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Andy Malik, Consultant

Andy is known for thinking outside the box and deploying forensic and strategic tactics that have achieved startling acquittals:

- **R v AL (Newcastle Crown Court), HHJ Bindloss – Conceive Controlling Behaviour, Intentional Strangulation, and counts of ABH. The prosecution offered no evidence, and not guilty verdicts were directed.**

AL, a young single parent, was alleged to have mentally tortured her then lesbian partner over an 18-month period. The Crown alleged serious abuse that included assaults on numerous occasions, verbally abusive and threatening behaviour, damaging property, posting videos on social media, making repeated unwanted calls and sending unwanted voice notes and messages, disclosing private sexual images of her ex-partner to third parties without consent, and isolating her ex-partner from her family and friends. Additionally, AL faced a specific count of strangling her ex with a belt and beating her with the same.

Andy represented AL at the police station and noted that this case needed a forensic, but sensitive approach, and that tailored disclosure requests would be the key to success, since the Defence case in relation to the allegation of controlling or coercive behaviour was that, to the extent that the use of force forms part of the alleged conduct, any such force was used in either reasonable self-defence or in the course of consensual sexual activity. Both AL and her ex–partner often deliberately engaged in aggressive exchanges and behaviour that led to passionate and 'rough' sexual encounters with belts and whips.

Andy made specific disclosure requests, including AL's and her ex-partner's phone, and a judge eventually ordered this. The Prosecution, after consultation with AL's ex–partner, dropped all charges and AL avoided a lengthy custodial sentence.

Andy instructed Paul Rentues of 2 Hare Court Chambers, London.

- **R v HS (Newcastle Crown Court), Mr Recorder Stubbs – False imprisonment, section 18 wounding and making threats with a bladed article - Acquittal**

HS and her partner were charged with audacious crimes involving serious violence and false imprisonment. The complainant was particularly vulnerable due to mental health and drug issues.

The prosecution case was that, together with her partner, HS imprisoned the complainant in her own home, threatened her with a knife and used it, and that the complainant, terrified, escaped by jumping from her first-floor window, sustaining serious injuries.

Andy prepared the defence case with forensic rigour and obtained psychiatric opinions that persuaded the court to grant HS bail despite the seriousness of these offences. HS's partner,

represented by a local firm, was on remand throughout and was convicted of the above serious offences.

HS was advised not to give evidence in her own defence, and the jury found her not guilty. HS's partner gave evidence.

Andy instructed Kate Temple Mabe of Seven Bedford Row Chambers, London.

- **R v SW (Newcastle Crown Court), HHJ Mallet – Being concerned in the supply of class A, possession of class A with intent to supply, and possession of class B – Prosecution offered no evidence on three counts on first day of trial**

Police executed a drugs warrant at SW's home address. At the address, they found a substantial quantity of class A drugs, drug paraphernalia, axes, machetes, and several mobile phones. When SW was searched at the police station, 80 wraps of crack cocaine were found in his boxer shorts.

Andy represented SW at the police station and, on legal advice, SW exercised his right to silence throughout the interview. SW was charged with the offences, and the police sought a remand in custody. The court was persuaded to grant SW conditional bail following Andy's expeditious procurement of psychological and psychiatric reports, which showed that SW suffered from learning disabilities and had been passed from care home to care home as a child.

As part of trial preparation, Andy obtained further reports from a psychiatrist, a psychologist, and an intermediary. Andy also obtained a specialist report from an experienced academic and professor who specialised in modern-day slavery and trafficking cases. All reports confirmed that SW was mentally vulnerable and susceptible to pressure from organised criminals. The reports were submitted to the Crown and the police, and representations were made that they should refer the case to the appropriate single competent authority. Eventually, the police and the Crown were persuaded to do so, and after further representations, the single competent authority found that SW had been exploited and was a victim of modern-day slavery. Finally, Andy also considered the telecommunications evidence and showed that an incriminating phone number could not be attributed to SW.

On the day of trial, the prosecution offered no evidence, and the jury entered not guilty verdicts. SW avoided a substantial prison sentence.

Andy instructed Chantel Gaber of 25 Bedford Row, London.

- **R v JG (Sheffield Crown Court), HHJ Anthony Dunne – Sexual Activity with a child – Acquittal**

JG was charged with the offence of sexual activity with a 14-year-old child, namely,

penetrating her vaginally, not reasonably believing that the child was aged 16 years or over. His co-accused, KC, was charged with arranging or facilitating the commission of a child sex offence. The defence case was that there was no arrangement to facilitate child sex, that JG had no knowledge that the complainant was a minor, and that he honestly believed she was an adult based on her appearance and behaviour. Andy prepared this case thoroughly, including seeking evidence of how the complainant presented on social media around the time of the mishap, and that the complainant was not attending school. This helped rebut the impression created by the police video-recorded interview, in which the complainant wore a school uniform, had no make-up on, and had basic pigtails.

