

## DAVID MATTHEW

Year of call  
1987



David Matthew prosecutes and defends in all kinds of criminal cases, ranging from complex fraud to murders, rapes, drug offences, serious violence, Explosive Substances Act offences, firearms, harassment and all lesser offences.

He frequently appears against silks and leads other juniors.

He was a member of the all party law reform and human rights organization JUSTICE, Working Party on the 2019 report on Prosecuting Sexual Offences.

David is qualified to accept instructions directly from clients and is registered under the Bar Council's Public Access Scheme, meaning that members of the public who seek specialist advice can come direct to him. In addition, he welcomes instructions from solicitors, in-house law departments, qualified foreign lawyers, and clients licensed by the Bar Council to give instructions direct to barristers under the Bar Council's Licensed Access Scheme. For more information please visit our Direct Access page [here](#).

## LEGAL EXPERTISE

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### Crime

David has practiced in all the criminal courts since 1987. He is a Grade 4 CPS Prosecutor. He is regularly instructed to prosecute or defend in the most serious criminal cases including murder, rape, explosive and firearms. He is frequently instructed by CPS Complex Casework Units (East Midlands; Thames Chiltern and East of England).

He is very approachable, whether working with a prosecution team or for clients he defends, willing to discuss and explain his view of the state of the case and what can be done.

He is qualified by the CPS as a Grade 4 sexual offences prosecutor.

Experienced in the conduct of private prosecution (not least for RSPCA).

He lectures on firearms and cybercrime.

## Selected Cases

### R v Brown and others (on going)

Multi handed Class A drugs supply

### R v Crowley Flanagan and Whitlock (2021)

Conspiracies to Cause Explosions and to Burgle

### R v Richards (2021)

Firearms offences by Registered Firearms dealership

### R v Jackson and Hayward (2021)

Prosecuting murder.

### R v S (2021)

Prosecuted juvenile multi rapist

### R v Finn (2021)

Aggravated burglary

### R v Parry (2020)

Attempted murder of wife by husband

### R v Lewis (2020)

Responding to appeal

### R v Lewis (2019)

Prosecuting murder case involving a loan dispute resulting in a sentence with 33 year minimum term (sentence currently under appeal).

### R v Frost (2019)

Defence of mother on s 18 charges against her own infant.

### R v Cazan; (2019)

Prosecution of trial “in absentia” of defendants systematically looting lead from church roofs.

### R v Devlin (2019)

Prosecution of “cold case review” rape of a boy in 1995.

### R v Walker (2018)

Defence of party to s 18 wounding with shotgun.

### R v Makundi & Williams (2018)

Prosecuting “county lines” Attempted Murder.

### R v Hobbs & Martin (2017)

Prosecuting teenagers for Manslaughter; on appeal at [2018] 2 Cr. App. R. (S.) 36.

### R v Harvard (2018)

Firearms replica and otherwise – defendant’s appeal is [2018] EWCA Crim 2086.

### R v Worth (2018)

Prosecution of “Coercive behaviour” offence by woman on partner. Advised the prosecution against making the subsequent AG’s reference, and in the event the Court of Appeal decided that the sentence was not unduly lenient [2018] EWCA Crim 1923.

### Smith v RSPCA (2017)

Prosecution of cruelty to animals by a small holding family; the convictions remained unaltered by the subsequent Case Stated defence appeal which turns on the law concerning the adequacy of medical certificates, and obligations of the court to grant adjournments [2017] EWHC 3536 (Admin).

## Public Law

David represented the police over a search warrant under s 8 PACE that went from the Magistrates, via the Crown Court, to the Supreme Court Haralambous v St Albans Crown Court & Chief Constable for Hertfordshire [2018] A.C. 236; (Supreme Court).

Search warrants – PACE 1984, section 8 – judicial review – CIPA 2001, section 59 – disclosure of Information – PII redactions – disclosed materials not sufficient to establish lawfulness of warrant – PII materials deployed as evidence – closed evidence procedure – Al-Rawi not applicable – no minimum level of disclosure.

The principles of decision of the Supreme Court applies beyond PACE search and seizure warrants to warrants under other statutes.

As a spin off from his criminal practice he advises on judicial reviews of Crown Prosecution Service decisions to take over and discontinue Private Prosecutions.

David is regularly instructed as Independent Counsel, reviewing seized material for Legally Privileged and other Special Material. He has, for example, experience of the various classifications of privileged material, loss and waiver of privilege, and questions of joint or common privilege. He has advised on what constitutes 'journalistic material' in the world of Facebook and blogging. He has been instructed by the SFO, the Metropolitan Police and other forces. David was instructed by the Metropolitan Police in the newspaper phone hacking investigation Operation Weeting and several of its off shoot operations (Kalmyk, Elveden, Pinetree etc.). He is instructed to attend searches both on domestic and commercial premises.

## Data Protection

In 2020 David was instructed by a national professional trade association to advise on their Criminal Conviction Check policy, including how it worked in practice, the retention policy and thereafter the detail and wording of their policy and public statements.

In 2021 David in advice to a police force advised on the DPA 2018 implications in prosecutions for drone misuse or malpractice.

As part of his criminal practice David regularly advises Crown Prosecutors on prosecutions under s 170 DPA 2018 (Unlawful obtaining etc of personal data) and other DPA offences.

## Appointments

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- CPS Prosecutor (Grade 4)

## Memberships

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- Criminal Bar Association
- Fraud Lawyers Association
- Midland Circuit
- South Eastern Circuit