

Michael Oliver

1977 (Inner Temple)



Qualifications

MA (Oxon)
Legal Member, Mental Health Review Tribunal, 1995 to date
Immigration Adjudicator, 2002-2005
Immigration Judge, 2005 to date

Professional Associations

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

Areas of Specialisation

Serious crime - including fraud, murder, and criminal cases involving mental health or immigration issues.

Terrorism - in the criminal court and in the Special Immigration Appeals Commission.

Mental health - cases involving but other than tribunal work.

Fitness to plead.

Inquiries - see below under murder.

Experience

Michael has practised over a wide area of subjects, specialising in the areas mentioned above. 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.

He currently represents an alleged terrorist fighting deportation in the Special Immigration Appeals Commission, following his acquittal in the so-called 'ricin plot' trial, and is representing a woman, who pleaded guilty to the murder of her 5 year old child at a civil inquiry, in the Court of Appeal, where issues of fitness to plead, insanity and abuse of process will be aired. Michael previously represented her at the civil inquiry into the death, which took in wide-ranging aspects of medical practice and care.

In the year running up to the **Human Rights Act**, Michael was a facilitator at several of the weekend conferences by which the Criminal Bar brought itself up to speed, in London and elsewhere.

In 1998 he was one of a small party of judges and other lawyers invited to Rome to teach the Italian Judiciary about our criminal justice system.

He was for several years one of the teachers at the South-Eastern Circuit's week-long advocacy course at Keble College, Oxford.

He has been a frequent speaker at chambers' seminars on human rights, mental health, and current features of criminal practice, and speaks to university students about practice at the Bar.

In many of his more important cases he has led, including a cut-throat murder at the Old Bailey, an immigration conspiracy which involved extradition from Italy and France and the current deportation fight in SIAC.

He is an advocate of the greater use of IT in court work generally, and has written articles in support of this and other matters (e.g. Legal Week on Data Protection and Human Rights, and Legal Executive on how chambers and the courts could benefit from more use of computers, especially advocating general use of a dedicated extranet for the management of cases in court).

He has appeared on Legal Network TV several times to explain new issues.

Important Cases

Murder

R v M [2007] Currently representing a woman with mental health problems who killed her 5 year old child in a wide-ranging inquiry into its circumstances.

R v S [2007]

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 [2002]

Detailed DNA cross-examination in cut-throat. Leading brief.

R v W [2000]

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 [2006]

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

Ongoing SFO case (coming to trial in September 2008) extending back over several years and continents, numerous defrauded investors, warehouse of documents.

Terrorism

W [2005-7 and continuing]

Acquitted Algerian defendant (following the aborted 'ricin plot' trial) whose asylum/deportation case remains outstanding. Progress so far: he awaits a further opportunity to take his claim to the Court of Appeal.

K & Z [2006 to date]

Arrested in connection with the airplane plot

A [2006 to date]

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

Revenue Fraud

R v P [2000]

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 [2000-2, 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 [2001]

Systematic breach of trust, successfully fought for mitigation (nearly duress, not quite)

R v P [2000]

Leading brief in 10-handed building fraud. Joint Customs/Revenue prosecution.

Drugs

R v M & Others [1997]

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 [2003]

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 [1997]

US ‘Treasury Bonds’ with value only US\$4.2 bn.

Mortgage Fraud: ‘false instrument’ and ‘use’:

R v W & 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 P [Archbold News 1994 (CA)]

Michael argued the R v Preddy point, 2 years before that case. Pyman is referred to in Archbold.

Mental Health

R v S [2007]

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 [2000]

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 [2000]

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 [1997] (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 [2000]
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 [1995]
10 handed electrical goods importation fraud

Stalking

R v D [2000]
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 [2002]

Rape (defending)

R v M [2007]
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 [2002]
TV link from Nigeria for independent witness refused but defendant acquitted.

Rape (defendant with Asperger’s syndrome)

R v R [2003]
Survived the difficulties inherent in the 2-way process of understanding, taking instructions, and explaining decisions.

Indecent assault

10 serious cases (2002-6)
Historic sex abuse back into 1980’s, including children’s homes’ scandals.

Child pornography

R v M [2007]
Represented the man who stood in for “Son of God,” who ran Britain’s biggest child sex video ring website.

R v C [2006]
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.