

IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION
ADMINISTRATIVE COURT

CASE NO:

BETWEEN:

THE KING ON THE APPLICATION OF

MARK SEXTON AND PHILIP HYLAND

Claimants

v

THE COMMISSIONER OF THE METROPOLITAN POLICE

Defendant

and

FUNDAMENTAL FREEDOM

Interested party

DETAILED STATEMENT OF FACTS AND GROUNDS

FACTUAL BACKGROUND

1. The Claimants are, respectively, a retired police constable and a practising solicitor. The background to this claim is straightforward and the claim itself is simple in nature.
2. The context of the claim, however, elicits various extreme and polarised reactions. The Claimants have had no choice but to provide the Court with substantive documentation to substantiate their claim, knowing that such documentation may interfere with the essence of their claim.
3. The Claimants invite the Court to consider their case per se, without the subject-matter thereof being at the forefront of it.
4. The Claimants seek, by this claim, to compel the Defendant to discharge their duties.
5. References to CB are references to the core bundle page number.

CHRONOLOGY

6. On 20 December 2021, the Claimants, inter alia, attended Hammersmith Police Station where they reported the crimes of serious misconduct in public office, gross negligence causing injury and death, and/or corporate manslaughter. The reported crimes covered the government's response to the pandemic declared by the WHO in March 2020.

7. The details of the reported crimes in summary were:
- a. Scientists in the UK being complicit in and or assisting with the creation of a gain of function spike protein in Wuhan, China (the creation of such a spike protein breaches International Conventions on bioweapons). [CB 447 - 651]
 - b. A grossly negligent failure by government to evidence that a virus has been purified and isolated. [CB 677 - 678]
 - c. The grossly negligent authorisation and use of PCR and LFT tests as a method to identify whether an individual has a live SARS CoV2 infection. [CB 658]
 - d. The requirement to take LFT and or PCR tests without clinical diagnosis to access goods and services in breach of the fundamental human right to decline a medical intervention without penalty.
 - e. The grossly negligent presentation of data which had the effect of inflating the material risk posed by SARS CoV2. [CB]
 - f. The grossly negligent and unprecedented use of non-pharmaceutical interventions such as lockdowns which had little or no benefit but caused harm, loss, suffering and death.
 - g. The grossly negligent and or corrupt suppression of safe and effective therapeutics such as Ivermectin and HCQ and Zinc. Safe and effective alternatives were suppressed in order to maintain the declared emergency status as well as pave the way for emergency use authorised SARS CoV2 injections. [CB 712 - 732]
 - h. The misuse of clinical pathways such as Remdesivir and Midazolam. [CB 680 - 694]

i. The misuse and abuse of government communications, nudging and psychology which had the reasonably foreseeable impact of causing psychiatric harm and division within England and Wales. [CB 889 - 896]

j. Abuse of statutory powers by the GMC to silence Doctors who spoke out against the harms being caused and the risks posed to patients. [875 - 888]

k. The negligent authorisation and roll out of the SARS CoV2 injections where the regulator has failed to act on known and realised risks and taken no or inadequate steps to suspend authorisation to investigate those risks. [CB 831 - 866]

l. That the conflicts of interest of those making decisions suggested corruption at worst and undue influence at best.

m. That the Guidance on the SARS CoV2 injections issued by the Department of Health and Social Care unlawfully breached the fundamental human right of every citizen resident in England and Wales. The breach was the unlawful fettering of each citizen's right to decline treatment without penalty. The Guidance inverted the human rights of citizens by requiring a citizen to request an exemption from having an injection. An exemption was very difficult to obtain. The position in law is that the clinician has to ask the citizen for consent for a medical intervention. Exemption from all medical interventions is the default position. The Guidance therefore exerted unlawful third party influence on citizens to have an injection that many citizens did not want or need. Many care home and NHS workers had the injection to keep a job. This pressure and unlawful undue influence caused psychiatric injury, harm and or economic losses. [CB 906-913]

