



New Park Court

Stephen Uttley

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# Contents

Crime .....	1
Representative Cases .....	1
Regulatory .....	4
Representative Cases .....	4
Health & Safety .....	4
Representative Cases .....	4
Appointments & Memberships .....	6

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# Stephen Uttley

Year of call 1984

For enquiries please call +44 (0)113 243 3277 or email

Stephen Uttley was called to the bar in 1984. He defends exclusively in serious crime. He will fight unfalteringly on behalf of his clients and has an exhaustive list of cases of importance. In regulatory matters he often deals with a wide range of complicated HSE cases including fatal accidents. Stephen also appears in the Court of Appeal in relation to potentially unsafe convictions and excessive sentences.

## Crime

### Representative Cases

- *R v S (2017)*

Case involved the Defendant with 8 other Defendants fraudulently evading duty, contrary to section 170(2) of the Customs and Excise Management Act 1979. The duty evaded was calculated to be £1,150,175.80. The trial took place at Woolwich Crown Court and lasted for seven weeks. The Prosecution alleged that the Defendant and others were involved in the large scale and organised trade in illegal cigarettes on which duty had not been paid. Approximately five million cigarettes have been smuggled into the UK from Europe and were hidden in boilers when they were seized by HM Revenue and Customs officers. The case involved complex telephone and surveillance evidence. Only acquittal in the case.

- *R v J (2016)*

Successfully defence of a man charged with violent disorder who was a member of the "Rotherham 12".

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The trial took place at Sheffield Crown Court and lasted over 6 weeks. The 10 men had been accused of violent disorder in the context of a conflict between local Asian men and far-right extremists. It was argued that the men had no choice but to act in self-defence of themselves and others present at the time. During the trial senior police officers involved in the case were subject to detailed cross-examination by Mr Uttley and other Counsel relating to their failure to plan for the end of the counter-demonstration and to ensure that the local people were able to leave the area safely. The case attracted local and national attention.

- *R v S (2016)*

Successful Defence of a man charged with Attempted Murder. The trial took place at Leeds Crown Court before Mr. Justice Edis. The Prosecution alleged that the Defendant after making threats to kill the Complainant to others attacked him from behind punching him to the back of the head. He then was said to have pushed him several times to the chest saying that he was going to kill him. The Complainant fell approximately 20 feet out a bedroom window sustained serious life changing injuries. During the course of the trial it was argued that the Prosecution could not establish an intention to kill or that the Defendant intended to cause really serious harm. The jury unanimously acquitted the Defendant of Attempted Murder and an alternative offence of Section 18 GBH. He was convicted on a majority verdict of Section 20 GBH.

- *R v A (2015)*

Successful defence of a man charged with robbery and possession of a firearm said to have been used during the robbery. West Yorkshire Police had investigated the case over a two-year period. The case involved issues relating to recognition and telephone evidence.

- *R v L (2015)*

Trial lasted for 5 days. It related to offences of false imprisonment and robbery. The case involved potentially, a number of aggravating features that would have been applicable in applying the principles as laid down in the Attorney-General's Reference No 92 of 2014 [2014] EWCA Crime 2713 in relation to the detention of the Complainant. The jury unanimously acquitted the Defendant on all matters.

- *R v A (2015)*

A three-week trial where the Defendant faced allegations of involvement in serious organised vigilante violence and one incident involved the alleged use of multiple firearms. Acquitted on all matters.

- *R v M (2015)*

Successful defence of a man charged with robbery and possession of a firearm. The case involved a robbery with the use of a firearm in 2013 involving three men, two of which had previously pleaded guilty. The case involved complex legal issues surrounding facial mapping, whether the Police had complied with their legal duties under Code D of The Police and Criminal Evidence Act 1984 and the guidance given in R. v. Smith (Dean Martin) [2009] 1 Cr.App.R. 36, CA where the Court recommended the creation of a record where a police officer purports to recognise a person viewed on a CCTV recording.

- *R v D (2015)*

Trial involving 4 Defendants for offences of violence and public order offences. Acquitted on all matters.



- *R v H (2014)*  
Trial involving an offence contrary to Section 2 SOA 2003. Acquitted.
- *R v J (2013)*  
The case involved a two year investigation by the Police in relation to the management of brothels and the trafficking of women from Europe for the purposes of sexual exploitation. Evidence was relied upon by the Prosecution from overseas. After a two week trial the defendant was acquitted of all offences involving the trafficking of women.
- *R-v-R 2013*  
10 Defendants faced an allegation of conspiracy to supply heroin. Operation Leap was a cross-border Police investigation dealing with the supply of heroin and transportation of large amounts of money in Cambridgeshire, Norfolk, Lincolnshire and West Yorkshire areas. The case involved complex forensic evidence, intrusive surveillance, hi-tech analysis of communication devices and covert recordings. After a six week trial the defendant was the only Defendant to be acquitted on all matters.
- *R-v- K 2013*  
The case was part of an 18 month Police investigation into money laundering offences and fraud involving a number of companies. After a two week trial defendant was acquitted.
- *R-v- K 2012*  
The trial involved offences of violence and witness intimidation which the Prosecution asserted were committed as a result of a previous murder investigation. Acquitted on all matters.
- *R -v C 2011*  
Drummer in the band When Giants Collide. Charged with Section 18 Wounding. Dealt with for ABH and received non- custodial sentence.
- *R v S 2011*  
Leading Junior. Two conspiracies involving the importation of Glock Pistols from the USA to the UK. Defendant dealt with for his involvement with one firearm on one occasion.
- *R v W 2011*  
Armed Robbery. Wanted at the time of his trial on an international arrest warrant involving Interpol. Acquitted.
- *R v A 2011*  
Trial involving two other Defendants including offences of attempted murder, kidnapping and assault. Acquitted of main offence of attempted kidnapping.
- *R v W 2011*  
Dangerous driving. Represented his county and country at shot putt.



