

## Erimnaz Mushtaq



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### Profile

Erim is a specialist criminal defence practitioner who is instructed in serious and complex criminal cases ranging from homicide and serious violence, terrorism, serious sexual offences both recent and historic, large scale frauds, regulatory and financial crime and large scaled drugs cases. Erim is instructed as leading counsel, junior counsel and sole counsel and engages in cases as soon as instructed and assists at all stages of the criminal proceedings. She regularly appears in Crown Courts across the North West, North East, South West and at the Central Criminal Court.

Erim gained considerable experience being in charge of her own cases in the Crown Court criminal department of a solicitors' firm. Having worked for a large solicitors firm before joining the Bar, Erim is experienced in representing suspects at police stations for interview. Erim continues to use this very useful experience and knowledge to provide pre police interview advice to solicitors in complex or serious cases and to apply to exclude evidence wrongfully obtained.

Due to her approachable manner, she is regularly instructed to represent clients with mental health issues and youths charged with serious criminal offences.

Erim's significant trial experience in financial crime makes her the go to practitioner for complicated proceeds of crime hearings and applications for reconsideration of confiscation orders. She has developed a very strong practice in fraud cases.

Erim is also experienced in representing individuals before professional disciplinary proceedings including the GMC. She also has significant experience in coronial law and has represented families of the deceased who have either died in state custody or which has a pseudo criminal dimension. Erim has also represented families of deceased where there is breaches of state responsibility, including hospital deaths.

She also has extensive experience of taking cases to the Court of Appeal and is a contributing author to Taylor on Criminal Appeals (2nd ed OUP 2012).

### **Related practice areas**

Criminal Law

Actions Against the Police and Public Authorities

Inquests and Public Inquiries

## **Criminal Appeals**

Erim regularly appears in the Court of Appeal. In particular Erim has an extensive Court of Appeal practise in appeals against sentence where trial counsel have failed to advise or wrongly advised. Erim has advised on many cases where the time limit to appeal has expired and in many cases where the appeal is years out of time.

Examples of recent cases include:

- **R v JG** [2011] EWCA Crim 314. Appeal against refusal to allow time on remand to count towards sentence
- **R v GC** [2011] EWCA Crim 1376. Appeal against sentence on possession with intent to supply Class B drugs which were classified in December 2010
- **R v GV** [2011] EWCA Crim 294. Appeal against sentence and SOPO imposed on teacher who pleaded guilty to serious sexual offences
- **R v Skinner** (Edward Mark Whitby) [2007] EWCA Crim 1310. Dangerous driving
- **R v Price** (Mark Anthony) [2006] EWCA Crim 1644. Tendering counterfeit currency
- **R v Khan** (Shabir Ahmed) [2005] EWCA Crim 3010. Dangerous driving
- **R v W** (2) W [2005] EWCA Crim 2824. 12 year old charged with robbery.
- **R v Benson** (Nathaniel) [2005] EWCA Crim 2421 Robbery

## Courts Martial

Erim has appeared for military personnel charged with criminal offences both in the UK and when serving abroad, particularly Germany. Her experience of cases involves offences committed shortly after returning from operational service and issues surrounding whether the army have properly managed that return and the impact that tours in Afghanistan and Iraq had on the offending behaviour. She has been instructed to defend Army personnel charged with violent and sexual offences as well as the military offences of AWOL and desertion.

## Prison Law and Crime Related Public Law

Erim has extensive experience in judicial reviews arising out of criminal proceedings and prison law matters. Recent examples of Erim's work includes:

- **Newson v The Governor OF HMP Isle of Wight** (Albany Prison) and The Secretary of State for Justice [2011] Successfully settled.
- **Shepherd v Governor Of HMP Whatton** [2010] EWHC 2474 (Admin)
- **Lovell v Secretary of State for Justice** [2009] Successfully settled.
- **Greaves v MOD and the Parole Board** [2009] Successfully settled.
- **Ashman (R on the application of) v The Parole Board** [2007] EWHC 2647 (Admin)

## Inquiries and Inquests

Erim is regularly instructed to represent families of the deceased. Erim has extensive experience of representing families where there are state failures to protect, failings of the emergency services and hospital and medical negligence. Erim represented the family of Nicola Sutton, who was murdered by her ex partner who was released on licence in relation to a sentence of assault where the complainant was the deceased. The probation service and police failed to heed the warnings of ongoing threats and failed to supervise the boyfriend who went on to unlawfully kill Nicola in a frenzied attack using a samurai sword. Jury made critical findings in this case. Erim also represented the family of Raymond Sim who was discharged from hospital without being properly checked and treated and was found three days later in the hospital grounds.

