

James L. McKenna

Higher Court Advocate 2016

Qualifications

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| Qualified | 2009 |
| LLB (Hons), University of Swansea | 2003-2006 |
| Legal Practice | 2007 |
| Duty Solicitor | 2010 |
| Higher Rights of Audience | 2016 |



Profile

James is an experienced defence advocate representing defendants at all stages of the criminal justice system in England and Wales, from the police station to the Court of Appeal (Criminal Division). He has over 15 years' experience specialising in crime only matters. James has extensive experience in representing young and vulnerable defendants, including those with mental health issues. James has been court appointed on many occasions to cross examine victims and witnesses in domestic violence cases and appointed to represent mentally impaired defendants in respect of 'finding of fact' trials. James conducts regular jury trials, successfully representing defendants indicted with a variety of criminal offences, including county lines drugs cases, fraud, serious violent crime and firearms. James is also experienced in cases involving proceeds of crime (POCA).

James takes pride in maintaining good client care and communication, appreciating that client views are crucial to a good client relationship and success of a case. James is committed to providing high quality service to both clients and instructing solicitors and is always available for conferences to provide advice and assistance at short notice.

Information Technology

Fully computer conversant and prepares all cases with the assistance of computers utilising the latest software. Uses Word, Excel spreadsheets and PDF conversion software, in the preparation and presentation of cases. Fully conversant in the forensic manipulation of extensive data from mobile telephone logs and similar material including cell site analysis and encryption devices, in order to present cases in a professional and appropriate way.



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Notable Cases

R v CH (2024) Swansea Crown Court – The defendant was to be tried in respect of two counts of domestic assault occasioning actual bodily harm. The case involved two assaults over two dates. The defendant had made significant admissions during interview to a reckless form of assault. In addition, it was argued that the second incident did not amount to an assault ABH. This was successfully argued to the crown, and they accepted the submissions. The defendant pleaded guilty upon a written basis to the offences and was sentenced to a suspended sentence order with associated requirements and a restraining order.

R v JS (2024) Swansea Crown Court – The defendant was committed for sentence in respect of an offences of possessing and being concerned in the supply of cocaine, a class A controlled drug, namely £37,000.00 of cocaine. He also admitted an offence of possessing criminal property in cash recovered on arrest and search. Following mitigation, the defendant was sentenced to 24 months imprisonment, which is significantly lower than the guidelines for a 'significant role category 3' offender. His POCA confiscation was initially valued more than £110,000.00; however, with careful analysis of his bank statements, this figure was reduced to £40,000.00.

R v JPD (2024) Merthyr Tydfil Crown Court – The defendant was indicted in respect of domestic abuse offences of strangulation, assault by beating, criminal damage and two counts of assaulting emergency workers (police officers) during a single incident. The case proceed to a jury trial and the defendant was found not guilty of the five-count indictment.

R v PM (2024) Swansea Crown Court – Operation Earth – Eleven handed fraud conspiracy prosecuted by the RSPCA. The case involved the sale of dogs that had been misrepresented and the value of the fraud was more than £500,000.00. The defendant pleaded guilty to a significantly reduced value of fraud and received the shortest sentence of the male defendants, for a period of 18 months imprisonment. He was also disqualified from keeping dogs for a period of 15 years.

R v CG (2024) Gloucester Crown Court – Guilty plea to child abuse and neglect of 2 years old child. The defendant and her partner were co-defendants in the matter. There were 13 different injuries to the face, head and body of her daughter. It was successfully argued that only three injuries were non-accidental and at the hand of the defendant and was accepted by the crown. The defendant was sentenced to a community order with requirements.

R v BH (2024) Merthyr Tydfil Crown Court – Guilty plea to three of four dwelling burglaries. Defendant involved in a confrontation burglary on the landing of an elderly lady's address at night whilst the defendant was wearing a face mask and in possession of a hammer. Case crossed custody threshold and successful argument for the suspension of such a term. 18 months imprisonment suspended by way of suspended sentence order for 18 months.

R v MR (2024) Gloucester Crown Court – Guilty plea at PTPH to s18 grievous bodily harm with intent and possession of an offensive weapon. Offence involved a slash wound to lower back/buttocks of victim with a hunting knife. Sentence 28 months imprisonment.

R v JS (2024) Gloucester Crown Court - Three handed s18 grievous bodily harm with intent on a disabled lone male late at night in a city centre. Successfully argued that the defendant was not part of a joint enterprise serious assault. Instruction of psychologist evidence to assist with argument as to the neurodiverse condition for which the defendant suffers. Prosecution accepted an affray and was sentenced to a community order. Both co-defendants received 4 years and 3 years 9 months respectively.

