



New Park Court

Ashleigh Metcalfe

#### Leeds

16 Park Place  
Leeds  
LS1 2SJ

DX: 26401  
Leeds Park Square  
T: +44 (0)113 243 3277  
E: [clerks@newparkcourt.co.uk](mailto:clerks@newparkcourt.co.uk)  
F: +44 (0)113 242 1285

#### Newcastle

16 Park Place  
Leeds  
LS1 2SJ

DX: 61012  
Newcastle-Upon-Tyne  
T: +44 (0)191 232 1980  
E: [clerks@newparkcourt.co.uk](mailto:clerks@newparkcourt.co.uk)  
F: +44 (0)191 232 3730



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# Contents

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

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NE1 3DQ

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# Ashleigh Metcalfe

Year of call 2014

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

Since joining Circuit in 2016, Ashleigh Metcalfe has developed a strong criminal law practice that belies her level of Call. She has experience in both defending and prosecuting trials predominantly in the Crown Court, Magistrates and Youth Court. Ashleigh is routinely instructed to represent defendants who are facing increasingly serious allegations. She is also accustomed to dealing with young and vulnerable clients having experience in cross-examining witnesses as young as five years old.

Ashleigh has been described as a tenacious barrister who is meticulous in her preparation and presentation of cases. She prides herself on her approachability for both lay and professional clients and maintains her down-to-earth attitude when giving sound legal advice.

## Crime

Ashleigh has developed a strong criminal law practice both defending and prosecuting trials in the Crown Court. She has particular expertise in dealing with young and vulnerable clients having experience in cross-examining witnesses as young as five years old.

## Representative Cases

- *R v JM (2021) - Murder*

Ashleigh Metcalfe was instructed at late notice to be led-Junior on behalf of the Crown to prosecute the defendant for a single count of murder. Following a two-week trial before Mr Justice Jacobs, the Defendant

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was convicted of murder and sentenced to life imprisonment with a minimum term of 16 years imprisonment. The case involved careful preparation of the medical expert evidence from a Home Office Forensic Pathologist and a Consultant Neuropathologist; the case circulating predominantly around the timing of the multiple blunt trauma injuries sustained by the deceased. Complex legal issues arose during the trial procedure relating to the hearsay provisions, hostile witnesses and bad character evidence.

- *R v MK & ET (2021) - Blackmail and Kidnap*

Ashleigh was instructed to defend the second Defendant charged alongside her co-accused with two counts – blackmail and kidnap. The case required careful analysis of the unused material received by the defence close to the trial date. Following receipt of the unused material, and submissions advanced by Ashleigh, at trial the Crown agreed to offer no evidence in relation to Ashleigh’s client.

- *Operation Erranddance (2020) - Conspiracy to supply*

Chloe Hudson, leading Ashleigh Metcalfe, were instructed on behalf of the Crown to prosecute a five-handed trial involving a conspiracy to supply Class A drugs, heroin and crack cocaine, in Bradford. The trial was part of Operation Erranddance. The offences spanned several months from February 2019 to July 2019 with undercover police operatives, known only by their pseudonyms, engaging with the defendants for the purposes of purchasing Class A drugs. The case involved synthesising telephone evidence, cell-site data and undercover body worn footage. The undercover operatives had the benefit of a Court order permitting full witness anonymity

- *R v SH (2020) – Causing death by careless driving*

Ashleigh was instructed to defend a taxi-driver who had caused the death of his passenger when his driving fell below that which is expected. The case involved careful consideration of expert reporting obtained from both parties in order to appropriately advise the defendant. The defendant pleaded guilty at the first available opportunity in the Crown Court. The sentencing exercise had to be carefully managed and so Ashleigh prepared a thorough sentencing note to assist the Judge with the appropriate guidelines, case law and mitigation.

Following sentence, the case was successfully appealed by Ashleigh in the Court of Appeal. The term of imprisonment being reduced from 9 months imprisonment to 8 months imprisonment.

- *R v BC and AG (2020) – Arson*

Ashleigh was instructed to represent one of two defendants facing an Indictment of arson with intent. Through discussions, the Crown accepted a guilty plea of reckless arson for both Defendants. Ashleigh prepared a detailed defence sentencing note which persuaded the judge from reducing the starting point in her client’s case considerably; from four years imprisonment reduced to 22 months’ imprisonment.

- *R v. MN (2020) - Sexual Assault*

A three-day defence trial involving two counts of sexual assault. Owing to the age of the Complainant, the trial falls under the section 28 provisions with his cross-examination having been pre-recorded. The preparation also involved research into cross-jurisdictional law in order to determine whether the Courts



had any power under which to try the Defendant.

- *R v CP (2020) - GBH with intent*

A two-day prosecution trial involving one count of causing grievous bodily harm with intent to do so; the defendant having been alleged to have stabbed her partner with a kitchen knife. The trial was prepared on the basis of the Defendant's admissions in interview and to attending officers as it was a 'victimless prosecution' in that the Complainant had never formally provided a statement. At the morning of trial, a pathology report was received which caused the case to be fully reviewed in order to determine whether the Full Code test was still met. Upon review, it was decided there was not a realistic prospect of conviction causing the Crown to offer no evidence.

- *R v. YA (2019) - Sexual Offences*

A three-day defence trial involving a count of committing an indictable offence with intent to commit sexual offence, namely rape or assault by penetration. The Defendant and Complainant required interpreters throughout the trial process. Owing to the nature of the offending, and the language barriers, the Complainant also required careful handling in cross-examination in line with the appropriate training.

