

Brian O'Neill QC

"He has the jury eating out of his hand."
Legal 500 UK 2021



Year of Call: 1987 QC: 2010

020 7353 5324

Now entering his twelfth year in Silk, Brian provides advice and advocacy in private prosecutions (in which he has a particular expertise), business crime, and serious crime. His expert skills can be applied to any complex situation whether defending or prosecuting across various jurisdictions. He advises corporate clients in this jurisdiction and abroad and gives advice to foreign Governments. He has appeared in numerous high profile cases and has represented a number of professional footballers.

Brian is consistently recommended in the principal industry guides as a leader at the Criminal Bar with quotes such as:

"Calm, confident and very down to earth, he has an encyclopedic knowledge of the law." – Chambers UK 2021

"He's the real deal when it comes to private prosecutions." – Chambers UK 2021

"He has the jury eating out of his hand." – Legal 500 2021

"He possesses that rare gravitas through which he can command a courtroom with ease." – Legal 500 2020

"Highly attractive to corporates wishing to commence private prosecutions." – Legal 500

"His calm and confident manner means he is in great demand." – Legal 500

"He's very thorough, he's very organised, and he shows great attention to detail." – Chambers UK

"A very strong practice...he is very level headed and very cool" – Chambers UK

Location

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Business Crime & Financial Services

Brian is particularly sought after in 'paper heavy' and substantial multi handed cases where his analytical skills, attention to detail and strong advocacy are highly valued. He is regularly instructed by both leading defence solicitors and prosecution agencies in this sector including the CPS HQ's Specialist Fraud Division and is on the Serious Fraud Office QC Panel.

He advises corporate clients in this jurisdiction and abroad and gives advice to foreign Governments. He has advised UK and overseas companies in respect of their and their Directors' liabilities in on-going and potential proceedings in this and other jurisdictions. He has advised the Government of the Cayman Islands in relation to allegations of bribery and corruption in the course of a major inter-governmental investigation.

Cases

Mills, Scourfield & Others

Appearance: Prosecution

In January 2017 following a 4 to 5 months' trial at Southwark Crown Court David Mills, his wife Alison, Michael Bancroft, Mark Dobson and Tony Cartwright were convicted of a variety of offences including conspiracy to corrupt, fraudulent trading and conspiracy to launder criminal property which resulted in a loss to HBoS of £245 million and the substantial enrichment of Mills and his associates. Lynden Scourfield, the HBoS banker, had pleaded 'guilty' to the same counts in August 2016 shortly before the trial commenced.

The corrupt relationship which developed between David Mills and Scourfield lay at the heart of the prosecution's case. Mills corrupted Scourfield and his fellow HBoS banker Dobson who as a consequence gave him and his wife and their associates the opportunity to earn substantial fees as consultants to various companies which were under their control and to take some of them over. But the consultancy fees which Mills and the others received were only a fraction of the benefit and remuneration which he in particular gained as a result of his involvement with numerous companies.

The investigation, one of the largest ever undertaken by Thames Valley Police, generated a vast amount of material giving rise to questions about how such cases and in particular the disclosure issues which they generate can best be managed by the prosecution.

Confiscation proceedings were concluded in 2019 and appeals against conviction and sentence were dismissed in 2020. A number of enquiries into the HBoS scandal are ongoing.

The case was widely covered in the national press, click the links to read more: [BBC](#) | [The Guardian](#) | [The Telegraph](#) | [The Sun](#)

Pagliara, Price & Wright

Appearance: Prosecution

The defendants, two football agents and the former assistant manager of Barnsley FC were convicted of offences under the Bribery Act in December 2019 following a two months' long trial at Southwark Crown Court.

The case stemmed from an extensive undercover investigation into alleged corruption in football by *The Daily Telegraph* in 2016, the most high-profile casualty of which was Sam Allardyce, the then England manager, who

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resigned his position.

The prosecution's case was that the agents (Pagliara and Wright) arranged payment of cash, and encouraged further payments to be made, in order to induce Wright to do one or more of the following improper acts:

Undercover journalists posed as representatives from a sports management company which was interested in investing in football players. A journalist arranged to meet Pagliara, who introduced her to Price, and later introduced her to Wright. From the first meeting, Pagliara and Price divulged wide-ranging corrupt practices within football and discussed their plans to break FA regulations prohibiting third party ownership. They referred to prominent individuals, at Premiership and Championship level, who took bungs and bribes.

The journalists recorded many hours of meetings and telephone calls, which were played at trial. In addition, the prosecution called evidence from the FA, from those involved at executive and management level and from professional football players who were at Barnsley at the time

Brian advised the Director of Public Prosecutions on whether charges should be brought (offences under the Bribery Act require the Director's personal consent) and led Julia Faure Walker and Merry Van Woodenberg for the prosecution. They were instructed by the CPS Specialist Fraud Division.

