



The Chambers of  
Harendra de Silva QC

## Janick Fielding

Member

### Qualifications and Professional Associations

- BA Anthropology & Law (LSE)
- Called to the Bar by the Inner Temple 1997
- Member of the Criminal Bar Association



### Areas of Specialisation

Janick is an experienced criminal defence practitioner, with a well established practice in London and the South East. Well known for his fearless cross-examination and excellent closing speeches, Janick is often instructed by those solicitors that have attracted difficult clients who adamantly refuse to plead in the face of overwhelming evidence. Many of his finest results have come from those cases where the client has already sacked previous counsel after unwanted pressure to crack the case has been applied. No matter how narrow the defence, regardless of how implausible it may seem on the facts, if the client insists on running it then Janick will be only too pleased to fight it.

Janick is often relied upon by solicitors that require help in managing cases in which the client is behaving in a difficult manner. In those cases where the client is either particularly nervous or vulnerable, or where they might be aggressive toward their own legal team, Janick can be relied upon to overcome those difficulties and achieve the best results.

The majority of his cases involve the importation and supply of drugs, armed robbery and serious physical or sexual violence. His experience however is far more wide ranging and covers almost all of the criminal spectrum including environmental offences and health and safety.

Janick has also gained a good deal of experience in the Court of Appeal and the Administrative Court, having taken numerous points on conviction and sentence.

## Cases

### **R v T. Singh [2011] – Conspiracy to steal**

Counsel was instructed in a multi-handed conspiracy to obtain high value and high performance cars, provide them with new identities and export them to Cyprus. The Crown's case concerned a detailed police operation that had yielded substantial evidence, including forensics, phone material, partial confessions, surveillance and a substantial amount of bad character. – Southwark Crown Court.

### **R v Sandhu [2011] – Conspiracy to defraud**

Counsel was instructed for the first defendant in a multi-handed conspiracy concerning the setting up of fake accounts and the subsequent filtration of funds from client accounts to others. The defendant was a Barclays Bank manager with a high level of access. The evidence was overwhelming and from a number of sources, including phone data, banking analysis and fingerprinting. Counsel was instructed after previous counsel had been sacked for pressurising the defendant to plead. – Birmingham Crown Court.

### **R v Embleton [2010 – 11] – Rape**

A horrific and tragic case in which the defendant, a seventy year old man with bipolar disorder was wrongly accused of having vaginally and anally penetrated his hundred year old mother, a lady suffering from dementia, unable to speak and confined to her bed. The allegations came to light when care staff attending the centurion's home which she shared with the defendant found her in a state of partial undress and her soiled incontinence pad loose. Drawing their own conclusions, the care staff and family quickly pointed the finger at the defendant. The Crown's expert, insufficiently qualified and a substandard analyst, who had claimed after a poorly performed examination that the mother's faeces could only have become lodged in her vagina as a result of penetration by another, was taken to pieces in cross-examination by leading counsel, Roderick Johnson QC, resulting in the collapse of the case mid-trial and the release of the defendant. Sadly, his mother, whom he had described as his best friend, passed away while he was detained awaiting trial and he was refused permission to attend her funeral. If ever there was a case that required counsel to put their own feelings to one side and do their duty to their client, this was it. Several eminent Queen's Counsel refused to accept this brief due to the unsavoury nature of the allegations. – Reading Crown Court.

### **R v P Singh [2010 – 11] – Rape and sexual assault**

Counsel was instructed in an utterly unwinnable case in which the defendant's account for depositing his saliva all over the drunken and semi-comatose complainant's crotch was that it must have got there after he was punched repeatedly by her boyfriend, who, fortuitously for the complainant, had rushed into the room on hearing her cry out to find the defendant doing up his trousers. The defendant maintained entering her house in the dark at three in the morning to ask her why she had been rude to his friend earlier in the evening after a work function, and not, as the Crown alleged, to make good on his intention to have opportunistic intercourse with the girl because she was in no state to decline. Unfortunately, the defendant, before leaving his house, had said to one of his friends, 'I'm going to fuck her,' a statement that caused him some rather acute evidential difficulties at trial, especially when combined with the other substantial pieces of forensic, eye-witness and character evidence already arrayed against him. Counsel was required during the build-up to the trial to assist Instructing Solicitors in fighting off four separate applications by poaching firms to have transferred the defendant's legal aid. – Reading Crown Court.

