

Simon Hunka

Call: 2007

"I would like to state at this point that our prosecuting Barrister, Simon Hunka of No5 Chambers in Birmingham, was superb and was a credit to have on board in what was an extremely complicated case with over one thousand pages of evidence originally. He certainly went into minute detail, and his cross examination of the defendants and their witness was brilliant, he countered everything they came up with and had definitely studied the case in exceptional detail in order to do so. I highly recommend him if the Council need a prosecuting Barrister for any other LA case at all - benefits, council tax, housing, planning, regulatory, anti-social behaviour etc - he is willing and able to cover all aspects of cases for LAs, in both Magistrates and Crown Court"

Beverley Graham, Benefits Investigations Officer, Melton Borough Council.



Simon Hunka is an experienced advocate specialising in the areas of Crime and Regulatory law.

Expertise

Crime

"In our judgment an offender can seldom have been better served by his counsel than is this young man by Mr Hunka."
– Lady Justice Rafferty in the Attorney-General's Reference No. 28 of 2016 [2016] EWCA Crim 1382

Simon is a highly regarded advocate who is known both for his persuasiveness and his sharp style of cross-examination. He has a personable and engaging manner with his clients which enables him to quickly build trust – he combines this with a strong approach in Court where he fights very hard to achieve the best possible result.

He is meticulous in his preparation and is highly persuasive when addressing both Judges and juries. He prides himself on having a "human" style of advocacy – his approach is neither patronizing nor condescending, rather it is engaging and sensitive to both the issues and the audience. As a result he is powerfully persuasive, simply because he presses the right buttons in the minds of his audience and makes them truly think about what he is saying.

He regularly attracts praise for making strong arguments on behalf of his clients, even when the odds are heavily stacked against him.

From the very start of his career he has appeared in the Crown Court and has quickly developed a wealth of experience. He has appeared as defence Counsel in a number of serious cases involving murder, serious sexual offences (including rape), assault (section 18 and 20), fraud, arson, serious drugs offences, death by dangerous driving and also confiscation proceedings. He has also appeared in the Court of Appeal where his written and oral submissions were praised for their attractiveness and clarity.

His recent cases include: a husband accused of decapitating his wife, a street shooting, rape between acquaintances where consent was the issue, an orchestrated armed robbery of a post office, confiscation proceedings where the assets were assessed at in excess of GBP 3,000,000, a domestic arson attack involving a Molotov cocktail, death by dangerous driving where speed is the issue.

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He has a degree in psychology and so is adept at understanding and utilizing medical evidence of this nature – he recently represented a man whose defence to murder was that the voices in his head commanded him to kill.

He offers early and continuous advice, both on paper and in conference, throughout criminal proceedings and in subsequent confiscation proceedings if appropriate.

He favours early conferences at either chambers or solicitors' offices so that important issues can be identified at an early stage and, if necessary, acted upon.

Simon is a Grade 4 prosecutor, RASSO accredited and a member of the specialist fraud prosecution panel.

Notable Cases

R v S 2019

Junior Defence Counsel in "missing body" murder case due for trial in November.

R v K 2019

Junior Defence Counsel in stabbing murder case due for trial in December.

R v Hobday 2019

Defence Counsel in county-lines drug conspiracy. Secured an acquittal after trial where phone/cell-site evidence was of central importance.

R v Johnson 2018

Junior Defence Counsel in successful defence of man charged with manslaughter. The Defendant was involved in a minor altercation with a man with a significant heart condition. Acquittal following trial which focused on complicated medical issues concerning causation.

R v Dalton-Byrne 2018

Junior Prosecution Counsel in stabbing murder where the Defendant was 17. The Defendant was convicted after trial.

R v Baza & Others 2018

Junior Prosecution Counsel in 14-handed Maternity Benefit fraud where the amount sought was over GBP 700,000. The initial trial took 3 months and ended in the convictions of 12 of 13 Defendants - the 14th Defendant was severed (due to unforeseen circumstances) and convicted the following year after trial.

R v Potts & Others 2018

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Junior Defence Counsel in the trial of various members of a family charged with a variety of serious sexual offences against children both historic and recent. Significant witness handling issues concerning youth and mental disability.