7. The Police were also requested to investigate direct and indirect financial interests of those making the decisions.

8. Perpetrators were named to the Police Officer (Constable Irvine) taking the information from the Claimants. Having heard the evidence the Police Officer was satisfied on the balance of probabilities that crimes had been committed and issued a CRN (Crime Reference Number) 6029679/21.
9. An electronic dropbox was also provided to enable the Claimants to provide additional information in support of their complaint.
10. Between 20 December 2021 and 25 January 2022, the Claimants submitted large amounts of evidence via the dropbox and in person to substantiate their complaint. The evidence was composed of peer reviewed scientific papers, witness statements from doctors, consultants, scientists, lawyers, police officers and health workers as well as Freedom of Information Requests (going to alleged excess deaths and isolation of the virus) and official documents.
11. On the 5th of January 2022 the Claimant Mark Sexton attended Hammersmith police station and delivered 1100 pages of evidence to Detective Nadvornik and Detective Au. During this interaction the Claimant was advised that 'this criminal investigation is so big it is potentially too big for the Metropolitan police' and they will need help or it will need to be investigated by outside agencies.
12. On the 25th of January 2022 the Claimant Mark Sexton was contacted by a gentleman from Suffolk. The man is not known to the Claimant but he made him aware he was in contact with Suffolk police as a direct result of the Claimants' criminal complaint to The Metropolitan Police. The man was wanting to make his own criminal complaint to Suffolk police and made them aware of The Met's investigation. A member of staff from Suffolk police's control room identified as "Dave staff number 10850" requested the evidence submitted to The Met should be sent directly to them to allow for an independent investigation. He advised the man the Claimants should send evidence for his attention to the force control room at Suffolk and

provided the email, force.control@Suffolk.police.uk which he sent to the Claimant Mark Sexton.

13. On the 25th of January 2022, the Claimant Mark Sexton submitted five emails containing evidence to “Dave Staff number 10850” to the email address provided at Suffolk police. The emails were acknowledged by force control, there was no name attached in the reply. They thanked the Claimant for the emails and said they were logged under cad reference number; sc-25012022-225. [CB 375]
14. The Claimant Mark Sexton sent a further email explaining there was a lot of evidence to submit and he left his telephone number should Suffolk Police wish to discuss anything with him. The Claimants continued to submit evidence to the Suffolk Police without ever receiving any further contact from them. This position has remained to date.
15. The Claimants did write a Letter before Claim to the Chief Constable of Suffolk Police on 20 April 2023 [CB 425-427] at the very least to obtain answers to their questions, namely why no communications were ever made by Suffolk Police to the Claimants in any way shape or form, despite the same legal duties to investigate reported crime being placed on them as they are on every single Police Force and every single police officer in the land. The reply from the Suffolk Police informed the Claimants that they were mistaken, that Suffolk Police never was going to investigate anything once they had ascertained that the Metropolitan Police was already on the case. [CB 418]
16. On the 22nd of February 2022, the Claimants were notified via email by Superintendent Tor Garnett that given the wealth of public and official evidence supporting the actions/inactions of the government, no investigation would be carried out. No indication was given that any of the information provided by the Claimants had been considered substantively or an investigation even carried out. The matter was closed. [CB 367 - 377]

