

Jonathan Underhill

Year of Call: 2008

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Fraud, Business and Financial Crime

Jonathan built his experience in Fraud, Business and Financial crime over years of acting for the Specialist Fraud Division of the Crown Prosecution Service, and HMRC, as well as undertaking disclosure and review work for both the Serious Fraud Office and National Crime Agency. He remains a Level 3 CPS specialist Fraud Prosecutor and a Level 2 specialist Proceeds of Crime Prosecutor.

Jonathan applies that knowledge and experience to his Defence practice, specialising in defending individual and corporate clients. He understands the impact of criminal and regulatory investigations and prosecutions on clients and their businesses and brings to bear his expertise from the outset of a case to support clients from early advice and issues of disclosure through to trial.

In 2017 he was part of the team representing a former FOREX trader who was prosecuted by the US Department of Justice for conspiracy to fix prices in the FOREX market. The trial ended in an acquittal in the Southern District of New York in 2018; building upon his experience in White Collar and commercial frauds.

Jonathan has also been sought out to advise on other less common frauds pertaining to local authorities and business regulation; notably "airport parking", "blue badge" fraud as well fraud which overlap with other areas including:

- Trademarks infringement and copyright
- Trading Standards
- Licencing
- Consumer Protection from Unfair Trading Regulations.

He has particular expertise in handling the restraint, confiscation and asset recovery aspect of cases centring on financial misconduct.

Notable Cases

Fraud and Money Laundering

- **Operation Dafour (2024)** – Led Junior in 28 count (20 complainant) multi million pound "Ponzi" fraud
- **R v GB (2023/2024)** – Defence instruction. £450K fraud against employer. Sentenced on a basis of half of that value as a result of defence submission and expert evidence
- **R v MB (2022/ 2023)** – The 7-count indictment involved 6 separates but personally connected victims. Over a 5-year period, MB purported to invest sums in excess of £800K into both the Forex Capital Markets and various Cryptocurrency platforms. Careful financial analysis led to the court accepting a loss figure of almost half the invested sum for the purposes of sentencing. The defence team was specifically acknowledged by the sentencing judge for the hard work,

attention to detail and careful analysis shown in advancing MB's defence. Led by Benjamin Newton KC of Doughty Street Chambers.

- **Operation Kijang (2022/ 2023)** – 18 handed Conspiracy to Defraud. Secured Suspended Sentence following detailed evidential analysis upon sentencing
- **R v SB and MS (2021/2022)** – Defence instruction, multi-million diversion Fraud and Money Laundering, Inner London Crown Court. Secured only acquittal following fully contested trial
- **R v GM and JB (2021)** – Instructed for the Defence case involving fraudulent insurance claim and allegations of perverting the course of justice
- **R v W, W and S (2021)** – Instructed for the Crown in multi-handed fraud and theft case, involving the fraudulent abuse of power of attorney over a vulnerable complainant
- **Operation Aboon (2020)** – Instructed for the Defence in fraudulent VAT evasion. Successful submission of there being no case to answer at the close of the prosecution case
- **R v B (2020)** – Instructed for the Defence in Multi-Defendant case of involving money laundering stemming from a 1.2-million-dollar payment diversion fraud
- **R v H (2019/2020)** – Instructed for the Defence for 1st Defendant in multiple allegations of defrauding the DWP by alleged fabrication of the education and social care needs of 6 children over a period of 8 years and fraudulently claiming tax credits
- **R v M (2019/2020)** – Instructed to advise for the Defence on multi-defendant fraudulent evasion of VAT
- **R v N (2019)** – Instructed for the Defence – 7-year failure to declare taxable income to HMRC
- **R v S (2019)** – Instructed to Prosecute failure to declare inheritance of circa £200,000 resulting in significant benefit overpayment and subsequent contested PoCA application to seek full recovery
- **Operation 'Barren' (2019)** – Instructed for the Defence in a multi-handed fraud prosecuted by HMRC valued at £3.4 million.
- **Operation 'Z' (2018)** – Instructed as Led Junior Counsel in a multi handed money laundering case.
- **R v. C (2018)** – HMRC, failure to declare self-assessment Income tax and NOI contributions; circa £170,000.
- **R v. S (2018)** – Successfully Defended in "failing to declare case" brought by HMRC, concerning income from multiple properties on the South Coast.
- **R v. C (2017)** – Instructed for the Defence solely to deal with contested POCA proceedings arising from large scale drug dealing.
- **R v PE and Ors (2016)** – Instructed to advise pre-charge on large scale multi-company, multi-site airport parking fraud valued at several hundred thousand pounds.
- **R(S) v. Q and Others** – Led Junior for the prosecution in four handed 6-week conspiracy to defraud case involving council tax, housing benefit and identity fraud.

