

PROSECUTION REPORT

URN

012400129853

DEFENDANT

Stephen Flattery

ANTICIPATED PLEA

Not Guilty

1. **Summary of the key evidence:** 'Key evidence' establishes every element of the offence, and that the defendant committed the offence with the criminal intent.
- Set out the facts in chronological order, telling the story and covering the 'points to prove'
 - The summary must be balanced and fair
 - Record address and contact details of civilian witnesses on NG9 (and all dates to avoid on MG10)

Key Evidence:

The Prosecution's case is that Stephen Flattery, a known member of an Organised Crime Group [OCG] involved in forgery, fraud, perverting the course of public justice and criminal trespass and who has a history of showing little or no regard to the Civil and Criminal Courts of England.

Mr Flattery played a significant role in the OCG directing agents, servants, stooges and affiliates to wilfully engage in criminal activity with a view to take possession of a single plot of unregistered land known as 54 Woolgrove Road, Hitchin, Herts [No.54] for his personal gain.

Count 1 Statement of Offence Fraud by False Representation s1 and s2 of Fraud Act 2006; Particulars of Offence Stephen Flattery on 13 October 2022 committed fraud in that, dishonestly and intending to make a gain for himself or another, to cause loss to Tuscany Trust and/or its subsidiaries to a risk of loss, made representations to the Crown Court at Peterborough, which were and which he knew were or might be untrue or misleading, namely that a Tenancy Agreement dated 14 January 2019 signed by Stephen Flattery and witnessed by Odette Trimble-Hulcup and annexed to a Witness Statement verified by a Statement of Truth. 5 May 2019

Count 2 Statement of Offence Fraud by False Representation s1 and s2 of Fraud Act 2006; Particulars of Offence Stephen Flattery on 13 October 2022 committed fraud in that, dishonestly and intending to make a gain for himself or another, to cause loss to Tuscany Trust and/or its subsidiaries to a risk of loss, made representations to the Crown Court at Peterborough, which were and which he knew were or might be untrue or misleading, namely that Stephen Flattery first heard about 54 Woolgrove Road, Hitchin in early 2020 and met John Dolan on 12 February 2020.

Count 3 Statement of Offence Fraud by False Representation s1 and s2 of Fraud Act 2006; Particulars of Offence Stephen Flattery on or before 13 October 2022 committed fraud in that, dishonestly and intending to make a gain for himself or another, to cause loss to Tuscany Trust and/or its subsidiaries to a risk of loss, made representations to the Crown Court at Peterborough, which were, and which he knew were or might be untrue or misleading, namely that from May 2020 Stephen Flattery paid £150-£160 per week, and paid a rental deposit of £5,000 in cash to John Dolan.

Count 4 Statement of Offence Fraud by False Representation s1 and s2 of Fraud Act 2006; Particulars of Offence Stephen Flattery on 13 October 2022 committed fraud in that, dishonestly and intending to make a gain for himself or another, to cause loss to Tuscany Trust and/or its subsidiaries to a risk of loss, made representations to the Crown Court at Peterborough, which were, and which he knew were or might be untrue or misleading, namely that Stephen Flattery paid approximately £40,000-£50,000 to renovate 54 Woolgrove Road, Hitchin.

Count 5 Statement of Offence Perverting the Course of Public Justice Particulars of Offence; Stephen Flattery on or before 13 October 2022 did an act intending and intended to pervert the course of public justice, in that he made a false Witness Statement submitted to the Crown Court at Peterborough, against an employee of Tuscany Trust wholly owned subsidiary Tuscany Trust Holdings LP (UK) on the basis of false information.

Count 6 Statement of Offence Fraud by False Representation s1 and s2 of Fraud Act 2006; Particulars of Offence Stephen Flattery 13 October 2022 committed fraud in that, dishonestly and intending to make a gain for himself or another, to cause loss to Cheryl Plummer (International) LLC trading as Cheryl Plummer LP to a risk of loss, made representations to Hertfordshire Police Constabulary, which he knew were or might be untrue or misleading, namely that in December 2020, John Dolan drew up a Tenancy Agreement with Stephen Flattery allowing Stephen Flattery to move in to 54 Woolgrove Road, Hitchin, Herts signed by Stephen Flattery and witnessed by Odette Trimble-Hulcup and annexed to a Witness Statement verified by statement of truth.