17. On the same day Deputy Assistant Commissioner Jane Connors went public and said there was no evidence of crime being/having been committed, consequently the matter would be closed. [CB 378 - 379]
18. The Claimant Philip Hyland submitted a letter of appeal against the decision on 25 February 2022. [CB] 380 – 409]
19. Within a few days of the decision of 22 February 2022 , the Claimant Philip Hyland was put under investigation by the Solicitors Regulatory Authority (“SRA”) following a complaint about his involvement in representing a Doctor who had been suspended by the General Medical Council for not adhering to the official directives regarding the vaccine. Incidentally, that case was decided in favour of the Doctor. One complainant was a member of the legislature who had emailed the Chief Executive of the SRA enquiring as to why the Claimant was still on the Solicitor’s roll, another complainant was the security department of the Department of Health and Social Care (“DHSC”). These complaints were only disclosed to the Claimant after the report had gone to the Adjudicator.
20. On 18 May 2022, Tor Garnett replied to the Claimants, dismissing their appeal. [CB 410-411]
21. The Claimants complained to the IOPC (Independent Office for Police Conduct) but, in a similar pattern, they received little or no communication from the IOPC, save to say that their complaints had been directed to the police forces concerned. The Claimants received no further substantive communication from the IOPC despite chasing emails and telephone calls.
22. The Claimants have either exhausted their alternative remedy or the said alternative remedy is not effective, convenient and/or expeditious. The Claimants continued to submit information to the Defendant. Such information included revelations of mishandling and adverse developments as well as developments confirming and

buttressing their initial complaints. Evidence has been submitted as recently as May 2023.

23. The Claimants received no further communications from the Defendant or the IOPC.

24. On 31 March 2023, the Claimants wrote to the Defendant asking for the investigation to be re-opened in light of the new and compelling evidence that had been submitted and/or for cogent reasons for declining to do so. [CB 412 - 415].

25. The Defendant did not respond to these letters so the Claimants sent Letters before Claim on 20 April 2023. [CB 419 - 423]

26. The Defendant replied on 4 May. [CB]428 – 429]

27. The Defendant's main grounds of defence were that the Claimants were time barred but, if they weren't, the Defendant had a wide discretion to investigate and the exercise of this discretion could not be impugned. The Claimants responded on 15th May 2023, refuting that either of the grounds of defence were legitimate in the circumstances:

"We note that you rely on the contents of the letter from Tor Garnett of 18 May 2022 as providing a complete answer to our proposed claim both on the substance of it and in relation to the time issue. We take the view, however, that the letter of 18 May 2022 does not provide a complete answer, far from it. Firstly, it highlights the MET's failure to follow its own policies on the investigation of crime. While we accept that there is a wide discretion vested in the police in relation to operational matters, there is a duty to investigate crimes reported. How this duty is discharged is an operational matter and subject to a discretionary exercise. This discretion, however, is not so wide as to be without any guiding principles. Indeed, it is governed by policy, issued by the MET.

The Met's "General Investigation Policy" included in the evidence bundle for the LBC dated April 20th 2023, states, inter alia, that:

'In terms of investigating crime, we will work from the basis that all crime reported to us will be investigated. This investigation commences at the first point of contact with the public, whether face to face on the street or police station or increasingly over the telephone or on-line.

It is therefore vital that information is recorded accurately, and that staff employ 'professional curiosity' to identify viable lines of enquiry in order to prove or disprove a person's involvement in an offence.'

It continues:

"if a crime is closed after an initial investigation it is important that we explain to the victim that if further viable lines of enquiry are identified then this will be reviewed and the crime can be reopened for further investigation if needed"

No such thing happened in the Claimants' case. There was no initial investigation, in breach of the MET's policy. The Claimants were told there had been, but no identifiable steps were taken by the MET to carry out such initial investigation. Instead, Tor Garnett's letter of 21 February 2022 relied on the official narrative in relation to the pandemic and its associated components (lock downs, vaccines, masks, excess deaths etc..) to dismiss the Claimants' complaints, summarily.

No evidence of an initial investigation has been provided to date. Where is the professional curiosity? Where is the independence?

The letter of May 2022 from Tor Garnett could, on the face of it, be taken to provide the decision from which time starts running.

The Claimants, however, take the view that this is too narrow an interpretation of the concept of time when considering the whole of the circumstances of this case and that, if that argument were allowed to run, it would, in fact, condone continuing illegality.

The decision, in effect and notwithstanding the vague wording indicating some semblance of active involvement, amounted to a complete shut down of the Claimants' complaints and reports of crimes and paid lip service to the Defendant's

own investigative policy. This is unlawful in law and in breach of the MET's own policy. It is also in breach of the Home Office Crime Recording guidelines that place at their core the principle that policing is victim led:

“To take a victim oriented approach to crime recording and to promote accurate and consistent crime recording between police forces.

