

Tuesday, 31 March 2026

1  
2 (9.59 am)  
3 **MS LANGDALE:** May I call the next witness, please, Alan  
4 Murphy.  
5 **THE CHAIR:** Yes.  
6 **ALAN MURPHY (sworn)**  
7 **Questioned by MS LANGDALE**  
8 **MS LANGDALE:** Mr Murphy, you've prepared a statement for the  
9 Inquiry dated 30 October 2025. Can you confirm the  
10 contents are true and accurate as far as you're  
11 concerned?  
12 **A.** They are.  
13 **Q.** You tell us at paragraph 14 of that statement that as of  
14 June 2023, you'd worked in the criminal law for the best  
15 part of 31 years and as a prosecutor for almost  
16 21 years.  
17 **A.** Correct.  
18 **Q.** What are your qualifications, please?  
19 **A.** I have an LLB (Honours) class 2:1, and I have had  
20 a first class pass in the Law Society finals course back  
21 in the early 1990s.  
22 **Q.** Dealing with the events with which the Inquiry is  
23 concerned, Mr Murphy, you attended a briefing at the  
24 Radford Road Police Station in Nottingham at 9 am on  
25 Wednesday 14 June with Samantha Shallow; is that right?

1

1 **Q.** And for an assault on an emergency worker?  
2 **A.** For assault on emergency worker, yeah, absolutely.  
3 **Q.** At the time you spoke to him on the 14th the police were  
4 fully aware of that and knew that.  
5 **A.** Yeah, clearly, because it's in the note, yes.  
6 **Q.** Was there any sensitivity expressed in that briefing,  
7 can you remember, or not, about that issue?  
8 **A.** No. Not that I can recall, no.  
9 **Q.** We see at the bottom reference to Seeley House:  
10 "Tries to break into Seelyhurst house on Mapperly  
11 Rd. Multiple occupancy for vulnerable over 65s.  
12 "Loads of CCTV interaction with worker Ivan".  
13 What was going through your mind of the significance  
14 of that at that briefing?  
15 **A.** Well, it was unclear. We saw some of the footage at the  
16 briefing.  
17 **Q.** Of the first attacks?  
18 **A.** And of Seely Hirst House.  
19 **Q.** Right.  
20 **A.** So it was unclear. You'll see on the police MG3, the  
21 submission for a charging decision which came a few days  
22 later, that there was a suggestion of charging burglary  
23 with intend to cause GBH in respect of that, but it  
24 was -- bear in mind this is a day after the attacks.  
25 **Q.** Of course.

3

1 **A.** That is.  
2 **Q.** If we have please CPSE0002484, page 1 on the screen, we  
3 see a note of that. Would this have been a combined  
4 note of you and Ms Shallow?  
5 **A.** No, this would have been Ms Shallow's note.  
6 **Q.** So would you have discussed what went in the note  
7 between you what went in before or?  
8 **A.** No. She would have made that after the meeting.  
9 **Q.** We see a couple of matters, the third highlighted from  
10 the top:  
11 "Possibly Nottingham Uni graduate, history of  
12 violence, wanted for assault x 2 (Leicester), FTA for  
13 violence [September the 22nd] ..."  
14 What were you told at that briefing, straight from  
15 the off, it would appear, about that?  
16 **A.** (Pause) I can't remember looking at that note but I am  
17 aware that at some point that day, presumably at the  
18 briefing, we were aware about the failure to surrender  
19 warrant.  
20 **Q.** What did you understand about that? You're a lawyer so  
21 if it seems obvious, apologies, but tell us what you've  
22 understood about the significance of that?  
23 **A.** It meant that he had been bailed to attend court, and he  
24 hadn't attended court so a warrant had been issued for  
25 his arrest.

