

# Jonathan Underhill

**Year of Call:** 2008

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## Crime

Jonathan is routinely called upon to deal with complex issues involving large amounts of digital, forensic and financial evidence and analysis. His focus on defence work means that every avenue is explored to make sure that clients – both lay and professional – are properly and effectively represented.

He has been a led Junior, both by Senior Juniors and King’s Counsel in matters ranging from murder, rape, and national multi-defendant conspiracies to multi-million-pound fraud and money laundering cases. He has been called upon to step into the place of his leader to deal with both cross examination and legal submissions.

Whilst Jonathan’s focus on defence work means that he accepts instruction in all areas of general criminal practice his particular areas of expertise are:

- Fraud
- Regulatory Crime
- Proceeds of Crime
- Computer Misuse/Cyber Crime.

## Notable Cases

### Sexual Offences

- **R v C (2023)** – Private Defence instruction, D accused of raping another his boyfriend following meeting on Grindr. D acquitted following trial. Case involved complex S41 legal arguments.
- **R v TB (2023)** – Defence instruction, rape within a relationship, case involving issues pertaining to the “rough sex” defence. Defendant acquitted following Jonathan’s efforts in unearthing fundamental disclosure failures leading to the Prosecution offering no evidence.
- **Noel vs Chief Constable of Dorset Police [2022] EWHC 3618 (Admin)** – Instructed for the police in High Court proceedings. Successful in resisting appeal against imposition of Sexual Harm Prevention Order.
- **R v RP (2022)** – Defence Instruction and acquittal at trial. Same sexual assault following sexual banter and drunken flirting.
- **R v LT (2022)** – Private Defence Instruction. Sexual Assault by penetration, massage therapist accused of assaulting two vulnerable clients.
- **AA v Chief Constable (2022)** – Successfully overturned the making of a Sexual Risk Order flowing from an acquittal for Rape on the basis of “sexsomnia”
- **R v L (2020)** – Instructed for the Defence in indecent images case – following submissions as to the nature and unreliability of electronic and computer evidence Crown were forced to abandon all but 2 counts of a 9-count

indictment.

- **R. (on the application of Hovenden) v. Parole Board [2014] EWHC 3738 (Admin)** – Judicial Review against decision of the Parole Board.

## Drugs

- **Operation Scowl (2024)** – Defence instruction. Multi-handed Encrochat prosecution stemming from Operation Venetic.
- **R v A (2024)** – Prosecution Instruction. Advice and assistance in case involving large amounts of cannabis edibles, sold via the dark web, involving crypto assets and dark web sales profiles.
- **Operation Nightstand (2023)** – Defence Instruction. 6 Defendant conspiracy to supply Class A drugs.
- **R v JS (2022)** – Defence instruction. Vulnerable client requiring careful support. Acquitted of PWITS class A following legal argument establishing fundamental disclosure failings on the part of the Crown.
- **R v Wooff [2019] EWCA Crim 2249** – Permission granted to appeal against imposition of mandatory sentence for dealing in Class A drugs. In their judgment Court of Appeal provided a summary of the chief features of the legal framework surrounding the minimum sentence for a third Class A drug trafficking offence under section 110 of the Powers of Criminal Courts (Sentencing) Act 2000.
- **Operation 'Buntline' (2017)** – Instructed for the Defence in large multi-handed country wide conspiracy to supply class A drugs – involving ANPR, and nationwide telephone and telemetry evidence.

## Driving

- **R v JB (2021)** – Instructed for the Defence – fully contested case of causing death by careless driving – expert evidence for both Crown and Defence

## Violence / Neglect

- **R v WW and Others (2024)** – Defence instruction family members accused of assisting and offender and perverting the course of justice in relation to a murder connected to criminal activities.
- **R v DT and LT (2023)** – Defence instruction. Child cruelty. 5 children between 9 – 18, with allegations over a 5-year period. Complex Family Proceedings disclosure issues. Children required intermediary assistance and full written cross examination.
- **Operation Garth (2022/2023)** – Defence instruction – Multi handed section 18/Pervert the course of justice and witness intimidation. 7-week trial instructed for the 1st Defendant
- **Operation Fringe (2022/2023)** – Murder. Led by Adam Feest KC (now HHJ Feest KC). Multi handed murder. Defendant diagnosed with ASD. Dealt with sentencing without leading counsel.
- **R v LF and Others (2022)** – Defence instruction. Case of violent disorder. Successful dismissal application following analysis of Prosecution identification failures.
- **R v T (2021)** – Instructed for the Crown – Section 18 assault – knife attack in a public street
- **R v M and B (2021)** – Instructed for the Crown – child cruelty case involving young child in dangerous living conditions
- **R v. J** – Led Junior for the Defence in an attempted murder case.

## General Dishonesty and Theft

- **R v C (2019/2020)** – Instructed as sole prosecuting Counsel in Multi-defendant, conspiracy to commit dwelling house burglaries involving upwards of 35 individual offences across 4 counties.
- **Operation Glenfall (2018/2019)** – Instructed as Led Prosecution Junior in a 31 handed perverting the course of justice case – required to prepare and cross examine multiple defendants across multiple trials.
- **R v. M and Others (2018)** – Instructed as Led Junior Counsel in multi handed cash in transit robber case investigated by the "Flying Squad" – called upon to present the prosecution in place of leading counsel for the first week of the trial.

- **R v. S (2017)** – Represented a member of a gang who burgled the home of England footballer John Terry and a number of other High-profile victims.
- **R v. K (2017)** – Case concerning people smuggling across European Borders.

## Articles

Jonathan Underhill sets out a short sentencing aide memoire for cases of intentional non-fatal strangulation with reference to the key cases of Rex v Cooke [2023] EWCA Crim 452, Rex v Borsodi [2023] EWCA Crim 899 and Rex v Yorke [2023] EWCA Crim 1043.

[View Article](#)

Enforcing the Novel Food regime – Part 1: Overview and Rationale

In the first of a short series of bite size articles, Jonathan Underhill takes a deeper look into the enforcement of the Novel Food regime and seeks to identify and breakdown the powers made available to those agencies, who are tasked with securing compliance.

[View Article](#)

What are the new Enforcement and Prosecution Powers of Local Authorities and their effect on Business under the Health Protection (Coronavirus, Restrictions (England) Regulations 2020?

[View Article](#)

## 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.