Count 7 Statement of Offence Fraud by False Representation s1 and s2 of Fraud Act 2006; Particulars of Offence Stephen Flattery on 13 December 2021 committed fraud in that, dishonestly and intending to make a gain for himself or another, to cause loss to Cheryl Plummer (International) LLC trading as Cheryl Plummer LP to a risk of loss, made representations to the County Court at Central London which he knew were or might be untrue or misleading, namely that the address for service of Court documents was 6 Graham Green, Borehamwood, Herts, WD6 2JJ signed by statement of truth.

Outline of Case

This is an investigation by Tuscany 1980 Trust Group, subsidiary Tuscany Trust a British Virgin Islands entity owner of Tuscany Trust Holdings Trustees (BVI) and Tuscany Trust Holdings Trustees (Northern Ireland) trading as Tuscany Trust Holdings Trustees.

The fraud involves the use of fraudulent and forged instruments, false Witness Statements, false HM Land Registry Declarations to obtain ownership of No.54, bogus UK shell companies, fraudulent representations to the High Court about the suspect's financial status, fraudulent representations to the County Court regarding of avoiding compliance with the Court Order in respect of living at No.54 rent-free owned by Cheryl Plummer (International) LLC subsidiary Cheryl Plummer LP a company registered in England.

Victim 1: Cheryl Plummer (International) LLC; subsidiary Cheryl Plummer LP a company registered in England and legal owner of No.54

Victim 2: Tuscany Trust a trust entity domiciled in the British Virgin Islands and its worldwide subsidiaries.

Victim 3: Nathan Alphonso and Partners (BVI) trading as Nathan Alfonzo and Partners a British Virgin Islands partnership (unregistered) a litigation funder, consultant, and broker.

The suspect, Stephen Flattery is a 52 year old male, suspected of playing a leading role in a Hertfordshire based crime group or OCG; involved in fraud, forgery, perverting the course of public justice, criminal trespass, drug distribution and violence.

It is alleged that between 2006 and 2021 Mr Flattery and Mr John Dolan, members of the OCG entered into a criminal conspiracy to gain control of No.54 by criminal means including criminal trespass, fraud, forgery and money laundering and perverting the course of public justice.

Between March 19, 2012, and March 27, 2012 Mr Flattery and Mr Dolan in sophisticated and premeditated and criminal act, made a series of false representations to HM Land Registry filing false statements of truth and submitting a false declaration with the aim to alter the HM Land Registry Caution Register with the criminal intent of obtaining possession of No.54 by fraudulent means.

In 2010 a prelude to making false representations to HM Land Registry, the OCG became more emboldened and registered a sham UK shell company for the purposes of fraud at No.54.

The company is now identified Shearson Lemond Ltd with Mr Dolan named as Director and operated from No.54 without permission or legal authority from the lawful owner.

The fraudulent scheme involved applying for loans without any intention of repaying the loans from unwitting lenders, that included the victim Heritage Trust, a private capital investment fund, headquartered in the Cayman Islands and with a branch office in the British Virgin Islands jurisdictions.

It is alleged that Heritage Trust was defrauded out of £255,000 by using No.54 as collateral and inflating the land valuation using forged documents.

On January 14, 2019 Mr Flattery forged a bogus Tenant Agreement purporting to be agreed with Mr Dolan, the signatures endorsing the Agreement indicated that the tenure would be for 3-years and one-day. The Tenancy Agreement assessed by Det Constable Sian Beames, Det Constable David Quinn and Det Sargent Anna Luxon who it is alleged in an unprofessional manner showed a distinct lack of professional curiosity given the state and errors contained within the bogus document.

Mr Flattery falsely stated in a Witness Statement dated October 13, 2022 that he met John Dolan on February 12, 2020.

Mr Flattery's fraudulent conduct continued, falsely stating that from May 2020 he paid £150-£160 per week and paid a rental deposit of £5,000 in cash to Mr Dolan.

