

## Nicholas Clarke

Year of Call: 2001



Nicholas is a Criminal law specialist with over 25 years of experience. He has established a practice dealing with the most serious and complex criminal cases, both prosecuting and defending.

Nicholas' caseload includes matters involving money laundering, fraud, drugs offences, serious sexual offending and murder. He specialises in cases which involve issues relating to mental health and has significant experience cross-examining children and young witnesses over video link.

Nicholas is particularly adept in fraud work across both prosecution and defence, with expertise in State Benefits, MTIC, trademark, mortgage, trading standards, and VAT fraud. He is equally proficient at securing convictions that protect public funds and advancing sophisticated defences including lack of knowledge, reliance on professional advice, and corporate attribution arguments.

Nicholas' approach combines rigorous forensic analysis of complex documentary and expert evidence with a strategic focus on proving or negating dishonest intention. A key strength is NC's ability to handle complex digital evidence and computer-generated records in cases of significant fraud and Proceeds of Crime Applications — from bank statements and transaction logs to messaging data and expert trading pattern analysis.

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### Education

Solicitor 1992

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### Professional Memberships

CBA

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### Notable Cases

#### Over the preceding 12 months:

R v. Taylor & others -armed robbery

R v S. - acquittal of defendant charged with sexual offences against a child - successful argument that the primary witness was not a hostile witness

R v Taljard - prosecution of a former professional cricketer charged with ten years of sexual assaults against his wife.

R. v TTL & others - extensive legal argument regarding Restraint Orders under the Proceeds of Crime Act, 2002

R v Williams and Kelly - defence of an allegation of rape

R v Bowen - successful defence of a defendant charged with others in an 8 handed murder

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R v. M & others – representing 14 year old boy charged with murder  
R v Blood & others – 6 week trial relating to gangland shootings  
R v Barnes – defence of a fraudster originally charged with theft from a charity in excess of £1M. Prosecution accepted a plea to theft of £50,000.  
R v Heathcote – defence regarding the transportation of a substantial amount of Class A drugs from Manchester to Southampton  
R v B – successful defence of allegations of historic sexual abuse in Barrow

## **Fraud Cases**

**R v CB [2025]** – Represented a defendant in a high-value trademark fraud prosecution involving an alleged £1 million plus criminal enterprise centred on counterfeit goods. The evidence was formidable and multifaceted: voluminous financial records requiring forensic accounting analysis, complex trademark law issues, and a Crown case built on proving dishonest intention.

**R v CF Limited [2018]** – Defended a company and its director in a trading standards prosecution involving over 100 second-hand cars with alleged misrepresentations including clocked mileage, outstanding finance, and stolen vehicles. The director’s core defence was lack of knowledge and reasonable reliance on staff and third-party suppliers. It was also argued that he was not the ‘directing mind and will’ for criminal liability. The case was evidentially challenging—conflicting vehicle conditions, missing records, and the sheer volume. NC navigated that complexity, identified weaknesses in the prosecution’s knowledge evidence, and advanced the legal arguments on corporate versus personal liability.

**R v TM Limited [2016]** – Prosecuted a company that had orchestrated a systematic fraud against the government in relation to Housing Benefit claims. The company had deliberately structured itself using multiple subsidiary (mezzanine/sister) companies, creating a complex corporate veil designed specifically to obscure ownership, evade detection, and avoid prosecution. The fraudulent scheme involved a substantial portfolio of properties and significant public funds.

**R v ST [2020]** – Prosecuted an individual for VAT evasion amounting to approximately £50,000. The case was significantly complicated by complex supply chains, requiring the tracing of transactions through multiple intermediaries to establish the true taxable nature of the goods or services and the defendant’s knowledge of the evasion.

**R v BG Limited [2013]** – Defended a client accused of participating in an MTIC (Missing Trader Intra-Community) fraud involving the importation of mobile telephones into Ireland, with an alleged value just under £1 million. The Crown’s case rested on complex expert evidence of trading patterns, suggesting the client knew or should have known the transactions were connected to fraud. The case was exceptionally challenging due to multiple jurisdictions, voluminous transaction records, and the technical nature of MTIC fraud analysis.

**R v M [2021]** – Defended a client charged with mortgage fraud. The prosecution’s case rested on the presence of fraudulent funds passing through her bank account, which they argued demonstrated her participation in the scheme. In reality, a third party had been placing money into her account without her knowledge of its fraudulent origin or purpose.

Have defended multiple clients accused of benefit fraud over the years where the alleged overpayment did not arise from dishonest intent at the outset. Rather, each defendant had experienced a legitimate change in personal circumstances (e.g., change in income, living arrangements, health status, or employment)

and had failed to correctly notify the relevant authorities. The Crown's case rested on treating the non-disclosure as evidence of dishonesty. Applying detailed knowledge of the complex, overlapping benefit regimes, Nicholas was able to ascertain which benefit was appropriate for their situation.