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Neil FitzGibbon

Profile

Neil is a successful criminal defence barrister called to the Bar in 1989 and undertakes a wide range of criminal trials and Court Martial cases around the country and abroad. Over the last 20 years he has successfully defended in a number of notable trials receiving considerable acclaim for his thorough approach and skilful but determined cross examination. He has developed a specialty for defending in Health and Safety cases and regulatory work at Coroner's Inquests and Inquiries. Neil represents airline personnel including pilots and crew involved in both criminal and civil aviation breaches. He is a member of the Criminal Bar Association, Fraud Lawyers Association and the International Criminal Bar and he can be approached directly through the Direct Public Access scheme.

Expertise

His areas of practice include offences of fraud, murder, sexual offences [including offences involving the internet] and other offences of violence. In addition to general criminal cases he also represents people charged with serious motoring offences. Neil has appeared in a variety of high profile criminal trials some of which are mentioned below, and regulatory cases brought by the Health and Safety Executive most notably the case of R - v - Corbould, who was prosecuted for alleged breaches whilst the filming of Batman "Dark Knights", he was subsequently acquitted.

Noteable Cases

Homicide and Corporate Manslaughter

R v. Neil Boyle - Inner London Crown Court 2018

The defendant was charged with murder where the victim had died 6 years after sustaining life changing injuries from an assault in which the accused had previously been convicted of causing grievous bodily harm and sentence to a term of imprisonment. The accused was found unfit to stand trial.

R - v - Simmons and Others - 2012 - Stafford Crown Court

Neil was Leading in this manslaughter trial that involved an Incident Fire Fighter Commander being prosecuted for health and safety failings which resulted in four fireman tragically losing their lives trying to put out a blazing warehouse in Warwickshire. This was a complex prosecution and the first of its kind where fireman had been tried for the manslaughter of other firemen in the line of duty. Neil's client was acquitted on all counts.

R - v - Edwards - 2011 Chelmsford Crown Court



Neil was Leading in this murder trial at Chelmsford Crown Court where the defendant stabbed his partner 17 times with a kitchen knife; the defence was provocation in that he'd lost his self control by the constant verbal abuse which berated and belittled him. The defendant was acquitted of murder and sentenced to 5 years imprisonment for the manslaughter which led to AG's Ref 008 2011. The sentence was subsequently increased to 7 ½ years.

R - v - Britton 2010 Central Criminal Court

This was a trial at the Old Bailey where the skipper of the oldest pleasure cruiser on the Thames was prosecuted for the manslaughter of a passenger that fell overboard as he disembarked as the vessel had been negligently moored. The Skipper was acquitted of manslaughter.

R - v - Smith 2008 Chelmsford Crown Court

This was an allegation of attempted murder where the accused was banging an unconscious man's head on the pavement threatening to kill him. The accused was heavily intoxicated and the defence of lack of intent was successful.

R - Bowles & Oths Central Criminal Court 1996

A haulage company was prosecuted when one of their driver's fell asleep at the wheel. His articulated lorry triggered a terrible accident causing the death of another motorist travelling in the opposite direction on the M25. Neil was representing one of the financial directors of the company who was acquitted.

Health and Safety Executive

R. v. David Millward - Nottingham Crown Court 2016

This was an HSE prosecution involving a track worker being killed by a train and the allegation against the defendant is that as the supervisor he failed to take all the necessary precautions in the supervision of his team. The defendant was found not guilty.

R.v Martin Zee - Liverpool Crown Court 2017

The was a HSE prosecution where the accused was a train guard and prosecution for allowing the doors to close on a passenger resulting in the passenger falling down the gap in the platform and onto the railway track and sustaining serious injuries. The accused was acquitted.

R. v. Robert Pomphrett - Chelmsford Crown Court 2019

This was a HSE prosecution following the tragic death of a concrete gang layer where a hose attached to a concrete pump lorry suffered a blockage and then released which resulted in a violent sudden release of high pressure air causing the rubber hose attached to the metal boom to whip and cause the death of the concrete layer holding the end of the hose. The defendant and his Co were acquitted of all Health and Safety allegations.

R - v - R 2013



Fleet Street

This was a health and Safety at work prosecution of a carer who was prosecuted for the death of a patient in their care.