- *R. v. WA (2019) - Sexual Offences*

A defence trial where Ashleigh was instructed from the outset. The Defendant was a young adult with severe learning difficulties and was alleged to have communicated with female children via social media. The Defendant was charged with several counts involving causing or inciting a child under 13 to engage in sexual activity, threats to kill and attempted sexual communications. Prior to arraignment, Ashleigh advised that psychiatric, psychology and intermediary reports were to be prepared in order to assist the Court. The Defendant was deemed fit to plead but required reasonable adjustments in order to understand the proceedings fully. Following the medical reporting, the Defendant was arraigned on the indictment and sentenced to a non-immediate custodial sentence.

- *R v SL (2018) - Fraud*

A ten day defence trial involving one count of administering a noxious substance so as to endanger life and four counts of fraud. The defendant was accused of abusing her position as the complainant's carer to administer increasingly high doses of morphine to stupefy her intended victim and thereby facilitate the stealing of her money. The jury were directed to acquit the defendant of the most serious charge of administering the noxious substance following submissions made at the close of the prosecution case.

- *R v CH (2018) - Sexual assault*

A six day defence trial involving ten counts of sexual assault against two complainants. During the first trial the jury acquitted the defendant of three counts and were unable to reach a decision on the remaining seven counts. At the retrial in December 2018 the jury acquitted for a further three counts with the Crown offering no evidence in relation to the remaining four counts. Legal arguments were invited in relation to a Lucas direction, cross-admissibility and exclusion of hearsay evidence.



New Park Court

- *R v LL (2018) - Sexual assault*

Five day defence trial involving one count of sexual assault and two counts of assault. The defendant was of low intelligence and required additional support throughout the trial process by way of changes to sitting time in order to accommodate his needs and allow additional time for conferences. Ashleigh was instructed as trial counsel from the outset having been selected by her solicitor on the basis that she had the necessary skillset to manage the trial advocacy and provide the appropriate enhanced level of client care.

- *R v AC (2018) - Armed robbery*

Level 3 prosecution relating to an armed robbery trial that involved the presentation of ANPR and cell-site evidence. Following liaisons with the Officer in the case and the thorough preparation of the case the Defendant pleaded guilty to the indicted offence and received a custodial sentence of 54 months.

- *R v RK (2018) - Drugs*

Three day defence trial involving the production and cultivation of Class B drugs. The defendant was found to be living in a two-bedroom flat which contained 75 fully grown cannabis plants. Also found within the property was a hydroponics system, black out tents, reflective insulation, bypassed electrics and plant feed. The trial involved cross-examination of three police officers as well as the defendant's evidence. Defendant was acquitted following trial.

## Regulatory

In 2019, Ashleigh was successful in her application to join the List of Specialist Regulatory Advocates at List C allowing her to prosecute for bodies such as the Health and Safety Executive, Environmental Agency, Care Quality Commission.

Ashleigh has been regularly instructed in licensing hearings in relation to the revocation of private hire and Hackney taxi licences in both the Magistrates and Crown Court.

During pupillage, she was also commonly instructed by the Environmental Agency to appear in the Magistrates' Court. The hearings commonly related to rod licencing and relevant byelaws and rules, including cross-examination of defendants on their history of compliance with byelaws and rules and whether they had at the time of the offence the appropriate licences to fish.

Ashleigh has also been instructed by the Environmental Agency to prosecute contested hearings in relation to offences under The Environmental Protection Act 1990.

## Representative Cases

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- *R v PG (2019) - Health and Safety*

A three-day Health and Safety Executive prosecution trial involving seven count indictment. The Defendant appeared unrepresented requiring Ashleigh to liaise directly with the Defendant when considering the numerous agreed facts and trial bundle. The preparation for the trial included drafting agreed facts, preparing jury bundles with exhibiting documents and liaising with experts. Following conviction after trial, Ashleigh advanced sentencing submissions including reference to the detailed sentencing guidelines.

- *R v MK (2018) - Revocation of Private Hire Licence*

Appeal against the revocation of a private-hire licence. Ashleigh was initially instructed to provide advice in relation to contemplated judicial review proceedings; the Council had unilaterally revoked the appellant's private-hire licence on the grounds of 'public safety' prohibiting him from working notwithstanding that an appeal was pending in the Crown Court. It was advised that the policy decision stood to be heavily criticised and possibly overturned in the judicial review proceedings. As a result of Ashleigh's written advice the Council reinstated MK's licence pending appeal.

- *R v ST (2018) - Revocation of a Private Hire Licence*

Appeal against the revocation of a private hire licence. I represented ST in the Magistrates Court and, following judgment, advised ST to appeal. The Crown Court agreed that my submissions were well-founded and that they would have been minded to allow the appeal in full but for the intervening actions of the Defendant who had, between the two hearing dates, accumulated an additional (and unhelpful) conviction for speeding.

- *R v MA (2017) - Revocation of a Private Hire Licence*

Appeal against the revocation of a private-hire licence. The Appellant's licence had been revoked by the Council on the grounds that he no longer was a fit and proper driver. The Magistrates Court upheld that decision. Ashleigh prepared for and conducted the contested appeal in the Crown Court (including the cross-examination of three Council employees). The appeal was successful and the full revocation was replaced with a short period of temporary disqualification.

- *R v JJ (2017) - Environment*

The Defendant had not complied with the correct disposal of controlled waste but instead had been using domestic Council bins. The Defendant was a litigant-in-person who strongly denied any wrongdoing. Before the trial Ashleigh prepared an opening note and a trial bundle to assist the Court. A bad character application was successfully advanced thereby adducing evidence of the Defendant's history of non-compliance. During the course of cross-examination the Defendant, he accepted that his previous convictions were factually similar and that the receipts he had provided did not satisfy his duties under the legislative framework; the Defendant was convicted.



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# Appointments & Memberships

CPS Level 3 Prosecutor

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

Member of the Criminal Bar Association

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