



# Ashleigh Metcalfe

Year of call 2014



[clerks@newparkcourt.co.uk](mailto:clerks@newparkcourt.co.uk)



+44 (0)113 243 3277

Ashleigh Metcalfe has developed a strong criminal law practice that belies her level of Call.

Having been appointed as a Grade 4 prosecutor at 7 years full practice, she is routinely instructed on behalf of the prosecution in complex and multi-handed cases across the full spectrum of criminal law. She acts as junior – either leading or led – as well as alone. Her practice over recent years has involved the prosecution of wide-ranging Operation cases involving, but not limited to offences such as murder, organised crime, serious violence and drugs. Ashleigh has recently been instructed to act as prosecution Junior in a Counter-Terrorism trial lasting six weeks at Leeds Crown Court.

When defending, she is routinely instructed to represent clients charged with serious allegations including matters of sexual and violent offending. She is accustomed to dealing with young and vulnerable clients having cross-examined child witnesses as young as five-years-old.

Ashleigh is known on Circuit as being a barrister who is meticulous in her preparation and presentation of cases. Whilst being a confident and articulate advocate, she prides herself on her approachability for both lay and professional clients, maintaining her down-to-earth attitude when giving sound legal advice.

## Expertise

### Criminal Prosecution

#### Notable Criminal Prosecution cases

Operation Paddockgate (2024) – Attempted Murder / Section 18 / Possession of a firearm with intent to endanger life

Acting initially as Junior alone, Ashleigh was instructed to prosecute two individuals indicted with two counts of attempted murder.

#### Leeds

16 Park Place  
Leeds  
LS1 2SJ  
Leeds Park Square

T: +44 (0)113 243 3277  
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DX: 26401

#### Newcastle

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After careful consideration of the papers, and working closely alongside the reviewing lawyer, SIO and OiC, Ashleigh advised to amend the Indictment so as to allege two counts of section 18 and one count of possession of a firearm with the intent to endanger life was prepared. Ashleigh also successfully advised upon the instruction of a Silk – Nicholas Lumley KC – for the purposes of the trial. Both defendants entered guilty pleas to offences of section 18 and to possession of the firearm. The defendants received total sentences of 16 years and 6 months with an extended licence period of 5 years and 8 years and 3 months respectively.

BBC News: <https://www.bbc.co.uk/news/uk-england-bradford-west-yorkshire-68686546>

WYP Press Release: <https://www.westyorkshire.police.uk/news-appeals/two-men-sentenced-shooting-farleton-drive-fagley>

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#### R v DPR & CR (2023) – Counter-Terrorism Offences

Acting as led Junior, Ashleigh was instructed to prosecute two individuals indicted with offences of encouragement of terrorism, the dissemination of terrorist publications, and the possession of information likely to be useful to a person committing or preparing an act of terrorism. The trial lasted six weeks during which matters of expertise – evidence relating to: radicalism and extremism in the context of far-right ideologies; explosive devices; and the discharging and reactivation of firearms.

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#### R v MH (2023) – Attempted Murder / Possession of a firearm with intent to endanger life

Ashleigh was instructed as prosecution counsel in a six-day trial alleging two counts of attempted murder and possession of a firearm with intent to endanger life. As part of the trial process, Ashleigh competently dealt with a large number of late disclosure requests from those acting for the defendant. Her diligent review of the disclosure regime, and response to a section 8 application, was praised by the trial Judge for the ‘substantial amount of work carried out overnight’.

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#### R v MC (2023) – Operation Antenna

Ashleigh was instructed by the Complex Case Unit at Manchester CPS as prosecution counsel in a case involving the supply of over 160kg of Class A drugs and linked money laundering offences. The trial was investigated as part of the wider investigations in respect of Operation Venetic; allegations involving EncroChat communications. Following a guilty plea by the defendant, he was sentenced to a total of 9 years imprisonment.

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#### R v SB (2022) – Section 18 x 2 and Possession of a dog dangerously out of control thereby causing injury

Acting for the prosecution, Ashleigh was instructed in a case involving serious injury being caused to two on-duty police officers by a dog who was dangerously out of control. One officer received a total of 11 bite wounds caused to her legs and the second officer sustained 3 bite wounds to his legs. This matter was legally complex, raising issues of expertise relating to the dog’s temperament as well as the legal understanding of the ingredients of the offence – section 18, wounding with intent whereby the defendant unlawfully and maliciously wounded two police constables with intent to resist his lawful apprehension. Following a successful prosecution, the defendant was sentenced to a term of imprisonment totalling 8 years and 6 months imprisonment.

<https://www.bbc.co.uk/news/uk-england-tyne-65208673>

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#### R v DW and TM (2022) – Section 18 GBH

A prosecution of two defendants charged with one count of section 18, causing grievous bodily harm to another through the

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infliction of twelve stab wounds to the arms, neck, face and back. This was a 'victimless prosecution'. The evidence therefore came from other sources such as independent witness testimony, CCTV footage and telephone data. Ashleigh advised the CPS from the outset of the case on matters such as responses to applications to dismiss, the presentation of multiple strands of CCTV footage, the creation of corresponding timelines and the manner in which reluctant witnesses would best be able to present their evidence at Court. The trial lasted two weeks. Throughout the trial there were many difficult legal arguments that required concentrated attention whilst juggling trial matters. The lead defendant – the stabber – was convicted after trial.

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#### R v RH (2022) - Controlling and coercive / ABH / witness intimidation

A seven-day prosecution trial. The defendant was charged with six counts: one count controlling and coercive behaviour; four counts of assault occasioning actual bodily harm; one count of witness intimidation. The trial involved the calling of a vulnerable complainant who required sensitive witness handling, along with her relatives and friends, to detail a campaign of verbal and physical abuse spanning across a year and a half. The defendant was convicted after trial of all six counts.

