

Staple v Police Sergeant Steven Richardson and others KB-2023-003845

Before His Honour Judge Eastman on the 26 04 2024 at 10:30am at the Royal Courts of Justice

Kings Bench Division

Claimant

Charles Edward Staple

V

Joint defendants

PS (Police Seargent) Steven Richardson

Ben Purton 4115U,

David Grivas 4211U,

no name SW 3204

Commissioner metropolitan Police London

1. On the 28 11 2020 at or about 13:55 I, Charles Staple an English Constitutionalist and a member of the English Constitution Society was making my way to Trafalgar Square London via Great Marlborough Street London to petition and utilise my English Convention rights and ancient rights of freedom of assembly, thought and expression against what I saw as oppressive and unlawful government policies and regulations.
2. I was arrested by PS (Police Seargent) Steven Richardson and constables Ben Purton 4115U, David Grivas 4211U, no name SW 3204 all constables under the employment of Metropolitan Police Commissioner or acting as the commissioner's agents assisted in the arrest and prosecution. They were deployed and employed at all relevant times in London under the command of the Metropolitan police commissioner.

Particulars of claim:

3. I was unlawfully arrested, unlawfully "tortured" [UNCAT definition ratified by the British and incorporated into English law via Criminal Justice Act 1988 section 134). Then a malicious prosecution causing suffering "Torture" under the same act by PS Steven Richardson, Ben Purton 4115U, David Grivas 4211U, no name SW 3204 all constables under the employment of Metropolitan Police Commissioner or the defendants were acting as the commissioner's agents. They were deployed in London under the command of the Metropolitan police commissioner who I say is vicariously liable.

4. Sir Mark Rowley has already made admissions in the press and officially via statements to parliament that he has criminals working for him as police officers. The metropolitan police London is currently in special measures.
5. The principal tortfeasor PS Steven Richardson has made the admission he smashed my head on a concrete road several times whilst I was handcuffed and in the prone position face down and on the road surface. He made the admission to the Judge during my trial and there is video evidence supporting the tort of battery. The trial Judge asked why he smashed my head on the floor and PS Steven Richardson reply was "It was for his own safety, your Honour". The other defendants were joint enterprise as they were holding me down whilst he did that. At no time did any other defendant try to stop him. It should also be noted that this violence was recorded on the other officer's personal video cameras and independent video evidence, PS Steven Richardson camera was conveniently switched off, the jury should take an inference that the principal tortfeasors camera was conveniently switched off. The most direct evidence of the torts committed by the principal and the body camera was off.
6. The original charges were discontinued and one altered charge of attempting to assault an emergency workers remained. I seek discovery of the communication of why the charge was changed from assault to attempt.
7. There were other options other than a violent arrest namely to ask the name and address of a person and issue a fixed penalty notice. This had been done on previous occasions by other officers and all were discontinued as interference with a subject's right to petition is unconstitutional and illegal [English Bill of Rights 1689].
8. I was on my way to Trafalgar square exercising my constitutional and common law rights where many other people were exercising their constitutional rights, I was aggressively approached by PS Steven Richardson and the other constables that were under the command and employment of the Metropolitan Police Commissioner joint defendant as the employer and trainer. PS Steven Richardson proceeded to harass me and intimidate me; he was in full riot gear. I explained I had a right to travel and petition and was doing nothing wrong. He was clearly trying to intimidate and coerce me and others to leave the area. He then unlawfully arrested me for a non-offence this was borne out at Westminster Magistrates Court where the Judge upon reading my "case stated" declared no case to answer on 15/04/2021 for the first charge. I pleaded not guilty to the second charge "assaulting an emergency worker" and opted for a Jury trial as is my right. During the process of prosecution, the charge was altered to attempted assault. The trial took place 19th, 20th, 21st July 2022 case number **T20210414/URN:01BX0224520**. The Judge himself put to the Jury torture in his directions whilst explaining unlawful violence.
9. During the course of the unlawful arrest, PS Steven Richardson threw me to the ground with other officers the joint defendants, Ben Purton 4115U, David Grivas 4211U, no name SW 3204 [Video B] forced me face down on the road and they handcuffed me. Then they proceeded to use severe pain inducing techniques which were unnecessary, unreasonable and disproportionate. I was already in an undefendable position and non-offensive position face down, hand cuffed with these officers on top of me, I am of very slight build 9 stone [60kg]. I would estimate PS Steven Richardson to be 18 stone [118kg]. The slight build is

important as their own training and code states you should not use the prone position on those of slight build or those that are obese. There is a risk of harm suffocation to the prisoner.

