



## Wayne Cleaver

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Wayne is an accomplished and committed advocate with almost 40 years experience in the criminal courts, both prosecuting and defending in serious cases across the spectrum of offences. His principal emphasis is upon Homicide, Serious Sexual Offences, Fraud, and Serious Organised Crime. He has been on the CPS General Crime Panel (Grade 4) and the RASSO Panel for over 20 years. He is often instructed to prosecute for the Complex Crime Unit and in investigations led by the National Crime Agency involving multiple defendants/complainants. Wayne is most regularly instructed as a Leading Junior in cases of Murder, Sexual Offences, and large scale conspiracy, often against Silks.

He regularly undertakes cases of the utmost seriousness and complexity, often involving PII, vulnerable or young witnesses, intermediaries, or challenging and demanding clients. Wayne is a member of and mentor for the charity 'Neurodiversity in Law'.

He has a well-deserved reputation for meticulous preparation and a complete mastery of his brief. He provides clear, concise and robust advice to both lay and professional clients on intricate issues of law and fact. He is experienced at assimilated vast quantities of evidence, reducing it to the core issues, and presenting the material to a jury in the most easily digestible form utilising digital presentation wherever possible. He has an engaging court style, is an attractive and natural jury advocate combining a delicacy of touch with fearless tenacity in fighting his corner. He always seeks to advance his clients' case to best advantage and leads 'from the front'. An advocate of great integrity he maintains the highest professional standards thereby earning the respect of the judiciary, his colleagues, and clients alike.

Wayne has embraced the challenges of the modern legal profession by fully adapting to digital working and 'Better Case Management' thus ensuring that he remains much in demand as a sought-after trial advocate.

## Testimonials

Wayne's presentation of a case when acting as Leading Counsel for the Crown in a Murder trial was described by a Senior Circuit Judge at the Central Criminal Court as "exemplary and consistent with the highest standards of the Bar ... which would have been a source of professional pride to the most experienced and able silk"

**HHJ Pontius**



## Cases

### Criminal Defence

**R v TM [2024]** – Leading for the defence in a multi-handed four week Murder trial. Represented a 19 year old accused of a knifepoint revenge attack in which the deceased was stabbed to death in retribution for an unpaid drugs debt. The case was against a background of county lines drug dealing in which the defendant was said to be the main protagonist and operator of the line. Trial involved detailed examination of phone data, cell site evidence, and numerous strands of circumstantial evidence. Detailed examination of the un-used material revealed the potential for the the deceased having been killed by another drugs gang requiring the defence to build upon and present an alternative case to the jury.

<https://www.bbc.co.uk/news/uk-england-cambridgeshire-68563405>

**Operation Tarrant [2021]** – Leading counsel for the defence (leading Catherine Rose) in a multi count Fraud trial. The client was to alleged to have operated as a Ghost Insurance Broker over several years. The investigation by the FCA, City of London and Cambridgeshire Police Forces spanned a period of five years. The case generated vast quantities of material including expert computer evidence and a myriad of banking documents. Most prosecution witnesses had to be cross-examined on detailed schedules vis overseas live links. Following a two week trial the client was acquitted of all twelve counts of Fraud.

**R v SP** – Acted in the defence of the first woman defendant charged with Malicious Wounding by transmission of the HIV virus to her consenting male partner.

**R v Priest** – Leading Counsel for the defence in a three month trial of a Care Home Manager charged with sixteen offences of ill treatment/neglect of elderly residents under Sec 44 Mental Capacity Act 2005. The first such prosecution of it's kind in the Crown Court. The case is now the leading authority for offences under this statute: R v Hopkins & Priest [2001] EWCA 1315 – conviction quashed.

**R v Napper** – Led junior (by David Fisher QC) in the defence of the second suspect tried for the highly publicised Murder of Rachel Nickel on Wimbledon Common.

**R v Cheal & others** – Leading Junior for the defence in multi-handed Conspiracy to Supply Drugs. Trial involved lengthy legal submissions regarding the legality of covert surveillance under the Police Act 1997. Trial lasted 10 months at the conclusion of which the defendant acquitted.