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#### R v GA (2021) – Murder

Instructed by the Yorkshire and Humberside's Complex Case Unit to act as the disclosure junior in the prosecution of Gary Allen. The case, described as a 'landmark' by Humberside Police, was prosecuted over eight weeks by Alistair MacDonald QC, James Gelsthorpe and Ashleigh Metcalfe and led to the Gary Allen being convicted of the murders of two women some twenty-one years apart.

<https://www.bbc.co.uk/news/uk-england-57481459>.

Gary Allen – who had been acquitted of one of the murders by a different jury in June 2021 – was sentenced to life imprisonment with a minimum term of 37 years imprisonment.

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#### Operation Searton (2021) – Conspiracy to supply class A drugs / Pervert course of justice

Junior to [Adam Birkby](#) in a five-handed prosecution involving conspiracies to supply drugs, to commit burglary, to possess criminal property and to pervert the course of justice. The defendants were involved in the commercial supply of controlled drugs and were caught when they made concerted efforts to retrieve almost £1/2million from the boot of a vehicle that had been seized by the police. The presentation of the case involved the synthesis of multiple complex strands of evidence – telephone traffic (including cell-site analysis), CCTV and scientific evidence – to present what was a compelling case to the jury.

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#### R v AA, MHD et al (2021) – Conspiracy to supply Class A drugs

Led by [Peter Byrne](#), in the prosecution of five individuals involved in the very significant supply of Class A drugs. The five defendants had been processed through the criminal justice system at differing times and it was Ashleigh, having been instructed from the outset to separately prosecute each of the defendants, who noticed that their offending was inextricably linked. Through her advice and diligent case preparation the five defendants were joined together into one case. Close liaison with the reviewing lawyer and the officer-in-the-case combined with careful and thorough case preparation ensured that a factually complex case was put into such a compelling form that, on the morning of the trial, all defendants entered guilty pleas.

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## Criminal Defence

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## Notable Criminal Defence cases

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### R v CR (2024) – Operation Roderick

Ashleigh is instructed to defend in an eight-handed Operation alleging matters of conspiracy to possess firearms, conspiracy to commit aggravated burglary and conspiracy to supply Class B drugs. The investigation involves consideration of a wealth of prosecution evidence. The trial is due to be heard in May 2024 and is diarised to last several weeks.

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### R v BH (2024)

Ashleigh represented a client charged with rape, controlling and coercive behaviour, four counts of ABH and one count of criminal damage. Through careful cross-examination of the complainant across the course of three days, Ashleigh was able to demonstrate how there had been various factual versions of the multiple incidents recorded and adduced which, when taken together, demonstrated the witness to be unreliable and lacking in credibility.

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### R v ZK (2023)

Ashleigh was instructed to represent a youth defendant appearing in the Youth Court charged with offences of section 18 wounding and possession of a knife. During cross-examination, the complainant accepted matters that he had omitted to put within his witness statement and which accorded with the recollection as described by the defendant in his police interview. The defendant was acquitted of the section 18 wounding.

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### R v NW (2022 / 2023) – Operation Canyon

Acting for the defence in a trial involving a total of 19 defendants who, the Crown alleged, were involved in the supply of Class A, B and C drugs along with List A and B articles into custodial establishments. Through Ashleigh's hard work, several days into the trial, the prosecution decided not to pursue the allegations in respect of the two-year conspiracy against her lay client.

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### R v PC (2022) – Non-recent child sex offences

Ashleigh was instructed to represent a lay client indicted with a number of non-recent sexual offending against members of his family. The trial involved cross-examination of family members including daughter and granddaughter which required a careful review of both the served and unused evidence in the case.

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### R v TS (2022) – Robbery

Instructed to defend in a seven-day robbery trial where the issue was one of correct identification of the defendant. The case involved cross-examination of the police investigation and expert reports relating to identification.

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### Operation Copperfield (2020 - 2022) – Conspiracy to steal

Instructed to defend one of twelve defendants charged with conspiracy to steal high-value motor vehicles before dismantling the same in 'chop shops'. The case involved complex cell-site analysis along with ANPR analysis and mobile telephone communications. Following in-depths discussion with prosecution counsel, the defendant entered a guilty plea on a narrow, undisputed, basis of plea.

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## R v SA (2021) – Controlling and coercive

Instructed to defend one of three defendants in a three-week trial in Burnley Crown Court. The defendant was charged with an offence of controlling and coercive behaviour in respect of her son's wife. The defendant was accused of physically assaulting and permitting the serious and sustained abuse of a particularly vulnerable woman. The nature of the case and the complainant's vulnerabilities required a particularly sensitive cross-examination through an interpreter.

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## Inquests & Inquiries

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### Notable Inquests & Inquiries cases

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#### Inquest touching into the death of AL

Acting on behalf of the care home. Death resulted after a fall whilst in the care home and difficulties during the recovery period following from the surgery. No criticisms were made of the care home and the coroner commented on the standard of care provided by the care home.

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#### Inquest touching into the death of VB

Acting on behalf of the care home. The deceased died following a fall in the care home resulting in hospitalisation and health complications thereafter. Detailed evidence was heard in respect of safeguarding around prevention of falls. No criticisms were made of the care home.

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## 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, Environment 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.

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

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### Notable Regulatory 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

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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.

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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.

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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.

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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.

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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

- CPS Level 4 Prosecutor
- CPS Specialist Counter Terrorism Panel at Level 3
- Specialist Regulatory Advocate in Health & Safety and Environmental Law (List B)

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## Memberships

- Criminal Bar Association

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