

Emma Handley

Call 2019

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Emma Handley regularly appears for the prosecution and defence in cases involving serious violence, sexual offences, firearms/weapons, drugs, dishonesty offences, and serious road traffic offences.

Emma has experience conducting Ground Rules Hearings and Section 28 cross examinations with young and/or vulnerable witnesses in cases involving serious sexual offences (rape/sexual assault) and violence (section 18/kidnapping).

Emma has experience dealing with complex legal arguments including abuse of process; applications to dismiss and submissions of no case to answer. Emma is experienced at dealing with expert evidence focusing on cell site evidence, DNA, financial analysis and fitness to plead issues.

Expertise

Criminal Law

Emma is regularly instructed to prosecute and defend in cases involving drugs, offensive weapons, kidnapping, false imprisonment, sexual offences, robbery, aggravated burglary and other serious offences.

Notable Criminal Law cases

R v L (2024)

Emma defended a Defendant charged with false imprisonment, permitting a premises to be used for the supply of class A drugs and multiple assaults. The Crown alleged a vulnerable Complainant had been 'cuckooed' by a group of Defendants.

R v M (2023)

Emma prosecuted a Defendant charged with s.18 GBH. It was alleged the Defendant stabbed, punched and kicked the Complainant. The case involved careful consideration of the Complainant's extensive mental health issues and his capacity to provide evidence. The Defendant subsequently pleaded guilty to s.20 and

was sentenced to 2 years' imprisonment

R v G (2023)

Emma defended a Defendant charged with robbery, criminal damage, battery, blackmail, aggravated burglary, burglary, and possession of an offensive weapon (machete). Emma successfully persuaded the court to draw back from imposing a finding of dangerousness by focusing on the Defendant's age, the isolated and unprecedented nature of the offending and the work that could be done with the Defendant during a determinate sentence.

Operation Spikemount (2022)

Emma successfully defended a Defendant charged with aggravated burglary. The case involved expert evidence on cell site evidence used to track the Defendants movements from the south of England to West Yorkshire on two consecutive days.

R v H (2021)

Emma prosecuted an attempted robbery at Sheffield Crown Court. The case involved issues with identification and DNA evidence. During the trial Emma successfully opposed a submission of no case to answer. Following a unanimous guilty verdict, the Defendant was deemed dangerous, and an extended sentence of 8 years' imprisonment was imposed.

<https://www.thestar.co.uk/news/crime/prolific-offender-gets-extended-jail-sentence-after-attempted-robbery-3446792>

R v W & M (Youth Court - 2021)

Emma successfully prosecuted two youths charged with robbery of a vulnerable Complainant. During the multi-day trial Emma was required to address issues such as joint enterprise, duress, and Modern Slavery. Both Defendants were found guilty.

Fraud and Money Laundering

Emma is regularly instructed to prosecute and defend cases involving fraud and financial crime.

Notable Fraud and Money Laundering cases

R v E (2024)

Emma is currently instructed by the CPS to prosecute a Defendant charged with money laundering involving the transfer of unidentified credits into cryptocurrency. The case involves extensive expert evidence.

Operation Brightly (2023 - 2024)

Junior counsel for a Defendant prosecuted by the National Crime Agency for money laundering/smuggling. The case involved the transfer of £104 million in cash from the UK to Dubai between November 2019 and October 2020 via commercial flights.

<https://www.nationalcrimeagency.gov.uk/news/three-more-convictions-after-100-million-cash-in-suitcases-conspiracy>

Operation Safeway (2023 - 2024)

Junior counsel for a Defendant charged with multiple counts of fraud by abuse of position and false representation for his involvement in a Ponzi scheme multi-

million-pound fraud. Emma conducted witness handling of experts tasked with exploring whether the scheme and the Defendant's conduct amounted to a breach of the Financial Services and Markets Act 2000 (FSMA). Emma assisted with legal submissions resulting in a successful submission of no case to answer for two counts, including the FSMA charge.

<https://www.bbc.co.uk/news/uk-england-lincolnshire-65594547>

R v S (2023)

Emma successfully prosecuted a Defendant charged with theft of £40,000 in his capacity as an employee of a family-run BnB. The case required consideration of various means of theft including via bank accounts, card machine transactions and online bookings.

<https://www.bbc.co.uk/news/uk-england-york-north-yorkshire-65985701>

R v M (2023)

Emma prosecuted a Defendant convicted of fraud by abuse of position from August 2016 to March 2021 during his role as a bookkeeper for a family business. The Defendant's fraud involved unfettered access to the company's bank accounts and assigning invalid employee numbers to himself to siphon funds, amounting to over £300,000, from the company to his bank account. The Defendant was sentenced to 2 years 8 months' imprisonment

SFO v Glencore Energy UK (2023)

Emma was instructed by the Serious Fraud Office as disclosure counsel in the criminal investigation into money laundering and bribery perpetrated by Glencore Energy UK Ltd to gain preferential treatment for oil contracts in Africa.

