

# James Dunstan

Year of Call: 1995

Telephone Clerk: +44 (0)121 246 0200

Clerks Email: [crime@st-philips.com](mailto:crime@st-philips.com)



## Introduction

James Dunstan is a highly regarded and very experienced senior junior in crime, with a serious style which has brought him an extremely successful track record of both prosecuting to conviction and defending to acquittal. He attributes this to a knack for jury persuasion, and always getting home the best points in any case. He is also versatile, and handles the full range of work in the Crown Court and higher Courts, and has experience in the following areas: Homicide (Murder and Manslaughter), Serious Sexual Offences, Organised Crime and Terrorism, Corporate and Gross Negligence Manslaughter, Motoring and Road Traffic, Fraud, Business and Financial Crime, and Restraint and Confiscation. In addition he is qualified to receive work on a Direct Access basis.

## Serious Sexual Offences

He has undertaken a very large number of cases, most of which were trials, with an extremely high rate of successful trial outcome in the last few years (over 90%). He has acted as leading junior prosecution counsel in a lengthy trial of two defendants involving complainants both children and adult, male and female, regarding a course of conduct of over 36 years' duration. He has prosecuted the complete range of offences under the Sexual Offences Act 2003 and has successfully defended many such cases. He is highly experienced in dealing with historic cases, cases involving complainants called to give evidence as young children over the live link, and cases involving niche areas of expertise such as childhood memory formation. Many of his cases have also involved issues of mental health and fitness to plead. Many others have involved the use of the internet to commit not only grooming but also incitement offences. He is very well experienced in handling cases involving young defendants and recently prosecuted 4 juveniles for gang-rape of another juvenile. He has an in-depth knowledge of disclosure including 3<sup>rd</sup> party disclosure, and the various applications of law which are required successfully to defend such cases.

## Homicide (Murder and Manslaughter)

He has prosecuted and defended several homicide cases, as junior and junior led by QC. An example is the defence of a 17 year old boy charged with the manslaughter of a well-known local character at a supermarket. He has dealt with extradition in the context of a murder indictment in a case successfully defended to an acquittal of murder. He has experience of prosecuting in a case involving the death from shaking of a months-old baby at the hands of his mother and step-father, with a large number of experts.

## Corporate and Gross Negligence Manslaughter

James has prosecuted to trial the owner of a lorry which was driven by an employee and was involved in a fatal road traffic accident killing the driver of the second vehicle. The case involved a number of areas of expert evidence including wholly technical metallurgical evidence regarding the corrosion of the lorry's brake cable, as well as other expertise surrounding the circumstances of the collision. The case also involved legal argument relating to the liability for manslaughter of the owner for the actions of his employee.

## Organised Crime and Terrorism

James has prosecuted and defended cases brought against both organised criminal gangs and violent criminal gangs. Criminal matters include fraud, money laundering, firearms, drugs, and conspiracies of many types including importation and distribution of drugs, robberies, thefts. He has experience both defending and prosecuting in complex cases involving very large numbers of offenders, and long trials, including as leading junior defence counsel. He has dealt with many applications for confiscation under the Proceeds of Crime Act and its forerunners. He has just completed a 3 month trial defending an organised drug gang member. He has been involved in a firearms case ancillary to a well publicised motorcycle gang shooting on the M40, for example, as well as a shooting in a case where an important issue was the defendant's alleged gang-membership in the first place.

## Motoring and Road Traffic

He has prosecuted and defended at all levels, including several trials of offences of causing death by dangerous driving. In the past he has dealt with many road traffic related matters in the Magistrate's Court. He has recent experience of both publicly and privately funded work and is trained and qualified to receive instructions on a direct access basis