



# Emma Kutner

Call 2017

Emma Kutner enjoys a busy practice defending and prosecuting in the Crown Court, magistrates' courts and youth courts.

She has a wide-ranging practice, having been instructed in cases involving firearms, fraud, offensive weapons, drugs, robbery, burglary and other serious offences. Emma also has extensive experience representing those charged with motoring offences.

In the youth courts Emma has experience in dealing with serious charges, particularly sexual offences and robbery.

In a non-criminal setting, Emma has appeared as the sole advocate in the High Court in contempt of court proceedings. She also acts in regulatory cases, including before the Nursing and Midwifery Council.

Emma's practice extends to quasi-civil matters, including cash forfeiture, enforcement proceedings and licensing prosecutions. Emma has appeared in proceedings against the Metropolitan Police Service for the recovery of property.

Outside of court work, Emma has undertaken a number of document reviews, including for a core participant on the Grenfell inquiry.

Emma also accepts instructions on a [direct access](#) basis.

## Practice Areas

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### Criminal Defence

Emma has a strong defence practice, appearing regularly in the Crown Court and Magistrates' Courts for trials, all manner of preliminary hearings, sentencing hearings and confiscation proceedings.

She has developed a wealth of experience in all aspects of general crime and regularly represents defendants charged with serious offences of violence, sexual assaults and supplying Class A drugs.

Owing to Emma's communication skills and excellent client care, she often represents clients with complex needs and vulnerabilities.

Emma is also experienced in advising on and conducting appeals against conviction and sentence.

## Notable criminal defence cases

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### **R v GM**

Led junior in a multi-handed murder trial. GM also faced charges of section 18 GBH and conspiracy to produce cannabis which were dismissed following legal arguments ahead of the trial.

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### **R v MB**

Represented MB who was unanimously acquitted by a jury of possession with intent to supply class A drugs.

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### **R v RS**

Represented RS who faced charges of sexual assault of a child under 13, arranging the commission of a child sex offence and making indecent images.

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### **R v DC (2021) EWCA Crim 621**

Successful in the Court of Appeal appealing the terms in a restraining order.

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### **Commissioner of Police of the Metropolis v PM [2021] EWHC 34 (Admin)**

Emma represented PM at the MPS's case stated application. She successfully opposed the MPS's application to destroy firearms valued at over £100,000 under s52(4) of the Firearms Act 1968 in the lower Court and this was upheld in the case stated.

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### **Solicitor General v LS [2019] EWHC 3779 (QB)**

Represented LS, as sole advocate, at the permission application and subsequent contempt proceedings brought by HM Solicitor General to commit LS for contempt for making gun gestures and taking photographs of the Judge, jury and public gallery. Following representations, the ground two (gun gestures) was not pursued. Secured a suspended committal for LS's contempt on ground one (taking photographs of the Judge, jury and public gallery).

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### **R v JF**

Emma secured JF's acquittal at the close of the prosecution's case on a charge of controlling and coercive behaviour, where JF had been accused of controlling his ex-partner's access to a phone, work, money, family and friends.

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### **R v MW**

MW was acquitted of fraud by false representation, having been accused of using her patient's debit card to withdraw money without her consent. Emma secured her acquittal despite evidence showing the withdrawals took place whilst MW was on shift with the patient.

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#### **R v JC & PB (2019)**

Emma represented both defendants and secured an acquittal at half-time for both, where the Defendants were charged with assaulting two police officers.

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#### **R v IL (2019)**

IL was charged with assaulting her two-year-old son. Emma secured an acquittal after trial, having cross-examined IL's husband and elder son, which revealed key inconsistencies in their accounts.

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#### **R v AS (2019)**

AS was alleged to have produced a knife and threatened his neighbour with it. Emma achieved an acquittal after trial for AS, where the neighbour and others gave evidence.