General Principles

The Standard directs a victim focused approach to crime recording. The intention is that victims are believed and benefit from statutory entitlements under the Code of Practice for Victims of Crime (CPVC). This seeks to ensure that those reporting crimes will be treated with empathy and their allegations will be taken seriously. Any investigation which follows is then taken forward with an open mind to establish the truth.” (added September 2019)

We take the view that this constitutes official tolerance, namely repeated failures to right wrongs amounting to systemic failure. This being the case, it becomes clear that reliance on the May 2022 letter as providing a complete defence to the timing issue cannot be allowed to stand as, in doing so, one would further the inertia in the face of official tolerance. Where is the professional curiosity? Where is the independence?

As a result and given that an abundance of new credible and compelling evidence was provided to the Police Chief Commissioner between March 2022 and March 2023, pursuant to the Civil Procedure Rule 54.5, the time is continuing to run.”

28. The Claimants have not received a response at the time of drafting.

DELAY

29. It is the Claimants' contention that while on the face of it, there is a decision dated 18 May 2022, such a decision cannot form the basis for dismissing the claim on the ground of delay because the claim is continuing, is dynamic and the vice the Claimants accuse the Defendant of is precisely the failure to recognise the continuing nature of the claim. Striking out the Claimants' claim on the ground of delay would compound the unlawfulness of the Defendants' inaction in the face of compelling evidence.

30. The Claimants also rely on the arguments they deployed in their letter of 15th May 2023 as set out above (para. 27). The Claimants invite the Court to accept that the delay point is a red herring in this case and to consider the substance of the Claimants' claim.

LEGAL FRAMEWORK

Common Law Duties

31. The police are under a common law duty to investigate crime and protect the public. This was discussed and confirmed in **Regina v Commissioner of Police of the Metropolis, ex parte Blackburn [1968] 2WLR 893**, per Lord Denning:

"4.The Duty of the Commissioner of Police of the Metropolis. The office of Commissioner of Police within the Metropolis dates back to 1829 when Sir Robert Peel introduced his disciplined force. The commissioner was a justice of the peace specially appointed to administer the police force in the metropolis. His constitutional status has never been defined either by statute or by the courts. It was considered by the Royal Commission on the Police in their Report in 1962 (Cmd. 1728). But I have no hesitation in holding that, like every constable in the land; he should be, and is, independent of the executive. He is not subject to the orders of the Secretary of State, save that under the Police Act, 1964, the Secretary of State can call upon him to give a report, or to retire in the interests of efficiency. I hold it to be the duty of the Commissioner of Police of the Metropolis, as it is of every chief constable, to enforce the law of the land. He must take steps so to post his men that crimes may be detected; and that honest citizens may go about their affairs in peace. He must decide whether or not suspected persons are to be prosecuted: and, if need be, bring the prosecution or see that it is brought. But in all these things he is not the servant of anyone, save of the law itself. No Minister of the Crown can tell him that he must, or must not, keep observation on this place or that; or that he must or must not prosecute this man or that: one. Nor can any police authority tell him so. The responsibility for law enforcement lies on him.' He is answerable to the law and to the law alone. That appears sufficiently from *Fisher v. Oldham Corporation*,¹² and *Attorney-General for New South Wales v. Perpetual Trustee Co. Ltd.*¹³ 'Although the chief officers of police are answerable to the law, there