### **R v O'Donnell [2010 – 11] – Environmental offences and money laundering**

Counsel was instructed to lead Gudrun Young in defending one of four charged in the largest ever environmental prosecution of its kind. Some of the defendants had set up unlicensed waste collection agencies and then deposited huge amounts of building and other debris onto a site of special scientific interest. In areas the land level had been raised by four metres. Almost four million pounds was then said to have been laundered through a variety of companies. The case concerned complex analytical evidence in respect of the environmental issues as well as a substantial amount of financial documentation and surveillance material. – Reading / Isleworth Crown Court.

### **R v Bent [2010 – 11] – Rape**

The defendant was a man with mental health difficulties, not of his own making, who was alleged to have raped his girlfriend after both had consumed a substantial quantity of alcohol. She too had a variety of mental difficulties and the relationship had long been fraught by emotional and financial troubles. The case involved psychiatric, toxicological and forensic medical evidence, interwoven with a background of the defendant having been taken advantage of and emotionally abused by the alleged complainant. The case required careful and subtle handling due to the nature of both complainant and defendant. The defendant, perhaps appropriately, was acquitted by the jury on Valentine's Day. – Reading Crown Court.

### **R v Ripton [2010 - 11] – s.18 GBH**

The defendant was alleged to have participated in a concerted group attack on two brothers after an altercation during England's poor performance against Germany during the 2010 World Cup. The case concerned a wealth of intermeshed identification, character and forensic issues, all rendered more complicated by the paucity of the police investigation that had allowed key evidence to be left uninvestigated. P.I.I. issues, revealed after the first two defendants had pleaded, led to a trail of cross-examination points that unravelled the Crown's ability to prosecute fairly. Though the Learned Judge managed to refuse the submissions of no case, the resultant abuse of process argument mounted in response was fatal. – Chelmsford Crown Court.

### **R v Watson [2009 – 10] – s.18 GBH**

The defendant was alleged to have attacked and seriously injured the disabled husband of his lover. After a course of violent incidents, the defendant attended the complainant's flat after leaving the pub. Having tricked his way into the apartment block, he tricked the complainant into opening his door before setting about him in the dark, striking with a variety of blows and bites then leaving him unconscious and covered in blood for the police to find. The defence case was that the complainant was a fantasist, was not disabled, had been an international drug runner and was still a user with an escalating debt problem and had only made this allegation after coming second in his latest fight with the defendant. There was some suspicion that the object of their affections might have been fuelling the feud. The trial and re-trial featured extensive bad character material and allegations on both sides. – Southwark Crown Court.

**R v Harrison & another [2009 – 10] – people trafficking, sex slavery  
[Privately funded]**

The defendant and his partner, a Thai lady, were charged over the alleged importation and use of a Thai woman for prostitution. The defence averred that, unbeknown to the Crown, she had previously been deported for prostitution from the US and had in fact made fools of the Crown by pretending to be a victim. The case for the defence centered on investigations in three jurisdictions. Ultimately, the lax handling of the matter by the Crown, who managed to make fools out of themselves, led to the loss of exhibits and an inability to properly prosecute. The defence secured three consecutive wasted costs orders. The abuse of process was avoided by the Crown's capitulation – Southwark Crown Court.

**R v Rattan [2009 – 10] – drink driving  
[Privately funded]**

The defendant, a retired professor, had been found unconscious, in a pool of his own blood, on the floor of a property he was having renovated. After receiving some first aid from his builder, his next recollection, several hours later, was of being stopped by the police while driving a high performance BMW that was not his own, with an unknown young Polish blonde in the seat alongside him. He was belligerent towards the officers at the roadside and at the police station and refused all medical treatment. He was three times over the limit. The defence on non – insane automatism succeeded before a district judge through the deployment of lengthy and complex reports arising from the retrospective analysis afforded by an eminent consultant neurologist. The case also featured extensive cross – examination over the alleged incompetence of the FME and custody sergeant – Stratford Magistrates Court.