Mr Flattery in the furtherance of his offending behaviour falsely stated that he paid between £40,000-£50,000 to renovate No.54.

Mr Flattery with little or no regard to the law wilfully submitted a false Witness Statement to the Crown Court at Peterborough against an employee of Tuscany Trust's wholly owned subsidiary, Tuscany Trust Holdings Trustees LP on the basis of false information.

Mr Flattery continued his offending behaviour on this occasion against the legal owner of No.54 who sought to enforce the collection of a High Court Judgment award dated December 19, 2021. The suspect was ordered to attend an oral examination at the High Court regarding his financial affairs and hidden assets which he failed to disclose in contempt of Court.

Mr Flattery made fraudulent representations to the County Court at Central London to avoid further enforcement being brought against him.

On December 13, 2021 Mr Flattery wrote to County Court at Central falsely stating that he lived at a bogus address that did not exist.

The Prosecution will provide evidence that Mr Flattery forged a bogus Tenancy Agreement using assumed names, bogus dates and knowing that no landlord existed in order to cause significant loss to the legal owners of No.54.

The Prosecution will provide evidence that Mr Flattery lied to the Crown Court at Peterborough, making multiple false statements to cause loss, harm, and injury to another, which were and which he knew to be untrue.

The Prosecution will provide evidence that Mr Flattery made fraudulent representations when ordered to do so at the High Court oral examination and contempt of Court.

The Prosecution will provide evidence that Mr Flattery made fraudulent representations to the County Court at Central London and in contempt of Court.

Due to the failure by Hertfordshire Police Detectives to show the necessary amount of professional curiosity in reviewing a forged and bogus Tenancy Agreement that a reasonable person would identify or at worst challenge the veracity of the document and the crude nature of its presentation overlooked by Hertfordshire Police Officers and the Crown Prosecution Service.

The Prosecution will provide evidence that Mr Flattery duped Hertfordshire Police Officers that Mr Dolan drew up a Tenancy Agreement using a false and incredulous narrative that Mr Flattery now purporting to be a victim of crime would renovate the house and Mr Dolan would deduct the cost on the sale of No.54 despite Mr Dolan not owing No.54 and possessing no evidence of ownership of No.54.

History of 54 Woolgrove Road, Hitchin

In December 1973, No.54 was purchased from the local council by Edward Whiting and his parents for £5,313.00.

No.54 remains unregistered land with HM Land Registry and is lawfully owned by Cheryl Plummer LP. The location is a quiet residential road.

In 2002 No.54 was assigned to Whiting Timmis and Partners Trust (BVI) under terms of a loan agreement following an application made by John Dolan purporting to act as Power of Attorney for Edward Whiting to the Heritage Trust (BVI) a branch office of Heritage Trust Cayman Islands.

In 2003, the occupant of No.54 Edward Whiting passed away unexpectedly. The No.54 was in the control of Mr Flattery, Mr Dolan and the OCG to plan and orchestrate criminal acts.

From 2007, the OCG would use No.54 to sell, distribute and allow the consumption of drugs.

No.54 under the control of the OCG descended into a locally known drug den and a regular squat known to the neighbours and local police.

In 2010, the OCG formed a sham UK company called Shearson Lemond Limited registered at No.54 and Mr Dolan was installed as Director.

In 2011, Mr Dolan restructured the Heritage Trust loan facility, increasing the loan value and offering further guarantees from Shearson Lemond Limited in addition to No.54 now owned by Whiting Timmis and Partners Trust (BVI). The maximum loan amount available under the new terms of the flexible loan facility was increased to £250,000.

In March 2012, the OCG and Mr Flattery using Mr Dolan a known alcoholic as a stooge conspired to make a series of fraudulent representations that No.54 had been gifted to Mr Dolan. The incredulous lies were submitted to HM Land Registry firstly in the form of a statement of truth and secondly an application to register a caution.

In 2012 Mr Dolan using the Caution Register asked Heritage Trust to alter the name of the loan applicant to Shearson Lemond Limited on the premise that according to the application to HM Land Registry Mr Dolan lived at No.54.

Mr Dolan having made loan repayments then borrowed the maximum available, £250,000. Mr Dolan had no intention of repaying the loan.

