

## Emma Heath

Junior Counsel - Under 15 Years

CALLED 2016

*"Emma is a formidable advocate and a favourite with juries."*

LEGAL 500, 2022



**Emma practices in various areas of criminal law, including serious violent crimes, sexual offences, drugs, firearms and financial crimes. Emma is known for her excellent attention to detail and is recognised as a popular jury advocate with a no-nonsense approach.**

Emma has developed a niche practice specialising in defending youth clients charged with serious offences. Emma's representation of youth clients with mental health disorders and complex needs highlights her dedication to addressing the unique needs of young people involved in the Criminal Justice System.

Emma is known for her capacity for sustained hard work and has excelled in various aspects of her practice, including her broad legal knowledge, trial advocacy skills, and a particular focus on youth clients. Her recognition by Legal 500 underscores her standing as a leading junior.

## Notable Cases

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## Appellate

Alfie Baker, 2024

**Court of Appeal (Criminal Division) [2024] EWCA Crim 413**, the Solicitor General sought leave to appeal against a sentence deemed unduly lenient. The respondent, an 18-year-old with learning difficulties, was represented by Emma. Having heard submissions on the defendant's age and cognitive challenges. The Court of Appeal refused the Solicitor General's application for leave.

## Bribery and Corruption

### **R v N, 2023**

Emma was led by Karl Volz and instructed by Richard Cronin of O'Keefe Solicitors. The case involved eight defendants facing allegations of conspiracy to defraud that spanned a two-and-a-half-year period. The prosecution's case (North Yorkshire Trading Standards) focused on various authorities, including Police Forces Local Authority Trading Standards Departments and financial institutions. The fraudulent activity targeted 28 members of the public who had allowed the defendant to carry out building work on their properties.

### **R v D and others**

Emma, led by Ruth Becker of chambers, secured an acquittal for their client who was charged with a conspiracy to produce over 10 million pound of counterfeit currency. Emma represented the first of five defendants in an 8 week trial before the Woolwich Crown Court. Emma was instructed by Lisa French of Foxes solicitors.

### [Bribery and Corruption](#)

## Driving

### **R v Ivan Zhyhan, 2023**

Representing a defendant charged with causing serious injury by dangerous driving (HGV). The complainant suffered life changing injuries and was in a coma for 19 weeks post-accident. The case involved cross examination of road traffic experts and HGV experts in relation to weight/distance/speed and tachographs measurements.

After a 7 day trial the jury convicted on causing serious injury by dangerous driving. At the sentencing hearing, mitigation was put forward on behalf of Mr Zhyhan which allowed the judge to pass a

sentence of 2 years 4 months imprisonment.

Basildon Crown Court

Read more on [Bishop's Stortford Independent](#)

## [Driving](#)

## Drugs

### **R v F**

Emma represented a 17 years old charged with possession with Intent to Supply Class A and GBH with intent before the Croydon Crown Court and successfully ran the s45 Modern Slavery defence. Emma's client had serious mental health conditions and

Emma was instructed by Mel Stooks of GT Stewart Solicitors.

### **R v M, 2021**

Emma, who was lead, represented the first defendant on a multi-handed indictment alleging conspiracy to supply class A and B drugs and possession and transference of firearms in an 8-week trial before the Stafford Crown Court. Following a successful s8 application a severance argument was pursued in respect of the firearms counts which the court upheld. The Crown proceeded only on the drugs counts. Emma was instructed by Nadeem Majid of M&M Solicitors.

### **R v KM, 2019**

Emma represented a 19 year old client who came before Kingston Crown Court for sentence of his third Possession with Intent to Supply (PWITS) Class A drugs offence, having pleaded guilty to two previous PWITS, Class A offences. The Crown initially argued that the defendant fell to be sentenced to a minimum mandatory sentence of 7 years imprisonment. At the sentencing hearing, Emma persuaded the CPS and the Court that the provisions of s.110 PCC(S)A 2000 did not apply and secured a sentence of 30 months imprisonment for the two drug charges. The court was "grateful to Ms Heath for her detailed sentencing note and her pragmatic and helpful oral submissions, both of which assisted the court in the sentencing exercise.

Kingston Crown Court.

## [Drugs](#)

### **R v MC, 2024**

Emma prosecuted a con-woman who defrauded her 74-year-old neighbour of £118,000. The fraud took place over a 19 month period and involved the defendant convincing the victim that she was investing in lucrative property deals in Spain. The fraud occurred between January 2019 and October 2020 and the defendant spent the entirety of the money fraudulently obtained on designer goods, luxury cruises, and expensive holidays in the Caribbean.

