



John McNally

Call 1996

✉ john.mcnally@drystone.com

☎ 020 7404 1881

John McNally has had a broad common law practice and has appeared in matters as varied as a civil 'rape trial' to the scope of EU law on the rights of free movement and education of workers. This breadth of experience has been particularly sought by solicitors when they need Counsel who can deal with legally complex cases- for example, matters as esoteric as donatio mortis causa, or the extent of flag-state jurisdiction where a sexual offence set for trial in England was said to have been committed on the High Seas.

In recent years John has undertaken a broad spectrum of Criminal work- primarily offences of the utmost seriousness- both for prosecution and defence.

Given his background, he is frequently instructed to advise and represent Local Authorities in a range of matters which include prosecution of Trading Standards Offences, the Enterprise Act, Health and Safety, and Planning offences. He has also advised on a number of complex matters related to the scope of Local Authority powers or the use of civil procedures to support the safety of the vulnerable in society.

He has advised or appeared in matters concerning the General Medical Council, the Hearing Aid Council, the Teacher Regulation Agency and the GCC as well as multiple Coronial Inquisitions. He is currently instructed in relation to proceedings in the IPT and has advised a number of companies in the private security sector.

From 2012 to 2020 he was a Grade 4 approved Prosecutor for the Crown Prosecution Service.

Expertise

Murder & Manslaughter

Over the years John has acted with leading Counsel and sometimes alone to defend in dozens of homicide cases. He and is experienced in handling cases involving complex medical and scientific evidence.

Notable Murder & Manslaughter cases

R v Misra

medical manslaughter- at first instance and in Court of Appeal (where the legal scope of the offence was determined). Forensic issues at trial included the medical response to *C. difficile* as opposed to *S. aureus* infection.

R v Z (2021)

'shaken baby' murder and associated GBH on another child by reason of catastrophic brain injury

R v X (and others) (2022)

multi-handed murder said to be an organised 'hit' (client acquitted).

R v M (2021)

manslaughter case where defendant declined to attend his trial which proceeded in absence. Acquitted.

R v XY (2022)

allegation client was concerned with others in causing 5 deaths in a care setting. Following submissions the lay client was not properly charged within the terms of relevant legislation, the Crown revised the case against others and dropped the case against the lay client. Others await trial.

R v C

allegation of matricide. Defence was based on incidence of epilepsy. Defendant acquitted by reason of insanity.

R v Z

client accused of attempted murder of child by smoke inhalation.

R v Knight

attempted murder by poisoning using anti-freeze said to be administered in alcoholic drinks. Forensic issues focused upon the nephrology of anti-freeze ingestion and the similarity of the victim's presentation to conditions such as Guillain-Barre syndrome.

Terrorism

John is instructed to defend in serious and sensitive terrorist cases.

Current instruction in R v M (CCC) charge relates to disseminating terrorist publications.

Notable Terrorism cases

R v R (and others)

charge of fraud related to terrorist financing.

Sexual Offences

John is routinely instructed to defend in cases involving serious sexual offences, including both 'contact' and computer-based offences.

Current instructions include historic allegations of multiple rape in familial settings and allegations of offending involving multiple members of the same family.

Cybercrime

John has experience in dealing with cases of cybercrime, including internet pornography and online fraud.

Gangs & Organised Crime Groups

John prosecutes and defends cases involving organised crime. Recent cases include Encrochat prosecutions, both for the movement of drugs and associated money-laundering.

Notable Gangs & Organised Crime Groups cases

R v C

(client prosecuted as being part of an organised group who targeted museums and other establishments to steal Chinese Artefacts and rhino-horn).

R v Z

(a trial which later featured in the Hunt litigation about crime in the East End)

R v R

(part of Operation Extend- the importation of class A drugs)

R v Z

(torture over drug debt): acquitted.

