



Benjamin Aina QC

Year of call: 1987

Year of silk: 2009

About

Ben is a highly sought-after, stand-out Silk whose career reflects his strengths as an advocate, his analytical ability and meticulous attention to detail. Ben works with each client to achieve the best result obtainable, however challenging the circumstances. Ben was appointed Queens Counsel in March 2009, and to the Serious Fraud Office QC list in 2009 and 2013. Prior to taking Silk, Ben developed a varied practice initially obtaining an LLM in company law, intellectual property law, company law and administrative law. Ben served as standing counsel to Her Majestys Revenue and Customs, an area where he continues to accept instructions in suitable cases.

Ben prosecutes and defends in equal measure and with equal commitment. Before taking silk he was a Grade 4 Prosecutor on the South Eastern and Midland Circuits and a long-standing advocate on the Specialist Prosecution Rape Panel. Ben continues to accept a wide range of work, including murder, commercial fraud, personal injury, actions against the police, contract and commercial disputes and Judicial Review. He is an experienced hand in the Court of Appeal and has assisted in the development in his list of decided cases. Ben has served by invitation as special counsel to the Governor of the Cayman Islands to advise on constitutional matters relating to the judiciary and law officers. Bens broad knowledge of the law and his in-depth experience as an advocate informs each case he undertakes. Ben is known for his commitment to the criminal justice system. He is a senior advocacy and ethics tutor for Lincolns Inn. He assesses advocates for the CPS Higher Advocates panel a role that includes assessing Queens Counsel employed by the CPS. He has been involved in providing training for those who will be involved in the development of the vulnerable witness programme.

Cases of note

R v. C Prosecuting Queens Counsel

Man kills wife due to lesbian affair. Loss of control defence. Defendant convicted.

R v. PC Prosecuting Queens Counsel

Man pushes former Eurotunnel boss onto train tracks. Attempted murder. Defendant convicted.

R v. L & M: Prosecuting Queens Counsel

Gangs steal free evening standard newspapers for profit. Instructed to give detailed advice on the law of theft. Both defendants convicted following trial.

R v AJ Defence Queens Counsel

Seven-handed murder. Obtaining successful acquittal on charge of murder. Manslaughter alternative verdict.

R v. HA Defence Queens Counsel

Four handed gang related murder at the Old Bailey. Successful acquittal.

R v BP Defence Queens Counsel

Two-handed murder. Obtaining successful acquittal on charge of murder of a 15-year-old. Manslaughter alternative verdict.

R v Cr Defence Queen Counsel

Acquittal of husband and wife (separately represented) on allegation of shooting and using a knife against family members inside and outside their home on Easter Sunday. Both accused successfully raising pleas of self defence.

R v Cu Defence Queens Counsel

Defending in four-handed murder. Victim attacked with various weapons and having been killed attempts had been made to dismember his body with an angle grinder. Accused acquitted of murder convicted of manslaughter but all other defendants convicted of murder.

R v A Defence Queens Counsel

Four-handed murder charge in context of drug-related offences. Allegations of torture. 16-year-old vulnerable defendant.

R v N Defence Queens Counsel

27 day three-handed murder and attempted murder, defending vulnerable 16-year-old defendant; victims also 16. Case involved the aftermath of an acid attack. Defences considered were diminished responsibility, legal loss of control, lack of intent and Post Traumatic Stress Disorder (PTSD), alternatively an adjustment disorder. D acquitted of murder but manslaughter by diminished responsibility.

R v D Prosecuting Queens Counsel

Death caused by driving when under influence of alcohol/drugs. Obtained successful conviction following 7-day trial for manslaughter.

R v B Prosecution Queens Counsel with junior and disclosure counsel

Five-handed murder, attempted murder possession of firearms and section 18 assaults. All parties both accused and victims were members of gangs in the Birmingham area.

R v F K Prosecution Queens Counsel

Five-handed attempted murder/conspiracy to cause grievous bodily harm involving serious allegations that police evidence had been planted and raising issues of when a judge should recuse himself in an ongoing case.

R v. AJ [2018]: Defence Queens Counsel

AG Ref. on sentence in Murder/manslaughter case. Sentence was not increased.

R v PW [2016] 2 Cr.App R 27, Prosecuting Queens Counsel

The applicable mens rea in indecent images, abuse of process principles; the Tryell principle, preferring indictments on electronic system; jurisdiction of the Court of Appeal in Terminating appeals.

R v JM [2015] EWCA Crim 1928 Prosecuting Queens Counsel

Issues arising relating to abuse of process; missing documents; terminating rules in the context of

historic allegations of sexual abuse.

R v Sliogeris [2015] EWCA Crim 22 Prosecuting Queens Counsel

The correct approach to circumstantial evidence in murder cases.

R v. Stanton [2014] EWCA Crim 1695 Prosecuting Queens Counsel

The correct approach to bad character hearsay evidence where cut-throat defences are being run in murder cases.

Ulcay [2008] 1CR.App.R.27

Ambit and scope of cab rank principle in complex fraud cases.

Wallace [2007] 2 Cr App R 30 a

Application of bad character provisions in circumstantial evidence cases.

Malcolm v DPP [2007] 2 Cr App R Prosecuting Counsel

Admissibility of new evidence after justices have retired.

Abiodun [2005] EWCA Crim 09

Criteria to be applied before lawful intercepts can take place in prison.

De Silva (2003) 2 Cr.App.R. 40

Ambit of customs co-operation interviews.

Ex parte Salubi (2002) 2 Cr.App.R.40

Abuse of process in section 51 transfer cases.

Ofori & Tackie (No 2) (1994) 99 Cr.App.R. 223

Admissibility of foreign evidence in English Courts.

Okafor (1994) 99 Cr.App.R.97

Applicability of code C.10-12 in customs cases.