: The appeal concerned the imposition and terms of an ASBO.

Media Law

David has advised a UK based Police Service on Production Orders for video footage from television/media companies and freelance journalists following a major public order incident in their policing area.

Professional Disciplinary & Regulatory

David Malone's regulatory law practice has steadily evolved over the years from his work as a specialist advocate in criminal and associated areas of law and practice.

David was a member and then Head of a common law (mixed criminal and civil) Chambers for many years prior to joining Red Lion Chambers.

Health and Safety

David was instructed as junior counsel (led by Queen's Counsel) to defend the Director of a high profile road haulage company charged with manslaughter and breach of health and safety legislation following the death of one of the drivers employed by the company. The trial which also encompassed a major tax and VAT fraud lasted a number of months. David was instructed by a leading firm of regulatory/transport solicitors.

Environmental Law

David has been instructed by the Environment Agency and local authorities. He accepts instructions in all aspects of environmental law.

Licensing Law

David has acted for clients in connection with a variety of local authority licensing applications. He is a former local councillor with invaluable experience of sitting on a local authority Licensing Committee.

Professional Discipline

David accepts instructions concerning alleged breaches of professional discipline by doctors, nurses, teachers, police officers and other professionals, having acted for a number of professionals in respect of various allegations of professional misconduct and the commission of criminal offences.

Other Specialisms

Prison Law

David Malone has provided advice and representation to prisoners and in particular those serving life or other sentences for grave crimes.

His practice covers prison adjudications, Parole Board hearings (licence recalls and lifer reviews) and judicial review proceedings. He can provide advice on all aspects of prison life and conditions.

He is a former Member of the Independent Monitoring Board at HMP Brixton.

Additional Information

Education

BSc(Hons) Biochemistry - Sheffield University
Common Professional Exam - City University
Bar Vocational Course - Inns of Court School of Law

Awards

2014: Awarded Special Commendation by the Bar Council for pro bono work
1996 and 1997: Awarded two consecutive scholarships by Gray's Inn (Karmel Awards) to train as a barrister

Professional Appointments

Since 2013: Reviewer for the Bar Pro Bono Unit
Since 2013: Member of Red Lion Chambers
Since 2013: CPS Fraud Panel
Since 2012: CPS Rape and Child Sexual Abuse Panel
Since 2012 (CPS grading first introduced): CPS General Panel at Grade 4 (highest prosecution grading)
2010 to 2013: Head of Chambers, 1 Gray's Inn Square
Since 2005: Road User Charging Adjudicator
2005: First approved by the CPS to prosecute rape and other serious sexual offences
Since 2005: Pupil Supervisor

Memberships

Criminal Bar Association
South Eastern Circuit

Social Media

Twitter

Publications

David is a regular contributor to both local and national broadcast and print media. For example Law Society

Gazette: <http://www.lawgazette.co.uk/law/practice-points/the-royal-prerogative-of-mercy/5052062.fullarticle>