

IN THE MATTER OF TITUS CANUTE MIRANDA, solicitor

- AND -

IN THE MATTER OF THE SOLICITORS ACT 1974

Mr. W. M. Hartley (in the chair)
Mr S N Jones
Mr. M. C. Baughan

Date of Hearing: 7th December 2004

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APPLICATION FOR AN ADJOURNMENT AND FINDINGS

of the Solicitors Disciplinary Tribunal
Constituted under the Solicitors Act 1974

An application was duly made on behalf of The Law Society by Geoffrey Williams of Queen's Counsel solicitor and partner in the firm of Geoffrey Williams & Christopher Green Solicitor Advocates of 2A Churchill Way, Cardiff, CF10 2DW on 5th July 2004 that Titus Canute Miranda of Lowestoft, Suffolk, might be required to answer the allegations contained in the statement which accompanied the application and that such orders might be made as the Tribunal should think right.

The allegation against the Respondent was that he had been guilty of conduct unbefitting a solicitor in that he had been convicted of an offence of conspiracy to defraud and sentenced to a term of imprisonment.

The matter was listed for a substantive hearing on 7th December 2004. On that date Geoffrey Williams of Queen's Counsel appeared as the applicant and the Respondent did not appear and was not represented. The matter was heard at the Court Room, 3rd Floor, Gate House, 1 Farringdon Street, London EC4M 7NS. The Tribunal considered the Respondent's application for an adjournment, which was refused, and then proceeded to hear the substantive matter.

At the conclusion of the hearing the Tribunal made the following Order:-

The Tribunal Orders that the Respondent, Titus Canute Miranda of Lowestoft, Suffolk, solicitor, be Struck off the Roll of Solicitors and they further order that he do pay the costs of and incidental to the application and enquiry fixed in the sum of £2,085.63.

Application for an Adjournment

1. The Respondent by letters to the Tribunal dated 20th November 2004 and 4th December 2004 applied for the substantive hearing to be adjourned.
2. The Respondent indicated that he intended to appeal against his conviction. He enclosed in his letter of 20th November 2004 a letter from the Applicant and an exchange of correspondence between the Respondent and the Criminal Appeal Office. In his letter of 4th December 2004 the Respondent commented on points raised by the Applicant in a letter to the Tribunal in this matter dated 2nd December 2004.
3. The Respondent said that the grounds for appeal lodged by his previous solicitor did not comply with his instructions and did not contain a number of important issues which were therefore not put before the single judge who had refused his appeal. He referred to a letter from the Criminal Appeal Office of 28th October 2004 which indicated that they could not say when his application might be listed. The Applicant having raised the issue of the public interest requiring that the disciplinary proceedings should proceed the Respondent said that as he was not practising and would not be until his appeal had been dealt with by the Court of Appeal the public interest point did not arise.
4. The Respondent submitted that it would be in the interest of justice for his application for adjournment to be allowed.
5. Mr Williams QC on behalf of The Law Society resisted the application for an adjournment.
6. The proceedings were based on a conviction for conspiracy to defraud which had been returned on 18th November 2003. The Respondent had sought leave to appeal against conviction and sentence and by June 2004 leave had been refused. The Respondent who now acted in person was now seeking to apply for leave to the full Court. He had indicated to the Applicant in a letter of 2nd July 2004 that certain players in his criminal trial had acted to pervert the course of justice.
7. Although the Respondent's letter of 20th November 2004 said that his appeal was likely to be heard within three months, the letter of 28th October from the Court regretted their inability to give a date at that time. The Respondent's application had still not been allocated. He was not in either of the categories set out in the Court's letter which were given priority for speedy listing.
8. The position was uncertain. At this stage the Respondent was seeking leave, he was not at the stage of an actual appeal. There could still be a lengthy passage of time before any appeal. The allegation against the Respondent was very serious and it was

in the interests of the public that there be an expeditious pursuit of disciplinary proceedings.

9. If the Tribunal were to remove the Respondent's right to practise then the Respondent could seek restoration to the Roll if his appeal succeeded. In such circumstances he would have little difficulty in getting leave to appeal from the Tribunal out of time.
10. There was no prejudice to The Law Society if the matter was adjourned as the Respondent was not practising but further delay would be prejudicial to the public interest and to the profession.

The Decision of the Tribunal

11. The Tribunal considered carefully the Respondent's written submissions and the documents he had sent in support of his application for an adjournment but the Tribunal accepted the submissions of Mr Williams QC that in such a serious matter the interests of the public and the profession required the expeditious hearing of the disciplinary proceedings. Should the Respondent succeed in appealing against his conviction at a future date then there would be remedies available to him. The Respondent's application for an adjournment was refused.

The Substantive Hearing

The facts are set out in paragraphs 12 to 16 hereunder:-

12. The Respondent born in 1946 was admitted as a solicitor in 1991 and his name remained on the Roll of Solicitors.
13. At all material times the Respondent carried on practice as a solicitor under the style of Titus Miranda at 2 Coldharbour Lane, London SE5 9PR. The Law Society intervened into his practice on 18th March 2002.
14. The Respondent was charged with others with an offence of conspiracy to defraud contrary to common law. The offence arose during the course of the Respondent's practice and involved bogus claims for asylum.
15. The Respondent pleaded not guilty. He was however found guilty by a jury on 18th November 2003 and was sentenced to 5 years imprisonment.
16. The sentencing remarks of His Honour Judge Blacksell QC were before the Tribunal. The Learned Judge said that the Respondent had been convicted on what might be considered the most overwhelming evidence. The Respondent had known that the presence in the country of the Chinese people involved in the case had been brought about by organised and sophisticated criminals who exploited those people for large amounts of money. The Learned Judge further said:-

“However when they got here, Mr Miranda, they were directed to your firm. You ran that business, as you said on oath yourself; and you were responsible for that business, you controlled what went on. At the time you were introduced to Mr Lee, you were, in my judgment on the evidence, in a desperate financial

position: you had lost your franchise, were deeply in debt and as you accepted, needed money and needed cash. I do not sentence you for what was the way in which you were running that business; some of your evidence was in my judgment absolutely incredible, you tried to justify the unjustifiable. Throughout you have shown no remorse; you tried to brazen it out in front of the jury”...

What happened was unique to your firm. I have absolutely no doubt at all, Mr Miranda, that you are a broken man; but the system, if system there is, depends on professionals such as yourselves, solicitors, behaving properly and you did not, you failed and were corrupt”.

The Submissions of the Applicant

17. The Tribunal was referred to the certificate of conviction which was a self proving document.
18. This was a case of wholly corrupt activities by a dishonest solicitor who had brought disgrace on the profession. This was the most serious example possible of conduct unbecoming a solicitor.
19. The Applicant sought his fixed costs.

The Findings of the Tribunal

20. The Tribunal found the allegations substantiated on the documentation before it. The Respondent had been convicted of a very serious offence and sentenced to 5 years imprisonment. The offence had been committed in the course of his practice and brought grave dishonour on the profession. It was not appropriate for the Respondent to remain a member of the profession. It was right that the Respondent be ordered to pay the Applicant's costs.
21. The Tribunal made the following Order:-

The Tribunal Orders that the Respondent, Titus Canute Miranda of Lowestoft, Suffolk, solicitor, be Struck off the Roll of Solicitors and they further order that he do pay the costs of and incidental to the application and enquiry fixed in the sum of £2,085.63.

DATED this 3rd day of March 2005

on behalf of the Tribunal

W M Hartley
Chairman