## Other Serious Criminal Offences

Erim's recent cases include:

- **R v A** (2017) (Manchester) conspiracy to pervert the course of justice. Allegations of wide scale dishonesty and fraud committed in the context of NIP sent to the defendants and others (to be tried)
- **R v F** (2016) (Manchester CC) defendant charged with arson with intent to endanger life, involving allegations of targeting Asian families on grounds of racial prejudice. Defendant with serious psychological issues.
- **R v M** (2015) (Manchester CC) Nurse charged with cruelty against patients without capacity. Serious allegations of assaults made involving multiple complainants. Hearsay applications.
- **R v R** (2015) (Liverpool CC) Multi handed drugs operation involving all family members. Complex drugs scheme involving setting up fake veterinary surgeries and shop fronts to disguise drugs supply.
- **R v W** (2015) (Manchester CC) Owner of large company based in the North West supplying to National supermarkets. Allegations of immigration and fraud offences.
- **R v G** (2015) (Carlisle CC) Large scale drugs supply involving heroin, cocaine and crack cocaine. Fitness to plead proceedings, very young defendant with serious mental health difficulties.
- **R v S** (2014) (Oxford CC and Wood Green CC) Defendant charged with conspiracy to rob, multiple robberies of banks, post offices, department stores involving fire arms offences.
- **R v T** (2014) (Manchester CC) Defendant charged with child cruelty involving allegations of serious violence. Several medical and dental experts relied on.
- **R v** (2014) (Oxford CC) Defendant charged with robberies at local and national post offices with fire arms and offensive weapons.
- **R v G** (2014) (Carlisle CC) Defendant charged with multiple allegations of arson with intent to endanger life, involving residential and commercial properties.
- **R v P** (2009, 2010, 2011) (Preston CC) Defendant charged with various armed robberies, supplying drugs within the prison estate and serious assaults. Defendant was an actor appearing in a number of well known television programmes on BBC 1 and Channel 4.

- **R v N** (2010) (Manchester CC) Female defendant charged with bigamy and immigration offences arising out of allegations of sham marriages and facilitating immigration offences. One of the largest sham marriages operations in the North West.
- **R v JG** (2010) (Manchester CC) Father charged with child cruelty relating to his 4 year old son and 6 year old daughter. Issues of competency regarding child witnesses.

## Serious Sexual Offences

Erim's recent cases include:

- **R v D** (2017/2018) (Oxford CC) - Operation Silk (to be tried later this year). Historic grooming case.
- **R v D** (2017) (Manchester) allegations of controlling prostitution for several years over numerous properties (to be tried)
- **R v B** (2016) (Newcastle CC) Two trials due later this year. Historical allegations of rapes, indecent assaults against two complaints. Well known local personality from the 1980's.
- **R v D** (2016) (Oxford CC) - multi handed case involving allegations of historic grooming and serious long term sexual abuse. Operation Sabaton.
- **R v F** (2015) (Carlisle CC) historical allegations of assault penetration, grooming, sexual activity with step daughter, familial sexual offences. Court of Appeal in 2015.
- **R v M** (2015) (Manchester CC) - historical allegations of serious sexual abuse against his step daughter, which including recording of rapes, assault penetration, possession of obscene material. Case went to the Court of Appeal. 2015
- **R v M** (2015) Serious sexual offending on biological son, daughter and step daughter. Complainants 4 years old to 7 years old.
- **R v G** (2015) (Carlisle CC). Allegation of attempted rape where complaint alleged to be too drunk to consent. Stranger attempted rape.
- **R v B** (2014 and 2015) (Newcastle CC) Stranger rape by guest on hotelier, where defendant had no recollection. Issues relating to memory, alcohol and drug use and intention, and sleep walking. Trial and retrial.
- **R v G** (2014) (Bradford CC) Assault penetration by 17 year old defendant on 13 year old cousin.
- **R v N** (2014) (Manchester CC) - serious sexual assaults on employees by employees.
- **R v S** (2014) (Manchester CC)- sexual assault by taxi driver on drunken complainant.
- **R v T** (2014) (Carlisle CC) Allegations of rape against sister from over 40 years ago. Client had severe mental health difficulties. Complex case involving abuse of process

arguments.

- **R v J** (2014) (Leeds CC) - allegations of rape, sexual activity with a child, grooming and taking obscene photographs. Case went to court of appeal in 2015.
- **R v Khan** (2014) (Manchester CC) Historical allegations of rape by uncle against two nieces. Complainant suffering from serious mental health issues. Issues relating to state obligation to provide post evidence care for complainant.
- **R v M** (2014) (Manchester CC) historical allegations of rape and indecent assault on sister. Allegations 40 years old.
- **R v B** (2014) (Manchester CC) 17 year old defendant part of Youth team player from Premier Football Club and formerly of another Premier Youth Team charged with rapes, assault penetration and witness intimidation of 15 year old complainant.
- **R v H** (2013) (Carlisle CC) - serious sexual assault on vulnerable adult with mental health difficulties. Male on male assault. Intermediary case.
- **R v P** (2013) (Preston CC). Historical allegations of rape and serious sexual assaults. Allegations 30 years old. Complainants were police officers and teachers.
- **R v H** (2013) (Carlisle CC) - Campaign of sexual harassment and sexual assault on employee.
- **R v D** (2013) (Carlisle CC) historical allegations of serious sexual abuse against family member when defendant and complainant were both children. Abuse of process arguments.
- **R v W** (2012 and 2013) (Carlisle CC) Allegations of exposure, sexual activity with children, possession of obscene material, breaches of SOPO.
- **R v S** (2010) (Manchester CC) Choirmaster charged with historical sexual abuse of young boys over a 25 year period. Significant issues of disclosure and third party material. Some complainants suffering from serious psychological or mental health issues.
- **R v Y** (2010) (Manchester CC) Imam charged with serious sexual assaults on a two 4 year olds, where the assaults were alleged to have taken place at the mosque during Quran lessons.

