

**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 credited as being an advocate who combines excellent courtroom skills with a manner that both clients and juries warm to. He also brings hard work and detailed preparation to each case he deals with.

He has quickly developed a busy Crown Court practice. His maturity and calm manner has seen him instructed on a number of serious cases from early in his career. Brendan also regularly appears at the High Court and Court of Appeal.

Brendan's practice is more defence based, but he also prosecutes regularly, where he applies the same hard work and determination to secure the best possible result for his client.

In addition to his Crown Court practice Brendan has developed a busy Road Traffic Law practice. He has experience in acting for a wide range of individuals, including a number of high net worth clients. He has an enviable success rate in achieving the best outcome for his clients.

Brendan also increasingly receives instructions in the areas of asset recovery and confiscation, licensing, and trading standards. He is regularly instructed by local authorities and private clients in both areas.

Prior to coming to the bar Brendan was employed by the Government, and his role brought him into assessing and documenting cases of alleged Human Rights abuses in a number of conflict zones in Africa.

Brendan achieved first place on his Bar Vocational Course, and was both the Criminal Bar Association Kalsiher Scholar and Richard Isaacson Q.C. Memorial Scholar in 2007.

## Criminal Law

Brendan quickly developed a busy Crown Court practice, acting for defendants and the prosecution.

He regularly appears in cases of serious violence, robbery, firearms offences, fraud and sexual offences.

He has also been instructed in a number of serious cases including attempted murder, possession of firearms, and serious offences of violence.

As well as this, Brendan has developed an expertise in the areas of fraud and business crime. He has a particular interest in developing this aspect of his practice even further.

## Notable Cases

**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.



## CONTACT DETAILS

Email:

brendan.oleary@lincolnhousechambers.com

Telephone:

0161 832 5701

## PRACTICE AREAS

Business Crime & Financial Regulation

Civil Law

Criminal Law

Immigration & Asylum Law

Judicial Review Law

Licensing

Regulatory

**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.

**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.



## CONTACT DETAILS

Email:

brendan.oleary@lincolnhousechambers.com

Telephone:

0161 832 5701

## PRACTICE AREAS

Business Crime & Financial Regulation

Civil Law

Criminal Law

Immigration & Asylum Law

Judicial Review Law

Licensing

Regulatory

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



## CONTACT DETAILS

Email:

brendan.oleary@lincolnhousechambers.com

Telephone:

0161 832 5701

## PRACTICE AREAS

Business Crime & Financial Regulation

Civil Law

Criminal Law

Immigration & Asylum Law

Judicial Review Law

Licensing

Regulatory