The case was widely covered in the national press, click the links to read more [here](#) and [here](#).

Frisby & Shakespeare

Appearance: Prosecution

The defendants were convicted of a number of counts of fraudulent trading following a 3 to 4 months' trial. The allegations related to their operation of a number of companies which attracted £millions from private investors and equally substantial investments from various banks in a 'land banking' 'Ponzi' fraud. This was one of the first cases in the country in which the jury bundle was presented on an iPad.

Roberts

Appearance: Defence

Representation of a senior barrister accused of tax fraud and perjury. The case gave rise to a number of complex issues in the crossover area between criminal and chancery law.

Criminal Defence

Brian is instructed in criminal cases of the utmost gravity and seriousness by leading defence solicitors. His vast experience has earned him the respect of those who instruct him, his peers and the judiciary.

He is regularly instructed in high profile murder cases and allegations involving serious sexual offences where his judicial experience as a former Recorder (including sitting at the Central Criminal Court) gives him a distinct advantage.

He has represented a number of Premiership footballers accused of serious violence, sexual assault and public order offences: out of respect for their privacy their names have been anonymised and media links removed.

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Cases

MDY

M was charged with a gang related murder. The case against him hinged upon facial analysis evidence with supporting cell-site evidence. Upon Brian's advice **Diligence** were instructed as defence experts in these two fields. Following receipt of Diligence's reports, the prosecution and defence experts met in order to produce joint reports. The results thereof were that the cell-site area was enlarged and the prosecution's imagery expert's opinion that M was one of the suspects was greatly diminished. Further to these joint reports Brian drafted written representations to the CPS inviting a review of the decision to prosecute M and submitting that there was no longer a realistic prospect of conviction. On the eve of trial, the prosecution agreed and offered no evidence against M.

ELH

H was accused of two gang related murders. Following the service of the prosecution case Brian advised that an application to dismiss should be made. Upon receipt of the defence's written submissions the prosecution discontinued the case against H in respect of all of the allegations which he faced.

AJ and others

AJ and seven others stood trial on four counts of murder. They were accused of firebombing the home of a man whom they suspected of having murdered a friend of theirs earlier that day, however, the wrong house was set alight killing a mother and her three teenage children. AJ was acquitted of murder and convicted of manslaughter.

VUT

Defence of a professional footballer accused with three other players of sexually assaulting a young woman in a hotel room. Brian's client was acquitted of all charges. The solicitor for one of the co-defendants described Brian as "*the stand out Silk in the case*".

YXW

Defence of a professional footballer accused of wounding a night club doorman with intent to do grievous bodily. Brian's client was acquitted of all charges.

Private Prosecution

Brian's expertise in criminal law and his very considerable experience prosecuting serious and complex criminal cases have led to a number of instructions in this area in which he both prosecutes and defends and also lectures.

Cases

MA v AD and NR

Appearance: Prosecution

A private prosecution brought by a Dubai based businessman against two UK nationals who are alleged to have defrauded him of approximately £1 million. The matter is currently pending before the Court of Appeal.

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MT v SG

Appearance: Defence

SG, an Austrian businessman, is accused by MT (an Italian businessman with dual Swiss nationality) of a mezzanine finance fraud. The proceedings, which have given rise to a number of significant jurisdictional issues, have been the subject of a successful application to the CPS to intervene and discontinue. The private prosecutor is presently attempting to judicially review the CPS' decision.

Euro Exim Bank Ltd v Wahab

Appearance: Prosecution

A private prosecution brought by a private bank against a former customer in respect of his attempts to defraud the bank of E50 million and blackmail senior officials in the bank.

G and T v L

Appearance: Defence

L was accused of numerous counts of 'health and safety' fraud relating to the provision of gas and electrical safety certificates in a private prosecution brought against him by G and T following a long running contractual dispute between their companies. Successful representations to the CPS resulted in half the charges being taken over and discontinued. The subsequent trial resulted in a hung jury. Thereafter, following further submissions, the private prosecutors offered no evidence.

TSR and SRQ

Appearance: Defence

The defendants, two senior professionals in the financial services industry, were accused of fraud by the daughter of one of their clients following a long running family dispute. The matter was prosecuted privately and was the subject of successful representations to the CPS to take over the case and discontinue the proceedings.

Thereafter the defendants successfully recovered all of their costs against the private prosecutor following a fully contested hearing.