R v Williams 2015

Junior Defence Counsel in murder case which lasted for 6 weeks and involved multiple strands of evidence, including forensic (blood spatter, DNA) and cell-site evidence.

R v Islam 2014

Defence Counsel in rape case where issue was consent. Defendant acquitted unanimously.

R v Huckerby & Daniels 2014

Prosecuting Counsel in GBP 73,000 benefit fraud where issue was whether they were living as husband and wife. Convicted by jury.

R v Ireland 2013

Defence Counsel in rape case where issue was consent. Jury acquitted unanimously.

R v Mann 2013

Junior Defence Counsel in murder case with diminished responsibility defence (voices in the head). Significant and complex bad character issues.

R v Webb 2012

Junior Defence Counsel in two-handed murder case involving mental health issues.

Regulatory

Simon accepts instructions on a variety of regulatory and licensing matters. He has developed a reputation as a persuasive advocate who works hard from beginning to end for his clients. His personable manner and true understanding of client care is frequently commented upon by those who instruct him.

He has been appointed to the "C" list of the List of Specialist Regulatory Advocates in Health and Safety and he accepts instructions to prosecute on behalf of the Health and Safety Executive.

He has experience of both alcohol and taxi licensing cases and has given seminars on behalf of the Institute of Licensing. He appears both at hearings before local authority sub-committees and at appeals in the Magistrates Court.

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His particular interest in regulatory work stems from having spent a year prior to pupillage working and training with Bernard Thorogood (also of No5 Barristers' Chambers) where he gained invaluable experience of a very wide range of regulatory crime, including health and safety, environmental, trading standards, food safety and data protection. He had a significant role assisting in the preparation for a number of cases in the Crown Court and the Court of Appeal.

Since then he has developed experience and a strong reputation in his own right. He has been instructed in cases involving health and safety, environmental protection, noise abatement, food safety, breaches of enforcement notices (and subsequent confiscation proceedings) to name but a few. He is a very experienced Crown Court advocate which often places him at an advantage, particularly in contested cases.

He has considerable experience of representing police officers both in the criminal courts and before their disciplinary bodies.

He also represents the interests of individuals at inquests.

He has recently advised in cases involving:

- compliance notices,
- enforcement notices,
- whether the parents of a child who was removed from school for a month should escape prosecution due the "religious observance" caveat,
- whether a shisha-smoking premises were in contravention of The Smoke-free (Premises and Enforcement) Regulations 2006/3368

Notable Cases

R (HSE) v Cruickshank Motors Limited (2021)

Prosecution Counsel in a case involving a s.33 HSWA 1974 offence. Two apprentice mechanics were not adequately protected by their employer from Sodium Hydrochloride held on site at one of the Company's dealerships - both suffered burns as a result. The Company were fined GBP360,000.

Stratford-upon-Avon District Council v Charlton

Prosecution Counsel in successful trial of a man whose defence to the allegation that he was street trading without appropriate permission relied on the Pedlars Act 1871.

Leicester City Council v Goldens (Leicester) Ltd

Prosecution Counsel in the case of a supermarket in respect of which a number of health and safety offences had been committed. Guilty pleas entered.

Leicester City Council v Khakh & Others

Prosecution Counsel in a very complicated multi-handed case where multiple failures to comply with enforcement notices led to confiscation proceedings. This was a case involving a number of different legal arguments involving case law such as R v Sale and R v del Basso. The case resolved in a successful outcome for the Local Authority, both in terms of final orders and costs.

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R v G

Counsel for Local Authority prosecuting a landowner for failure to comply with an enforcement notice - involving complex legal issues relating to the statutory defence (s.179(3) Town and Country Planning Act 1990).

Professional Misconduct

Simon regularly represents police officers in criminal and disciplinary hearings across the country. He has a broad criminal practice and so has experience of dealing with matters across the criminal spectrum. His personable manner enables him to quickly strike up a rapport with his clients.

He recently secured the acquittal of a police officer charged with spitting in the face of a doorman whilst off-duty.

Accreditations

- Grade 4 prosecutor
- RASSO accredited

Memberships

- Middle Temple

Qualifications

- BSc (Hons) Dunelm
- GDL (College of Law)
- BVC (ICSL)

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