

# Brendan O'Leary

Call to Bar: 2007



## Recommended in Legal 500, 2024 – Crime (General and Fraud)

"Brendan is always very prepared and thorough and his client care is exceptional which is important for instructing solicitors. Brendan is an experienced barrister." - Legal 500, 2023

Brendan is an established and sought-after barrister who specialises in all areas of serious crime.

He is regularly instructed in serious criminal litigation, in particular homicide, organised crime, financial and regulatory crime, and sexual offending. He is instructed in cases of the utmost gravity, sensitivity, and complexity. He is renowned as a skilled jury advocate, who is particularly adept at bringing a clarity to complex cases.

He specialises in multi-handed cases where he is credited with excellent tactical instincts in advancing his client's case. Many such cases involve very large amounts of evidence and Brendan is quickly able to digest such material and identify areas which can be used to his client's advantage.

Brendan has considerable experience in dealing with expert evidence, from cell site analysis to DNA evidence. He is adept at deploying such expert evidence to the benefit of his clients, which has resulted in successful outcomes in a large number of cases.

Client acquitted by the jury. Brendan's practice includes a number of high value and high profile Enchrochat cases involving multi-million pound drugs and firearms conspiracies.

Brendan's practice also encompasses defending those charged with serious sexual offences. He has defended in high profile 'grooming' cases which have received coverage in national media.

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### Practice areas:

Criminal Law  
Business Crime & Financial Regulation  
Regulatory  
Professional Discipline  
Licensing  
Inquiries & Inquests

He is also often instructed to deal with sensitive cases where the allegations in nature. Brendan has a meticulous approach to pre-trial disclosure and analysing unused material. He is skilled at analysing large amounts of material and deploying its use to the advantage of his client.

Brendan prides himself in providing an excellent service to professional and lay clients. He is regularly instructed in cases where youths and those with significant mental health conditions have been charged with murder and other serious violent and sexual offences.

## Notable Cases

### Operation Sandpiper

Murder - Ongoing case – A multi-handed (10 defendants) allegation of murder of a 16-year-old boy. The defendants were all youths at the time of the allegation.

A high-profile case which encompasses complex issues of joint enterprise / participation.

### Operation Foxtan

Murder – Ongoing case – 5 defendants.

Brendan represents one of the defendants in this allegation of murder arising out of an incident at a set of traffic lights in South Manchester. Trial fixed July 2024.

### Operation Littlefinger

Conspiracy to defraud.

Ongoing case. Allegation is that the defendants conspired to defraud HMRC of more than £25 million, by the creation of false companies applying for research grants.

### Operation Northolt

Conspiracy to possess firearm with intent to endanger life.

Instructed to represent the defendant alleged to have discharged a firearm into an occupied property.

Multi-handed case involving complex cell site, phone, DNA and CCTV analysis. Defence consisted in demonstrating the strands of evidence relied upon by prosecution were not consistent with their case. Detailed analysis of unused material proved the contentions made by prosecution were not supported by wider material. Client acquitted.

### Operation Rudge

Conspiracy to produce cannabis, conspiracy to facilitate travel for exploitation, conspiracy to perform forced labour.

A three-week trial where Brendan was instructed to represent the alleged regional head of an OCG accused of organising the trafficking of individuals to perform forced labour in cannabis farms. The value of the dugs was in excess of one million pounds.

Detailed analysis of phone records, cell site and ANPR evidence demonstrated the evidence relied upon by the prosecution was not reliable or consistent with the prosecution case theory.

## Operation Geladi

Conspiracy to rob, conspiracy to supply cocaine and cannabis.

One of the first wave of 'Enchrochat' Operation Venetic cases. Represented a defendant said to be a leading member of Salford based OCG involved in the violent targeted robbery

of over 1 million pounds worth of cocaine from a stash house belonging to a Liverpool based OCG.

## Operation Wimbledon

Multi handed conspiracy to import cannabis, supply cocaine and produce amphetamine.

Multi-million-pound drugs conspiracy. Detailed pretrial analysis of evidence and unused material resulted in successful representations being made on behalf of the client culminating in the class A charges and importation charges being dropped by the prosecution.

## Operation Barva

Large scale conspiracy to assist unlawful immigration.

The case involved 15 defendants. The evidence was voluminous and involved meticulously analysing documents from the UK and overseas in order to properly advance the case on behalf of the defendant

R v H - Defended a client in a case of industrial scale production of cannabis. Client found at the scene of a cannabis factory and fingerprint evidence linked him to scene. Numerous pieces of evidence excluded. Client acquitted after successful submission of no case to answer.

R v JB (and others) – Multiple defendant case involving a lengthy conspiracy to supply class A and B drugs. Over one year's of evidence including undercover police surveillance and covert listening devices. Client was only the only defendant acquitted of both charges, after an eight-week trial.

R v FS – Successfully prosecuted a case and later successfully upheld at the Court of Appeal. Now the leading case in the area of when a 'statutory defence' is available to those who claim to be refugees are charged with possession of fraudulent documents.

R v M – Defended in a case of a violent robbery using a weapon. Client had been identified by the victim. Client had also allegedly confessed to committing the robbery to police. Brendan succeeded in having the alleged confession excluded. Identification evidence challenged. Client acquitted after trial.

R v AA – Defended in a case where a shop keeper pleaded guilty to sexual assaults on two girls under 13. Brendan persuaded the court to suspend the prison sentence.

R v S – Defended in a case of possession of a firearm and robbery of a taxi driver. Successfully challenged evidence that the firearm was not one that should be subject to a five year minimum prison sentence.

R v W – Brendan successfully prosecuted this case where the defendant was convicted as part of a gang who dressed up as policemen to burgle houses containing cannabis farms. Manchester Evening News Report.

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R v WE – Successfully appealed the sentence of a man convicted of a violent robbery in the home of a woman and young child. The sentence was reduced by 2 years' from 8 to 6 years' imprisonment

## Road Traffic Law

Brendan is regularly instructed in a wide range of road traffic cases. Brendan has been instructed in cases involving s172 RTA 1988, dangerous driving, careless driving, driving whilst under the influence of drink or drugs. He is skilled at pursuing technical defences, such as the calibration of speed guns, challenging police intoxilyser procedures, and back calculation defences. Brendan also has an excellent record of in persuading courts to find Special Reasons and Exceptional Hardship to avoid disqualification under the 'totting up' provisions.

## Notable Cases

R v JW – Acted for a client charged with drink driving, over twice the legal limit. Successfully argued that the court should not disqualify on the basis of shortness of distance driven.

R v CG – Successfully represented a client who was found to be three times over the legal limit. Put forward a back calculation argument which secured an acquittal after trial.

R v TW – Successfully argued that a man who had driven over the limit had done so only to escape an incident of domestic violence being carried out by his wife. Court found special reasons not to disqualify.

## Asset Recovery and Confiscation

Brendan has a great deal of experience in this area, where he also appears in the High Court in enforcement receiver proceedings.

He has been instructed in a complex and long running enforcement receiver case at the High Court. This has involved a number of legal arguments and the consideration voluminous amounts of evidence.

Brendan also successfully represented a client on a Proceeds of Crime application where he successfully argued that the order being sought by the prosecution was disproportionate.

## Taxi Licensing

Brendan has a particular interest in the area of taxi licensing. For many years he has acted for both taxi drivers /operators, and also local authorities in taxi licensing cases. Brendan has significant experience in dealing with the particular legal issues raised in this area. He has an in depth knowledge of the law and procedure involved in both prosecuting and defending taxi licensing cases. He has also assisted taxi drivers in their appearances before local authority licensing committees.