Recommendations

"Thanks for this Jonathan and ... for your help on the overall pursuit. This was without question a very serious and challenging issue for our company and you delivered the best result we could have achieved ...I am very happy with the result. I also wish to thank your Chambers admin team for their professional and proactive support that made direct access a simple tool to use."

MS – CEO S Ltd – Direct Access Client (Defence)

"In a conspicuously well-drafted skeleton argument, supported by his oral submissions, Mr Underhill accepts..."

Mrs Justice Farby – In the High Court

"I found his approach to the cases very professional, and his cross examination was excellent, just what is required in cases like this. The council have had several chambers representing the council, I feel that Jonathan has been the best person that

we have had.”

Mike Johnson ACFM (Senior Auditor) – Basingstoke & Deane Borough Council

“Not having been in court before, I found myself in a situation that was very unfamiliar. However, I was instantly put at ease straight away from the approach of my barrister, Jonathan Underhill. He was extremely professional, understanding and took on board everything I wanted to get across in the court room. The attention to detail and the communication filled me with confidence that Jonathan was the right person to get the desired result for myself.

I would highly recommend Jonathan’s services, I couldn’t have asked for a better representation, he kept me calm and positive throughout my trial, and we ended up getting the correct outcome, not guilty! Thank you again”

JS – Defence Client

“You have been nothing short of brilliant... thank you...”

R Cassidy – Levaes Solicitors

“I would not hesitate in instructing Mr Jonathan Underhill in all manner of Regulatory matters. He has an almost encyclopaedic knowledge in all key regulatory areas, including Environmental, Licensing, Housing and Planning offences. His preparation is meticulous with close attention to detail. He is extremely approachable and is great at communicating to a wide range of clients, which has always led to positive feedback and requests to instruct him in future matters. He has an amazing ability to advocate complex issues in law, in a way that is easy to understand for Magistrates, Jurors and Judges. His Advocacy is simply exceptional. He is and will continue to be my first choice of Counsel.”

C Smith – Criminal Litigation Lawyer (London Local Authority)

“I am indebted to Mr Jonathan Underhill...for his realistic and concise submissions... Mr Underhill was utterly realistic in his submissions to this court, which he advanced with commendable brevity and good sense”

HHJ Jeremy Richardson QC – In the High Court

“I was very impressed with Jonathan Underhill – and he had a glowing report from our environmental health manager for his advocacy at the recent noise trial he did for us”

Local Authority Solicitor

“I would not hesitate in instructing Mr Underhill – cases are always thoroughly prepared, time and care taken with clients and outcomes reported back promptly. The client feedback has been excellent and often accompanies with a request that he represent them again. The quality of his representation is first class.”

Lindsey Taylor (Solicitor) – Watkins and Gunn Solicitors

“I have found Mr Underhill to be an excellent advocate who is always well prepared and courteous to all. I have had positive feedback from clients in cases he had conducted on my firm’s behalf. I would not hesitate to instruct him.”

Paul Lewis (Partner) – Quality Solicitors HPJV

Very clearly presented – a dry subject made interesting. Very useful info. Excellent trainer.

Nikki Hutt, West Sussex County Council

Very informative, clear, concise but with a level of relaxed delivery and humour. I enjoyed Jonathan's 'style'.

Dee Plum, West Sussex County Council

Academic qualifications

- BVC (Graded Outstanding) – Cardiff University Law School
- Inner Temple Prize Winner – Outstanding Achievement
- LLB (Hons) Law & Politics – Cardiff University Law School

Professional qualifications & appointments

- Inner Temple Accredited Advocacy Trainer
- SEC Advanced International Advocacy Course, Keble College Oxford
- Level 4 – CPS Panel Advocate
- Level 3 – Specialist Panel Advocate – Fraud
- Level 2 – CPS Specialist Panel Advocate – Proceeds of Crime Panel

Professional bodies

- Western Circuit
- Criminal Bar Association
- Fraud Lawyers Association
- Proceeds of Crime Lawyers Association
- Private Prosecutors Association

Direct Access

Jonathan Underhill is qualified to accept instructions directly from members of the public and professional clients under the Direct Public Access scheme.