



# Sam Green KC

Call 1998

Silk 2015

Sam Green KC is briefed in the most serious HSE, fraud, and mainstream criminal cases. He has experience of conducting the most serious and complex Police Misconduct Proceedings, both presenting and defending. He recently acted on behalf of the Police Federation of England and Wales in the Hillsborough Inquests. He regularly acts for claimants, defendants and interested parties in Judicial Review claims, often in cases determining the proper interpretation of provisions from the host of regulations governing the police service.

He has significant experience of healthcare regulatory, having appeared on behalf of healthcare professionals facing disciplinary proceedings brought by the HPC, GMC and NMC.

Before taking silk, Sam was on "List A" of the List of Specialist Regulatory Health and Safety and Environmental Law Advocates and conducted civil litigation for government departments as Junior Counsel to the Crown (Regional Panel). In 2015, he was one of only three Queen's Counsel on the list of new silks whose broad fields of practice were listed as both civil and criminal law, reflecting his unusual ability to straddle both jurisdictions successfully.

## Practice Areas

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### Crime

#### Notable crime cases

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##### **R v JW**

Secured acquittal of defendant accused of conspiracy to murder. Girlfriend of alleged gangland rival shot in face at point blank range.

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##### **R v MP**

Defending alleged murder of another family member by stabbing following a relative's funeral. Acquitted of murder and convicted of manslaughter.

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##### **R v DA**

Defending man charge with murder. Defendant had, several years previously, been convicted of causing deceased grievous bodily harm with intent. Prosecution case was that the deceased subsequently succumbed to the injuries he had sustained during the assault which led to the earlier conviction, and therefore charged Defendant with murder. Issues included the way in which the original conviction could be used in the murder trial and complicated issues of medical causation.

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#### **R v MP**

Defending man accused of beating his mother's abusive lover to death.

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#### **R v HK**

Defence of young man accused of attempted murder of a criminal dealing drugs near a cemetery at night and armed robbery. Prosecution case was that the shooting was a failed hit. Acquitted of attempted murder, and convicted of causing grievous bodily harm with intent instead.

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#### **R v KC**

Successful defence of a man accused of murdering an older male who had abused the accused sexually when the accused was a child. Following cross-examination of principal prosecution witnesses, Crown accepted defendant's plea of manslaughter on basis of loss of control and diminished responsibility.

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#### **R v M & E EWCA Crim. 739**

Appeared at sentence appeal on behalf of one of two fifteen-year-olds believed to be Britain's youngest double murderers, resulting in 20-year minimum terms being reduced to 17.5 years. Issues argued also included appropriateness of continued reporting restrictions.

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#### **R v NS**

Prosecuted man following frenzied axe attack on police officer whilst on duty, resulting in injuries of the utmost gravity. Sentenced to 15 years.

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#### **R v CF**

Defendant charged with murder. Fatal stabbing on a street in Newcastle following a house party involving drink, drugs and sex.

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#### **R v DM**

Defendant charged with manslaughter. Scrutiny of complex pathology evidence rendered homicide charge unsustainable, so Crown accepted plea to inflicting grievous bodily harm.

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## LR v CB

Defending. Secured the acquittal of a man charged with the manslaughter of his four-week old baby. During the 2 and a ½ week trial, the Prosecution relied upon a fracture to the child’s skull, along with what the experts termed a “modified triad” of internal head injuries – subdural bleeding, a swollen brain, and bleeding within the sheath of the optic nerves – as being diagnostic of non-accidental traumatic causation, and alleged that only the father had the opportunity to assault his child in the period immediately before death. Defence case was that the fracture might have happened after death, in which case the modified triad not conclusive proof of non-accidentally caused trauma and, in any event, if non-accidental, there was another potential culprit.

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## R v Johnson

Represented one of three defendants, charged with conspiracy to murder (shooting in Leeds). Client alleged to have provided the gun used by the shooter. Pleaded guilty, on second day of trial, to possession of a firearm with intent to endanger life.

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## R v Johnson & Ollerhead

M62 hen-party crash. Allegations of causing death by dangerous driving. Defending the minibus driver.