R - v - 2011 - Virgin Rail derailment inquest

This was an inquest in Kendall following the derailment of a Virgin train. The entire train comprising 8 carriages came off the tracks in Cumbria as a result of points failure sadly resulting in the death of a passenger.

R - V - Corbould - 2011 Guildford Crown Court

The accused was a special effects supervisor who had recently received an Oscar and the BAFTA together with the Visual Effects Award for 2011 for the film Inception. He was prosecuted by the HSE when a tragedy occurred in the filming of the Batman film "Dark Knights" when a special effects technician died whilst filming a proposed stunt of the Batmobile being "cannoned" and then flipped.

Sexual Offences

R.v. J.J. - Cambridge Crown Court 2016

Allegations of sexual offences following invitations through facebook to meet

The accused was acquitted.

R - v - Gueli 2012 - St.Albans Crown Court

This was a case that involved the kidnapping of two young boys and being held over night at knife point.

R - v - Spalding 2011 - St Albans Crown Court

This was a rape trial where the defendant was tried even though the Complainant had in the intervening period died of an unrelated illness. The accused was subsequently acquitted.

R - v - Sharrott 2011 - Lewes

This case concerned an airline pilot being prosecuted for the rape of a member of cabin crew.

R - v - D 2009

This was a very unusual case in that the accused had an incestuous relationship with his daughter over a 30 year period.

Death by Dangerous Driving

R - v - Hullatt - 2011

This was a tragic death by dangerous driving case where a fireman was prosecuted following a fatal



Fleet Street

collision in Luton whilst driving a fully equipped fire tender on his way to an emergency response.

R - v - Russell 2007

This was a dangerous driving case where an off duty police officer failed to observe the traffic lights against him and drove through a junction and killed a motorcyclist travelling across the junction. He was acquitted of dangerous driving

Organised Crime

R v. Ikram Ali - Southwark Crown Court 2018

A prosecution by the Medical Health Regulatory Agency in a conspiracy to supply prescription only medication that was imported from abroad and distributed worldwide. The defendant was acquitted following a three month trial.

R - v - Clark 2012 - St Albans Crown Court

This case concerned a large scale drug supply case, where the defendant had a large quantity of drugs concealed on his premises together with significant sums of cash. The defendant was acquitted on all counts.

R - v - Bengelis 2010 - Chelmsford Crown Court

Neil successfully Led in this multi million pound luxury car ringing fraud. High value cars were stolen given new identities and sold on both in this country and abroad.

R - v - Wassell & Oths 2002 Middlesex Guildhall Crown Court

This case concerned the transfer of a Yugoslavian made machine gun it had the capacity to penetrate solid oak 33in from a distance of 200 yards.

R - v - Walsh 1998

Neil was Leading in this multi million pound drugs trial at Birmingham Crown Court.

R - v - El Kurd & Oths 1996 - Blackfriars Crown Court

This was a multi handed 80 million pound money laundering trial that lasted over 6 months. The defendant that Neil represented was acquitted.

Court Martial Cases

R v. Yograj Rai Court Martial case 2003

This was a court martial conducted in Belize in Central America. Neil was Leading in this trial which concerned the murder of a young Belizian boy outside a nightclub. The soldier Neil was representing



Fleet Street

was acquitted and returned to his regiment.

R - v - Goldie 2011 - Sennelager Court Martial Centre

This was an allegation of grievous bodily harm with intent. It was alleged that the accused had cut up another soldier with an 8" knife. There were 60 knife wounds across the other soldiers torso, back and legs. The defence was one of self infliction, which seemed a little difficult to prove at first due to the wounds in the small of the back but due to their nature and grouping they had the hall mark of being self inflicted. The Soldier was acquitted.

General

R. v. L. Williams - Basildon Crown Court 2019

This was a significant Class A drugs conspiracy where the accused was videoed handing over a quantity of cocaine, his defence was lack of knowledge and was acquitted.

R.v. Fatmir Dragoshi - Canterbury Crown Court 2019

The defendant was accused of a conspiracy to "people smuggle" Albanian Nationals across the Channel from France. The defendant was acquitted.

R v Turner 1994

This was a very odd case which is illustrative of some of the unusual cases that Neil has done over the years. He represented a funeral Director at Norwich Crown Court accused of burying bodies he should have cremated and cremating bodies he should have buried. In addition he was accused of stealing jewellery off of the corpses in his care. He was acquitted on all counts.