



Olivia McGonigle

Year of Call: 2021

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Overview

Olivia McGonigle works across all areas of criminal law and accepts instructions in regulatory and public law matters.

Olivia has a busy practice in the Crown Court and Magistrates' Court.

Recent criminal work includes:

- Drugs: Possession with intent to supply Class A drugs; Possession of Class A drugs; Cultivation of Class B drugs; Possession of Class B drugs
- Offences against the person: S.18 GBH; S.20 GBH; ABH; Assault
- Public order offences: Harassment; Stalking; Affray
- Breaches of court orders: Sexual harm prevention orders; Domestic violence protection orders; Restraining orders; Suspended sentence orders
- Motoring offences: Speeding; Drunk in charge; Driving with excess alcohol; Drug driving; Failure to provide a specimen; Driving whilst disqualified; Careless driving; Dangerous driving causing serious injury

Olivia also undertakes work in other areas of law.

She was instructed by the International Tennis Federation (the ITF) to provide legal support on regulatory and disciplinary issues.

Olivia also appears in the First Tier Tribunal for SEND matters and advises on Ofsted appeals.

Olivia is available to assist law firms, Local Authorities and prosecuting authorities on talks and has provided training on IRPs and school exclusions. She was a speaker at 3PB's Criminal Law Update seminar in July 2022.

Outside busy work demands, Olivia enjoys swimming and running.

Recommendations

Olivia has a "very appealing court room manner. She was prepared and really made a mark." **Crown Court Judge**

"I have been impressed with the results Olivia has got on the couple of cases she has done for me and how quickly and how detailed her notes are of the hearing" **Instructing solicitor**

"I would have assumed, watching, that you had been doing the job a good couple of years" **Defence counsel**

"Olivia went above and beyond." **Solicitor**

"I had the benefit of working with Olivia who I found to be extremely hard-working, diligent, pleasant and someone who was able to help us out at extremely short notice to prepare a very complicated witness statement in response to a fairly complicated judicial review matter. Olivia was able to get to grips with a very urgent court deadline and we were able to meet this deadline with her administrative and client care skills. She was able to take detailed instructions from the litigation friend and put this in a witness statement and not only that, was then able to put together a very detailed court bundle at very short notice." **Gregg Burrough – Senior Education Solicitor – Coram Children's Legal Centre**

"Your support gave me great relief. Thank you for fighting so hard." **Lay client**

Academic qualifications

- Bar Training Course – Distinction (BPP London)
- Graduate Diploma in Law – Distinction (BPP London)
- BA Hons History and Political Science (University of Birmingham)

Scholarships

- Butterfield Scholar (Western Circuit)
- Ann Goddard Scholar (Gray's Inn)
- Wilfred Watson Scholar (Gray's Inn)
- Residential Scholar (Gray's Inn)
- Career Commitment Scholar (BPP)
- Excellence Scholar (BPP)
- BPP Advocacy Scholar (BPP)
- GDL Scholarship (Gray's Inn)

Professional qualifications & appointments

- Level 1 – CPS Advocate Panel – General Crime

Professional bodies

- Gray's Inn

Expertise

Crime

Olivia McGonigle is a criminal law barrister whose recent cases include:

Offences against the person

R v RS (2023) Crown Court – secured a suspended sentence in a section 20 case

R v BR (2023) Crown Court – prosecution offering no evidence after a number of disclosure requests

R v AT (2023) Crown Court – client acquitted in burglary, ABH and criminal damage trial

R v SP (2023) Crown Court – prosecution trial resulting in a conviction after a five-day trial

R v JD (2023) Crown Court – secured a suspended sentence for a section 20 which included a hammer to the head in a domestic property

R v MB (2023) Crown Court – deferred sentence in intentional strangulation case – [reported here](#)

R v ME (2023) Court Court– suspended sentence for a section 20 road rage case

R v R (2022) Magistrates’ Court – assault: two-day assault and failure to provide trial with a vulnerable client

R v M (2022) Youth Court – assault: no evidence offered after cross-examination of the complainant

R v J (2022) Crown Court – s.18 GBH: covering the final two days of a trial. This involved dealing with a legal issue regarding jury verdicts for a youth

R v D (2022) Crown Court – ABH: represented a client who had attacked a stranger with a knife, causing lacerations to the face

R v C (2022) Crown Court – ABH: prosecuted in sentencing hearing for serious ABH (kick to girlfriend’s face)

R v P (2022) Crown Court – s.20 GBH: successfully argued for a suspended sentence for a youth in a case where one punch resulted in hospitalisation. This case was covered in the media including the [Bournemouth Echo](#)

Public order offences

R v ZW (2023) Crown Court – successful half time submission in a four handed affray trial, client acquitted

R v WM (2022) Magistrates’ Court – two-day prosecution trial resulting in a conviction. [Media reports here](#)

R v M (2022) Magistrates’ Court – harassment: acquittal

R v A (2022) Magistrates’ Court – affray: a non-finding restraining order was accepted and no evidence offered

R v A (2022) Magistrates’ Court – racially aggravated s.4A offence: persuaded the Crown to offer no evidence to the racially aggravated s.4A charge, and a conditional discharge was imposed for the basic offence

R v Y (2022) Magistrates’ Court – aggravated s.4 POA offence: a rare bind over order secured, so no criminal conviction received