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# Health & Safety

## Notable health & safety cases

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### R v Lightwater Valley Attractions Ltd & David Geary

Successful prosecution of the operator of the well-known amusement park and an engineer contracted by it following life-changing injuries sustained by 5-year-old girl on a children’s rollercoaster.

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### R v Orchard Care Homes.com Limited

Prosecution of company following elderly woman falling from inadequately secured second floor window of a care home in Wakefield. Breach of section 3 HSWA 1974. Company fined £680,000.

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### R v Restaurant Bar & Grill Limited

Prosecution of owner of fashionable Leeds bar and restaurant arising from a kitchen worker sustaining severe injury to foot after falling into scalding hot cooking oil in a deep fat fryer. Breach of section 2 HSWA 1974. Company fined £46,000.

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### CQC v WC Ltd

Representing regulator before the First Tier Tribunal Health and Social Care Chamber resisting challenge by appellant to cancellation of one of its care homes.

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### **R v British Telecommunications PLC**

Prosecuting. Two BT employees suffered severe injury following avoidable falls from height whilst at work. Company pleaded guilty to breach of s.2(1) HSWA and fined £600,000.

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### **Leeds City Council v TNC Café Bars & Music Ltd & Another**

Prosecuted company and its sole director following customer suffering life threatening injuries when served caustic soda instead of beer in a pub in Leeds City Centre.

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### **Sheffield City Council v R Ltd**

Defended nationally known mental health charity following elderly woman falling to death from second floor window of a crisis house. Guilty plea and exceptional mitigating features persuaded magistrates to keep jurisdiction rather than commit for sentence. £20,000 fine.

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## **Coroner's Inquests**

### **Notable coroner's inquests cases**

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Extensive knowledge of coronial law and the body of law expounding the effect of Article 2 of the European Convention on Human Rights on the inquest process.

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Two recent inquests in Northern Ireland arising from death of elderly patients as a result of post-operative complications following surgery to remove gallbladder. Represented consultant surgeon who conducted both procedures. Both cases involved a significant body of expert evidence.

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Instructed for the Police Federation of England and Wales in the inquests arising from the Hillsborough football stadium disaster.

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Represented two GPs in first ever inquest into a stillbirth in Northern Ireland.

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Inquiry into Hyponatraemia-related deaths in Northern Ireland. Public inquiry chaired by Mr Justice O'Hara. Acted for various consultants who are Interested Parties.

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Represented GP in inquest whose management of a deceased prisoner's epilepsy drug regime the next-of-kin sought to impugn.

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Represented retired GP in inquest into deaths of three of his terminally ill patients. Key issues were the amounts of morphine administered to his patients in their final hours, the justification for the dosages selected and whether those dosages accelerated or hastened their deaths.

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## Professional Discipline

### Notable professional discipline cases

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#### **Chief Constable of Humberside Police v SW**

Defending police officer against misconduct allegations advanced on direction of the IPCC against one of the officers accused of conducting unauthorised surveillance during inquests into death of former paratrooper. (Effectively alleged spying on sister of deceased and her legal representative.) Case dismissed at end of Chief Constable's case.

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#### **Chief Constable of South Yorkshire v ML**

Police officer facing multiple misconduct allegations including using police helicopter to view a couple having sex in their garden on one occasion and another couple sunbathing nude on another. Single finding of misconduct, namely that he on one occasion only failed to prevent a rogue colleague into the swinging scene from videoing the open-air intercourse. Panel exonerated him of the principal allegations.

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#### **R v ST Ltd**

Defence of FTSE 250 company accused of breaching s.2 Health and Safety at Work etc Act 1974. Employee sustained serious hand injuries. Company pleaded on basis accepted by Prosecution and Court.

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#### **R v B Ltd**

Prosecution of company for breach of s.3 Health and Safety at Work etc Act 1974. Sliding gate installed by company ran off its rails and then fell onto a child, killing him.

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#### **DC Simon Jones v Merseyside Police**

Represented appellant in successful appeal to Police Appeals Tribunal, against findings of gross misconduct and consequent dismissal, on basis of unreasonableness of first instance findings.

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### **DC Chatha v Humberside Police**

Represented appellant in successful appeal to Police Appeals Tribunal against outcome/sanction. Appellant reinstated.

