

## Eva Niculiu

Call: 2013



Eva Niculiu practises across chambers' main areas of expertise, with a particular focus on crime and quasi-criminal matters.

## Crime

Eva appears regularly in the criminal courts for both defence and prosecution.

She represents individuals in respect of a wide range of offences, including those involving violence, dishonesty, firearms and offensive weapons, public disorder, drugs, sexual misconduct including indecent images, and financial crime including confiscation. She has experience dealing with young and vulnerable defendants and witnesses. She has been junior counsel in long-running financial crime trials, and in a murder appeal against conviction.

She prosecutes on behalf of the Crown Prosecution Service, as well as a range of other agencies including local authorities, Transport for London, the Security Industry Authority, the Information Commissioner's Office, and the Probation Service.

Eva has experience dealing with criminal matters out of court, such as advising on written representations to prosecuting agencies and to the Disclosure and Barring Service.

She is currently instructed as junior counsel in a case arising from a National Crime Agency investigation into the possible breach of EU sanctions applying to a Russian individual.

## Notable Crime cases

- **R v EL (2019)**

Represented a defendant in contested confiscation proceedings, following guilty plea to possession with intent to supply 31 kg of cocaine. The Crown requested a benefit figure of over £3 million, reduced following defence written submissions to c. £1 million. Following contested hearing, the court found the defendant's benefit figure to be only £3,000 (which he had always accepted).

- **R v GW (2019)**

Led by Ben Summers, representing a retired police sergeant charged with misconduct in a public office, fraud, and theft, in the context of large-scale allegations of abusing his position as sudden death co-ordinator within the Metropolitan Police Service with regard to deceased persons' property and personal details.

- **R v JB (2019)**

Represented a defendant charged with robbery, who disputed the identification evidence, and was acquitted despite being positively identified by the complainants, minutes after the incident.

- **R v JB (2018)**

Represented a defendant who pleaded guilty to seven class A drug supply offences. The defendant had been recorded saying to undercover officers that he was in charge of the drugs 'line' and the 'runners' all answered to him; the 'line' phone had been found in the defendant's possession long after the indicted transactions; and he had the key to a safe at another's address containing a large quantity of class A drugs. Despite this, following defence submissions, the Crown and the court accepted that the defendant was not in a 'leading role', without requiring a written basis of plea or a Newton hearing.

- **Re alleged breaches of Ukraine sanctions**

Acting pre-charge (junior counsel) in a case arising from a National Crime Agency investigation into the possible breach of EU financial sanctions applying to a Russian individual.

- **R v KH (2017)**

Represented a defendant charged with assault and criminal damage. Following extensive legal argument on the day of trial, the court accepted that the Crown had not adequately complied with its duties of disclosure, the Crown's opposed application for an adjournment was refused, and the Crown was forced to offer no evidence.

- **R v SS (2017)**

Represented at sentencing a defendant who had pleaded guilty to making over 6,400 indecent images of children of categories A-C; the sentence was a 12-month community order.

- **R v SK, EC & Another (2016-2017)**

Led by Richard Wormald, represented the second defendant in a 12-week trial, on allegations of large-scale fraud in a solicitor's firm.

- **R v OB & Others (2016)**

Led by Ali Bajwa QC, represented the first defendant in an 8-week trial, on allegations of conspiring to commit two

false mandate frauds (total value £1.38 million) and laundering the proceeds.

- **Tower Hamlets Borough Council v MI (2015)**

Represented a defendant charged with taxi touting. Successfully challenged the admissibility of confession evidence, as well as of separate hearsay evidence. The case was then dismissed following a submission of no case to answer.

- **R v OO (2015)**

Represented a defendant charged with assaulting a police officer in the execution of her duty. Argued that the defendant was being unlawfully detained and therefore the police officer was not in the execution of her duty, and the case was dismissed.

- **R v PT (2015)**

Represented a defendant charged with unlawfully failing to provide a blood specimen for analysis. Successfully challenged the legality of police procedure, and the charge was dismissed at the close of the prosecution case.