Luton Crown Court

### **J v Department for Work & Pensions, 2019**

Emma represented an Appellant who appealed against a decision of the DWP in relation to benefit overpayment that was alleged to have taken place over a period of 10 years. The overall benefit figure was reduced by 25% following successful representations that the Appellant had properly notified the relevant department of a change in circumstances and therefore the benefit figure was not recoverable.

[Financial Crime](#)

### **R v RB**

Emma represented a 15-year-old charged with possession of an imitation firearm with intent to cause fear or violence. Emma's client was jointly charged with youths and adults but was arrested some months after the alleged offence date. Emma was successful in an application to dismiss before the Snaresbrook Crown Court.

Emma was instructed by Gerry McDonald of EBR Attridge.

### **R v A, 2021**

Emma represented a 15-year-old charged with possession of an imitation firearm with intent to cause fear or violence who was jointly charged with others but arrested some months after the alleged offence date. Emma was successful in an application to dismiss before the Snaresbrook Crown Court.

Emma was instructed by Gerry McDonald of EBR Attridge.

## General Crime

### **R v I, 2023**

Emma, led by Simon Stirling, acted for a client charged with conspiracy to facilitate travel with a view to exploitation under s.2 of the Modern Slavery Act, 2015, known as Operation Supermarine. The prosecution case centred around prostitutes working in the Swindon area who had come from Romania. Following a submission of no case to answer by Simon and Emma. the jury was directed to return not guilty verdicts in respect of their client.

Emma was instructed by Raymond Shaw of SGK Solicitors.

### **R v KM, 2018**

Following a committal to the Crown Court for breach of a Suspended Sentence Order (SSO), Emma successfully argued that activation of the 18-year-olds SSO was unjust in all of the circumstances, despite the breach matter being committed only a matter of weeks after the imposition of the original SSO.

## [Crime](#)

## Murder and Manslaughter

### **R v NQ and others, 2024**

Emma, led by [Ruth Jones](#), represented the second defendant, charged with the murder of a man in Old Kent Road in January 2024. The case was one of joint enterprise and involved the stabbing of a man following his spontaneous outburst of violence with the first defendant, who was the partner of the second defendant. The trial lasted 7 weeks.

Inner London Crown Court

Link to news article [here](#)

### **R v KS and Others, 2024**

Emma, led by Jane Bickerstaff KC, represented the second defendant who was charged with murder. The case was one of joint enterprise and involved the stabbing of a man who was dealing drugs for a rival drugs line. The defendants all played different roles with Emma's client being directly involved in the stabbing.

[Murder and Manslaughter](#)

Private Prosecutions

**JUUL Labs UK Holdco Limited v VP and MK, 2020**

Emma, along with Scott Smith of 9 Bedford Row and Ruta Mikailaite of McMillan Williams Solicitors successfully defended in a private prosecution brought by Edwards Marshall McMahon on behalf of JUUL Labs UK Holdco Limited for offences under the Trades Mark Act 1994 , Registered Designs Act 1949 and the Tobacco and Related Products Regulations 2016. The case concerned the prosecution of sales assistants who unknowingly sold counterfeit goods and their alleged breaches of regulations in relation to electronic cigarettes. After a full days trial before Westminster Magistrates Court, both individuals were acquitted.

[Private Prosecutions](#)

Rape and Sexual Offences

**R v MF, 2024**

The complainant was an in-patient at a residential care home and the defendant was employed by the Local Authority as her carer. The case was not granted s28 special measures and cross-examination of the complainant took place before the jury with an intermediary present. The Crown's case involved an allegation that the defendant had groomed the complainant by showing her pornographic material on his mobile telephone in a bid to show her how to have sex (the Crown's case being that her learning difficulties made it difficult for her to know what sex was/involved). The defence therefore required analysis of phone material and CCTV from the residential unit to trace the defendant's steps before and after the allegations. The jury acquitted on count 1 and convicted on count 2.

Snaresbrook Crown Court

**R v TC, 2024**

Emma successfully defended a client who was acquitted of rape, intentional non-fatal strangulation, false imprisonment and sexual assault. The Crown, represented by King's Counsel, also alleged that the defendant had subjected the complainant to controlling and coercive behaviour and ABH. Emma was instructed by EBR Attridge.