Despite JG suffering from autism spectrum disorder and attention deficit hyperactivity disorder, Andy tactically advised that JG should give evidence without an intermediary, as this would ensure that his evidence was spontaneous rather than spoon-fed.

The jury found JG and KC not guilty in less than 45 minutes.

Andy instructed Katy Rafter from KBW Leeds and, following her elevation to the bench, Charlotte Godber from QEB Hollis Whiteman in London.

- **R v MY (Newcastle Crown Court), Mr Recorder Hawks – Sexual Assault x 2 – Acquittal**

MY, a young man of good character, faced two counts of sexual assault. On one view, he had admitted both offences on social media messages to the complainant, his only friend. Indeed, at a pre-trial hearing, a senior judge told MY directly: “You need to think carefully about the messages you sent to the Complainant. If you plead, you will get a reduced sentence, so the sooner you do so, the better. If you go to trial and, considering the inevitable, you will receive the full sentence with no reduction. That will make a substantial difference in a case like this.”

Despite this robust indication from the bench, Andy prepared this case forensically and instructed a Forensic Psychiatrist to consider factors such as social isolation, loneliness, and anxiety that could lead MY to confess simply to ensure that he did not lose the only friend he had. The jury found MY not guilty of both counts within 45 minutes.

Andy instructed Deb Smithies of Counsel at KBW Leeds.

- **R v EE, DO and JC (Newcastle Crown Court), Mr Recorder Herman – Violent Disorder – Acquittal**

All three young men were charged with serious public order offences, alleged to involve weapons. JC declined to serve a Defence Statement after receiving appropriate advice. JC

was not arrested at the scene; the prosecution had to drop the case against him because they could not prove identity. EE and DO were arrested at the scene, and after tailored disclosure requests, careful analysis of the CCTV and forensic questioning of the complainants, both EE and DO were found not guilty. DO was advised not to give evidence.

Andy instructed Peter Eguae and Kate Temple Mabe of counsel from 7 Bedford Row, and Tom Lambert of Counsel at QEB Hollis Whiteman.

- **R v MF (Newcastle Crown Court), HHJ Moreland – Rape – Acquittal**

The allegation was one of rape, in which it was alleged the MF, then 16, had taken the child to an isolated wood and violently raped them.

MF had significant mental health difficulties, and Andy instructed a psychologist who confirmed a full-scale IQ score of 75 in the Borderline range, placing MF in the 5th percentile, meaning, in real terms, that 95% of people taking the same IQ assessment would have scored better than him.

Despite MF's young age, the young age of the Complainant, and the seriousness of the allegation, delays in the criminal justice system meant they had had to wait 3 years for his case to be heard.

Following a 4-day trial, the jury returned a verdict of Not Guilty and MF was acquitted. Andy instructed Eloise Emanuel of Counsel at QEB Hollis Whiteman, London.

- **R v MN (Newcastle Crown Court), HHJ Earl- Child sexual abuse – Acquittal**

MN faced a six-count indictment alleging serious sexual assaults, including penetration of a minor when she was aged between five and eight. Andy represented MN from his initial arrest to his acquittal of all counts by a jury. Andy made focused disclosure requests at the police station for the complainant's educational and social services records. Extracts from these records were placed before the jury.

Andy instructed Nick Lane of Counsel at New Park Chambers, Newcastle.

- **R v RD (Newcastle Crown Court) Mr Recorder Hawks- 20 kilos importation of drugs – Acquittal**

RD was accused of the fraudulent evasion of a prohibition on the importation of a controlled drug after he was stopped at Newcastle Airport by Border Officers on return from Thailand with two suitcases containing 53 vacuum-sealed packages of cannabis with a street value of over £700,000.

After an hour of deliberation at Newcastle Crown Court, the jury reached a unanimous not guilty verdict.

Andy instructed Soraya Bauwens of Counsel at Furnivall Chamber, London.

- **R v SM (Newcastle Crown Court) HHJ Mallet – Dangerous Driving – Acquittal**

SM was charged with dangerous driving, and the main prosecution witness was an experienced police sergeant who had observed the driving. After repeated requests for police dashcam footage and CCTV and a careful analysis of the same, the defence was able to discredit the police sergeant's evidence. The jury acquitted SM of both dangerous and careless driving.

Andy instructed Mr Peter Eguae of Counsel at 7 Bedford Row.

- **R v SM and MR (Newcastle Crown Court) HHJ Mallet- section 18 wounding – Acquittal**

Andy represented SM and MR, both professional door supervisors, who were charged with a section 18 wounding upon a marine officer, who lost all sight in his right eye following a ferocious attack. After careful analysis of the CCTV, the defence established neither SM nor MR had struck the knock-out punch, and both were found not guilty of both section 20 and 18 wounding. MR did not give evidence.

