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Practice Overview

Mark is a working door tenant.

Mark took silk in 2017, following a highly successful career as a junior specialising in serious and heavy crime (both for the prosecution and the defence). He undertakes a significant amount of private work and has, for many years, been ranked in Chambers and Partners as a leader in the field of crime at the London Bar. For 2017 Mark has also been ranked as a leading individual within the Queen's Counsel section of the Legal 500.

Mark is a specialist in the field of criminal defence and has extensive experience in all areas of criminal work, from murder to money laundering. His particular areas of expertise include acting in cases involving homicide, fraud and serious sexual offending. Prior to taking silk, Mark led in numerous heavy fraud cases, multi-handed conspiracies and cases involving the most serious sexual offences. He has extensive experience of prosecuting and defending intelligence-led operations that raise difficult issues relating to disclosure and public interest immunity.

Mark became a working door tenant at 30 Park Place in 2016.



Notable and Reported cases

- Homicide

[R v. B and others \(2017\)](#)



Instructed as Queen's Counsel for the second defendant in a seven-handed conspiracy to murder case, due to be tried before Dove J, commencing 28th February 2017.

R v. D and others (2016)

Led junior for the defence in a five-handed conspiracy to murder tried over eight weeks before the Recorder of Manchester. Channel 4 are currently preparing a documentary in relation to the case.

R v. O'S (2015)

Led junior in the case of the "Stelfox House" double murder. An extremely rare category of case that involved a lone defendant being accused of double murder within the context of a single incident.

R v. S (2013)

Junior alone in a three handed murder. Mark had to return this case prior to trial, however, before returning it he drafted a written application to dismiss the murder charge against Smith and this argument was successfully advanced before the Recorder of Stafford by Queen's Counsel who replaced Mark. The QC in question confirmed that the application was allowed purely on the basis of Mark's written submission.

R v T and others (2011)

Leading Junior for the first defendant in a nationally reported, three-handed murder, where the body of the deceased was kept in a flat for a number of days before being disposed of via a wheelie bin.

R v G (2011)

Led Junior for the first defendant in a two-handed murder involving issues of male-on-male sexual provocation.

- Serious Sexual Offences

R v Franklin (2016)

Successfully prosecuted a historic allegation of sibling rape (brother on sister) where the victim's own family had turned against her

R v. G (2016)

Instructed in an 'out of time' application to the Court of Appeal in relation to a sentence of imprisonment for public protection imposed following convictions for child sex offences some years ago. Mark successfully submitted that the sentence was unlawful. In addition, once the CCA corrected the error, Mark succeeded in persuading the Court that an IPP was, in any event, wrong in principle. The sentence was quashed and replaced with a determinate sentence

R v. B (2016)

Privately instructed to defend a renowned 1960's film director accused of various indecent images offences. Mark eventually caused the Crown to drop the case following legal submissions and evidence gathering that demonstrated that the images in question could not be proved to be unlawful.



R v. B (2015)

Junior alone privately instructed to defend an eminent surgeon accused of sexual offences within the workplace. An acquittal was secured.

R v. M (2014)

Junior alone privately instructed to defend in a sexual assault case where the complainant was only four years of age. Commended by the Resident Judge of Lewes Crown Court for conduct of the case.

R v. A and others (2013)

Junior alone for the first defendant in a seven defendant paedophile ring case heard in Middlesbrough. Mark's client pleaded guilty on a limited basis following protracted negotiations.

R v. B (2013)

Junior alone in defending one of the four Brighton and Hove Albion footballers accused of sexual assault. Mark represented the first defendant and co-defended with three Queen's Counsel. Mark was the only junior in the case and undertook all the central cross-examination of the Crown's witnesses which ultimately contributed to the across the board acquittals that followed a trial and re-trial.

R v. J (2013)

Junior alone in defending a high profile musical composer accused of rape. Mark was privately instructed in this case and secured a jury acquittal within six minutes of jury retirement.

R v. A (2013)

Junior alone in defending a leading transplant surgeon accused of sexual assault in a clinical setting. Mark's vigorous and detailed approach to disclosure in this case contributed to another swift jury acquittal.

R v P (2011)

Junior alone in relation to a cold case review of an attempted rape allegation dating from 1977.

- **Business Crime & Fraud**

R v B. and others (2107)

At the time of taking silk Mark was instructed to defend (as a led junior) in this six month, multihanded care home fraud

R v. V and another (2016)

Privately instructed by Kingsley Napley to defend in a multi-million pound money laundering case involving international issues and significant expert evidence (ESDA and MLR's).

