



Jesse Nicholls

MAIN AREAS OF PRACTICE:

Community Care Law
Data Protection
Defamation and Equality
Education Law
Environmental Law & Natural Resources
Health and Social Care (including welfare benefits)
Immigration, Asylum and Free Movement
Inquests and Inquiries
Local Government Law
Media and Information Law
Police, Inquests and Prison
Public International Law
Commercial Public Law

Called to the Bar 2010

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Notable Cases

Public Law:

R (Lewis) v Secretary of State for Defence: Successful legitimate expectation challenge to the failure of the Army to implement changes promised at the inquest into the death of Pte Sean Benton, who died at Deepcut Barracks in 1995. Jesse acted for Pte Benton's family. The claim settled with the MoD conceding that the Army had failed to meet the assurances it had given at the inquest, apologising, and urgently revising its training materials.

R (Canham) v Director of Public Prosecutions [2021] EWHC 3361 (Admin): Challenge to CPS refusal to prosecute prison officers for gross negligence manslaughter and the Ministry of Justice and NOMS for corporate manslaughter arising from the death of Robert Fenlon at HMP Woodhill. Led by Rajiv Menon QC.

Dove v HM Assistant Coroner for Teesside and Hartlepool [2021] EWHC 2511 (Admin): Application for fresh inquest into the death of Jodey Whiting, a highly vulnerable woman who took her own life following the termination of her benefits by the DWP. The case involves novel issues concerning the engagement of Article 2 ECHR to vulnerable benefit claimants.

Dove v HM Assistant Coroner for Teesside and Hartlepool [2021] EWHC 1738 (Admin): Application by SSWP to be joined as IP in application under s.13 of the Coroners Act 1988.

R (Turner) v Secretary of State for Work and Pensions [2021] EWHC 465 (Admin): Challenge to the DWP's policy for the protection of vulnerable benefits claimants. The Claimant is the daughter-in-law of Errol Graham, a man suffering from complex mental health issues who starved to death following the termination of his benefits by the DWP. Led by Adam Straw QC.

COVID-19 Bereaved Families for Justice v Prime Minister and Secretary of State for Health: Proposed challenge to the failure to establish a public inquiry into the government's preparedness for and response to the COVID-19 pandemic. Led by Pete Wetherby QC.

R (EA and BT) v Chairman of the Manchester Arena Inquiry [2020] EWHC 2053 (Admin): Challenge by survivors of the Manchester Arena bombing to the decision refusing them Core Participant status within the Manchester

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Arena Inquiry. Significant Divisional Court judgment on Core Participant status, delay and non-fatal Article 2 cases. Led by Paul Greaney QC.

R (British Medical Association) v Chief Coroner for England and Wales: Proposed challenge to guidance on the coronial investigation of deaths arising from COVID-19. Settled following amendment to the guidance. Led by Jenni Richards QC.

R (Ketcher & Mitchell) v Coroner for Northern Ireland [2020] NICA 31: Assisted Brenda Campbell QC with INQUEST intervention in case concerning privilege in inquest proceedings and whether a coroner can compel disclosure of an expert report held by an Interested Person.

R (MA BB) v Secretary of State for the Home Department [2019] EWHC 1523 (Admin): Successful challenge against the inadequacy of the investigation into evidence of significant abuse and mistreatment of detained persons at Brook House Immigration Removal Centre. The claim led to the establishment of the Brook House Inquiry. Led by Nick Armstrong.

R (P, G and W) v Secretary of State for the Home Department and Secretary of State for Justice [2019] UKSC 3: Supreme Court case concerning the circumstances in which individuals are required to disclose minor and old convictions to potential employers. Jesse acted for Unlock, the leading charity providing a voice and support for people facing stigma and obstacles because of their criminal record. Led by Caoilfhionn Gallagher QC.

R (Vinter) v Secretary of State for Justice [2017] EWCA Civ 2104: Article 3 challenge to whole life orders. Led by Edward Fitzgerald CBE QC.

R v Blackman (Marine A) [2017] EWCA Crim 326: Application to have significant, public interest video footage released to the media. The footage showed Mr Blackman, a former UK marine, killing an injured Afghan combatant in 2011. Jesse represented the BBC, ITN, Sky, The Times and The Guardian.

R (Scarfe) v Governor of HMP Woodhill and Secretary of State for Justice [2017] EWHC 1194 (Admin): Represented INQUEST in this challenge arising from the multiple self-inflicted deaths of prisoners at HMP Woodhill. INQUEST's intervention focused on the repeated failure of State bodies to implement recommendations and prevent future deaths. Led by Heather Williams QC.

Secretary of State for the Home Department v HM Senior Coroner for Surrey [2016] EWHC 3001 (Admin): Leading authority on the approach to security sensitive and PII material in inquest proceedings. Jesse acted for INQUEST in their intervention. Led by Heather Williams QC.

R (Oliver) v Director of Public Prosecutions [2016] EWHC 1771 (Admin): Challenge to CPS refusal to prosecute a police custody sergeant for gross negligence manslaughter arising from the death from alcohol withdrawal of a vulnerable detainee. Led by Matthew Ryder QC.

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R (Hicks) v Inner North London Senior Coroner [2016] EWHC 1726

(Admin): Representing the family of Henry Hicks, who was killed during an unauthorised police pursuit in 2014. Challenge to the Coroner's decision preventing the family being in court when the four key police witnesses gave evidence on how Henry was killed. Led by Caoilfhionn Gallagher QC.