## Terrorism

- **R v AA** (2016) (Central Criminal Court and Manchester CC) - defendant connected to brothers who travelled to Syria for terrorist activity. Allegations of funding, facilitating and arranging travel. Allegations of possession of terrorist material. Defendant sentenced to a suspended sentence.

- **R v TM** (2015) (Manchester CC) – one of the country's youngest female defendants charged with serious terrorism offences. Linked case to cases involving defendants charged with arranging terrorism activity abroad and inciting murder and terrorist activity in Australia on Anzac Day.
- **R v MAS** (2015) (Central Criminal Court) one of the U.K.'s biggest haul of terrorist material, publications, audio and video material, international dissemination of material. Allegations of memberships of proscribed organisations, allegations of links with Pakistani and Afghani Al-Qaeda and Taliban, the defendant was alleged to have travelled to the borders of Syria for terrorist activity and was alleged to have possessed material suggesting UK attacks at various sporting events. Defendant was arrested trying to flee the jurisdiction.

## Homicide and Serious Violence

- **R v YA** (2016) (Burnley CC) multi handed attempted murder. Honour crime with religious and culturally sensitive issues.
- **R v A** (2016) (Burnley Crown Court) S.18 assaults against two elderly vulnerable complainants. Complex case involving competence and capacity of witnesses, and hearsay applications.
- **R v MA** (2016) (Leeds CC) - multi handed S.18 attack between prisoners within a high security Category A prison. Allegations of coerced and forced conversions to Islam, campaign of violence. Issues relating to public interest immunity.
- **R v MA** (2015) (Kingston-upon- Hull CC) – attempted murder attack within a Category A prison between prisoners. Terrorism and extremist Islamist background to case.
- **R v W** (2014) (Manchester CC) serious domestic violence involving multiple counts of S.18 offences.
- **R v A** (2014) (Burnley CC) allegations of serious assaults against elderly parents by registered carer and son of complainants.
- **R v W** (2011) (Manchester CC) 17 year old defendant charged with attempted murder and S.18 arising out of disturbance at a birthday party.

## Fraud and Financial Crime

- **R v A** (2017) (Leeds) conspiracy to commit fraud and money laundering involving multiple defendants and the use of numerous bank accounts (to be tried)
- **R v B** (2017) (Chester) conspiracy to commit fraud, against the County Council, allegations involving issues of VAT and bogus works done (to be tried)
- **R v A** (2017) (Manchester) allegations of bribery of trading standards officers (to be tried)
- **R v N** (2017) (Kingston upon Hull) conspiracy to commit fraud involving the use of complex telephonic evidence (to be tried)
- **R v M** (2017) (Bradford) money laundering allegations arising out of drugs case involving an accountant (to be tried)
- **R v T** (2017) (Kingston upon Thames) multi million pound money laundering operation, involving cross jurisdictional issues involving Europe and China
- **R v K** (2016) (Manchester) numerous mortgage frauds and benefit frauds, involving the use of different identities
- **R v G** (2016) (Preston CC) numerous complex frauds involving the assumption of several identities, pension fraud, credit card fraud, mortgage fraud including the transfer of registration of title and title deeds.
- **R v M** (2016) (Bolton CC) HMRC and VAT frauds involving fraudulently set up companies.
- **R v I** (2015) (Preston CC) multi handed charity fraud, involving fraud from local authorities, government agencies and money laundering. Fraud alleged spanned over several years and included setting up fake charities to procure and secure funding from local government.
- **R v M** (2015) (Carlisle CC) former Customs and Excise Officer charged with multiple complex frauds including the setting up of fraudulent companies, and assuming various identities.
- **R v G** (2014) (Liverpool CC) complex proceeds of crime application, involving issues of original basis of plea, hidden assets and realisable assets. Case arising out of one of biggest drugs operations in the North West, involving importation from South America and Europe.
- **R v M** (2014) (Manchester CC) large scale benefit fraud spanning over two decades. Value in £100,000's.
- **R v L** (2013) (Manchester CC) money laundering and fraud arising out of a "cash for crash" scheme involving multiple accounts and multiple identities.
- **R v M** (2013) (Carlisle CC) Ebay fraud involving setting up of various fake accounts and businesses.



- **R v L** (2012) (Manchester CC) Defendant charged with money laundering and acquiring criminal property arising out of the biggest fraud of S.172 notices of intended prosecutions and perverting the course of justice. Parallel contempt of court proceedings.
- **R v P** (2010) (Manchester CC) Large scale money laundering allegations against owner of money exchange and breaches of regulations. Money arising out of large drugs supply.