R v. Spicer, Spicer, Brice, Thole and McCracken (2014)



Jointly instructed by the CPS Central Fraud Group and Merton Borough Council as lead counsel in a conjoined confiscation enquiry. Mark had previously led for the Crown in two earlier fraud trials (six weeks in 2010 and five weeks in 2013) that resulted in across the board convictions. The contested enquiry lasted for three weeks and resulted in the largest ever London Regional Asset Recovery Team order (over £7m).

- Asset Recovery & POCA

- R v. M and another (2016)

- Instructed by Bivonas Law to lead for the defence in a contested and very high value confiscation enquiry. Following a fully contested hearing the original benefit figure of over £4m was reduced to less than £0.5m. During a lengthy hearing technical and evidential arguments were advanced, covering topics such as corporate veil and registered tenancies.

- R v. P and Others (2015)

- Mark was instructed in replacement of Queen's Counsel specifically to deal with the multi-million pound confiscation proceedings that followed this pollution based environment agency prosecution. Mark identified a "corporate veil" argument, which ultimately resulted in all defendants avoiding the confiscation as pleaded. The prosecution agency are currently reviewing their position.

- Serious & Organised Crime

- R v. C and others (2015)

- Junior alone for one of the lead defendants in a seven defendant money laundering conspiracy. Mark was one of only two counsel in the case who remained in court during an ex parte PII application which was made during the trial. Mark and one other (John Warrington – also counsel from 5 St Andrew's Hill) made submissions to the judge. Following the hearing, Mark's client and two others (including John Warrington's client) had no evidence offered against them as a result of the Crown's failure to obtain immunity.

- R v. C and Others (2014)

- Leading junior for the first defendant in a seven defendant conspiracy to commit aggravated burglary. The case was heavily dependant on cell site evidence, an area where Mark has particular expertise.

- R v B (2012)

- Junior alone for the defence in a conspiracy to hack into the United Nations Central Computer in order to steal €4 million worth of exchangeable carbon credits.

- R v W H and others (2011)

- Junior alone for the defence in a ten-handed conspiracy to defraud. The case involved car clocking on an industrial scale and money laundering through mortgage instruments. The case was one of the few, to date, which have been disposed of by way of a serious fraud plea agreement, which included all confiscation findings.

- R v M and others (2010)

- Leading junior for the first defendant in a four-handed trial resulting from a Serious Crime Directorate



investigation. The case involved allegations of kidnap, assault and blackmail. The trial collapsed following the successful resisting of a hearsay application in relation to the central complainant.

- Other Notable

R v A (2010)

Junior alone in successfully defending an Olympic diver charged with assault.

Asset Recovery, Civil Fraud & Confiscation

Mark has appeared in countless confiscation cases and regularly deals with asset forfeiture. He has recently led for the Prosecution in multi-handed confiscation proceedings involving evidence from overseas jurisdictions. He has also led for the defence in numerous multi million pound confiscation cases, including a recent large scale case in Birmingham where only 15% of the figure sought by the prosecution was actually confiscated.

Business Crime

Mark also specialises in financial crime, including confiscation proceedings, regulatory offences and conspiracy to defraud.

Crime

Mark is an experienced criminal barrister with a specialist practice in serious sexual offences. Mark also has considerable experience of acting in large-scale conspiracy cases, be they related to fraud, drugs or any other serious offending. Mark also has expertise of advising and defending professional athletes, including Premiership/Championship footballers. Mark has also developed particular experience of defending and prosecuting medical professionals accused of sexual offending within a clinical setting, including eminent consultant surgeons. His success within these areas of work is well established. Mark's experience in cases involving drug conspiracies is particularly extensive, including issues relating to public interest immunity and covert surveillance. The same attention to detail and disciplined work ethic that Mark brings to all his cases has resulted in him being instructed to act as lead counsel in over thirty cases of this type.

Professional Memberships

- South Eastern Circuit.
- Wales and Chester Circuit.
- Criminal Bar Association.
- Association of Regulatory and Disciplinary Lawyers.

Professional Panel Appointments

- Crown Prosecution Service (CPS) List of prosecution advocates at the highest Grade ('4').
- CPS Serious crime panel of approved advocates.
- CPS specialist panel of approved rape and serious sexual offences (RASSO) advocates.
- Serious Fraud Office (SFO) list of approved prosecution counsel at the highest grade (the 'A' list).