**R v Poole** – Successful defence of a solicitor for a charge of Wilful Neglect of a Person Lacking Mental Capacity (Sec 44 Mental Capacity Act 2005) in which every ingredient of the offence was in dispute – ie. 'having the care of'; lacking mental capacity; and wilful neglect. Defendant acquitted.

### Criminal Prosecution



**Operation Spianato [2023]** – leading for the prosecution in a Murder trial against KC. Issue on admissibility of audio recording of the Murder, Defence of 'loss of control' withdrawn at the close of evidence. Convicted of Murder

**Operation Limousine [2023]** – Leading for the prosecution in a multi-handed Conspiracies to Supply Class A and Firearms. Case investigated by the NCA. Contested DNA evidence. All defendants convicted and sentenced to a total of 87 years imprisonment.

**R v Letey [2023]** – Leading for the prosecution (Tom Parker as junior) in a four week trial on multiple counts of Controlling & Coercive Behaviour and Child Cruelty. The case involved inter-jurisdictional issues as much of the conduct occurred in the USA and was adduced as bad character. There was a myriad of phone/digital evidence, Family Court material, and a detailed factual matrix to distill for the jury. The case was so complex and generated such a quantity of material that it was prosecuted as a complex case. The female defendant, described the Judge as a 'highly manipulative dictator' was convicted. Wayne was instructed by Nikkie Rice, CCU (East of England).

**R v Brock [2023]** – Prosecution of a "persistent, predatory and highly manipulative paedophile" convicted of 27 sexual offences against numerous children. The offender identified and groomed young girls (aged 6+ years) on-line before going on to commit serious contact offences including multiple rapes. The case involved a labyrinth of computer evidence cleverly disguised by the offender in an effort to avoid capture. The Judge found the offender to be 'dangerous' and imposed 32 years imprisonment. Wayne was instructed by Jemma Montgomery, East of England RASSO Unit.

<https://www.itv.com/news/anglia/2023-08-07/highly-manipulative-rapist-targeted-girls-on-tiktok-and-filmed-abuse>

**Op Fascia (No:2) [2023]** – Wayne Cleaver, leading for the prosecution, secured the re-conviction of the killer of a woman in Jaywick after a three week trial at Chelmsford CC. The defendant had originally been convicted in 2022 but the case had been referred back by the Court of Appeal following a judicial misdirection on pathology evidence. At the re-trial the defendant sought to deploy a different defence but was convicted again and re-sentenced. Wayne was instructed by CCU East of England.

<https://www.essex.police.uk/news/essex/news/news/2023/july/jaywick-man-sentenced-to-eight-years-for-manslaughter-following-retrial/>

**Operation Fascia [2022]** – Leading for the prosecution in a four handed Murder trial against four QC's. The trial lasted 14 weeks and involved a very detailed factual matrix and multiple issues of law including joint enterprise, identification, murder/manslaughter, overwhelming supervening events; and sensitive disclosure. The case relied heavily on fragile and vulnerable witnesses requiring careful case management. Wayne was instructed by CCU East of England.

<https://www.bbc.co.uk/news/uk-england-essex-57252351>

**Operation Disturb [2021]** – Leading counsel for the prosecution (junior Dharmendra Toor) in a multi-handed trial at Ipswich CC involving large scale cannabis production/supply and people trafficking offences. The trial was the culmination of a lengthy police operation including covert surveillance, telephone and cell site analysis,



banking transactions, and expert evidence. A vast body of evidence was reduced to manageable schedules for trial presentation. All defendant were convicted. Wayne and Dee were instructed by Chelmsford CCU and a team of ERSOU officers.

**R v BRAIM & EYLES [2021]** – Instructed as part of the prosecution team in a Murder trial lasting seven weeks. The two defendants were in a feud with the deceased relating to drug dealing. The antagonism escalated into an incident where the deceased was fatally stabbed through the heart. The trial involved novel expert evidence concerning the movement of vehicles as demonstrated by complex telematics data. The prosecution was also able to deploy recordings of phone conversations from prison between the defendants whilst one was on remand.