Oxford Crown Court

## **R v DW 2024**

Emma successfully represented a defendant who was acquitted of sexual assault of his step-daughter, alleged to have occurred in 2019. The trial lasted 9 days and the jury returned unanimous not guilty verdicts. Emma was instructed by Toni Hennessy-Ling Lawtons Solicitors.

Inner London Crown Court

## **R v JC, 2023**

Client had a conviction for rape of his biological daughter 19 years prior which went before the jury.

The case involved extensive cross examination of the complainant in relation to her phone records and a timeline of events that she provided to the police in interview.

Case also involved cross-examination on vaginal injuries noted at the time and drugs found in the complainant's system which the defence asserted was taken recreationally. This was material that came to light through the unused material and was able to be put before the jury by way of agreed facts as the Crown could not challenge it.

After a week-long trial the jury were unable to reach a verdict and the jury was discharged.

The Crown sought a retrial – the same s28 cross examination was put before the jury (conducted by Miss Heath) and the jury failed to reach a verdict a second time.

Wood Green Crown Court

## **R v JC, 2022**

Emma was instructed to represent a defendant charged with the rape of his daughter who was an adult at the time of the alleged offence. The case involved sensitive cross examination of a witness who was vulnerable due to mental health issues. Emma was instructed by Gerry McDonald of EBR Attridge. The jury could not reach a verdict and were dismissed after a 7 day trial. Wood Green Crown Court.

## **R v MC, 2021**

Emma, led by [Anthony Berry KC](#), represented a 21-year-old charged with multiple counts of rape, violence and controlling and coercive behaviour against three ex-partners. Guildford Crown Court. Emma was instructed by Richard Cronin of O'Keefe Solicitors.

## **R v G, 2019**

Instructed as junior counsel, defending a Lubavitch Rabbi on 14 counts of serious indecent assault against 4 boys in the 1990s. The prosecution was part of Greater Manchester Police's extensive investigation into allegations of sexual abuse within the Orthodox Jewish Community in Manchester.

The case took 3 years to come to court with three previous trial listings vacated, with both leading and junior counsel involved in all three trials and wasted costs order made against the CPS and GMP for disclosure failings.

Following a three week trial, the jury took a day and a half to acquit the defendant of all 14 counts alleged by the complaints. Emma was instructed by David Sonn of Sonn Macmillan Walker.

See the full article [here](#)

### [Rape and Sexual Offences](#)

## Violence

### **R v MM, 2024**

Emma successfully defended a client who was acquitted of s.18 GBH with an alternative count of s.20 wounding. Emma's client was initially charged with the attempted murder of his father, who he accepted stabbing twice in the abdomen. The defence raised was self-defence. On the first day of trial, the Crown amended the indictment to the s.18 and s.20 offences. After a five-day trial, the jury unanimously acquitted Emma's client of both counts.

Woolwich Crown Court

### **R v K, 2019**

After a three day trial before the Croydon Crown Court, Emma successfully secured the acquittal on two counts of Assault against an Emergency Worker, an offence which came into force in November 2018. The allegation concerned assault by beating on two police officers, which the Crown alleged was captured on body worn video footage. The jury unanimously acquitted the defendant after 50 minutes in retirement. Emma was instructed by Leah Connolly of Ewing's Solicitors

### **R v K, 2019**

Emma successfully defended an individual who was accused of assaulting a police officer whilst being detained for the purposes of a strip search. The case was thrown out after successful legal argument that the grounds for the strip search were unlawful and the officers were not acting in the execution of their duty. The Crown continued to trial on the second charge of drunk and disorderly in a public place which, after a successful half time submission, was thrown out by the District Judge. The



matter has since been referred to the Independent Police Complaints Commission. (IPCC)

## **R v S, 2018**

Instructed as defence counsel in a matter involving alleged domestic violence. Following extensive arguments about disclosure, which involved two court hearings and a separate section 8 hearing before a District Judge, the Crown offered no evidence against the Defendant.

### [Violence](#)

## Youths

## **R v U, 2022**

Emma represented a youth defendant charged with a multi-handed aggravated burglary before the Snaresbrook Crown Court. Emma's client was 17 at the time of the offence but 18 at the time of sentence. The judge took a starting point of 10.5 years for an adult which was successfully reduced to 8.5 years for the mitigation Emma put forward. Having successfully argued credit for plea and the appropriate reduction for age at the time of the offence, the judge was persuaded to pass a sentence of 38 months of detention under section 250 of the Sentencing Act 2020.