- *R v D 2010*

Large scale police operations involving conspiracies to commit dwelling house burglaries. Subject to two Police operations code named Larkwood and Yankee. Acquitted in Operation Larkwood.

## Regulatory

### Representative Cases

- *R v Edwin Hodge (2009)*

Insolvency case in relation to non-disclosure of assets in UK and abroad. Convicted.

- *R v Kerry Harrison (2009)*

Insolvency case and non-disclosure of assets. Convicted.

- *R v Bakish Alla Khan & Others [2008] EWCA Crim 531*

[Prosecution of Michael Arshad Khan on behalf of BERR]. Leading case on persons who can sit on a jury. Case before The Lord Chief Justice of England and Wales. Applications rejected by the Court in applying the principles as laid down in the House of Lords in *Abdroikof*. Court ruled that conviction was safe and ruled against the Appellants Grounds of Appeal.

## Health & Safety

### Representative Cases

- *R v Kentucky Fried Chicken (Great Britain) Limited (2017)*

The Prosecution was for two offences contrary to Section 2(1) of the the HSW 1974. The first case related to a failure to ensure as far as reasonably practicable the safety of a 17-year-old member of staff who was not subject to adequate supervision, training and use of the provision of suitable personal protective equipment who suffered serious burns whilst he was preparing hot gravy in a microwave. The second case related to a failure to ensure as far as reasonably practicable the safety of a person in their employment who whilst not subject to adequate supervision and use of the provision of suitable personal protective equipment who suffered serious burns whilst she was preparing hot gravy in a microwave. Kentucky Fried Chicken (Great Britain) Limited were fined £950,000 in total and ordered to pay the Prosecution costs. The case attracted local and national media attention.

- *R v Castlelite Limited & Casa Events Limited (2015)*

The Prosecution was as a result of an investigation following an accident where a metal framed timber

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clad cantilevered balcony structure collapsed from the rear first floor elevation of the residential part of the hotel resulting in serious injury being caused to 5 people who were stood on the balcony when it collapsed. The case attracted local and national media attention.

- *R v PD Teesport Limited (2015)*

The Prosecution was as a result of an investigation by HSE following an accident at Hartlepool dock which resulted in a fatality. Although PD Teesport had pleaded guilty, the Prosecution did not accept their Basis of Plea and a four-day Newton Hearing took place at Teesside Crown Court. It was successfully argued that they had failed to provide a means of collective fall arrest during the intermediate phases of the half-stow loading operation and thereafter at a greater height. In addition, that the breach was causative of the worker's death and that their risk assessment did not consider or follow the work at height hierarchy as laid out in Regulation 6 of the Work at Height Regulations 2005. The Company were fined £400,000. The case attracted local and national media attention.

- *R v Total UK Limited (2015)*

The Prosecution was as a result of an investigation by HSE following an accident at Total Lindsey Oil Refinery Immingham which resulted in an uncontrolled release of crude oil and a fire which resulted in a fatality. The case against Total UK Limited was that they failed to take all measures necessary to prevent a major accident, arising from the task of isolating a steam-out line at blinding point 23/144 beneath Crude Distillation Column 23C-1, which included the failure to undertake a suitable and sufficient process risk assessment and the failure to eliminate the risks associated with crude oil in process, which led to the release of crude oil and a fire which resulted in a fatality. The Company were fined £1.4 million. The case attracted local and national media attention.

- *R v David Lloyd Leisure Limited (2015)*

The proceedings related to an incident that took place at their Stockton-On-Tees site. A member of the club was involved in a personal training session outside with the assistance of a personal trainer who worked for the Company. During the training session, resistance bands with handles were being used attached to a nylon Velcro strap with a metal D ring on. Whilst pulling on the nylon strap the D ring gave way and flew back at speed. As a result, his left eye was damaged to such an extent that he lost sight in it and lost part of his vision in his right eye. The Company were fined £40,000 for each offence. It was the first Prosecution relating to this type of equipment and attracted local and national media attention.

- *R v Tyne Slipway & Engineering Co Ltd (2014)*

The case involved the company failing to ensure so far as is reasonably practicable the health and safety at work of one of their employees who whilst working on the maintenance and repair of a ship's tunnel thruster was crushed to death. Convicted.

- *R v A & P Tees Ltd (2013)*

The case involved the company failing to ensure so far as is reasonably practicable the health and safety at work of one of their employees who was crushed to death during the ranging of the anchors and chains on a ship. Convicted.



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- *R v Tata Steel UK & Vesuvius UK (2013)*

The case against both companies related to a death at BOS Plant Teesside Cast Products Redcar Cleveland in that they failed to discharge the duty imposed on them by Regulation 10(1) of the Work at Height Regulations 2005. Convicted.

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## Appointments & Memberships

Bar Pro Bono Unit

Junior Counsel to the Attorney General's Panel of Prosecution Advocates List A (2012)

Specialist Regulatory Advocate in Health & Safety and Environmental Law (List A)

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