Notable Cases

R v EB (2023) Swansea Crown Court – The defendant appeared before the court in respect of an unlawful wounding case. The case involved a single knife stab wound. The defendant pleaded guilty to the indictment and was sentenced to 12 months imprisonment suspended by way of a suspended sentence order for a period of 24 months with associated requirements.

R v LC (2023) Bristol Crown Court – The defendant pleaded guilty to a 20-count indictment in respect of the theft of pedal cycles. In addition, he also accepted a further 19 offences to be taken into consideration (TIC). The defendant originally appeared by way of a 40-count indictment; however, through careful discussions and negotiation with the crown, the case was limited to the 20 counts that reflected the contents of his mobile telephone. The defendant was sentenced to 20 months imprisonment.

R v MB (2023) Bristol Youth Court – The youth defendant was charged with a serious offence of unlawfully wounding by stabbing his schoolteacher with a knife. The defendant had preplanned the assault and bragged to fellow students. He armed himself with a knife he brought from home and disguised his face before entering his classroom and stabbing his teacher. The defendant pleaded guilty to s20 unlawful wounding and was sentenced to a 14-month Detention and Training Order.

R v LTB (2023) Gloucester Crown Court – The defendant originally appeared before the court in respect of a s20 grievous bodily harm offence. It was alleged that he had assaulted a neighbour and caused a significant injury to the eyeball which required surgical intervention. Following extensive consideration of the medical evidence, the injury was not 'really serious harm' or a 'wound'. It was represented that the case should properly be indicted as an assault occasioning actual bodily harm. These representations were accepted by the crown and the defendant pleaded guilty to such an offence. He had a poor record for violence and failing to comply with court orders, but with the assistance of a psychiatric report, it was argued that a mental health treatment requirement would be beneficial. The defendant was sentenced to 18 months imprisonment suspended by way of a suspended sentence order for a period of 18 months with associated requirements.

R v ST (2021) Warwick Crown Court – Operation Pentagon – Five handed spree of commercial burglaries with the use of high-performance cars and the theft of further high-performance cars. Convicted before trial. 2 years imprisonment.

R v BW (2021) Gloucester Crown Court - Attempt grievous bodily harm, assault occasioning actual bodily harm, sexual assault, assault, possession of an offensive weapon and dangerous driving. The defendant sourced sex workers whereby he would assault them with weapons. Further sexual assaults of young females believing them to be sex workers. Two counts of kidnap were successfully defended and resulted in not guilty verdicts. Convicted before trial. Sentence 5 years 4 months and an extended sentence for public protection of 4 years.

R v KJ (2020) Gloucester Crown Court - Kidnap of a victim in own home where assaulted, removed from home and detained in the boot of a vehicle. Convicted before trial. 6 years imprisonment. Sentence successfully appealed before Court of Appeal to 4 years imprisonment.

R v SW (2020) Gloucester Crown Court - Four handed aggravated burglary of a stately home where thousands of pounds of jewellery were stolen. Acquitted following legal argument.

R v RM (2019) Bristol Crown Court – Operation Cave – A multi handed drug conspiracy involving the sale and supply of anabolic steroids throughout England and Wales on an industrial scale. Conviction before trial. 6 months imprisonment.

Notable Cases

R v LR (2019) Swansea Crown Court – Two handed possession and being concerned in the supply of cannabis case. Conviction before trial. Sentence community order.

Operation Dino II (2018) Newport Crown Court – The second tranche of ‘crash for cash’ high level insurance fraud involving in excess of a million-pound fraud. The case involved a further 77 defendants.

R v GT (2018) Swansea Crown Court - Life insurance commission fraud conspiracy in excess of £300,000.00 involving five defendants. Convicted after trial. 18-month SSO for 24 months.

Operation Violet Panama (2017) Merthyr Tydfil Crown Court – A Vietnamese OCG of 22 defendants involved in producing industrial quantities of cannabis across South and West Wales in the region of £5.7 million and £17.2 million.

R v SB (2017) Swansea Crown Court - Knife point robbery of a Post Office. Convicted before trial. 5 years 6 months.

R v SL (2017) Swansea Crown Court – Inflicting grievous bodily harm and possession of an offensive weapon, namely a knife. Facial, breast and hand stab wounds. Convicted before trial. Sentence 3 years imprisonment.

R v JB (2017) Swansea Crown Court – Multiple creeper burglary offences. Judge branded the defendant as a ‘professional burglar’ with over 129 previous convictions. Convicted before trial. Sentence 4 years 6 months imprisonment.

R v JG (2016) Cardiff Crown Court – Inflicting grievous bodily harm upon an England RFU professional rugby player during a rugby match. Conviction before trial. Sentence 10 months imprisonment SSO 24 months.