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### **PCs Green & Stewart v Derbyshire Police**

Represented appellant in successful appeal to Police Appeals Tribunal, against findings of gross misconduct and consequent dismissal, on basis of inadequacy of pleading of the charge.

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### **Maxwell**

First case of gross misconduct against serving Chief Constable in over 30 years.

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### **Nursing & Midwifery Council v Marsh**

Defending Registered Mental Nurse against allegations of abuse and neglect of vulnerable care home residents. No impairment found and registrant explicitly exonerated by Panel.

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## **Judicial Review**

### **Notable judicial review cases**

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#### **R (Fisher) v Chief Constable of Northumbria Police [2017] EWHC 455 (Admin)**

Judicial review about police injury pensions.

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#### **R (Woods & Gorton) v Chief Constable of Merseyside Police [2014] EWHC 2784 Admin**

Acted for claimant police officers challenging their continued subjection to a Service Confidence Procedure.

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#### **R (Chief Constable of Derbyshire Police) v The Police Appeals Tribunal [2012] EWHC 2280 (Admin)**

Successfully resisted claimant's attempt to overturn a decision of the PAT reinstating two police officers previously sacked for gross misconduct. Substantial points of principle raised, with nationwide importance, in relation to police misconduct procedures. Key issues included meaning of "unreasonable" in Rule 4(4)(a) of the Police Appeals Tribunals Rules 2008 and whether the charges alleging gross misconduct must identify each of the Standards of Professional Behaviour alleged to have been breached.

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#### **R (Haworth) v Northumbria Police Authority [2012] EWHC 1225 (Admin)**

Challenge to Police Authority's refusal to exercise statutory discretion to allow reopening of previously

determined review of injury pension entitlement.

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**R (Shutt & Tetley) v Secretary of State for Justice [2012] EWHC 851 (Admin)**

Acted for SoSJ defending claim by prisoners complaining that their privilege status within the prison was being improperly reduced by the fact that they were unable to undertake particular sex offender treatment as a result of being in denial of the crimes which had led to their incarceration.

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**R (French) v Chief Constable of West Yorkshire [2011] EWHC 546 (Admin)**

Acted for officer dismissed for gross misconduct. Issues included bias, right to a fair discipline hearing and proper interpretation of various provisions of the Police (Conduct) Regulations 2008.

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**R (Flint) v Chief Constable of North Yorkshire Police [2010] EWHC 2025 (Admin)**

Acted for Chief Constable. Whether Regulation 5(4) of the Police Regulations 2003 imposed a mandatory obligation on the Chief Constable to re-characterise a part-time officer as a full-time one, so as to enhance sick-pay entitlement.

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**R (North Yorkshire Police Authority) v IPCC [2010] EWHC 1690 (Admin)**

Whether complaint about refusal by Chief Constable personally to investigate alleged criminal wrongdoing amounted to an issue relating to his personal conduct or one relating to the direction and control of his force.

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**R (Northumbria Police Authority) v Broome (2010)**

Successful challenge to Selected Medical Practitioner's approach to statutory review of a medically retired former police officer's degree of disablement.

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**R (Muldoon) v Independent Police Complaints Commission [2009] EWHC 3633 Admin**

Successfully defended IPCC against allegations of bias and impropriety in its scrutiny of complaints about a Merseyside Police investigation of conduct of various police officers in their dealings with the Claimant's son.

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**Siberry's Application [2008] NIQB 147 (High Court of Northern Ireland)**

Successful application for judicial review of decision of Senior Coroner to call Prisoner Ombudsman for Northern Ireland to give non-expert opinion evidence on standard of medical care afforded to deceased prison inmate.

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## Education

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- MA, Trinity College, Cambridge (1997)

## Directory Quotes

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- “He’s very bright.” “An excellent cross-examiner.” **Chambers & Partners 2018**
- “An extremely bright and accessible silk, and a master tactician.” **Legal 500 2017**
- “He is a great advocate: fair, sensible and reasonable.” **Chambers & Partners 2017**
- “He has a good manner and a dry sense of humour and he can handle the court well.” **Chambers & Partners 2017**
- “An extremely detailed barrister.” **Chambers & Partners 2017**
- “Highly experienced in HSE prosecutions and police disciplinary matters.” **Legal 500 2016**