**R v Mills [2009-10] – causing death by careless driving  
[Privately funded]**

Counsel was junior to Orlando Pownall QC. The defendant was alleged to have been responsible for a very unusual, slow-speed collision, in which a cyclist had ridden into the rear of his car at a junction. The case featured several abuse of process arguments, stemming from the loss of essential evidence by the police (*Beckford*) and, far more unusually, by the defendant being left liable to conviction on account of defects in the condition of the vehicle occasioned by the maker and registered dealers (*Connelly / Barings*). Numerous experts were to have been called, including pathologists and collision investigators. Despite reluctance on the part of the police to disclose key evidence, however, the Crown were finally faced with no option but to concede on the day before trial. – Isleworth Crown Court.

**R v Matthews [2006-9] – conspiracy to cause criminal damage (graffiti)**

The allegations, of which there were many, concerned the defendant being part of a gang that covered prominent landmarks with decorative art. Specifically, the defendant, a student of photography, was said to have been taking photos of the works, both in progress and completed, thereby aiding, abetting, counseling or procuring their commission. The defence said this was a load of nonsense. The prosecution purported to have a police-affiliated expert who was initially able to allege the defendant had painted some of the works. The defence, in response, secured the instruction of the authors of the practitioner text, *Subway Art*, upon which his weak theories were based – none other than the legendary duo Chalfont and Cooper, the team that first captured the efforts of the NYC train painters of the 70's and 80's. In due course the defence made short work of the Crown's expert and the first trial collapsed. Though the prosecution had another go, almost three years after the case began, the defence had by this time additionally amassed experts from the Tate, Italy and South Africa and the Crown's case went nowhere. Banksy would have been proud! – Reading Crown Court.

**R v Guittierrez-Perez [2009] – causing death by dangerous driving  
[Privately funded]**

Counsel was instructed specifically for the appeal of this difficult and tragic matter. The Appellant, for whom leave had been secured, had been sentenced to seven years imprisonment. The brief facts were that, after a failed attempt to commit suicide, she had driven her Range Rover while under the influence of drink and drugs until, after several minor accidents and near-misses, she careered into the barrier outside a primary school and crushed an infant in a pushchair to death in front of its mother and very young siblings. The case was concentrated around a substantial retrospective analysis of her psychiatric and psychological condition, something that had not been sought in the lower court, and whether, notwithstanding the chilling nature of the case, the sentence could be said to be manifestly excessive. The Court of Appeal thought it was not. National media interest was high and concern had to be had for the extreme sensitivity of the case. – Court of Appeal.

**R v Cahill & another [2009] – armed robbery, s.18 GBH**

The defendant was one of two Zimbabweans trapped by the re-examination of forensic material retrieved from the armed robbery of a Pizza Hut in 2001. The allegation was of an inside job in which the co-defendant had arranged for the defendant to effect the timely seizure of two weeks takings hours before their collection. An employee was seriously assaulted and injured. The case featured use of the national DNA database – Central Criminal Court.

**R v Cave & ors [2009] – armed robbery**

The defendant was one of four juveniles prevailed upon by a well organized gang to effect a classic high street robbery of a jewelers. The case featured overwhelming evidence including clear CCTV of the masked robbers smashing the displays with sledgehammers and their subsequent escape, close pursuit by police units including helicopters and their capture together with the recovery of around £80,000 of valuables. – Guildford Crown Court / Court of Appeal.

**R v Becker & ors [2009] – firearms factory, cannabis factory**

The defendant was one of seven charged with involvement in a substantial enterprise that procured, altered and manufactured firearms, several of which had been linked to murders and other violent crimes around the country. The premises also housed a substantial concealed space in which a significant quantity of cannabis was grown under hydroponics. The defendant was linked by virtue of forensics, receipt of firearms and close association with several defendants including the head of the conspiracy, his father-in-law. The case also featured substantial consideration of bad character material other than that arising from previous convictions. – Chelmsford Crown Court.

**R v Thomas [2009] – s.20**

**GBH**

**[Privately funded]**

In which the defendant was said to have assaulted the driver of a car in a road-rage assault before attacking his eighty-two year old uncle and fracturing his hip. The uncle subsequently died. Complex argument ensued relating to the permissibility of reliance on hearsay evidence from a sole and decisive deceased witness, requiring an understanding of the currently voluminous and shifting EU and domestic authorities. Numerous disclosure issues relating to records and character of the deceased also arose. – Guildford Crown Court.