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#### **R v VC (2019)**

VC was charged with assaulting his wife, alleged to have strangled her. VC was acquitted after trial, following Emma cross-examining his wife and exposing inconsistencies in her accounts.

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## **Prosecution**

Emma prosecutes in the Crown Court, Magistrates' Courts and Youth Court. She recently undertook a 9-month secondment in the Rape and Serious Sexual Offences department of the CPS.

She accepts regular instructions to prosecute on behalf of the Crown Prosecution Service and Probation Service.

Emma has conducted all manner of hearings in the Crown Court and Magistrates' Courts, including trials, sentencing hearings, and preliminary hearings, as well as appeals against conviction and sentence.

## **Notable prosecution cases**

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#### **R v SP**

Prosecuting a Defendant charged with sexual assault and sexual activity with a child.

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#### **R v BH**

Prosecuting a Defendant charged with multiple rapes.

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## **R V KA**

Emma successfully prosecuted the Defendant who was charged with affray.

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## **Regulatory**

Emma accepts instructions to appear before disciplinary panels and other regulatory bodies, both acting on behalf of the regulator and the registrant.

Emma is frequently instructed to appear at the Nursing and Midwifery Council ('NMC'), to present cases of all levels of seriousness and complexity. She has acted on behalf of the NMC in substantive fitness to practice hearings, interim order hearings and substantive order reviews.

Emma was recently instructed by the Royal College of Nursing to represent a nurse who faced multiple charges of dishonesty, at a contested substantive hearing. After making successful submissions at half-time, Emma had two of the charges dismissed. Emma then secured a one-year suspension for charges which the nurse had admitted.

## **Notable regulatory cases**

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### **LBBB v JC (2019)**

Emma represented a local borough in a successful prosecution for the sale of alcohol without a licence.

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### **NMC v LC (2019)**

Emma successfully opposed an application by the NMC for an interim order against LC.

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## **Road Traffic**

Emma is frequently instructed to appear in the magistrates' courts and Crown Court to represent individuals who are charged with road traffic offences.

Emma has extensive experience in defending in cases involving: speeding, driving with excess alcohol, driving otherwise than in accordance with a licence, driving with no insurance and driving whilst unfit through drugs.

Emma has also advanced many successful arguments in relation to exceptional hardship and special reasons, as well as appeals against conviction and sentence to the Crown Court.

## Notable road traffic cases

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### R v CT (2020)

CT was facing disqualification under the totting provisions. Emma successfully argued that CT's family would suffer exceptional hardship if CT were disqualified.

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### R v JW (2019)

Emma successfully argued special reasons on the basis that JW had an honest and reasonably held belief that he was insured to drive a car.

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### R v CM (2019)

Emma secured CM's acquittal on a charge of speeding. After Emma cross-examined two officers who purported to have witnessed CM speeding, using a laser speed detection device, CM was acquitted.

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### R v AR (2018)

On appeal, Emma successfully had AR's sentence for speeding reduced. In the Magistrates' Court, AR had been disqualified from driving, following the appeal his licence was endorsed with 5 points and he was able to continue driving.

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### R v CB (2018)

CB was charged with being in charge of a motor vehicle whilst unfit through drink. Emma secured his acquittal after trial, successfully arguing that there was no likelihood of CB driving whilst still unfit through drink.

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## Publications

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- CPS Panel Advocate – Level 2

## Memberships

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- Criminal Bar Association
- Young Fraud Lawyers Association
- South Eastern Circuit

## Education & Awards

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- BPTC, University of Law (2016-2017)
- Graduate Diploma in Law, BPP (2015-2016)
- BA, Philosophy, Warwick University (2012-2015)

### Scholarships:

- Philip Teichman Award, Inner Temple (2016)
- Exhibition Award, Inner Temple (2016)
- Duke of Edinburgh Entrance Award, Inner Temple (2016)
- Provost's Award for Excellence, University of Law (2016)

## Qualifications

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- Direct Access Qualified