are many fields in which they have a discretion with which the law will not interfere. For instance, it is for the ¹² [1930] 2 K.B. 364; 46 T.L.R. 18 [1955] A.C. 457; [1955] 2390. W.L.R, 707; [1955] 1-All E.R. 846, Commissioner of Police of the Metropolis, or the chief constable, as the case may be, to decide in any particular case whether inquiries should be pursued, or whether an arrest should be made, or a prosecution brought. It must be for him to decide on the disposition of his force and the concentration of his resources on any particular crime or area. No court can or should give him direction on such a matter. He can also make policy decisions and give effect to them, as, for instance, was often done when prosecutions were not brought for attempted suicide. But there are some policy decisions with which, I think, the courts in a case can, if necessary, interfere. Suppose a chief constable were to issue a directive to his men that no person should be prosecuted for stealing any goods less than £100 in value. I should have thought that the court could countermand it. He would be failing in his duty to enforce the law. A question may be raised as to the machinery by which he could be compelled to do his duty. On principle; it seems to me that once a duty exists, there should be a means of enforcing it. This duty can be enforced, I think either by action at the suit of the Attorney-General: or by the prerogative writ of mandamus. I am mindful of the cases cited by Mr. Worsley which he said limited the scope of mandamus. But I would reply that mandamus is a very wide remedy which has always been available against public officers, to see that they do their public duty."

Policies

FIRST DEFENDANT'S PUBLISHED POLICY

General Investigation Policy Crime Assessment Principles Introduction

Our mission is to keep London safe for everyone. To achieve this, we will:

- Focus on what matters to Londoners
- Mobilise partners and the public
- Achieve the best outcomes in the pursuit of justice and in the support of victims. In terms of investigating crime, we will work from the basis that all crime reported to us

will be investigated. This investigation commences at the first point of contact with the public, whether face to face on the street or police station or increasingly over the telephone or on-line. It is therefore vital that information is recorded accurately, and that staff employ 'professional curiosity' to identify viable lines of enquiry in order to prove or disprove a person's involvement in an offence. There are reported crimes where evidence is in existence which allows the police to quickly identify a suspect and take that investigation to its conclusion. Of course, there are also crimes where investigative leads are not as readily available and consequently crimes are closed, often within 24 hours. Providing that the initial investigation has been appropriately conducted and the victim clearly updated then we must be pragmatic about this in line with our broader mission. Policing resources are finite, and we need to focus our efforts on those crimes that matter most to the public, particularly victims of violent crime or those who are most vulnerable. However, if any crime is closed after an initial investigation it is important that we explain to the victim that if further viable lines of enquiry are identified then this will be reviewed and the crime can be reopened for further investigation if needed [...]

SUBMISSIONS

32. There is a duty on the Defendants to investigate crimes reported to them. How they discharge that duty is a matter for them. Nevertheless, such discretion is limited by law; it is also constitutionally limited. As Lord Denning said, above: "But there are some policy decisions with which, I think, the courts in a case can, if necessary, interfere. Suppose a chief constable were to issue a directive to his men that no person should be prosecuted for stealing any goods less than £100 in value. I should have thought that the court could countermand it. He would be failing in his duty to enforce the law." The Defendant wrote to the Claimants, on 22 February 2022 stating that there was insufficient evidence *in light of existing official evidence* to investigate the Claimants' complaint:

"The relevant vaccines have been approved by the World Health Organisation, the European Medicines Agency and the Medicines and Healthcare products Regulatory

Agency. The vaccines underwent multiple trials, involving a considerable number of people. The vaccines were subject to stringent safety approval processes before being used in the community. The vaccines are used in over 100 different countries, all of which have carefully considered the safety of the vaccines. The allegations you have made suggest that a number of people are responsible for suppressing information regarding the severity of health implications from the COVID 19 vaccines. In particular crimes of Gross Negligent Manslaughter and Misconduct in a Public Office have been alleged. The allegations you have made out have no basis in the available evidence. It is clear that there are no criminal offences apparent. As a result, the **MPS** does not consider that there is sufficient evidence to pursue an investigation regarding the offences alleged. Therefore no further action will be taken by the MPS in relation to this matter.”