In 2012, the OCG, Mr Flattery and Mr Dolan executed the exit plan to put distance between themselves, No.54 and the fraud.

An affiliate to the OCG was found, a male called Daniel Lambie, a convicted criminal was allowed to reside at No.54.

In 2013, Heritage Trust head office, Cayman Islands, issued default notices to Shearson Lemond Limited. Mr Dolan and Whiting Timmis and Partners Trust (BVI).

In 2014, Shearson Lemond Ltd was insolvent and struck-off Companies House company register.

In 2016, Daniel Lambie, oblivious to the loan fraud perpetrated by the OCG, Mr Flattery and Mr Dolan on Heritage Trust, challenged the HM Land Registry Caution entered in favour of Mr Dolan seized an opportunity to make a gain for himself.

In 2017, Daniel Lambie was arrested by Police and was convicted and sent to prison for fraud related offences.

In 2018, Heritage Trust (Cayman Islands) sold the debt book relating to the Shearson Lemond, Whiting Timmis debt to Tuscany 1980 Trust (BVI) trading as Tuscany Trust.

On January 14, 2019, Mr Flattery forged a bogus Assured Tenancy Agreement

In 2020, Tuscany Trust Holdings Trustees (BVI), a subsidiary of Tuscany Trust assigned Tuscany Trust Holdings LP (UK) a special purpose vehicle (SPV) the cause of action to recover collateral and other assets linked to the Guarantors of the loan.

In August 2020, Tuscany Trust Holdings Trustees LP trading as Tuscany Trust Holdings Trustees, a company registered in Northern Ireland registered a bone fide Caution against First Registration of No.54 following investigations that revealed fraudulent Cautions, fraudulently registered by Mr Dolan and Mr Lambie.

In January 2021, Tuscany Trust Holdings Trustees having obtained a Judgement for the outstanding debt amount from Whiting Timmis and Partners Trust (BVI) a wholly owned subsidiary following the acquisition of the Heritage Trust debt book relating to Shearson Lemond Ltd and Whiting Timmis and Partners Trust (BVI) trading as Whiting Timmis and Partners (UK).

In 2021 the County Courts of England ordered that the collateral used by Guarantors of the defaulted loan be forfeited conveyed to the creditor. As a result, the legal estate in No.54 was legally transferred to Tuscany Trust Holdings Trustees.

In 2021, Tuscany Trust Holdings Trustees (BVI), hired litigation funder, litigation specialist and trade facilitator in criminal fraud litigation Nathan Alphonso and Partners (BVI) trading as Nathan Alfonzo and Partners to provide professional services in the Civil action involving the OCG members linked to UK assets.

In 2021, Tuscany Trust Holdings Trustees LP received reports that a member of the OCG was part of the fraud gang who defrauded Heritage Trust and attended a possession hearing. The man was identified as Mr Flattery as a criminal trespasser residing at No.54.

In 2022, Tuscany Trust Holdings Trustees LP bought an equity stake in Cheryl Plummer LP. Assignment of all debt books held by Tuscany Trust Holdings Trustees including debt books relating to Shearson Lemond Limited and Whiting Timmis and Partners Trust (BVI) trading as Whiting Timmis and Partners LP (UK) formed part of the consideration paid for the equity stake acquired.

In 2023, Cheryl Plummer LP was granted possession of No.54 by the High Court.

Stephen Flattery

On December 13, 2021, the High Court awarded Cheryl Plummer LP £139,756.49 following Tuscany Trust Holdings Trustees assignment of the cause of action to pursue Mr Flattery for the loss rental income the OCG, Mr Flattery and Mr Dolan in a joint enterprise defrauded Tuscany Trust Holdings Trustees out of.

On December 13, 2021, the County Court at Central London Mr Flattery in an attempt to mislead the Court as to his whereabouts, Mr Flattery made fraudulent representations giving a non-existent address in Borehamwood, Herts to avoid civil prosecution and to pervert the course of public justice and in contempt of Court.