R v G (2022) Magistrates’ Court – threats to kill: plea to s.4 POA accepted, and no evidence offered for the threats to kill

offence

R v C (2022) Magistrates' Court – stalking: prosecution accepted a favourable basis of plea limiting the time period and behaviour

R v R (2022) Crown Court – stalking: prosecuted the sentencing hearing in the Crown Court at Southampton with an interpreter

Drugs

R v HD (2023) Crown Court – secured a suspended sentence for PWITS class A drugs

R v AG (2023) Crown Court – secured a community order for PWITS class B drugs (second offence in two years)

Motoring offences

R v EA (2023) Magistrates' Court – successful special reasons hearing, client was able to continue to drive despite 6 points on his licence (as a new driver)

R v M (2022) Magistrates' Court – driving with excess alcohol, failure to provide, no insurance, failure to surrender: client was sentenced to a community order for a number of offences as a result of the mitigation that was advanced

R v A (2022) Magistrates' Court – totting offence: successful exceptional hardship argument based on health concerns and attending hospital appointments

R v P (2022) Magistrates' Court – careless driving: no evidence offered

R v A (2022) Magistrates' Court – speeding: interim disqualification from driving suspended pending appeal

R v C (2022) Magistrates' Court – careless driving: client avoided disqualification despite unfortunately causing significant injuries to a cyclist when driving without glasses

R v P (2022) Magistrates' Court – totting offence: successful exceptional hardship argument based on client's job and the impact disqualification would have on his family

R v F (2022) Magistrates' Court – totting offence: successful exceptional hardship argument based on likelihood of losing client's job

R v C (2022) Crown Court – speeding: successful appeal against sentence to the extent the disqualification period was shortened for a professional taxi driver

R v D (2022) Magistrates' Court – successful exceptional hardship argument, reducing disqualification period

R v B (2022) Magistrates' Court – dangerous driving: the magistrates' court retained jurisdiction and a community order was imposed

Dishonesty offences

R v A (2022) Magistrates' Court – fraud: client acquitted on s.172 charge and sentenced to a conditional discharge for fraud

R v N (2022) Magistrates' Court – theft: theft trial focusing on the intention to permanently deprive with a vulnerable client. Sentenced to a fine

R v C (2022) Magistrates' Court – theft from employer: acquitted

Other criminal cases

R v DH (2023) Crown Court – breach of a restraining order, prosecution offered no evidence after the case was reviewed

R v LB (2023) Crown Court – matter adjourned half with through the case when D had not attended. The Probation Service reviewed their position and withdrew the breach proceedings once the client was in contact and representations were made

R v AD (2022) Magistrates' Court – two-day prosecution trial resulting in a conviction. [Media reports here](#)

R v D (2022) Magistrates' Court – football offence: successfully opposed the imposition of a football banning order, and the client was sentenced to a fine

R v A (2022) Magistrates' Court – sexual assault: two-day sexual assault trial with multiple vulnerable witnesses

R v P (2022) Youth Court – possession with intent to supply (main offence): took instructions on PWITS offence from a vulnerable youth and achieved a conditional discharge for the breach of a referral order

R v B (2022) Crown Court – breach of court order: successful appeal against sentence in the Crown Court, resulting in a suspended sentence despite the client having 19 breaches of orders

R v B (2022) Crown Court – breach of court order: cross examination of an expert from the USA regarding alcohol level monitoring

Public and Regulatory

Olivia McGonigle has already undertaken work in several areas including education, firearms regulation, health and safety and business rates cases. Olivia is keen to continue to develop her experience in these areas.

Olivia has advised in several Ofsted suspension appeal cases.

Recent cases include:

HSE v D (2023) – advising and representing the client in court – health and safety

LA v T (2022) – advising Council on Tobacco Regulations

Regulator v P (2022) – representations for a client to deal with allegations in writing rather than through interview

LA v M (2022) – junior counsel on EHCP judicial review case that settled

LA v C (2022) – business rates case, dropped when shown evidence

P v Police (2022) Crown Court – firearms appeal

Education

Olivia McGonigle has experience in education cases acting on behalf of both individuals and local authorities. Olivia has undertaken a variety of cases at both First-tier Tribunal (Special Educational Needs and Disability) and Magistrates' Court and is keen to further build her practice in this area.

In a recent B, F and I appeal, Olivia successfully negotiated a settlement at the door of court which lead to a local authority naming a specialist independent school in section I of the EHCP.

Recent education cases include:

JA (DR) v ELA First-tier Tribunal (Special Educational Needs and Disability) – Successful B, F & I appeal, with the Tribunal naming the school despite the LA’s opposition.

JA (SA) v ELA First-tier Tribunal (Special Educational Needs and Disability)

LS (BS) v SoS First-tier Tribunal (Special Educational Needs and Disability)

DCC v AK Magistrates’ Court

DCC v KP Magistrates’ Court

DCC v GL Magistrates’ Court

DCC v KD (V) Magistrates’ Court

DCC v AS Magistrates’ Court

Articles

[Olivia McGonigle](#) looks at the appeal to the Upper Tribunal of LC and RC v Hampshire County Council [2023] UKUT 281 (AAC) which concerned, among other things, the test that should be applied when section I of an Educational Health and Care Plan ('EHCP') is in dispute.

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