R v H

(Drug importation- and later High Court POCA)

R v A

(business class people smuggling)

R v A

(international drug smuggling)

R v M

(MTIC fraud- following client's extradition)

R v J

(Organised fraud upon the elderly)

R v C

(organised fraud upon mencap users)

R v X

(Encrochat)

R v Z

(Encrochat money laundering- prosecution)

R v P

(allegation of international drug smuggling, principal charges dropped during argument that the prosecution could not indict such a conspiracy without express consent from the Attorney General).

Closure Orders

John undertakes a range civil work on behalf of various Local Authorities, including applications arising from Closure Orders and Sexual Harm Prevention Orders (SHPO)

Driving fatalities/causing serious injury

John regularly defends in driving offence cases, involving fatal accidents and dangerous driving.

His most recent cases have involved allegations of causing death by dangerous driving.

He is familiar with the advanced research literature related to the process of driving and accident investigation.

Deploying that knowledge (and research) led to acquittals in each of these recent cases. W was of particular interest in that the main issue was whether he could/should have seen the motorcyclist in the opposite lane before he turned in front of him. The scope of foveal vision whilst driving is truly limited. A defence reconstruction demonstrated that the lights of the motorbike would have been obscured by the presence of a car behind the cycle. The client was acquitted.

Notable Driving fatalities/causing serious injury cases

R v D

R v W

R v W

Proceeds of Crime: Confiscation

John has been instructed in many cases involving confiscation- for both prosecution and defence. These cases were at first instance, and later where either 'inadequacy' was in issue or latterly reconsideration (often in cases concerned with the reassessment of proprietary interests).

Notable Proceeds of Crime: Confiscation cases

R v Gunaseekara

Court of Appeal- determination on scope of liability for distributed funds from tax cheat.

R v Kakkad

Court of Appeal- determination of extent to which a Court may determine the valuation of drugs by reference to their later dilution.

R v Lehair

Court of Appeal- determination of meaning of temporal requirements attached to a tainted gift.

Plus prosecution of multi-handed drug supply and importation cases and associated confiscation. (Sheffield, Northampton, Woolwich).

Money Laundering

John has developed a specialist knowledge in money laundering and has been instructed to defend in a number of cases where money laundering or related offending was said to arise from avoidance of, or breach of court orders, a number of these cases are linked to insolvency.

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Recent prosecution of money laundering from Encrochat cases.

Fraud

John is recognised for his expertise in fraud. He defends in a range of cases which extends to complex fraud cases including those alleged against professionals.

Notable Fraud cases

R v A (pros)

former solicitor who stole from estate of clients he had met through his firm.

R v PC (def)

fraud on MENCAP service users

R v M (def)

wife of policeman who befriended an elderly lady he had met. He divested his elderly victim of her home and property- his wife was charged with involvement in the offending- and was acquitted.

Health & Safety (Consumer & Regulatory offences)

John provides detailed advice and knowledge regarding health and safety offences. He has acted for local authorities in a number of cases involving breaches of health and safety legislation. Some of these cases were prosecuted through to conviction. Others have involved advice or representation in parallel proceedings (for example the Coroner's Court).

Notable Health & Safety (Consumer & Regulatory offences) cases

R v Tesco (industrial injury)

R v X Ltd (industrial injury)

R v Y Ltd (industrial injury- resulting in death)

R v X Ltd (industrial injury- resulting in death)

Planning enforcement (Consumer & Regulatory offences)

John has expertise in planning enforcement, including the wrongful use of property and cases involving damage to listed buildings.

Trademarks

John has prosecuted trademark and counterfeiting offences.

Housing

Experienced in regulatory work, particularly relating to housing and property. John is regularly instructed by local authorities across the UK.

Inquests

I have been recently instructed in cases involving death following interaction with the police; inquests involving the role of a local authority in housing (where fire caused death in an overcrowded property); and the Hillsborough Inquest on behalf of as senior Police Officer.

Memberships

- BIICL
- CBA

Languages

- French