Inquests and Inquiries:

R (Lewis) v Secretary of State for Defence: Successful legitimate expectation challenge to the failure of the Army to implement changes promised at the inquest into the death of Pte Sean Benton, who died at Deepcut Barracks in 1995. Jesse acted for Pte Benton's family. The claim settled with the MoD conceding that the Army had failed to meet the assurances it had given at the inquest, apologising, and urgently revising its training materials.

The Manchester Arena Inquiry: Lead Junior Counsel to the Inquiry (previously Counsel to the Inquests).

The Fishmongers' Hall Inquests: Representing the family of Jack Merritt.

Inquests into the deaths of 39 Vietnamese nationals found in a container in Purfleet, Essex in 2019: Representing a number of NGOs seeking full inquests into the deaths.

The Grenfell Tower Inquiry: Representing over 170 bereaved and survivor Core Participants.

The Brook House Inquiry: Representing multiple victim and NGO Core Participants.

Inquest into the death of Sean Benton: Sean died at Deepcut Barracks in 1995 from five gunshot wounds to the chest. Jesse represented Sean's family at the fresh inquest into his death. In his conclusions the Coroner identified a toxic environment of abuse and chronic under-resourcing at Deepcut, and found that Sgt Gavaghan, who was responsible for trainee welfare, had systematically bullied and hounded Sean in the lead up to his death, as well as assaulting multiple other trainees.

The Hillsborough Inquests: Representing the families of 77 of those killed in the Hillsborough Stadium Disaster. The inquests returned a conclusion of unlawful killing.

The Undercover Policing Inquiry: Representing applicants for Core Participant status.

Inquest into the death of Daniel Dunkley: Daniel took his own life at HMP Woodhill. The jury returned a critical narrative and neglect conclusion, finding that a failure by the prison to implement previous recommendations contributed to Daniel's death.

Inquests into the deaths of Christine and Lucy Lee: Christine and Lucy were murdered by Christine's partner after shotguns were wrongly returned to him by Surrey Police. Jesse successfully helped the family to secure the

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resumption of the inquests, leading to a highly critical narrative conclusion from the jury.

Inquests and Inquiries (Public Law cases)

Dove v HM Assistant Coroner for Teesside and Hartlepool [2021] EWHC 2511 (Admin): Application for fresh inquest into the death of Jodey Whiting, a highly vulnerable woman who took her own life following the termination of her benefits by the DWP. The case involves novel issues concerning the engagement of Article 2 ECHR to vulnerable benefit claimants.

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Actions Against the Police and Public Authorities:

Providing assistance to victims of Jim Boyling, an undercover officer dismissed for gross misconduct for entering into intimate sexual relationships with those he was spying on.

Representing the mother of Julian Cole, who suffered catastrophic brain and spinal injuries following police restraint. Three officers were dismissed for gross misconduct.

Acting for the family of Henry Hicks, who was killed during an unauthorised police pursuit.

Media and Information Law:

R v Blackman (Marine A) [2017] EWCA Crim 326

The Undercover Policing Inquiry: Challenging anonymity orders granted to a number of police officers.

Blue v Ashley [2017] EWHC 1928 (Comm)

R v Khan, Dogar & Others (Operations Nautical, Sabaton and Silk): Successful challenges to s.45(4) orders in linked, high-profile child sexual exploitation trials.

R v Pogmore: Successful application for access to evidence shown to the jury during high-profile case of police misconduct.

R v Rahmin & Others (Operations Shelter and Emerald): Challenges to reporting restrictions in child sexual exploitation trials.

International Law:

AAA & Others v Gemfields Limited: Represented 273 Mozambicans who alleged that they and their relatives were the victims of serious human rights abuses at the Montepuez Ruby Mine in northern Mozambique. Settled with payment of a financial sum to the claimants, the establishment of community projects to improve the agricultural productivity and livelihoods of those living at and near the mine, and the creation of an independent Operational Grievance Mechanism to ensure that any individual who wishes to raise a grievance is able to obtain an appropriate remedy promptly. Led by Tim Otty QC.

Virtanen v Finland (ECtHR App. No. 53251/13): Intervention for the Mental Disability Advocacy Centre setting out the relevant ECHR, UNCRPD and other international standards applicable to a claim involving the enforced location of a person with disabilities.

R (Trapence and Mtambo) v Malawian Director of Public Prosecutions (Constitutional Cause No.1/2017): Advising Malawian human rights defenders in relation to a proposed claim for judicial review following the DPP's refusal to prosecute a senior Malawian politician for calling for the killing of homosexual people.

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Kolakovic v Malta (ECtHR App. No. 76392/12): Violation of Article 5 ECHR arising from lengthy post-bail detention of a British national.

Balaj and Others v United Nations Mission in Kosovo (UNMIK) (HRAP Case No. 04.07): Violation of Articles 2 and 11 ECHR arising from the killing of two men, and the injury of numerous others, by UN peacekeepers in 2007 during a protest in Pristina, Kosovo.

Aydan v Turkey (ECtHR App. No. 16281/10): Violations of Articles 2 and 6 ECHR arising from the shooting of a passer-by at a demonstration. Sizeable damages were awarded. Assisted Jude Bunting.