### **R v Razanskas [2009] – s.18 GBH**

An utterly overwhelming case in which the defendant, a Lithuanian kick-boxing champion, laid waste to an Afghanistani mini-cab office after employees of the establishment ill-advisedly took his bottle of vodka. Having allegedly taken-on everyone in sight, the defendant left the premises, though not before he had himself accrued significant injuries, including a shattered elbow from which the bones were protruding through skin and shirt. Leaving a lot of blood, other fluids and personal effects behind at the scene, he was said to have made his way home, affording the police a clear and sufficient trail of blood to follow. When the police arrived at his home address they found him naked (clothing already being in the washing machine), his girlfriend dressing his wounds and the knife that had punctured one victim's lung lying on the floor beside his bed; the victim's blood on the blade, the defendant's on the handle. The defendant then went on the run for three years. The defence, in short, was that someone else did it. The defendant had professionally embarrassed one team of solicitors and counsel after the first trial and counsel secured a unanimous acquittal at the retrial. –Isleworth Crown Court.

### **DPP v Witham Justices, ex.parte Swash [2009] [Privately funded]**

Overtaking of a refusal by the justices to adjourn for due disclosure after timely service of a defence statement. The defendant's conviction was quashed and no retrial was ordered. Case now used as authority to compel the Crown to properly investigate the disclosed defence case in the lower courts and to provide proper disclosure thereafter within the meaning of the CPIA – heard at the RCJ – Administrative Court.

### **R v Shodeke [2008-9] – serial rape, false imprisonment harassment**

Junior to Queen's Counsel. Serial rape of three victims over several years with significant abuse in the form of harassments, false imprisonments, criminal damage, physical, verbal and sexual degradation and physical violence. The defendant was alleged to have forced one victim to bear his child after impregnation through rape and subsequent intimidation. A six week trial involving complex and numerous character issues relating to both the defendant and all of the complainants. A number of security issues also arose during the course of the trial as well as professional difficulties, involving both solicitor and client, that junior counsel had to resolve alone with the trial judge. – Inner London Crown Court.

### **R v Thompson & ors [2008] – armed robbery**

Multi-handed gang robbery of a tower block, involving firearms and other weapons. The main victim was subsequently murdered having given evidence. Counsel represented the only juvenile of the thirteen defendants, a client who was difficult to the point of being impossible to represent. – Blackfriars Crown Court / Court of Appeal.

### **R v Demir & ors [2008] – drug supply, firearms, etc**

Multi handed conspiracy to supply class A drugs and possession of firearms and ammunition. Defendant was caught on CCTV with a rucksack on his back containing the drugs and a loaded firearm inside a locked safe during his arrest by a team of heavily supported police officers. The key to the safe was on a chain around his neck at the time. Counsel fully contested the matter through trial and re-trial notwithstanding the weight of the evidence and the existence of cut-throat defences from several co-defendants. – Reading Crown Court.

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**R v Turner & another [2008] – double s.18**

A difficult trial in which the defendant, charged twice with s.18 GBH, caused fractured skulls with paving slabs to two men during an altercation arising from the support of his favourite football team. – Reading Crown Court.

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**R v Samuels & ors [2008] – cannabis importation**

Long-established conspiracy to import cannabis from Jamaica. Counsel represented the first defendant, the head of the enterprise. – Croydon Crown Court.

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**R v Richardson & ors (1 & 2) [2008] – false imprisonment, arson, perverting the course of justice, ABH, etc**

Very troubling case in which the defendant was alleged to have led a group of others in the false imprisonment and serious abuse of a vulnerable special needs man resident in assisted housing. Having secured bail the defendant was alleged to have tried to kill the victim through setting fire to his new accommodation (dealt with as a second trial after successful deployment of a severance argument). The defendant was alleged to have confessed to several witnesses about doing so. The defendant himself had significant difficulties and a number of previous convictions, as did the co-defendants and indeed the allegedly independent witnesses. The first trial was a veritable feast of special measures considerations and a minefield for cross-examination. The second trial collapsed after acquittals were secured in the first. – Reading Crown Court.

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**R v Henry and ors [2008] – s.18 GBH, drug supply, dangerous dog as a weapon**

Counsel alone for the first defendant in a gang-related enforcement of a drug debt. Charged with conspiracy to deal class A drugs, s.18 GBH and robbery, it was alleged that the defendant had lured the victim, a friend of his since infancy, to a tower-block. Therein the victim had been set upon by a dangerous dog, such that the bite wounds punched-through his forearms and legs. He was then stripped, beaten and stamped, before being left for dead, unconscious with multiple injuries in a pool of his own blood. – Isleworth Crown Court.