QOP

Appearance: Prosecution

Advising a financial services company on the merits of a private prosecution in respect of allegations of fraud by a former senior employee and his wife following a series of civil suits.

Public Prosecution

Brian is a very experienced prosecutor who is regularly instructed to prosecute in cases of complexity, sensitivity and seriousness. Apart from his work for the Specialist Fraud Division (see Business Crime and Financial Services), Brian is regularly instructed by specialist units within the CPS, including the Organised Crime Division,

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CPS London's Homicide Team and CPS London's Special Casework Division.

His significant experience includes the complex multi-handed prosecutions of organised gangs of criminals and "career criminals". Such cases require careful attention to case strategy, an ability to analyse and present a range of complex evidential material, and the sure handling of often highly sensitive unused material.

He has extensive experience of prosecuting murders at the Old Bailey including multi handed gang related cases.

Outside of this jurisdiction he has advised the DPP of The Isle of Man in respect of a high profile murder case on the island and the Government of the Cayman Islands in relation to allegations of bribery and corruption in the course of a major inter-governmental investigation.

Cases

R v Elijah Morgan & Jedaiah Param

Following a five weeks' trial at the Old Bailey, two defendants were convicted of the murder of drill artist Bis, real name Crosslon Davis, a member of the prominent music collective the Harlem Spartans: his tracks have had millions of YouTube hits. He was stabbed to death in an attack by four armed men in the early hours of Friday 6th December 2019 in Deptford, south east London. The other two men involved in this killing have not been satisfactorily identified but suspects remain under investigation.

Worrie and others

The defendants, of whom there were six, were all convicted of the murder of a member of a rival gang in east London. They and two others (who remain unidentified) took part in a ride-out into enemy territory where they spotted, chased and stabbed to death a rival gang member. Following a trial of 57 days' duration all the defendants were convicted of murder and associated weapons charges.

Gomez Remolina

The defendant was convicted of the murder of two young men more than 10 years previously. He and his brother were international career criminals who had come to London with their girlfriends to commit high end burglaries. Following a dispute with a local criminal they executed him and a friend of his before fleeing the country. The defendant's brother was quickly caught and returned here to stand his trial but committed suicide in prison shortly beforehand. The defendant remained at large for a number of years before being located in Mexico from where he was extradited to stand trial.

M and others

Five defendants were convicted of murder, manslaughter and assisting an offender for their parts in the gang related assassination of a rival drugs dealer in a London street during the evening rush hour. The gunman who was aged just 15 at the time of the shooting was indicted alongside his father and grandmother who had given him a false alibi and spirited him out of London, as well as two others who had supplied the lethal weapon and driven him to and from the scene of the shooting.

Huckle

Huckle, widely described in the media as 'Britain's worst ever paedophile', was convicted of 71 counts of child abuse committed against 23 young children over a period of 8 – 9 years when he was living in Malaysia. The case gave rise to numerous issues including extra territorial jurisdiction, the use of 'the dark web' and the presentation

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to a jury of graphic images recorded by H of him raping his victims. [Click here](#) to read about the case in the national press. Huckle was subsequently murdered in prison.

Meanza

Meanza, who had been the subject of a Mental Health Act order for many years, was convicted of the murder of a care worker at the 'halfway house' to which he had been recently released.

Tamale and others

Three defendants, including two twin brothers, were convicted of the murder (2) and manslaughter (1) of a young man who tried to prevent them from robbing a group of other youths at an 18th birthday party.

Gibbon

Gibbon was convicted of the murder of his next door neighbour. Following a protracted dispute which had resulted in court proceedings being brought against him, Gibbon ambushed his neighbour on her way to work and stabbed her to death.

Safdar & Subhani

The defendants were accused of endangering the safety of a PIA aircraft by making threats to kill members of the crew and blow up the plane on its approach to Manchester airport. RAF fighter jets were scrambled and the plane was diverted to Stansted airport, the incident being treated as terror related.

Johnson & Others

The defendants, of whom there were 30, were members of organised criminal networks which carried out more than 30 robberies of 'high end' jewellers' stores throughout the country and overseas stealing £millions worth of watches and other items. This was one of the largest prosecutions ever brought by the Flying Squad. Brian was subsequently named 'Times' Lawyer of the Week' in recognition of his leadership of the prosecution team.

Sports Law

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ZAB

Defence of a professional footballer accused of a public order offence following his sending off in a Premier League match.

CDE

Defence of a professional footballer accused of assault following an incident involving rival fans.

Accreditations

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Appointments & Memberships

- 2020: Appointed to SFO QC Panel

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- South Eastern Circuit
- Criminal Bar Association
- Private Prosecution Association
- Fraud Lawyers Association

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