



# MICHAEL OLIVER

YEAR OF CALL: 1977

Michael is a specialist in serious crime - including fraud and drug importation, murder and criminal cases involving mental health or immigration issues.

## EXPERTISE

He has practised over a wide area of subjects but has specialised in (i) serious crime, with an emphasis on serious fraud and drug importation, (ii) cases involving mental health and fitness to plead, and (iii) terrorism in the criminal court and in the Special Immigration Appeals Commission.. He successfully defended the Commissioner in a number of important actions against the Metropolitan Police and acted successfully for claimants, including a solicitor in his personal action against the Merseyside Police for assault. He no longer practises in these claims but the experience is often very useful in the criminal courts, as is his knowledge of mental health and immigration.

## NOTABLE CASES

### MURDER

**R v M** - Defended a woman with mental health problems who killed her 5 year old child in a wide-ranging inquiry into its circumstances.

**R v S** - Successful appeal in the case of a handicapped young man caught up in a Friday night street attack. Michael took over the case in the Court of Appeal, having not appeared below: no retrial.

**R v M** - Detailed DNA cross-examination in cut-throat. Leading brief.

**R v W** - Successfully defended despite being refused a junior against a prosecution involving 84 witnesses, including 3 contested experts.

### MURDER, ADMISSIBILITY OF CONFESSION OF CO-DEFENDANT

**R v B & D** [1991] Crim LR 833 (CA). - Now overruled by the authority of **R v M** [1998] AC 124, and more recently by the Criminal Justice Act 2003.

### ATTEMPTED MURDER

**R v H** - Defendant drove off in car: female owner on bonnet landed on her head on the kerb. Acquitted after 2 trials, having offered a plea to section 20.

### SERIOUS FRAUD (PROSECUTION)

**Operation Handicraft** - SFO case extending back over several years and continents, numerous defrauded investors, warehouse of documents.

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## TERRORISM

**W** - Acquitted Algerian defendant (following the aborted 'ricin plot' trial)

**K & Z** - Arrested in connection with the airplane plot

**A** - Arrested in connection with the Chinese Restaurant/Islamic school in Sussex case.

## REVENUE FRAUD

**R v P** - 20-handed fraud in which court decided case would be conducted as IT trial. Ended by plea after much argument.

## CONSPIRACY/TV DOCUMENTARY EXPOSÉ RE FOOTBALL VIOLENCE

**R v F** [extensively reported but not legally] - Led defending main defendant, a Chelsea "Headhunter", exposed by BBC TV "MacIntyre under Cover" series.

## REVENUE/VAT/SOCIAL SERVICES FRAUDS

**R v C** - Systematic breach of trust, successfully fought for mitigation (nearly duress, not quite)

**R v P** - Leading brief in 10-handed building fraud. Joint Customs/Revenue prosecution.

## DRUGS

**R v M & Others** - Importation of 796 kgs 90% pure cocaine, tracked all the way by US satellite from Venezuela, seen carrying the drugs: NG in first trial, NG for a second defendant in succeeding trial.

## FRAUD

**R v S** - US 'Treasury Bonds' with value US\$2,400,000,000,000. The substantive count was only US\$50,000,000,000.

**R v S & Others** - US 'Treasury Bonds' with value only US\$4.2 bn.

## MORTGAGE FRAUD: 'FALSE INSTRUMENT' AND 'USE':

**R v Warneford & G** [1994] Crim L R 753 (CA) - Court overruled an earlier decision, **R v Donnelly**, by reference to House of Lords authority **R v More**. Warneford was the leading authority until the authority of A-G Ref No 1 of 2000 (The Times, 28 November 2000).

## MORTGAGE FRAUD: WHETHER CHOSE IN ACTION PROPERTY 'BELONGING TO ANOTHER' (THE 'PREDDY' POINT):

**R v Pyman** [Archbold News 1994 (CA)] - Michael argued the **R v Preddy** point, 2 years before that case. Pyman is referred to in Archbold.