<https://www.bbc.co.uk/news/uk-england-oxfordshire-56211681>

**R v SIDIQ [2021]** – Successful prosecution for an offence of Attempted Murder. Two rival business men were in dispute about unpaid duty and VAT. An incident erupted whereby the defendant threatened to kill the victim with a knife. Although there were three knife injuries inflicted they were medically categorised as superficial and none was life threatening. The defendant was unanimously convicted of Attempted Murder the jury having been satisfied of his murderous intent.

**R v A [2020] EWCA Crim 407** – The defendant was indicted with Causing Death by Dangerous Driving having parked her car on the hard shoulder of a motorway where it was struck by another vehicle with fatal consequences. At the close of the prosecution case the Trial Judge ruled there was no case to answer on the discrete issue of causation. The defence had argued that the collision by a third party was a novus actus breaking the chain of causation. The prosecution appealed the ruling under Section 58 of the Criminal Justice Act 2003. The Court of Appeal, concurring with Mr Cleaver's submissions, delivered a judgement reversing the Trial Judge and directing that the case be re-tried. The complex legal issue of causation in cases of this type was further clarified in the judgement of Simon LJ, now reported in the Weekly Law Reports with the citation above.

**R v Asif** – Wayne Cleaver has secured convictions on all counts in a complicated historic sex trial. The case involved multiple victims of offences committed up to 40 years ago. The investigation and presentation of the case was extremely sensitive due to the cultural and religious backgrounds of all concerned. There had been constant reluctance on the part of the complainants and many other witnesses to co-operate with the police and also with the trial process itself. Only as a result of very careful handling of the individual witnesses and the deployment of an array of bespoke special measures was it possible to secure their attendance and the crucial evidence which they did eventually provide. As a result of the delicate handling of the case the three week trial resulted in full convictions and sentences totalling 18 years imprisonment. Wayne was instructed by Thames & Chiltern RASSO team.

**Operation Raptor [2020]** – Leading Joanne Eley in the prosecution of a multi handed conspiracy. The trial was the culmination of a large scale under-cover police investigation into 'county lines' Class A drug trafficking extending from London to Crewe, Bangor, and Norwich. The supply network was far reaching and highly organised resulting in the arrest of over twenty suspects. The case involved the presentation of a myriad of detailed phone material, covert observations, and test purchases. The trial at Chelmsford Crown Court, which lasted six weeks, saw the



conviction of the final and leading conspirators in this nationwide criminal enterprise. The Trial Judge observed that this was “a serious and well organised conspiracy requiring serious deterrent sentences”. Wayne and Joanne were instructed by Essex CCU.

**Operation Gatenby [2000]** – Instructed as leading prosecution counsel (leading Philip Farr) in the Murder trial of R v Heinbergs (Norwich CC). The deceased was attacked by a random stranger in a brutal and unprovoked knife attack. The victim sustained multiple stab wounds to vital internal organs. The prosecution was put to proof on each and every ingredient of the offence – identification; diminished responsibility; loss of self control; self defence; and continuity of DNA and fingerprint evidence.

**Op Rose** – Instructed as leading prosecution counsel in a five week trial (Chelmsford CC) alleging Conspiracies to Supply Class A Drugs. This was a nationwide conspiracy centred upon London but concerning an organised ‘county lines’ operation extending to various regions of the UK. The trial concerned proof of the involvement of 11 conspirators with close analysis of mobile phone and cellist evidence. Issues were also raised concerning the Modern Slavery Act. Wayne was instructed by Chelmsford CCU.

**R v MASON & others [Operation Key]** – Wayne Cleaver, leading Philip Farr, secured convictions of all defendants in a four weeks trial at St Albans. The case was the culmination of an under-cover investigation into people trafficking from SE Asia to the UK.