10. The officers were using their full weight on pressure points on my body including my jaw [no name SW 3204] he also tried to block my airway, at one point I could feel my jaw about to break the pain was agonising, I thought I was going to pass out with the severity of the pain. I could feel ligaments tearing. You can clearly hear me telling them they were breaking my jaw, they carried on. In the video you see [Video B] at 2.48 you see the PS Steven Richardson smash my head on the floor at 2m you see him trying to suffocate me, I could not breath as he was covering my mouth and holding my nose with his gloved hand, blocking my airways. It was terrifying.
11. In the prone position, my hands were restrained behind my back with handcuffs, and my body pressed against the ground, face down. The weight of my own body, along with external pressure of the police, bared down on my chest and torso. My breathing became extremely difficult, as the pressure on the chest led to a feeling of suffocation. The position also strained my neck, back, and limbs, causing severe pain. The majority of the pain restraint techniques were used after I was aggressively put into the prone position even though I was not resisting the unlawful arrest. For a further 15 minutes after I was hand cuffed and searched, they still continued to cause severe pain and torment tactics to myself while I was face down on the concrete. At that point I thought I was going to die. That was the point my jaw had dislocated; I could feel it. I believe PS Steven Richardson was rubbing some sort of chemical (possible pepper spray) in my mouth to cause me even more severe pain and suffering. I had no clue what he's intentions were at the time. But as he was rubbing something into my mouth which was causing a feeling of my mouth being on fire, he continued to smash my head on the concrete. All the while four other officers kneeling on my lower back causing severe pain to my spine and legs, which I still have a lot of trouble with now.
12. The pressure they were applying and the kneed blows (short sharp powerful blows) into my side were giving me palpitations and then slowing my heart and the feeling of suffocation. The intense pain from these blows into my side was so intense I could not breath. Like when you see a boxer receive a liver punch, agony.
13. Every day is a struggle because of what the officers have done to me. Not including the mental suffering, it has caused me. I'm a hardworking man and the injuries they have caused has made my day-to-day life so much more difficult. The inability to move or change position intensified the physical distress, making it even harder to breathe and exacerbating the pain. The overall sensation I likened to an immense pressure and constriction, causing acute discomfort and a profound sense of vulnerability. Moreover, the deliberate nature of the violence, the restraints, and the position itself compounded the psychological distress, generating fear, helplessness, and a deep sense of violation.
14. The intentional infliction of intense physical pain was subsequently substituted with an ongoing and purposeful experience of psychological agony, carried out through a

wholly vindictive and malicious prosecution under false pretences. Specifically, I was falsely charged with assaulting an emergency worker. This was then altered to attempted assault of an emergency worker. This unjust and completely false accusation caused me to endure prolonged severe emotional distress for an extended period of time, especially during the period of release on bail while awaiting my criminal trial where I was found unanimously not guilty. The Judge properly directed the jury on the use of unlawful force and torture. The weight of this situation became so overwhelming that it pushed me to the point of contemplating suicide. If there had been a miscarriage of justice and a conviction ensued it would have severely affected my earning ability and career as a violent crime shows up on all Disclosure and Barring Service (DBS) which I have to periodically undergo. During this period, I was suicidal.

Particulars of Torture:

15. I respectfully submit a request for the consideration of introducing a new tort of torture as a future remedy applicable to state officials. The inclusion of this legal argument is aimed at simplifying the complexities of this case and providing a clear avenue for addressing egregious misconduct by state actors and halting the deaths in police custody 1888 since 1990.

The proposal for a new tort of torture is rooted in the recognition of fundamental human rights and the need for accountability in cases of severe abuse of power. By incorporating this remedy, we seek to streamline legal proceedings and provide a straightforward mechanism for redressing acts of torture committed by state officials.

This new tort would align with international standards, including the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), ratified by the British government. Moreover, it would complement existing legal frameworks, such as the Criminal Justice Act 1988 section 134, which criminalizes torture and incorporates UNCAT definitions into English law.

By adopting the proposed tort of torture, we aim to simplify the adjudication process, eliminate unnecessary complexities, and ensure swift and effective remedies for victims of state-sanctioned torture. This measure would enhance access to justice, uphold the rule of law, and serve as a deterrent against future abuses of power.

I respectfully urge Your Honour to consider this proposal for the benefit of justice and the protection of human rights.