On January 14, 2019 in a sophisticated and premeditated act of criminality, Mr Flattery with the criminal intent to deny Tuscany Trust Holdings Trustees of access to No.54 and the rental income due, and to fraudulently mislead investigating authorities, Criminal and Civil Courts into believing Mr Flattery was in possession of bona fide Assured Tenancy Agreement (AST), and that despite his criminal trespass the bogus AST would provide legal cover to allow him to continually reside at No.54 without paying a penny of rent.

On October 5th 2023, the High Court ordered that Mr Flattery appear for an oral examination into Mr Flattery's finances. Under oath, Mr Flattery lied to the oral examiner denying he had assets, cash, vehicles or was working on any contracts; and that No.54 was intestate, in fraudulent representation and in contempt of Court.

On October 13, 2022, Mr Flattery misled the Crown Court at Peterborough falsely stating that from May 2020 Mr Flattery paid £150-£160 and paid a rental deposit in cash of £5,000 to John Dolan to cause loss to Tuscany Trust Holdings Trustees. At the High Court oral examination Mr Flattery fraudulently and wilfully misled the High Court and in contempt of Court.

On October 13, 2022 Mr Flattery continued his offending behaviour falsely stating that he had paid £40,000-£50,000 to renovate No.54. At the High Court oral examination Mr Flattery fraudulently and wilfully misled the High Court and in contempt of Court in that he had no investment and no money.

Mr Flattery plays a significant role in an OCG link to the Heritage Trust fraud in which No.54 was used as collateral illegally by the OCG stooge Mr Dolan, who defrauded Heritage Trust of £250,000.

Mr Flattery who stated on oath to the High Court that he had no money, no assets and no investments and fraudulently and wilfully misled the High Court and in contempt of Court is believed to have received substantial cash amounts from the fraud.

In 2020, Mr Dolan in the presence of Mr Flattery opening boasted to a Tuscany Trust private investigator seeking to buy No.54 “that they [OCG] have an inside link to the Police and are bulletproof in selling No.54 without title” Mr Flattery indicated he would be responsible for the renovation of No.54.

On or after May 2021, David Quinn, a former Policeman stated “I advised Mr Flattery that he needed to take further legal advice; but Mr Flattery informed me that he could not afford to take any more legal advice, he stated that he had already paid several thousand pounds before the hearing in May and the advice did not appear to have taken him any further forward..”

On or before May 28, 2021, Mr Flattery stated “I took further legal advice from the solicitor who advised me to attend the hearing and explain my situation to the Judge, I cannot afford to pay for a solicitor to represent me”.

The Prosecution will produce overwhelming evidence that Mr Flattery played a significant role in orchestrating a criminal scheme to remain illegally in No.54 by criminal trespass, fraud, forgery and deception.

Mr Flattery remains the only member of the OCG to benefit from his criminal activities at the expense of the legal owners of No.54.

Hertfordshire Constabulary

In March 2021, Mr Flattery purportedly showed DC David Quinn a copy of a forged, fraudulent and completely bogus Tenancy Agreement whilst being informed of an agreement between Mr Flattery and Mr Dolan so incredulous that no reasonable person could consider.

On July 26, 2023 DS Anna Luxon and DC Sian Beames respectively certified an MG5 that fraudulently stated that in December 2020 Mr Dolan drew up a tenancy agreement exhibited in MG5 “as exhibit SF/8” which allowed Mr Flattery to move into No.54.

On July 26, 2023 DS Anna Luxon and DC Sian Beames respectively certified an MG5 that stated fraudulently that;

- The state is a victim due to the property (No.54) in question not being legally owned; and
- Mr Flattery was a tenant of No.54; and
- No.54 was not legally owned by anyone.

The Prosecution will provide evidence that DC Quinn’s lack of probity affected his ability to show the necessary professional curiosity a reasonable person would expect from an experienced Police Detective who was shown documents purporting to be a genuine Tenancy Agreement from Mr Flattery.

The Prosecution will provide evidence that DS Anna Luxon and DC Sian Beames jointly and severally certified an MG5 document to be submitted to the Crown Court at Peterborough that contained representations made therein which were, and which both DS Luxon and DC Beames knew were or might be untrue of misleading in order to pervert the course of public justice and in contempt of Court.