Andy instructed Ruth Broadbent of Counsel at QEB Hollis Whiteman, London, and Kate Temple-Mabe, of 7 Bedford Row, to represent SM and MR.

- **R v RS (Newcastle Crown Court) HHJ Bindloss – Possession of Firearms with Intent and Armed Robbery – Acquittal**

Andy represented RS, who was charged with a revenge armed robbery in Northumberland. RS's case involved the careful analysis and reconstruction of events using circumstantial evidence, including eyewitnesses, DNA, pathology, CCTV/ANPR cameras, and mobile phone usage/movement. Andy instructed an experienced psychologist to comment on RS's IQ. Based on the report, the Court was persuaded that no inferences should be drawn from RS's decision not to give evidence. RS was found not guilty.

Andy instructed Orla Daly of Counsel at QEB Hollis Whiteman, London, to represent RS.

- **R v PN (Maidstone Crown Court), Mr Recorder Nelson – multi-million-pound PONZI fraud case – All charges dismissed**

Andy represented PN in this privately funded multi-million-pound PONZI fraud case. PN was of impeccable character, and after representing him at the police station, Andy drafted a key facts document outlining the defence case and submitted it to the police within a month of the police interview. Following the charges and examination of the prosecution evidence, the defence successfully applied to have all charges dismissed on the grounds of insufficient evidence.

Andy instructed Crispin Aylett KC of QEB Hollis Whiteman, London, to represent PN.

- **R v HP (Old Bailey), HHJ Gordon**

Mother accused of murdering her 6-month-old daughter by throwing her out of a window. Following extensive representation and detailed psychiatric evidence, the prosecution accepted a plea to manslaughter on the grounds of diminished responsibility, and the court imposed a three-year community rehabilitation order. Andy represented HP from her initial police interview at Collindale Police Station, right to HP receiving a non-custodial sentence.

Andy instructed Linda Strudwick of Counsel at QEB Hollis Whiteman, London, to represent HN. https://www.theguardian.com/uk/2002/jan/05/1

- **R v AC (Old Bailey), HHJ Mark QC, Murder**

Plea of manslaughter accepted and detention under the Mental Health Act order granted – prosecution application for a Hybrid order (combined prison and hospital detention) rejected.

Andy represented AC, a dentist charged with the murder of Zkariyya Islam, a Muslim faith healer. AC was suffering from depression, and the murdered victim told him that evil spirits possessed him. AC's mental health deteriorated dramatically, and, suffering from a severe depressive psychosis, AC fatally stabbed the faith Healer, who died within minutes of the assault. Andy represented AC from his initial police interview at Plaistow Police Station, right to the conclusion. Andy prepared a letter before action against HMP Belmash that ensured AC was transferred to a hospital secure unit.

Andy instructed Linda Strudwick of Counsel at QEB Hollis Whiteman, London, to represent AC. https://www.mirror.co.uk/news/uk-news/dentist-stabbed-faith-healer-death-7789872

- **R v HM (Newcastle Crown Court), HHJ Spragg- Rape and sexual grooming – Acquittal**

Andy represented the only defendant to be acquitted of all counts in this high-profile sexual grooming trial. The remaining defendants were convicted and received double-figure sentences.

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Andy instructed Linda Strudwick of Counsel, who led Phil McGhee of QEB Hollis Whiteman, London, to represent HM.

Andy has a specific interest in providing robust representation at the police station and acknowledges the importance of focused and tailored pre-charge engagement that may need the early resolution of cases:

- **RS (Bedlington Police Station) – Violent Disorder and Wounding – No Further Action**

Andy represented RS, who suffers from learning disabilities and autism. Andy obtained RS's medical records and made representations that, considering RS's mental health issues, a prosecution would not be in the public interest. The police agreed.

- **RG (Forth Banks Police Station) – Murder – No Further Action**

Andy represented RG, who was arrested for murder. Following a 'no comment' interview and representations around the sufficiency of evidence, the case was NFA'd.

- **CG (Forth Bank Police Station) – Murder – No Further Action**

CG was arrested for murder along with other members of her family. Andy represented her at the police station during several interviews and made representations to the superintendent about the extension of her detention. CG was granted bail, and then no further action was taken.

- **JD (Forth Banks Police Station) – Rape and underage sex – No Further Action**

Andy represented JD, who had positive good character, and who had come to Newcastle for the weekend. He was arrested for the rape of a 14-year-old. The issues in the case were consent and whether JD knew that the complainant was 14. Andy sent a detailed email to the police identifying the locations of CCTV and other relevant lines of inquiry. The police decided immediately to take no further action.

- **JM (Chester Le Street) – Theft from employer**

Andy prepared written representations to the Police that there was no necessity to arrest JM for substantial theft from his employer. The police agreed to deal with JM voluntarily, and the police later took no further action.