**R v WHITTLE (Operation Gryphite)** – Wayne Cleaver, leading Joanne Eley, successfully presented the prosecution case during a Murder trial. See BBC report [here](https://www.bbc.co.uk/news/uk-england-beds-bucks-herts-46840997)

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**Op Trace** – Leading counsel for the prosecution in a multi handed trial against QC’s. A case of large scale Conspiracy to Supply Class A Drugs investigated by the Serious Organised Crime Group. Largely based on multiple strands of circumstantial evidence a compelling picture of the conspiracy was established to prove the case. This was the first criminal trial to involve the analysis and presentation of Caller Line Identity [CLI] ‘Spoofing’ designed to mask the origin of mobile phone traffic and to eliminate all records. This complex and ground-breaking area of evidence was presented through experts in the field, resulting in convictions of those charged.

**Op Gallon** – Leading for the prosecution in a trial at Cambridge Crown Court investigated by the Serious Organised Crime Group into allegations of Conspiracy to Kidnap and Conspiracy to Blackmail. The case required analysis and presentation of evidence concerning mobile phone data, cell site material, ANPR captures, and composite CCTV material. All defendants were unanimously convicted following a four week trial. Wayne was instructed by Herts CPS.

**R v Billingham** – Successful prosecution, gaining national press coverage, of father murdering eight year old daughter. See press report for detail:

[BBC News – Mylee Billingham murder: Dad jailed for 27 years](#)

**R v CC** – Successful prosecution of a transgender male for nine sexual offences against a young child over a four year period. The trial required especially delicate handling due



to the sensitive gender and diversity issues arising from the defendant's transgender identity.

**R v Riahi** – Leading Counsel for the Crown in a Murder trial at the Central Criminal Court in which the defendant was convicted of repeatedly stabbing his step-father after suffering racial abuse. Case was entirely based upon inter-linking strands of circumstantial evidence which had to be carefully pieced together. Wayne's presentation of this "very serious and demanding case" was highly commended by the Trial Judge as "worthy of a place in Treasury Counsel's room"

## **Fraud & Financial Crime**

**R v Chatters** – Successful prosecution of a large-scale serial Fraudster on an indictment containing 18 counts against separate companies. Case involved presentation of complicated, and disputed, handwriting evidence.

**R v Pannell** – Successful prosecution of a Company Director for Fraudulent Trading under Sec 993 Companies Act 2006 involving multiple fraudulent contracts and lease agreements in excess of £1M.

**R v Manson** – Defence of a solicitor, and serial fraudster, prosecuted by the Organised Crime Unit for various offences of Fraud in an elaborate scam to take-over the principal share-holding in 'Avanta Holdings' valued in excess of £19M.

**R v Mazambi & others** – Instructed as Leading Junior for the defence in a Conspiracy to Defraud the National Lottery and other charitable funders of sums in excess of £600K.

**R v Baga** – Led junior for the defence (by Ann Cotcher QC) in a Conspiracy to Defraud (VAT/carousel) prosecuted by Standing Counsel (QC) to HMRC. Indictment 'stayed' for abuse of process following the 'Bond House' decision.

**R v Nichol & others** – Leading Junior for the defence in the trial (prosecuted by QC) of the 'Peacock Gym Gang' concerning various conspiracies to handle stolen goods and steal cash including £1.2M from an HSBC depository at Gatwick Airport.

**R v Drewitt** – Leading Junior for the defence in multi-handed Conspiracy to Defraud (prosecuted by QC) and associated contested Confiscation proceedings.

## **Professional Memberships**

- Honourable Society of Inner Temple
- Criminal Bar Association
- South Eastern Circuit
- Fraud Lawyers Association
- Liberty
- Neurodiversity in Law (Member and Mentor)

## **Awards, Qualifications & Other**

- Cardiff University – LLB (Hons)



- Cambridge University (King's College) – BCL; MA
- CPS Panel of Approved Advocates – Grade 4 – South East & Midland Circuits.
- CPS Serious & Organised Crime Panel – Grade 3
- Specialist Rape & Child Sexual Offences Prosecution Panel.
- Trained in the presentation of cases involving vulnerable witnesses.
- Court appointed counsel to cross-examine vulnerable/young witnesses.
- CBA Assistant Secretary (2018-19) and CBA Secretary (2019-20)