- **R v RB (2015)**

Represented a young defendant charged with harassment. Despite the non-attendance of defence witnesses, successfully argued that the alleged behaviour did not constitute a course of conduct, and the defendant was acquitted.

- **R v PG and JC (2015)**

Represented two young defendants convicted of threats to kill. Made legal arguments at sentencing which dissuaded the judge from passing immediate custody.

## Professional Discipline

Eva represents police officers at misconduct hearings.

### Notable Professional Discipline cases

- **Cumbria Police Constabulary v SW (2019)**

Representing a police officer facing multiple allegations of gross misconduct, relating to the sale of rugby tickets over a number of years and involving 20 complainants, as well as disobeying orders, and failing to declare secondary business interests.

# Extradition

Eva appears on behalf of requested persons in extradition cases, both at first instance and on appeal in the High Court.

## Notable Extradition cases

- **Poland v PS (2017-2018)**

Represented the requested person in contested extradition case. In the context of concomitant family (care) proceedings, this included complex issues of the interplay between the two sets of proceedings, and advising on obtaining from the family court disclosure of evidence about sensitive family proceedings for use in the extradition case. The warrant was withdrawn by the judicial authority after the High Court had granted leave to appeal to the requested person.

# Regulatory and licensing

Eva has acted for the defence on allegations of breaches of fire safety regulations, as well as on charges of breaching street works regulations.

She has prosecuted, on behalf of the Security Industry Authority, offences of using unlicensed private security guards. She appears on behalf of Transport for London in licensing appeals in the magistrates' courts and the Central Criminal Court.

# Inquests & Inquiries

Eva has been instructed on an ad-hoc basis by the Catholic Archdiocese of Birmingham in the Independent Inquiry into Child Sexual Abuse.

# Civil Orders

Eva has considerable experience of applications for civil preventative orders such as sexual harm prevention orders, sexual risk orders, criminal behaviour orders (formerly ASBOs), and closure orders, as well other civil orders such as cash and account forfeiture orders.

She is well placed to advise and represent both defendants facing applications for such orders (whether at sentencing or

in separate proceedings), and agencies wishing to obtain them.

## Advisory and other work

Eva conducts reviews such as legal professional privilege reviews and disclosure reviews for HMRC and the Metropolitan Police Service.

She has experience representing the Metropolitan Police in applications to withhold disclosure of material on the basis of public interest immunity, as well as in opposing applications for costs incurred as a result of improper or unnecessary acts or omissions.

Eva provides written advice on matters within her areas of practice.

## Notable Cases

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2019

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## **Education / Professional Qualifications**

- Bar Professional Training Course, City Law School (Outstanding)
- MPhil (Cantab) Peterhouse, Cambridge –Criminology (highest mark in year)
- MA (Cantab) Peterhouse, Cambridge –Law
- Buchanan Prize (Lincoln's Inn, 2013)
- Manuel López-Rey Prize (Cambridge Institute of Criminology, 2012)

## **Publications**

- The post-Ched Evans debate on sexual history evidence Counsel Magazine (2018)
- Sexual History Evidence: Fair Game? Counsel Magazine (2016)
- Lexis®PSL Practice Note: End of criminal proceedings – an introduction to the possible means of disposal
- Lexis®PSL Practice Note: Prosecution right to appeal – terminatory rulings

## Other Information

Before starting pupillage, Eva worked at Norton Rose Fulbright as part of the team which successfully defended an individual on high profile charges of international bribery brought by the SFO. The prosecution offered no evidence in the seventh week of trial.

She was then sole paralegal to the Dispute Resolution Team of Wilmer Cutler Pickering Hale & Dorr, working on internal corruption investigations and financial crime cases, including the Libor and Forex probes.

During the BPTC, Eva was student advisor at the City University Pro Bono Advice Clinic, and a volunteer case worker for the London Innocence Project.

Her Criminology MPhil dissertation examines the principles of moral and criminal responsibility and their application to psychopaths.

### **Languages:**

- Romanian (fluent)
- German (fluent)
- French (basic)