

**Year of Call:** 1976

**Practice Areas:** Crime,

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### Profile

Stuart was one of the founding members of Cobden House Chambers and in 2015 made a welcome return to independent practice at Cobden House after holding the appointment of Director of Prosecutions of the Isle of Man for 6 years from 2009 until 2014.

Stuart has wide and varied experience dealing with cases of utmost severity such as Murder, Rape (and all other sexual offences), Robbery, Firearms, Arson, Possession and Supply of Class A Drugs. Stuart's Isle of Man experience exposed him to unusual types of work including a case of electoral fraud which was of national interest. He also dealt with many cases involving death and serious injury by driving. He was responsible for overseeing the introduction of The Proceeds of Crime Act into the Isle of Man and has an unparalleled experience in Proceeds of Crime issues involving money laundering offences and forfeiture applications. Stuart also has considerable experience in regulatory work, in particular Health and Safety prosecutions, but also has experience of Planning, Environmental and Financial Regulation matters.

Because the Isle of Man is a separate jurisdiction, Stuart has wide experience in cross border issues including Letters of Request; international warrants; anti-money laundering provisions and child abduction.

Stuart has taken and continues to take a keen interest in the rights of vulnerable witnesses and Defendants. He supervised the response to the appeal of *Ackerley v AG of Isle of Man* at the Judicial Committee of the Privy Council (see below) and since then has maintained his commitment to the rights of the vulnerable and the behaviourally disadvantaged. He has a particular interest in those on the autistic spectrum and is fully up to speed with the provisions of The Advocates Gateway.

In fraud cases involving heavy documentation, Stuart is adept at being on top of the paperwork and presenting it in an easily understood way. Stuart has extensive word processing skills allowing him to produce written work and case presentation of the highest quality.

Stuart has also taken a keen interest in the laws of Conspiracy and joint enterprise. His experience allows him, when prosecuting, to avoid the pitfalls of wrongly phrased indictments and when defending to successfully challenge over exuberant conspiracy charges.

The problems of disclosure have never been more concerning. Stuart takes a proactive stance when instructed to draft defence statements, ensuring that the foundations are laid to bring disclosure to the centre of each case. He is adept at drafting and pursuing applications under Section 8 of the CPIA.

Stuart's practice now is almost equally divided between prosecuting and defending. He brings with him an easy manner that puts clients, police officers and witnesses from all social and ethnic backgrounds at their ease so allowing them to act positively in what can be a frightening and alien environment.

### Notable Cases

*R v Davies, Bolton Crown Court.*

This concerned a Solicitor who eventually pleaded guilty to 43 counts of Fraud by Abuse of Position; Forgery; Transferring Criminal Property and False Accounting. The losses to the SRA and Professional insurers exceeded £5M. The benefit to the Defendant on the Indictment was £1.25M. The Defendant had forged numerous documents including Land Registry extracts of title; Court Judgments and email chains to hide his frauds. The documentation was huge and Stuart's task as prosecutor was to present the case in an easily understood way. This involved preparing graphic ways of setting out the evidence using at-a-glance guides and tables.



*R v B and others.*

This was a multi handed matter. The prosecution case was that Stuart's client had assisted a London based Organised Crime Group led by a member of one of London's most notorious criminal families by conspiring to transfer criminal property from an OCG in Manchester to the OCG in London. The prosecution case was massive and included surveillance by MI5. Stuart used his knowledge of conspiracy law and his close knowledge of the paperwork in the case whereby the case against his client was dismissed at the close of the prosecution case. All the other Defendants were convicted, receiving substantial terms of imprisonment.

*R v MR, Burnley Crown Court.*

This was an allegation of modern slavery and received extensive coverage in the local media. Stuart's client was alleged to have kept a Polish couple in squalor in outbuildings at his house and to have compelled them to work for him and his family. The focus of the defence was to compel full disclosure of the activities of the Polish couple so as to show that needing an address, however inadequate, to secure custody of their son, they had kicked out another Polish man and had chosen to live their lives as they did. After the jury failed to agree on their verdict, the prosecution offered no further evidence.

*R v H, Minshull Street Crown Court.*

The Defendant was charged with rape. In addition to the allegation of the Complainant, the prosecution relied on selected social media messages which seemed to amount to a confession. The Defence was that everything was consensual but that the Complainant had manipulated the social media by deleting some crucial messages so as to make it appear that there was a confession. After a number of applications under s8 of the CPIA, a full download of all the social media was obtained which showed that the Complainant had created a false persona as her sister to extract sympathy and emotional commitment from another boyfriend. The responses of the Complainant destroyed her credibility and the prosecution ended up offering no evidence. This was a classic case of the need to pursue unused material and showed Stuart's relentless pursuit of disclosable material.

*R v PC, Crown Square Manchester.*

The Defendant was charged with rape. This case involved a delayed complaint and was apparently supported by social media exchanges which appeared to amount to a partial confession. To compel full disclosure Stuart drafted an extensive defence statement and an application pursuant to Section 8 of the CPIA requiring, inter alia, full disclosure of all social media and texts between the Complainant and the Defendant. When finally, the full material was provided it was devastating to the credibility of the complainant and the Defendant was acquitted.

*R v LH, Crown Square Manchester.*

The Defendant was charged with rape. Part of the case involved snap shots of messaging between the Complainant and the Defendant. The Defendant contended that this was misleading. Stuart drafted an extensive defence statement and Section 8 CPIA application to compel full disclosure, which, when disclosed, painted a picture of exchanges which favoured the Defendant's version. The Defendant was acquitted.

*Ackerley v AG of IOM. [2013] UKPC 26.*

This is a Manx case in which Stuart was in charge of bringing this case to the Privy Council and in instructing Leading Counsel. This case concerned an autistic defendant whose appeal from a conviction of sexual assault was on the basis that the entire conduct of the investigation and the trial process as a whole was flawed. The appeal was supported by a report from the UK's leading expert of Aspergers Syndrome. The appeal was dismissed on the basis that throughout the process, all parties had treated the Appellant as under a disability; the treatment had been fair and the evidence against him was so strong as to cause no concern as to the safety of the conviction.

*Hargreaves v R. Court of Appeal. [2016] EWCA Crim 1579.*

This case concerned an appeal against a sentence imposed for drug dealing and money laundering. This successful appeal established the principle that sentencers have to be alive to the risk of double counting aggravating factors in the substantive offence and the money laundering offence and using each offence to aggravate the other.

*R y S L. Minshull Street Crown Court.*

This was the Defence of an alleged loan sharking operation (with associated money laundering) brought by the specialist Loan Sharking Team at Birmingham City Council. The data supporting this was huge and asserted unregulated lending in the sum of £4.3M. Stuart's defence tactic attacked the vires of the prosecution to bring the case and the role of his client insofar as it concerned joint enterprise. Stuart's client pleaded guilty to a minor count of money laundering and received a conditional discharge.