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**R v Barton and ors [2007] – murder, etc**

Junior to Queen's Counsel in a four handed murder. The defendant was alleged to have been the ring leader of a group of youths who, fuelled on drink and drugs, burst into a first-floor flat and stabbed to death one of the occupants in revenge for an altercation he had had with the defendant's mother. – Central Criminal Court / Court of Appeal.

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**R v Gudauskis [2007] – s.18 GBH, robbery, handling, ABH, etc**

Counsel alone in an Eastern European enforcement. The defendant, aggressive, difficult and with a troubled psychiatric history, was a party to a particularly serious attempt to extract monies from a number of victims over a two day period. Having secured acquittals in respect of several offences of dishonesty, s.18 GBH and s.47 ABH, counsel obtained leave to appeal on the remainder from the Full Court, arguing that retrospectively obtained psychiatric evidence, admissible pursuant to s.23, demonstrated that the defendant had not been fit to stand trial. – Reading Crown Court / Court of Appeal.

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**R v Williams and ors [2007] – people trafficking**

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Junior to Queen's Counsel in a conspiracy to traffic illegal immigrants, including convicted criminals and children. Represented the main defendant, a prominent local woman, who had facilitated a multi-national enterprise to secure the entry of undesirables into the United Kingdom. Despite totally overwhelming evidence, the defendant insisted on contesting everything. – Wolverhampton Crown Court.

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**R v Lim and ors [2007] – counterfeiting, fraud**

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Junior to Queen's Counsel, representing the ringleader of the largest counterfeiting in British history. The defendant had headed an international team of conspirators who had presented £180,000,000 of forged £500,000 notes to the Bank of England for realisation, the tip of a claim that was said to amount to £900 billion. Having persuaded the trial judge, after an eight day submission of no case, to remove the matter from the jury, the Crown lodged an appeal against the said terminatory ruling. Thereafter, before the Court of Appeal, the ruling was upheld, with the defendant acquitted and awarded costs. – the Southwark Crown Court / Court of Appeal.

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**R v W.M. [2006-7] - firearms**

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Leading counsel for a serving police officer accused of perverting the course of justice and allegedly possessing explosive ammunition. The case featured several weeks of complex argument over the admissibility of evidence - Isleworth Crown Court.

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**R v Franklyn & ors [2006] – drug supply**

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A substantial, multi-handed conspiracy to supply millions of pounds worth of drugs. The case involved thousands of hours of covert surveillance and complex negotiations with VHCC contract managers.- Reading Crown Court

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**R v Peart and ors [2006] – gang rape, kidnap, false imprisonment**

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The gang rape and kidnap of a drunken 14 year old by three alleged drug dealers - Basildon Crown Court.

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**R v Matuzyc [2006] - murder**

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Junior defence counsel in a murder involving an alcohol fuelled dispute between polish vagrants and complex pathology reports - the Central Criminal Court

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**R v Marshall and ors [2005] – drugs importation**

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Junior defence counsel in a substantial conspiracy to import class A drugs - Leicester Crown Court.

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**R v Kunjna & ors [2005] – kidnap, s.18 GBH**

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Defence counsel in a kidnap and sec.18 GBH by a number of Hindu priests upon a worshipper at a temple - Harrow Crown Court.

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**R v Okropirzide & ors [2005] - riot**

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Junior defence counsel for one of the Russian ringleaders in the riot in the Harmondsworth detention centre - Kingston Crown Court.

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**R v Zapata [2005] – double death by dangerous driving**

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Junior defence counsel in a double death by dangerous driving - Inner London Crown Court.

**R v Goff [2005] – murder, rape, false imprisonment**

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Junior defence counsel in a murder and rape. The defendant, an alcoholic, lay in wait for his ex-girlfriend and her new partner. When they arrived at their home he forced his way inside, killed the new boyfriend with a kitchen knife, locked the doors, tied up his ex-girlfriend, took her upstairs and had intercourse with her. - Central Criminal Court.

**R v McPherson & ors [2004] - robbery**

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Defence counsel for one of the 'Legends of Stratford' train robbers - Middlesex Crown Court.

**R v Yoonus & ors [2004] – drug supply, money laundering**

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Junior defence counsel in a multi-handed conspiracy to supply Class A drugs and money laundering - Kingston Crown Court.