Emma was instructed by Naoimh Hughes of Macauley Smith Solicitors.

## **R v J, 2022**

Emma secured an Intensive Referral Order for a youth defendant who was convicted of s.18 GBH and sending malicious communications, to the same complainant. The defendant was 15 years of age.

Following mitigation, the Judge was persuaded to take an exceptional course and passed a sentence of an Intensive Referral Order.

Emma was instructed by [Leah Connolly](#) of SMW Solicitors.

## **R v AK, 2021**

Emma represented a 16-year-old before the Harrow Crown Court, involving five defendants, charged with attempted murder, s.18 GBH and violent disorder.

Emma was instructed by Leah Connolly of Sonn MacMillan Walker.

## **R v RB, 2021**

Emma represented a 15-year-old charged with possession of an imitation firearm with intent to cause

fear or violence. Emma's client was jointly charged with youths and adults but was arrested some months after the alleged offence date. Emma was successful in an application to dismiss before the Snaresbrook Crown Court.

Emma was instructed by Gerry McDonald of EBR Attridge.

### **R v SA, 2020**

Emma successfully defended a 16-year old client charged with possession with intent to supply and possession of a bladed article. The allegations dated back to September 2019 and were tried in October 2020 before the Highbury Youth Court. The defence advanced at trial was under s.45(4) of the Modern Slavery Act 2015.

Emma was instructed by Richard Brown of Baxter Brown McArthur.

### **R v MK, 2020**

Emma represented a 15-year-old charged alongside an adult and one other youth defendant charged with s18 GBH offence on a joint enterprise basis. Emma was successful in reducing the charge against her client to one of Affray and secured a sentence of a YRO with ISS before the Woolwich Crown Court.

Emma was instructed by McQueens Solicitors.

### **R v D, 2020**

Emma represented a 17-year-old youth client charged with robbery on a joint enterprise basis. The issues for the court involved a positive identification of the youth defendant by the complainant and a PCSO. After trial, Emma secured his acquittal.

Emma was instructed by Elena Papamichael of Hodge Jones and Allen Solicitors.

### **R v F, 2019**

Emma was instructed from the first appearance to represent a 16-year-old who was charged with possession with intent to supply class A and possession of a bladed article. The facts of the case and the circumstances in which her client was arrested and presented in court were such that Emma advised those instructing her that an NRM referral was made. The matter was committed to the Wood Green Crown Court, together with an adult co-defendant, who was believed to be his trafficker. Emma's client also suffered from learning difficulties. Following a conclusive grounds decision and legal argument before the Wood Green Crown Court, all the charges were withdrawn against her client.

Richard Cronin of O'Keefe Solicitors instructed Emma.

## **R v A, 2019**

Emma represented a youth client, who, having been remanded to the Crown Court on unrelated matters faced a Detention and Training Order (DTO) being passed by way of a sentence in the Youth Court for lesser offences. The starting point for the court was that only a DTO would be available by way of sentence for the lesser offences given his circumstances of being remanded.

After several weeks of engagement between those instructing and the Southwark Youth Offending Service (YOS) and following detailed submissions in court, the District Judge was persuaded to allow a Youth Rehabilitation Order (YRO) to be undertaken within the custodial environment as it was conceded that were it not for the Defendant's circumstances, the lesser offences would not have attracted a DTO. The District Judge observed in her sentencing remarks that this was the first case of its kind where such a course had been taken and that it would be looked on with interest regarding its success

Emma was instructed by Leah Connolly of Sonn Macmillan Walker.

### [Youths](#)

## **Achievements**

### Associated Work

In support of her dedication to youth work, Emma was elected as the Chair of the Youth Practitioners Association (YPA) in October 2022 for a three-year tenure.

### Memberships

- Honourable Society of Middle Temple
- Middle Temple Young Barristers' Association
- Association of Women Barristers
- Criminal Bar Association
- Southeastern Circuit
- Young Legal Aid Lawyers Association

### Appointments

- Current Chair of the Youth Practitioners Association (3-year tenure)
- CPS Panel (Grade 3)
- The Inns of Court, Advocacy and the Vulnerable Course
- The General Council of the Bar Council Representative

## Education

- Bar Professional Training Course, University of Law – (2016) (Very Competent)
- Honourable Society of Middle Temple, Joseph Jackson Scholar (2016)
- Inns of Court Advocacy Training
- Middle Temple Inn (Very Competent) (2017)
- University of Kent. LLB (Hons) Law (2:1) (2015)