



THE CHAMBERS OF
TIMOTHY RAGGATT QC

Janick Fielding – Barrister

Called 1997

Practice summary – Regulatory, Judicial Review, Tribunal and Police Actions:

Janick's skills as an experienced criminal defence counsel translate well into the litigious realms of judicial review, regulatory and tribunal work. Increasingly called upon to deal with local government and executive matters as well as complaint or disciplinary procedures, Janick is alive to the fact that these cases are likely to have exceptionally serious consequences for individuals, their careers and businesses. Janick deploys the same thorough and ruthless approach in dealing with each of these cases as he would to a jury trial.

With his keen eye for detail, Janick heads straight for the core elements of each action, directing the approach around the salient issues and ensuring the best chances for success. Many of the cases in which he is instructed collapse against his clients before the hearing occurs.

As a specialist in criminal law, Janick comes regularly into contact with the police. His detailed knowledge of codes of practice, policing policies, methods and evolving issues make him well placed to offer tactical advice, draft pleadings and execute actions in this area.

Unlike many practitioners, Janick has no personal or political bias toward either the executive or a civilian complaining of wrongs occasioned by them, preferring instead to throw his weight behind any cause where justice should be done. Janick has represented serving officers, individuals assaulted and injured by the police and those who have a grievance arising from a failure by the police to act in accordance with their duties.

Janick accepts instructions in these areas from all funding sources.

Janick Can be instructed for a preliminary conference and / or written advice where the client wishes to receive an indication of their prospects ahead of launching any action.

Notable cases:

Trading Standards v Karetnikov and Karetnikova – (2018-19) - sale of counterfeit goods

Counsel acted for both husband and wife who had set up an online Ebay shop trading particularly in counterfeit Disney stock and falsely branded electrical goods, the majority sourced from the Far East.

The case was difficult to manage, featuring a complicated financial background and issues relating to potentially relevant previous conduct.

During the course of proceedings counsel secured the award of wasted costs against the prosecution in relation to their dilatory and generally unacceptable conduct, in particular failing to prepare and present their case in a timely manner.

Despite the overwhelming evidential position presented initially by the prosecution, counsel secured the acquittal of the husband on all eleven charges and the wife, having pleaded to limited offences, avoided immediate imprisonment. – Croydon Crown Court.

Trading Standards v Weller & ors – (2017-19) – sale of counterfeit goods

Counsel represented the ringleader of a group selling significant quantities of luxury counterfeit goods on a number of internet sites, even after Trading Standards had identified what was happening and attempted to close down the operation. Monies generated by the operation was said to have been in six figures.

The defendant was alleged to have enlisted both his partner and other women with whom he had been in a relationship into his scheme and set up a network covering a significant area.

In spite of the overwhelming evidence, continuation after cease and desist requests and the plea being entered very shortly before trial, counsel managed to secure a sentence that avoided immediate imprisonment and kept the confiscation penalty limited to £20k. – Reading Crown Court.

R v Price

Price v The Chief Constable of Essex - (2011 - 2016) - Claim for damages

After an argument with his then girlfriend, the police were called to her address in respect of a minor criminal damage. Subsequently, having spoken with the client, they attended his address in the small hours of the morning. Purporting to effect an arrest, the four officers subjected the client to a savage assault that left him with multiple injuries including a lung punctured by his own broken rib. He suffered long term physical and mental harm.

The police managed to compound their position by providing sub-standard care in the aftermath. Thereafter, they charged him with four assaults on police, who had suffered trivial injuries at most, and in one case, no discernible injury at all.

Counsel contested the criminal trial in the magistrates court, securing acquittals on all four assault allegations and the criminal damage matter. The client was awarded his costs.

Counsel is oversight and challenged the IPCC investigation, into both the conduct of the officers and the conduct of Southend Police who failed to deal with the client's timely complaint.

High Court proceedings in respect of the damages, arising from various heads, sought by the client were concluded late in 2016 with the defendant accepting liability for significant damages and costs.

Milton Keynes Council v The Original Smoke Shack – (2015) – criminal breaches of planning regulations

The clients had leased a Grade II listed building, a former coaching inn, that had at the turn of the last century been transformed into a pub. They in turn transformed the same into a burger restaurant, undertaking some significant works on all floors of the property. This annoyed the local council who had not been provided, let alone granted, any consent to the works being undertaken. A criminal prosecution was launched by the council, who argued that the special historic and architectural interest of the building had been affected and that the same constituted a number of offences against both directors and the company itself.

Initial legal arguments removed much of the emotive material that the council had sought to deploy. With the case refocused on its core ingredients, the defence challenged the basis of the council's assertion as to affectation of character. Following a number of hearings, the council's case was withdrawn in its entirety on the morning of trial.

Anderson v Guildford Justices – (2015) – Judicial Review

Counsel led Naomi Carpenter in a complex and urgent application to preclude the Court from hearing a case in which the Crown were not only significantly at fault with their disclosure obligations but had chosen also to ignore key material and lines of enquiry that tended to exculpate the defendant. With trial fast approaching, mandatory time limits needed to be met in short order to ensure the matter was before the Administrative Court and thus preclude the risk of the trial proceeding in the lower court.

The application was a success, costs were awarded in favour of the client and the case against him in the lower court collapsed shortly thereafter.

Conn v the Chief Constable of Surrey – (2015) – Judicial Review

The defendant had purportedly accepted a caution for an offence he could not have committed. On discovering that he had a criminal record and that the same would preclude works he wanted to undertake in the financial services industry, he contacted solicitors with a view to inviting the police force that had administered the caution to expunge it. They refused.

Counsel was instructed to draft a detailed letter before claim. The same was met with stiff opposition. Counsel accordingly settled pleadings, renewing all points identified in the original correspondence. The resistance to the application collapsed wholesale, the client's caution was expunged and the police agreed to pay costs.

Price v the Commissioner of the IPCC – (2013-14) - Judicial Review

Following on from his successful defence to four fabricated assault charges by Essex Police, a complaint was made to the IPCC prior to the issuing of civil proceedings for damages. The long overdue report they produced was little more than an exercise in excusing the police. On the advice of counsel, judicial review proceedings were commenced. Despite IPCC grandstanding and threats as to costs, counsel's written submissions secured leave. The IPCC then capitulated in full just days before the final hearing. They also conceded costs.

R v XM (2006-7) – Jury trial

Counsel led Edward Culver in the defence of a serving police officer accused of perverting the course of justice and possession of illegal ammunition. The case was exceptionally serious, attracting attention from very high-ranking officers and resulting in a significant police presence at court.

Despite the intimidating atmosphere, counsel conducted several weeks of detailed legal argument in respect of psychiatric, confession, forensic and disclosure material.

The trial lasted 52 days, resulting in a hung jury.

Qualifications and Professional

BA Anthropology & Law (LSE)

Called to the Bar by the Inner Temple 1997

Accredited Mediator 2010

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