

# 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 murder trials, in long-running financial crime trials, and in a case arising from a National Crime Agency investigation into the possible breach of EU sanctions applying to a Russian individual.

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.

## Notable Crime cases

- **R v LA and others (2022)**

Led by Martin Heslop QC, represented a defendant charged with joint enterprise murder by stabbing, and robbery,

alongside four co-defendants. The case involved significant ‘cut-throat’ issues (both legal and factual) between the co-defendants.

- **R v JP and another (2021)**

Represented at trial the first defendant on allegations of importing Class A, B, and C drugs into the UK. The parcel containing the drugs, sent from the USA, was intercepted by the UK Border Agency at Stansted Airport. Following a four-day trial, both defendants were acquitted on all counts.

- **R v BR (2021)**

Led by Ali Bajwa QC, represented a defendant charged with double murder alongside two co-defendants. The Crown’s case was that the three defendants had planned and committed the murders together acting as a team. The two co-defendants both blamed BR for the murders. The case advanced on behalf of BR was that the two co-defendants alone had committed the murders. BR’s case involved the careful analysis and reconstruction of events using the circumstantial evidence, including that of eyewitnesses, DNA, pathology, CCTV/ANPR cameras, and mobile phone usage/movement. After an eight-week trial and a day of deliberations, the jury unanimously convicted the two co-defendants of both murders and acquitted BR of all charges.

- **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 and at subsequent appeals and reviews.

## Notable Professional Discipline cases

- **Cumbria Police Constabulary v SW (2019 - 2022)**

Representing (before misconduct panel, Police Appeals Tribunal, the High Court on judicial review, and the Court of Appeal (Civil Division)) 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. The case raises legal issues of wider application regarding apparent bias, and the boundaries of professional integrity.

# 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, and on behalf of the Information Commissioner's Office of breaching data protection laws.

She appears on behalf of Transport for London in licensing appeals in the Magistrates' Courts and the Central Criminal Court.

## Notable Regulatory and licensing cases

- **Information Commissioner’s Office v CH (2021)**

Represented at trial the Information Commissioner’s Office in prosecuting the defendant for unlawfully obtaining and disclosing personal data belonging to the Independent Police Complaints Commission. The defendant, a former black female firearms police officer and “Met poster girl”, had been involved in high-profile litigation with the Metropolitan Police over institutional racism, and her defence in this trial was that the obtaining and disclosure of the IPCC data was necessary in the public interest to expose the IPCC’s involvement in discrimination and serious wrongdoing, including perverting the course of justice.

## 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.

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## Directory Recommendations

“She is superb: her clarity of thought, attention to detail and understanding of the law are all impressive.” **Chambers UK 2024: Crime**

“Eva is quite simply the perfect criminal barrister – she is phenomenally clever, and extraordinarily articulate, committed and hard-working. Her advocacy is imaginative, focused, always razor-sharp and perfectly pitched.” **Legal 500 2024: Crime**

“She is a natural advocate who gives 100% to every case.” **Chambers UK 2024: Crime**

“Eva’s preparation of a case and her eye for detail are second to none. She applies herself fully on behalf of the client and takes up the fight with gusto.” **Chambers UK 2023: Crime**

“... an astonishingly good advocate. She has perfect judgment, is wonderfully eloquent and is 100% committed to every case she does.” **Legal 500 2023: Crime**

“She is one the best crime juniors at the Bar.” **Legal 500 2023: Crime**

“A star in the making, she has every quality a criminal barrister needs.” **Chambers UK 2022: Crime**

“Thorough and well prepared.” **Chambers UK 2022: Crime**



“Eva is clever, methodical, tactically aware and knowledgeable. She is also tenacious and hard working. Eva definitely gives 100% to her cases.” **Legal 500 2022: Crime**

## 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 Case Analysis: Abuse of process by breach of undertaking not to prosecute and admissibility of material obtained by Norwich Pharmacal order (R v Jones)
- 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)

## Accreditations



## Privacy Statement

I, Eva Niculiu, am a data controller and can be contacted at 3 Raymond Buildings, Gray's Inn, London WC1R 5BH or by telephone on 020 7400 6400 or by email at [eva.niculiu@3rblaw.com](mailto:eva.niculiu@3rblaw.com). My Data Protection Policy can be found below.

All personal data of which I am a controller are processed for the purposes of providing legal services, conducting conflict-checks, marketing, defending potential complaints, legal proceedings or fee disputes, keeping anti-money laundering records, training other barristers and pupils and when providing work-shadowing opportunities, and/or exercising a right to a lien. The types of data I process vary upon the nature of the legal matter in relation to which I am engaged to advise, but can include names, contact details, biographic details and 'special category personal data' (such as details of racial or ethnic origin, political opinions, religious or philosophical beliefs, health, sex life, and criminal convictions and proceedings).

Depending upon the circumstances of the case, the legal bases upon which I process personal data are (i) consent of the data subject, (ii) the performance of a contract to which the data subject is a party or in order to take steps at the request of the data subject prior to entering into a contract, (iii) the processing is necessary to comply with legal obligations to which I am subject, or (iv) the processing is necessary for the legitimate interests set out above, and such interests are not overridden by the interests or fundamental rights and freedoms of the data subjects which require protection of personal data (in particular where the data subject is a child). When I rely on (iv) legitimate interests, my 'Legitimate Interests Assessment' can be found [here](#). When I process data which have not been obtained directly from the data subject (e.g. personal data contained in evidential materials), they will have been supplied to me as part of my instructions in circumstances covered by confidentiality and/or legal professional privilege.

Depending upon the circumstances of the case, I may share the personal data with:

1. my chambers, which supplies professional and administrative support to my practice;
2. courts and other tribunals to which documents are presented;

3. my lay and professional clients;
4. potential witnesses, in particular experts, and friends or family of the data subject;
5. solicitors, barristers, pupils, mini pupils and other legal representatives;
6. ombudsmen and regulatory authorities;
7. current, past or prospective employers;
8. educational and examining bodies;
9. business associates, professional advisers and trade bodies.

I retain personal data for no longer than necessary for one of the lawful bases set out above.

I do not intend to transfer data to any country which is not either within the European Union, 'white listed' by the EU or otherwise permitted by EU law (e.g. to the USA under the provisions of the 'Privacy Shield').

Under the GDPR, data subjects whose personal data I process have the right to request from me access to, and rectification or erasure of, their personal data, the right to the restriction of processing concerning them, the right to object to processing, as well as the right to data portability. Data subjects also have the right to lodge a complaint with the Information Commissioner's Office ([ico.org.uk](http://ico.org.uk)).

In cases where there is a contract between me and the data subject, the provision of personal data is a contractual requirement and the data subject is obliged to provide the personal data in order that I can supply legal services. A failure to provide such data may mean that I will not be able to provide the legal services.

Rev 1.1 – 07.06.2018

[Data Protection Policy](#)

[Legitimate Interests Assessment](#)