

## Farrhat Arshad



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### Profile

Described by Chambers and Partners as, “excellent in Court” and Legal 500 as a, “skilled and determined defence lawyer” Farrhat is instructed in Criminal Appeals and in serious crime, including murder, serious sexual offences, protest cases, drugs, firearms and fraud. Her civil work centres on Judicial Reviews arising out of both criminal and prison law, including challenges to Parole and categorization decisions. In recent years, Farrhat has been instructed in many out of time appeals to the Court of Appeal in relation to both conviction and sentence.

Farrhat has been recommended as a leading junior in Crime in both Legal 500 and Chambers & Partners. She was profiled as a “Future star of the Bar”, by Times Online.

Farrhat accepts both privately and publicly funded instructions and accepts cases under the **Public Access** scheme. Please contact **Richard Vile** from our practice management team for further details.

### Education

BA (Hons) (Oxford)

LLM in Public International Law (LSE)

## Related practice areas

Criminal Law and Appeals

## Criminal Appeals

Farrhat is a very experienced appellate barrister, acting in both conviction and sentence matters in the Court of Appeal. She has been described by the Court as presenting cases with, “conspicuous skill”. Her appellate practice also includes applications to the Privy Council and to the Criminal Cases Review Commission. Farrhat accepts direct access instructions.

Farrhat authored two of the chapters in the 2nd edition of Taylor on Criminal Appeals, (OUP, March 2012): *Appeals to the Divisional Court by way of Case Stated* and *Appeal to the Supreme Court*.

Recent appellate cases include:

**R v Jodie Rana [2018] EWCA Crim 725.** Farrhat acted for the appellant, who had been convicted of arson and imprisoned. An out of time application to the Court of Appeal, based on fresh expert evidence was brought. The Court of Appeal, presided over by the LCJ, allowed Ms Rana’s appeal against conviction, based on the fresh evidence.

**R v McLellan and Bingley [2018] 1 Cr App R (S) 18** - Farrhat acted for the appellant **Bingley** in the guideline case on SOPOs.

**R v GG [2018] EWCA Crim 1741** – Farrhat acted for the appellant **GG**, whose appeal against conviction in respect of the alternative counts was allowed.

She has acted for appellants in many conviction and sentence appeals establishing guidance in difficult areas: **R v Vowles and others [2015] 2 Cr App R (S) 6** - Imprisonment versus Hospital Orders. Farrhat (together with Jeannie Mackie) acted for Mr Odiowei; **R v James Jones [2010] 2 Cr App R 10** – entrapment/meaning of incitement in cannabis growing; **R v El Hudarey [2008] EWCA Crim 1761** – application of “refugee defence” to false documents prosecution; **R v Edwards, Fysh, Duggan [2006] 1 Cr App R 3** – early consideration of the bad character provisions in the Criminal Justice Act 2003; **R v Miller and Javaherifard [2006] Imm A R 185** – meaning of “entry” in section 25 of the Immigration Act 1971.

She has a wealth of experience in challenging indeterminate sentences, both life imprisonment and imprisonment for public protection. Farrhat has successfully appealed

against indeterminate sentences in the following cases:

- R v Raymond King [2016] EWCA Crim 1303
- R v Caine Kitchen [2013] EWCA Crim 224
- R v Brian Turner [2013] EWCA Crim 250
- R v Neville Kitt [2012] EWCA Crim 622
- R v Jamil Hydar [2012] EWCA Crim 2539
- R v Alex Booth [2012] EWCA Crim 2229
- R v Shauna Smith [2012] EWCA Crim 1706
- R v Dominic Bates [2012] EWCA Crim 1103
- R v Gareth White [2012] EWCA Crim 681
- R v Kevin McAllister [2011] EWCA Crim 607
- R v Aaron Casey [2011] EWCA Crim 528
- R v Arben Doci [2010] EWCA Crim 2178
- R v John Windsor [2010] EWCA Crim 1660
- R v Richard Teeder [2010] EWCA Crim 1425
- R v Simon Beilby [2010] EWCA Crim 1172
- R v Gareth Jones [2009] EWCA Crim 2570
- R v David Baird [2006] EWCA Crim 993

## Other Serious Criminal Offence

Farrhat is instructed to defend in a wide variety of serious offences. Her recent instructions include the following:

- R v G - Step-father charged with historic abuse
- R v K - Man charged with historic abuse against cousin
- R v B - Neighbour charged with historic abuse of child
- R v F - Man charged with historic abuse of family friend
- R v L - Teacher charged with sexual abuse against pupil
- R v F - Teenager charged with rape and other sexual offences against young relative;
- R v O - Man charged with historic offences of cruelty against his children and sexual offences against his wife;
- R v J - Man charged with historic sexual abuse against family friend
- R v Y - Woman charged with fraud over ten year period;
- R v S - Gun-shop owner charged with Firearms offences;
- R v B - Historic sexual abuse;

- R v M - Pub landlord charged with section 18 against customer;
- R v P - Ex-soldier jointly charged with Rape;
- R v M - Sexual offence involving cross-examination of six year old child;
- R v C - Insurance fraud;
- R v W - Mentally ill man charged with rape;
- R v V - Multi-handed case arising out of gang raid on cannabis factory;
- R v H and C - Couple jointly charged with serious sexual offences against teenagers;
- R v M - Footballer charged with section 18 against fellow player;
- R v W - Teenage girl charged with section 18 wounding;

## Prison Law and Crime Related Public Law

Farrhat acts for claimants in judicial reviews arising out of prison law and criminal law, including the following:

- Rowe v The Parole Board & SSJ - JR arising out of a flawed Parole Board hearing where a prejudicial victim impact statement went before the Board and was not disclosed to the prisoner. The Court quashed the original decision and ordered a fresh hearing.
- D'Cunha v The Parole Board - JR claim by an IPP prisoner against a flawed oral parole hearing. Decision quashed and fresh review ordered. The fresh review resulted in the prisoner's release.
- McD (John Joe) v Governor HM Prison Risley - JR claim arising from Prison refusing to allow prisoner to have contact with his children. The decision was quashed and fresh consideration ordered.
- Bampton v Parole Board – Representing Claimant in Judicial Review against Parole Board's refusal to hold oral hearing. Oral hearing granted.
- F v Bolton Crown Court - JR claim against the decision of the Crown Court to impose an ASBO upon a 13 year old boy. The ASBO was quashed

## Protest Cases

Farrhat has been involved in a number of environmental protest and animal rights cases. In 2012 Farrhat acted for environmental protestors charged with aggravated trespass following protests against fracking in the Lancashire area. In 2011 Farrhat acted for one of the six environmental protestors charged with aggravated trespass at Ratcliffe on Soar power

station. The trial collapsed when the Defence pursued disclosure relating to the role of undercover police officer Mark Kennedy/Stone. She was also instructed to represent those prosecuted for failing to complete the 2011 Census.