16. I assert that any shields or exemptions enjoyed by police constables are rendered null and void under the Criminal Justice Act 1988, section 134, and by virtue of its alignment with three conventions safeguarding the public: the EBOR 1689, UNCAT, and ECHR - Torture. This implies that the CJA 1988, section 134 holds a unique status, and that s.88 (1) of the Police Act 1996 imposes joint liability on chief constables, specifying that settlements against the chief constable are to be paid from police funds. It does not solely impose liability for wrongful conduct of his/her officers on the chief constable, but rather the opposite. Settlements linked to individual constables are not covered by police funds but are instead funded by their own means, otherwise there is no individual accountability in tort. This ensures that the police are personally accountable for crimes and torts committed while acting as police constables, in addition to their employer's vicarious liability under both international and English law. The principle of "where there is a right, there is a remedy" applies here. The unequivocal right not to be subjected to torture must be upheld through both individual and vicarious tort enforcement.
17. The first pleading is for a new remedy under a proposed new tort of TORTURE to simplify the pleadings. Does the tort of torture exist in law? Yes. The British ratified UNCAT and incorporated its unlawfulness into English criminal law via Criminal Justice Act 1988 section 134 Torture and International common law. The law is in effect a criminal injunction against torture and should be heard by pleading torture to the Kings Bench. Without the use of a state veto that currently exists at section 135 the effect of which is to block criminal proceedings. It is proposed that c, d and e are for the Jury to decide.
- a. Are the tortfeasors state officials? If no then the tort fails. If yes;
 - b. Were the tortfeasors acting as state officials at the time? Yes
 - c. Did the tortfeasors cause severe pain or suffering or both? Yes
 - d. Were the tortfeasors acting outside of the law when causing the pain and suffering? Yes.
- Defence to the Tort of torture is lawful authority.
- e. The tortfeasors must prove they had lawful authority to negate c & d. I say that because of the evidence given in the trial and video evidence, this defence fails. All tortfeasors are liable for the tort of torture.
18. A simple example of Torture is Rape. If a police officer acting as a police officer at the time of the tort, rapes a person in their care or custody, are they liable for torture? If they are liable for the rape then as a police officer acting as a police officer, they are liable for the tort of torture under international law and English law there must be justice. Vindictory damages.

Particulars Several Torts:

19. The several other pleadings would only apply if the Kings bench does not formulate or incorporate into the law of tort – Torture. Torts constituting torture if the tort was committed by a state official in this case separately pleaded;

- a. **Misfeasance in public office;** The defendants, including PS Steven Richardson and constables Ben Purton, David Grivas, and an unnamed constable (SW 3204), acting under the command of the Metropolitan Police Commissioner, engaged in a series of egregious actions constituting misfeasance in public office. Firstly, they unlawfully arrested the claimant, Charles Staple, on November 28, 2020, while he was exercising his constitutional rights to assemble, petition, and express dissent against perceived oppressive and unlawful government policies. This arrest was accompanied by intimidatory conduct, including aggressive approaches by PS Steven Richardson in full riot gear, which led the claimant to fear for his safety. Subsequently, the defendants subjected the claimant to physical violence, with PS Steven Richardson repeatedly smashing the claimant's head on the concrete road surface while handcuffed and prone, and attempting to suffocate him by covering his mouth and nose. These actions constituted a clear abuse of authority, characterized by the intentional infliction of harm and the violation of the claimant's fundamental rights. Furthermore, the alteration of charges from assault to attempted assault, without valid grounds, and the malicious prosecution pursued by the defendants exacerbated the harm suffered by the claimant, causing prolonged emotional distress and threatening his reputation and livelihood. Thus, the defendants' conduct amounted to a flagrant disregard for their duties as public officials, constituting misfeasance in public office.

1. Trespass against the person;

- a. **Wrongful arrest:** The claimant, Charles Staple, was unlawfully arrested on November 28, 2020, while exercising his constitutional rights to assemble, petition, and express dissent against perceived unlawful government policies. The arrest was carried out by PS Steven Richardson and constables Ben Purton, David Grivas, and an unnamed constable (SW 3204), acting under the employment and command of the Metropolitan Police Commissioner.
- b. **Assault:** Intimidatory Conduct: PS Steven Richardson, in full riot gear, approached the claimant in a hostile and aggressive manner, creating an atmosphere of intimidation and coercion. This conduct led the claimant to fear for his safety.

- c. **Battery:** PS Steven Richardson, with the assistance of other constables, forcibly restrained the claimant, subjected him to severe physical force, including smashing his head on the concrete road surface multiple times, and attempted to suffocate him by covering his mouth and nose with a gloved hand.

- d. **False imprisonment:** Following the wrongful arrest, the claimant was unlawfully detained and restrained by the defendants, depriving him of his liberty without lawful justification.

2. Abuse of process;

- a. The alteration of charges from assault to attempted assault, without valid grounds, constitutes an abuse of legal proceedings aimed at maliciously prosecuting the claimant.

3. Malicious prosecution;

- a. The defendants initiated and pursued baseless criminal charges against the claimant, causing him prolonged emotional distress and threatening his reputation and livelihood.

b. Negligence;

- i. Wilful disregard for the claimant's constitutional rights: The defendants, including PS Steven Richardson, negligently ignored the claimant's fundamental rights to freedom of assembly, expression, and petition, as guaranteed by the English Constitution and common law.

Special Damage/ Vindictory damages:

- 20. Acting in an oppressive, arbitrary or unconstitutional way
 - a. The defendants' actions, characterized by oppression, arbitrariness, and disregard for constitutional rights and English convention rights from an English convention parliament, UN rights, ECHR, have caused the claimant significant harm, both physically and psychologically.

Statement of Truth I [Charles Staple] believe that the facts stated in these particulars of claim are true.

Charles Staple (a plumber) 13 04 2024 LIP with assistance of a book "pleadings without tears"

