

Samuel McCann

YEAR OF CALL 2015

Samuel has a wide range of experience in prosecuting and defending criminal matters in the Crown, Magistrates' and Youth Courts. Samuel has particular expertise defending members of the financial services sector in relation to criminal and regulatory action.



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Career Overview

Whilst being a specialist criminal and regulatory advocate, Samuel has a broad range of experience at the Bar, having regularly appeared in criminal, civil and family proceedings. Samuel has extensive experience in the preparation and presentation of cases in the Magistrates' and Crown Courts as well as those before the Family Court, County Court and Companies Court. Samuel's breadth of experience enables him to fully appreciate the criminal, civil and family jurisdictions, better enabling him to advise on the inter-relationship of parallel proceedings.

Immediately prior to joining Farringdon Chambers, Samuel spent ten months in-house at Corker Binning, advising on a range of SFO, FCA and CMA investigations and prosecutions; many of which have attracted national press attention. Samuel's knowledge and experience of white collar offences is consequently far greater than his call date would suggest.

Samuel has been commended by those instructing him for providing sound legal advice and representation in difficult circumstances. Instructing solicitors have commented upon Samuel's ability to represent vulnerable clients, particularly those suffering from mental illness.

Area of Practice

Samuel has a strong criminal practice and defends and prosecutes in both the Crown and Magistrates' Courts. Samuel regularly appears in matters relating to drugs, violence, dishonesty, road traffic and sexual offences.

Samuel has experience of white collar defence far beyond that expected of his call, having advised high profile individuals including executive officers of UK listed companies in relation to a wide range of offences including fraud and bribery.

Samuel has extensive experience of defending prosecutions brought by the Financial Conduct Authority, inclusive of insider dealing, market abuse (layering and spoofing) and the making of misleading statements. Samuel has a detailed knowledge of the Market Abuse Regulations (MAR) and COBS rules and can provide robust advice and representation in relation to prosecutions and investigations brought by the FCA.

Samuel has experience of defending regulatory actions brought by professional bodies and regulators including the SRA and disciplinary panels of chartered institutes.

Samuel accepts both prosecution and defence instructions in the following areas:

- General Crime
- Financial Crime
- Financial Conduct Authority Prosecutions
- Proceeds of Crime
- Regulatory

Notable Cases

R v LE (Inner London Crown Court) - Fraud

Successfully mitigated in relation to five counts of fraud by abuse of position, with a total value of £75,600; receiving a sentence of 12 months' imprisonment suspended for two years, reduced from a starting point of three and a half years' custody. Complex submissions were made in relation to Section 73 of the Serious Organised Crime and Police Act 2005, this being one of only 14 such agreements entered into by the CPS that year.

R v P (Bournemouth Crown Court) - ABH

Secured a suspended custodial sentence for a serious section 47 ABH that occurred in the carpark of a fast food

restaurant. The victim was unknown to the defendant and suffered severe psychological harm as a result of the assault. Mitigation was advanced on the basis of the defendant having been mistakenly provoked.

R v HK (Aylesbury Crown Court) - Dangerous Driving

Successfully mitigated following a guilty plea to one count of dangerous driving, aggravated by a police chase, severe impairment and intoxication. Obtained a sentence of 18 weeks, suspended for two years.

R v B (Blackfriars Crown Court)

Secured a six month suspended sentence for two section 111A Social Security Act offences arising out of a dishonest failure to disclose ownership of a property outside of England and Wales.

R v S (Stratford Magistrates' Court) - Assault

Secured an acquittal in relation to a violent assault on the basis of insanity after lengthy cross examination and complex legal submissions. The Defendant had a diagnosis of nocturnal epilepsy, and at the time of the assault was in post-ictal state following an earlier seizure.

R v G (Stevenage Magistrates' Court) - Assault

Successfully defended a violent assault against three complainants on the basis of self-defence in light of five prosecution witnesses. The outcome was achieved by highlighting clear contamination of evidence identified by the wording used by all witnesses in evidence as well as other inconsistencies established by the crown's own photographic evidence.

R v W (Camberwell Magistrates' Court)

Successfully resisted a Crown application to adduce hearsay evidence on the basis of it being sole and decisive, out of time and the failure of the Crown to satisfy the conditions set out in Section 116(2)(b) CJA 2003. The Crown was forced to offer no evidence.

Memberships

Professional Memberships

- The Honourable Society of Gray's Inn
- Criminal Bar Association
- Young Fraud Lawyer's Association

Education

- Bar Professional Training Course, City Law School, Very Competent
- University of Exeter, LLM International and Comparative Public Law, Distinction
- University of Exeter, LLB Law, 1st Class (Hons)

Other Information

Appointments

- Crown Prosecution Service (CPS) Grade 1 Prosecutor
- Attorney General's Junior Junior Panel

Scholarships

Lord Justice Holker Scholarship, Gray's Inn, 2014

Publications

- Contributing Author Lexis PSL: Civil Tax Fraud Investigations—Code of Practice 9
- "Dawn of the SFO Supergrass" F.I. 2019, Jun/Jul, 1-3

Other Interests

Samuel is on the Board of Big Voice London, a social mobility charity which seeks to engage young people from non-traditional backgrounds in law and legal policy, with the aim of improving diversity in the legal profession.

