

Seamus Austin

Position
Senior Caseworker

Practices

- Fraud, White Collar & Business Crime
- Private Client Criminal Defence
- Criminal Defence & Serious Crimes
- Confiscation, Restraint & Cash Forfeiture

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Seamus has expertly prepared criminal defence cases for 30 years. In this time he has successfully defended clients who were charged with the most serious allegations including murder, armed robberies, fraud, drug trafficking, offences of terrorism and sexual offences.
Over the last 18 years Seamus has developed expertise in defending cases of fraud and the proceeds of crime, most recently cases prosecuted by local and National Trading Standards. He has advised many clients defending and limiting the restraint and freezing of their personal and business assets and has successfully represented clients in large numbers of contested, multi-million pound, criminal confiscation proceedings and related civil proceedings including civil recovery proceedings.
Seamus regularly and successfully defends applications brought by the police, National Crime Agency or HM Revenue and Customs to detain and forfeit seized cash or freeze bank accounts or other assets. He also advises third parties whose assets the authorities seek to confiscate. He has advised and represented clients in defending regulatory proceedings brought by the Financial Services Authority and local authorities. Last year he represented a number of businesses in successfully appealing against financial penalties imposed by a local authority for alleged breaches of the secondary ticketing provisions of the Consumer Rights Act 2015. For the last 5 years he has been engaged constantly in defending criminal cases brought against businesses and their directors by local and National Trading Standards.
Seamus has proven experience of dealing with serious and Very High Cost Cases (VHCC). He is also recognised as a VHCC case manager by the Legal Services Commission.
Notable Cases

• **R v P** – company director client acquitted at the Old Bailey of conspiracy to defraud an insurance company. Only defendant to stand trial (others pleaded guilty).

• **R v B** – successfully defended company director charged with multi-million pound

conspiracy to defraud investors in Carbon Credits and Rare Earth Metals.

• **R v O** – successfully defended directors of company charged with multi-million pound allegation of conspiracy to defraud consumers through "copycat websites" which are websites that are alleged to mimic government websites but charge fees for providing services that are free.

• **R v B** –successfully defended company director involving multi-million pound VAT fraud connected to the operation of pubs and restaurant businesses.

• **Commissioner of Police for the Metropolis v H + H** – successfully defended an application by the police to forfeit almost £1,000,000 in cash under the Cash Detention and Forfeiture provisions of the Proceeds of Crime Act 2002. The cash was alleged to be the proceeds of drug trafficking/arms dealing.

• **R v BM and KA** – successfully defended the two lead defendants in an 8 handed conspiracy to kidnap, blackmail and falsely imprison. Successful application of "no case to answer" after 4 week trial at Inner London Crown Court

• **R v W**: Conspiracy to smuggle cigarettes, tobacco and wine. Confiscation proceedings alleged to be over £6 million. After contested confiscation proceedings sum confiscated was £38,000

• **R v D**: Cannabis production – Crown abandoned confiscation proceedings.

• **R v S**: Importation of class A drugs. Succeeded with legal submission that defendant be treated on same basis as a courier and thereby limited his benefit to wages earned with sum to be confiscated limited to £3.

• **R v H + H**: Importation of class A drugs and supplying same. Successful submission which led Crown to accept that second defendant's benefit was reduced from over £100,000 to £3,000.

• **R v F**: Murder – defended one of two juveniles charged with murder. They were said to have acted in retribution when police declined to prosecute the victim for sexual offences

• **R v CB** – A "boiler-room" fraud. Our client, CB, acquitted after 6 week trial.

• **R v RH** – 24 handed drug trafficking conspiracy. Our client RH was one of only 2 defendants to be acquitted. He had been the Company Secretary of the main company used a front the import cannabis cultivation equipment and supply it to a number of sub-companies and cannabis farms all of which were owned by the directors of the main company. 8 week trial Old Bailey

• **R v L** – Fraudulent Trading case. After a successful submission of "no case to answer" our client, a former solicitor and owner of an insurance brokerage, was acquitted of fraudulently trading to defraud the creditors of of an insurance brokerage and a property holding company of over £15 million. Our client was the only defendant to be acquitted in this case.

• **Re: M** – Acted for third party affected by a Restraint Order made against a defendant under the Proceeds of Crime Act 2002. We succeeded in winning the lion's share of the proceeds of sale of their former home – circa £300,000- thus protecting it from confiscation in the defendant's case.

• **R v F** – Acted for defendant in a case concerning a multi-million pound money laundering operation. Expert defence evidence relating to “cuckoo smurfing” and “Hawala banking” and written submissions led to the Crown dropping the prosecution against our client.