33. In replying as they did, the Defendant: failed to exercise independent judgement and professional curiosity in breach of their own policy and general policing principles; fettered their discretion; offended the constitutional principle of the separation of powers.
34. The Claimants are aware that the subject-matter of their complaint is highly controversial and that a great deal of resources has been expended to prevent dissent from the official information being disseminated. Such an extreme state of affairs ought not, however, to prevent lawful process from taking place. Had the Defendant investigated properly, with an open mind, the complaint made by the Claimants and dismissed the same as a result of a thorough and fair investigation, the Claimants would have had no business bringing a claim to the attention of this Court.
35. The Defendant, however, failed entirely to conduct an investigation, in breach of their common law duty and their own policies. The Defendant quite clearly took the official information as providing all the evidence they needed to dismiss the notion that a crime may have been committed. In doing so, the Defendant summarily dismissed the evidence provided by the Claimants, without evaluating it in any way, shape or form.

The Home Office policy that requires that policing should be victim led was flouted in this case. No witnesses were contacted (despite their status and expertise, such as Consultant Cardiologists, Professors of Health and Medicine, scientists etc.) yet, the Defendant had all the witness statements clearly alerting those willing to listen to the potentially deadly danger of the vaccine. The unanimous call emerging from the evidence was to halt the vaccine roll-out until more reliable information was obtained (in terms of the vaccine itself but also alternative treatments). The Claimants repeatedly asked the Defendant to assist with calling for a halt in the vaccine roll out while investigating the evidence provided to them. The Defendant closed its ears and its mind to the requests and to the evidence, unlawfully. The Claimants had nowhere to go with the information but to the police. The police, be it the Defendant or Suffolk Police (and others who were also approached and informed of the Claimants' extensive concerns), entirely washed their hands of the Claimants' complaint without any reference to their duties or their *raison d'être*. It is as though the Defendant can pick and choose what crimes it investigates. This introduces a deplorable measure of uncertainty which cannot be lawful. The actions/continuing inaction of the Defendant are inexcusable in law.

36. Further, the Defendant failed to keep the matter under review, despite official, cogent, and persuasive evidence coming to light confirming the essence of the complaint originally brought to their attention by the Claimants.

37. The Claimants complained that the extent and severity of the event of SARS 2 was exaggerated to create an atmosphere of fear and to generate compliance. They provided, *inter alia*, an official document from the World Health Organisation ("WHO") dated 19 March 2020 declassifying the virus from a High Consequence Infectious Disease ("HCID"). This was four days before the first lockdown.

38. The politics of fear was pursued despite such information being official and made available to the Defendant. In March 2023, WhatsApp messages from the then Health Minister Matt Hancock were leaked showing that there was a deliberate attempt at

maintaining fear in the population (*“when would be the most appropriate time to release the new variant”* or words to that effect).

39. On 28 April 2023, Dr Christian Buckland wrote an open letter to the Prime Minister, Rishi Sunak, on behalf of the British Psychological Society (exhibited at CB PH18), denouncing the deliberate politic of fear by the government and the devastating consequences that followed. This letter was provided by the Claimants to the Defendant in yet another request to re-open the investigation in light of adverse developments bolstering their complaint.
40. Official information in late 2022, early 2023 indicated that there might be a link between cardio-vascular events and the vaccine. Such information continued to emerge and continues to date.
41. The WHO, as recently as 30 May 2023, produced an article linking the vaccine to the sudden onset of Multiple Sclerosis. The above are but a few examples of official information substantiating the Claimants’ complaint. The Defendant must be aware of this information (it is in the public domain and they were clearly aware of public information since they relied upon it to dismiss the Claimants’ complaint in February 2022).
42. Should the Defendant claim they were not aware of such official information as a defence to their continuing refusal to re-open the investigation, the Claimants would ask the Court to view such a claim as further evidence that the Defendant breached their duties to act independently of the Executive, with an open mind and professional curiosity when investigating crime.

RELIEF SOUGHT

The Claimants seeks the following relief:

- An order requiring the Defendant to investigate the Claimants’ complaint forthwith

- Alternatively, a Declaration that the Defendant acted unlawfully in refusing to investigate the Claimants' complaint
- Further or other relief
- Costs.