

## Jessica Russell-Mitra

Call: 2003

Contact Jessica Directly: 020 7353 6802 or

Jessica offers a mixed practice across areas of crime, regulatory, civil actions against the police, property litigation and civil litigation. She has a reputation for being extremely thorough, handling large evidential cases with ease and presenting arguments methodically and robustly.

Jessica also sits as an Assistant Coroner for Surrey.

## Crime

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Jessica is a busy criminal defence practitioner, being an advocate of jury trials with an interest in complex legal arguments.

### Recent cases

- **R v S** (Court of Appeal): appeal against conviction, application of section 31 defence when in possession of identity documents;
- **R v C & others**: led junior in 3 month trial of a multi-handed property fraud conspiracy;
- **R v P**: £50,000 theft from employer;
- **R v L**: cultivation of cannabis farm.
- **R v C (CA)**: Use of Competent Authority decisions in retrospective challenges to criminal convictions for victims of trafficking
- **R v K (CA)**: Serious sexual offences against child, use of ABE, replaying of ABE to jury after retirement, need for balance by J in making sure cross-examination put. J had remarked didn't think the jury would be

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assisted by reminder of cross-examination. CA considered otherwise and reiterated J's duty. D acquitted at re-trial.

- **R v JI**: Rape trial stopped by Crown after cross-examination of complainant.
- **R v MC (Isleworth Crown Court)**: Represented a nurse charged with contravention of a regulation of the Misuse of Drugs Act, having allegedly caused the death of a patient by the incorrect administration of morphine. Crown offered no evidence against the defendant after complex legal argument about the errors in the autopsy procedure and the co-morbidities suffered by the patient which may have been the cause of the patient's death. Worked closely with end-of-life/palliative care expert.
- Application to the Criminal Cases Review Commission of a father of two convicted of historic sexual abuse of his sister when both were children. Involves the use of "flashback" and "false memory" expert evidence.
- **R v SC & others (Southwark Crown Court)**: Led-junior counsel for defence of employee of the Land Registry charged in a complex mortgage and property fraud worth several billion pounds. Involved complex argument about bona fide purchasers and Land Registry procedures.
- **HSE v WHC (Huntingdon Crown Court)** : Led-junior counsel for defence of expert engineer charged by the Health and Safety Executive of failures in relation to the risk assessment and maintenance of fairground machinery, which led to the injuries to customers of the fairground ride. Involved complex expert evidence on the design and operation of mechanical fairground machinery and of the cause of the accident and cause of the injuries. After two unresolved trials, legal argument led to the HSE agreeing not to proceed to a third trial.
- **R v NA (Isleworth Crown Court)**: fitness to plead proceedings in relation to death by dangerous driving, involving the analysis and presentation of complex psychiatric evidence of degenerative dementia and the cause of the accident.
- **R v FS (Reading Crown Court)**: taxi driver charged with causing serious injury to motorcyclist. Involved use of expert evidence of Accident Investigator of cause of accident, including reconstruction of likely speeds of vehicles at time of collision, weather conditions, conditions of vehicles and road conditions.
- **R v EK (Woolwich Crown Court)**: father charged with cruelty to his child by beating with a metal buckle of a belt. Involved the use of expert evidence of the resulting marks of childhood diseases (chickenpox and guillanbarre) as alternative explanation of alleged injuries.

## Civil

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### Regulatory law

Jessica offers defence in regulatory disciplinary matters, including matters before the Medical Practitioners Tribunal Service (GMC), Nursing and Midwifery Council, the General Pharmaceutical Council and the General Dental Council.

### Recent cases

- **GMC v A**: judicial review permission application of the decision not to exclude evidence obtained by entrapment by a leading newspaper;
- **NMC v R**: successful submission no case to answer for prison mental health nurse accused by prisoner;
- **NMC v E & others**: substantial charges reduced to one over course of lengthy proceedings against background of death of patient. E allowed to remain in practice;
- **NMC v N**: Busy highly-skilled nurse practitioner in GP surgery found fit to practice after a GP made nearly

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one hundred unfounded complaints about her work;

- **GOC v S:** licence returned on review.

## Civil litigation

Jessica has gained a reputation for her meticulous and fierce approach in civil litigation cases.

## Recent cases

- **P v B:** injunction and substantial damages for claimant in neighbour harassment;
- **R Ltd & others:** harassment of leasehold company;
- Advising celebrity client about harassment proceedings and libel/defamation issues;
- **Y v NHS Trust:** successful injunction to stop internal disciplinary proceedings.
- **GA v Metropolitan Police:** false imprisonment and restraint after unlawful arrest in train station.
- **V-v- Serco:** personal injury claim for employee, some serious procedural issues, but eventually successful settlement in V;s favour.
- **C v Parole Board (HC):** successful application for permission for judicial review on conduct of parole board.
- **GPhC v MM:** led by QC on complex drug error issues by manager of a pharmacy. Successful.
- **GMC v MA:** Urgent unsuccessful judicial review permission application, part way through trial, of the decision by the General Medical Council not to exclude evidence obtained by entrapment obtained by an undercover reporter for a leading newspaper about an offer to perform Female Genital Mutilation on teenage girls.
- **NMC v DE & others:** defended a nurse before the Nursing and Midwifery Council alleged to have been negligent in her duties so as to cause the death of an elderly patient in a care home. Charges reduced to one by the end of the proceedings due to careful argument and presentation of evidence gathered by defence investigation.
- **NMC v R :** successful submission of no case to answer for prison mental health nurse accused by prisoner of sexual advances and inappropriate medical treatment.
- **NMC-v-AN:** Defended a busy highly-skilled nurse practitioner in GP surgery in front of Nursing and Midwifery Council. She was found fit to practise; GP made nearly one hundred unfounded complaints about her work and this was demonstrated by detailed cross-examination of the correct use of medical procedures and administration of medicine.
- **AC -v- Premier Inn & Darent Valley Hospital:** successful claim for personal injury and clinical negligence arising from an accident at a hotel and subsequent inadequate and inaccurate treatment of the injury resulting in permanent damage to femur. Settled out of court after negotiation and production of expert evidence.
- **P v Thames Valley Police:** Successful judicial review to remove inappropriate information from a care support worker's enhanced criminal records bureau certificate, which contained unsubstantiated confused allegations of inappropriate sexual comments allegedly made to vulnerable service users of a drug, alcohol and mental health residential rehabilitation service.

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# Actions Against The Police

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Jessica regularly advises and represents clients undertaking actions against the police, prisons, and other bodies. She is a member of the [Police Action Lawyers Group \(PALG\)](#).

## Recent cases

- **R (on the application of P) v Chief Constable of Thames Valley Police** [2014] EWHC 1436 (Admin): successful judicial review to remove inappropriate information from P's ECRC;
- **S v Commissioner of Police for the Metropolis**: malicious prosecution based on police officer identification evidence;
- **L v Commissioner of Police**: L was wrongly charged with offences of assault PC, section 5 POA, and common assault. Charges were dropped, the PC who had punched L in the face was disciplined and a successful civil action was taken against the Commissioner for the battery, unlawful arrest and false imprisonment of L;
- **E v Governor, HMP Pentonville**: successful action for miscalculation of sentence and release date for convicted prisoner;
- **F v Commissioner of Police for the Metropolis**: ongoing action for conversion by police of high value property.

## Memberships

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- [Police Action Lawyers Group \(PALG\)](#)

## Awards

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- Harmsworth Scholarship (Middle Temple)

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