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## MENTAL HEALTH

**R v S** - Explored issues of what constitutes a proper psychiatric report for the purposes of making a hospital order, and the criteria for imposing a Restriction Order under s 41 of the Mental Health Act 1983.

**R v B** - It took a record 10 juries to acquit the stooge in a drug importation. Case involved the practicalities of trying a co-defendant unfit to plead together with those arraigned normally.

**R v T** - Informal mental patient, threatened with forced medication, escaped by breaking a hospital window, held barmaid at a nearby pub with glass shard against threatening regulars: acquitted of robbery and false imprisonment on the basis of self-defence.

**R v S. B Health Trust (CA)(Habeas Corpus)** - Bingham LCJ defined the relationship between sections 47 & 37 of the MHA 1983, the “notional Hospital Order”.

## ACTIONS AGAINST THE POLICE

**P v M Police** - Successfully represented a local solicitor in his action for assault at police station when he went for a conference at the station.

## VAT FRAUD

**R v K** - 10 handed electrical goods importation fraud

## STALKING

**R v D** - Represented a defendant who stalked a regional TV presenter at the time of the Dando murder. He introduced into his messages to her the details of what he would have done to Dando.

## RAPE (PROSECUTING, VERY NERVOUS COMPLAINANT)

**R v Touzene**

## RAPE (DEFENDING)

**R v M** - Marital rape in case of a forced Kosovan marriage, involving issues of the wife's application for a permanent visa in the UK. Case involved knowledge of Albanian blood feuds.

**R v O** - TV link from Nigeria for independent witness refused but defendant acquitted.

## RAPE (DEFENDANT WITH ASPERGER'S SYNDROME)

**R v R** - Survived the difficulties inherent in the 2-way process of understanding, taking instructions, and explaining decisions.

## INDECENT ASSAULT

10 serious cases

Historic sex abuse back into 1980's, including children's homes' scandals.

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## CHILD PORNOGRAPHY

**R v M** - Represented the man who stood in for “Son of God,” who ran Britain’s biggest child sex video ring website.

**R v C** - Thousands of images and videos of each category, application of guidelines

## COURTS-MARTIAL

Several cases, in the UK and in Germany

## IDENTIFICATION

**R v K** [1993] 157 JP 1116 (CA) - Early case on application of PACE to Turnbull.

## SENTENCING

**R v B** [12 Cr App. R (S)] First case to lay down the ‘seriousness’ criteria re statutory custody threshold.

## PUBLICATIONS/ARTICLES

### **Michael Oliver represents mother who killed her 5-year-old child**

15 January 2010

### **Michael Oliver backed by House of Lords**

Michael Oliver, sitting as an Immigration Judge on appeal from the Home Secretary's decision to refuse a Sierra Leonean woman asylum on the ground of her fear of enforced female genital mutilation on return was unanimously upheld by the House of Lords in

1 December 2006

### **Reliance On Advice At The Police Station**

Michael Oliver discusses whether the advice given by a solicitor to remain silent is good enough to prevent the inference that the client could reasonably have been expected to answer the questions.

2004

### **Is a Defence Statement evidence?**

In a recent case, the Crown sought to use the Defence Statement as evidence in its prosecution. The outcome of the case, as highlighted by Michael Oliver, leaves the situation still unresolved.

2002

### **ID Parades - Know your Forbes from your Popats**

To hold an ID parade or not? That is the question explored by Michael Oliver. In this short article, Michael highlights several recent cases where it was held that there was no need hold an ID parade.

2002

### **Discovering 'Whodunnit' In Three Acts**

This year [2000], three significant events will take place that will each have potentially far-reaching effects on the detection and prosecution of white-collar fraud.

2000

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## PROFESSIONAL ASSOCIATIONS

Criminal Bar Association  
South Eastern Circuit  
Council of Immigration Judges  
Association of Military Court Advocates

## QUALIFICATIONS

MA (Oxon)  
Direct access qualified

## APPOINTMENTS

Immigration Adjudicator (2002)  
Immigration Judge (2005)

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