<https://www.sfo.gov.uk/2022/11/03/glencore-energy-uk-ltd-will-pay-280965092-95-million-over-400-million-usd-after-an-sfo-investigation-revealed-it-paid-us-29-million-in-bribes-to-gain-preferential-access-to-oil-in-africa/>

Axiom Legal Financing Fund (2021 – 2022)

Emma was instructed by the Serious Fraud Office as disclosure counsel in the criminal investigation into the collapse of the Axiom Legal Financing Fund. Emma was required to review documents to assess their evidential value. Consideration was also given to Litigation Professional Privilege given the nature of the Defendant's profession as a solicitor.

<https://www.sfo.gov.uk/cases/axiom-legal-financing-fund/>

Operation Gong

Emma advised the CPS Specialist Fraud Division and HMRC on Litigation Professional Privilege for the prosecution of two Defendants charged with 'Tax Evasion.' Emma was required to consider and advise on whether privilege had been waived or lost

Proceeds of Crime Act

Emma is experienced at dealing with matters relating to confiscation proceedings and cash seizure/forfeiture under the Proceeds of Crime Act 2002. Recent cases have involved legal arguments dealing with 'piercing the corporate veil', third party beneficial interests (s.10A POCA) and retrospectively extending the permitted period.

Notable Proceeds of Crime Act cases

R v A (2023 – 2024)

Prosecution counsel on behalf of West Yorkshire Trading Standards for POCA proceedings for a Defendant convicted of 43 offences concerning the sale and

possession of illegal tobacco under the Trade Marks Act.

R v A (2023 – 2024)

Defence counsel for a Defendant facing enforcement proceedings for a compensation order of over £120,000. The case has required consideration and application of s.143 Sentencing Act 2020 and analysis of changing third party interests.

R v R (2023)

Defence counsel for a Defendant convicted of possession with intent to supply class A drugs. Emma drafted a skeleton argument outlining a third party's beneficial interest in the former matrimonial home. After negotiation, the Prosecution reduced the Defendant's equity in the home from the traditional 50% to 33%.

Actions Against The Police

Emma represents claimants in civil 'Actions Against the Police' alleging false imprisonment, wrongful arrest, trespass to person and property. Emma's involvement in the case starts from the pre-action stage through to conducting the trials. Emma is experienced at dealing with the pre-trial hearings including applications for disclosure, CCMCs and pre-trial reviews. Recent settlements include the award of damages of £95,000 for serious injuries sustained by a Claimant following an officer's negligent actions.

In 2022, Emma successfully secured positive results for Claimants in two cases against South Yorkshire Police following multi-day jury trials. During the trials, Emma had to deal with various legal arguments, cross-examine officers about the Codes of Practice and legal guidance and present persuasive closing speeches. In the first trial, Emma secured a rare finding from the jury that the Claimant was falsely imprisoned due to the officer's failure to inform the Claimant he was under arrest at the scene. In the second trial, following detailed written submissions, the Judge found it was not necessary to arrest the Claimant who at the time was a vulnerable youth. In 2023, after a multi-day trial, Emma persuaded a jury that the arrest of the Claimant by the MET Police was unlawful on both limbs of R v Hayes. In 2024, after a jury trial Emma successfully persuaded the jury that the Claimant's arrest was unlawful as the arresting officer did not honestly believe the arrest was necessary.

Significant Cases Include

Operation Brightly (2023 – 2024)

Junior counsel for a Defendant prosecuted by the National Crime Agency for money laundering. The case involved the transfer of £104 million in cash from the UK to Dubai between November 2019 and October 2020 by a large criminal network via commercial flights.

Operation Safeway (2023 – 2024)

Junior counsel for a Defendant charged with multiple counts of fraud by abuse of position and false representation for his involvement in a Ponzi scheme multi-million-pound fraud.

Education

- BPTC (Very Competent), BPP University – Manchester (2018-2019)
- LLM Law – Legal Practice (Barrister) (Barristers) (Distinction), BPP University – Manchester (2018-2019)
- LLB Law (Hons) (First Class), University of York (2015-2018)

Memberships

- Amicus ALJ – Death penalty charity
- Gray's Inn

Appointments

- Grade 2 Specialist Fraud Panel Prosecutor
- Grade 2 General Crime Prosecutor