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Benjamin Aina KC

Year of call: 1987 | Year of silk: 2009

About

Benjamin Aina KC is a leading silk with extensive experience in the most serious and complex areas of criminal law. Renowned for his meticulous preparation and commanding court room presence, he specialises in murder, complex fraud, business crime, confiscation and asset recovery and serious sexual offences. He also has considerable expertise in commercial, constitutional and administrative law, and a wealth of experience acting in international and cross jurisdictional matters. He has previously been appointed to advise the Governor of the Cayman Islands concerning a police corruption inquiry. He has also advised a former governor of a Nigerian state, plus many high-net-worth individuals both in the UK and overseas. He has been instructed in over 70 homicide cases and has a particular speciality in defending juveniles accused of homicide. He is regularly instructed to act on behalf of high-net-worth individuals including footballers, musicians and politicians. Benjamin is also highly experienced in advising in Private Prosecutions, both on behalf of the applicant, and the defendant. Whilst primarily a criminal practitioner, he also maintains a significant public law practice. Benjamin is frequently instructed in cases where there has been a fundamental failure within the criminal justice system, or where novel, difficult, or esoteric points of law arise. His work is characterised by matters requiring not only legal expertise but also careful judgment, and sensitivity. Notable Criminal Cases R v Khan (2017) Benjamin took over the murder prosecution after allegations of misconduct by police witnesses and former prosecuting counsel. He successfully argued against abuse of process claims, advised on replacement of the police CCTV witness, and assisted the trial judge in navigating a complex three-month trial with sustained legal challenges. R V Beckford (2017) Five-handed murder and attempted murder arising from a gang shooting. Benjamin addressed the admissibility of gang evidence, PII applications, police witnesses under investigation, and expert imagery evidence. R v Adua (2017) Defended a 16-year-old in a four-handed murder and related offences involving torture and fatal knife injuries. Case required careful explanation of intent to a juvenile and running a defence without attributing blame to co-defendants. R v Nyarko (2017): Three-handed murder and attempted murder. The jury accepted defence medical evidence of PTSD, leading to conviction for manslaughter by reason of diminished responsibility and attempted murder. The case raised novel issues on psychiatric evidence, loss of control, and self-defence in juveniles. R v Cuthbertson (2017) Four-handed murder arising from a vigilante killing. Benjamin represented a defendant admitting presence but denying participation, navigating Jogee principles, no-case submissions, cut-throat defences, bad character evidence, and potential privilege. Defendant acquitted of murder; co-defendants convicted. Lucima v CCC; DPP v Woolwich [2020] EWHC 3243 (Admin): Benjamin invited the Lord Chief Justice to impose an eight-month custody time limit for juveniles during the pandemic. Although declined, Parliament subsequently adopted the approach in legislation. R v Lanning & Camille [2021] EWCA Crim 450: Benjamin invited the Court of Appeal to revisit the law on overwhelming supervening act in homicide cases, addressing secondary party liability where the defendant lacked knowledge of a knife. Anderson v AG Isle of Man [2021] UKPC 20: Prosecuting on behalf of the Attorney General, Benjamin advised on expert psychiatric evidence in diminished responsibility, assisting with interpretation of statutory provisions not previously considered by a UK appellate body. Constitutional and Public Law matters In 2008, Benjamin advised the Governor and Chief Justice of the Cayman Islands on the proposed removal of a Grand Court Judge for misbehaviour. This involved 20 criminal and civil cases, statements from court staff, court transcribers, members of the legal profession and the public, and detailed advice on the constitutional law governing judicial removal. He drafted proceedings that led to the convening of a Constitutional Tribunal. His role was expressly noted with approval by the Privy

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Council (Re Madam Justice Levers [2010] UKPC 24, paras 1420, 32). Between 2010 and 2011, he advised on complaints against three Grand Court Judges, the Attorney General, the Solicitor General, and a senior civil servant regarding an alleged conspiracy to prematurely end a police corruption investigation. He reviewed over 5,000 documents, managed tensions between the Governor, judiciary, and Attorney General, and temporarily performed the functions of the Attorney General. His 185-page report, later considered by Moses LJ, received judicial approval. Selected Earlier Authorities Benjamin has appeared in cases clarifying key principles, including: Okafor; Ofori & Tackie (No 2); ex p Salubi; De Silva; Abiodun; Malcolm v DPP; Wallace; Ulcay; R v Stanton; R v Sliogeris; and R v PW. Advocacy Training Benjamin is an Advocacy Teacher Trainer at Lincolns Inn and holds the highest grade of Tutor Trainer. He teaches Bar students, pupil barristers and newly qualified practitioners, and has trained advocates and judges throughout the Commonwealth and in the United States.

Practice Areas

- Criminal Law
- Regulatory And Disciplinary Law
- Civil Law
- Public Law
- Business Crime
- Direct Access

Languages

- English

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

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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.

Abiodum [2005] EWCA Crim 09

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

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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.

Quotes

His services are money very well spent. He has kept the entire case suspect focused and insisted to the jury that they must remain focused on the defendant's lies and dishonesty.

His closing speech was so impressive it was thorough and even addressed what the defence barrister was going to say and basically said it's rubbish because the defendant is just trying to deflect his criminality.

I confidently know that whatever the outcome of this trial, Mr Aina has fought as hard as he could for our victim and in my opinion, out of all of the trials I have been in, he is one of the very few that has given the victim the voice they deserve and the fight they deserve.
2024, Detective Constable Toyene M Lait, Metropolitan Police

Ben is a highly experienced and skilled advocate. He is a persuasive and charming advocate with an affable, down-to-earth style which engages juries.
Legal 500 2023, Leading KC