2

1 **A.** It was unclear what on earth was going on in respect of  
2 Seely Hirst House.  
3 **Q.** But you'd appreciated the time lapse between attacks at  
4 this point, even early on?  
5 **A.** Yes, because there was the footage of the attacks on  
6 Ilkeston Road, so the timings were -- and there were  
7 witness accounts as well. So there were timings already  
8 at that stage.  
9 **Q.** Yes, that can come down, please.  
10 You tell us at paragraph 20 of your statement how  
11 documents and case material is uploaded. Can you just  
12 tell us how it works?  
13 **A.** In the East Midlands Complex Casework Unit where I work,  
14 Chair, the method of file submission differs from  
15 ordinary cases on the Crown Court Unit or in the  
16 Magistrates Courts Unit in the East Midlands. We  
17 require the police to submit zipped files in chapters  
18 which tell the story of a case and they do that through  
19 a system called Egress, which is a file-sharing system,  
20 and they're then required to email our office inbox to  
21 say we've sent you a file submission and that will  
22 trigger an action on our end to download from Egress  
23 onto our public drive, and that's how the files get  
24 submitted.

And because it's a system that we use in the Complex

4

1 Casework Unit rather than on area, not all individual  
 2 police officers are necessarily familiar with it,  
 3 because they may not all have done -- or been involved  
 4 in a Complex Casework Unit case before, because just  
 5 because the cases are serious doesn't mean they  
 6 necessarily come onto our unit.

7 So, to assist them with that, we have a Word  
 8 document which sets out exactly what the process is,  
 9 naming conventions for the documents, so that when  
 10 they're served onto the digital case system that the  
 11 Crown Court uses, everyone can follow what it is they're  
 12 supposed to be reading.

13 And in addition to the way that the documents are  
 14 formatted and how they're sent across, we operate  
 15 a spreadsheet, because of the volume of material can be  
 16 rather large, there's a spreadsheet, an Excel  
 17 spreadsheet, that the police are required to populate  
 18 and send across with every file submission and that way  
 19 we can keep a running tab on file submissions, on  
 20 queries that I might make, and on the responses to  
 21 queries that I might make.

22 **Q.** Between you and the police?  
 23 **A.** Between me and the police through the life of a case,  
 24 yes.  
 25 **Q.** Do you upload on that system sensitive CCTV footage and

5

1 will use Egress to receive material from the police, and  
 2 that will go into one folder, police submissions. We  
 3 can use it to serve evidence in a case on the defence,  
 4 we can use it to disclose unused material to the defence  
 5 and we can give defence lawyers access to those folders  
 6 providing they've got a CGS and a secure email address.

7 We can use it to create a folder where we share  
 8 material, solely with our own counsel, and likewise with  
 9 any instructed expert such as a forensic psychiatrist.

10 **Q.** With the court, when you upload material to the court,  
 11 how does that work?  
 12 **A.** We will give the court CJSM email address access to the  
 13 served evidence folder.

14 **Q.** Might that include sensitive footage, for example, in  
 15 a case like this?  
 16 **A.** Correct.  
 17 **Q.** What's the protection about who views that at the court  
 18 end, if you like?  
 19 **A.** That was, as I understand it --  
 20 **Q.** -- (*overspeaking*) --  
 21 **A.** -- I'm telling you how it works as I understand it, I'm  
 22 not an Egress expert as such, but that would be for the  
 23 court to regularise, if I can put it that way.  
 24 **Q.** In the way you regularise yours and how the CPS has  
 25 access to East Midlands stuff, it's up to the court to

7

1 the like?  
 2 **A.** Yeah.  
 3 **Q.** If so, is there a way of making sure there's limited  
 4 access to it?  
 5 **A.** Yes, the public drive system -- well, first of all, all  
 6 East Midlands CCU cases can only be accessed by East  
 7 Midlands CCU staff. So if you work for the CPS in  
 8 Nottingham or indeed anywhere in the East Midlands and  
 9 you're not in the CCU, then you won't be able to get  
 10 access to one of our case files, simple as that.

11 The public drive and the standard system CMS is the  
 12 same in that regard. The submissions across Egress can  
 13 therefore only be accessed by CCU members, and we're  
 14 a relatively small unit, six or seven lawyers, three or  
 15 four paralegals and two admin staff, that's it.

16 **Q.** When you instruct experts, do you share material via  
 17 Egress with them?  
 18 **A.** Yes.  
 19 **Q.** Again, is there a separate section for doing that? How  
 20 does that work?  
 21 **A.** Yes, I don't know how familiar you are or the Chair is  
 22 with Egress, but it's effectively another file sharing  
 23 system, and each bit of material will go into a folder,  
 24 and we have the ability to restrict who gets access to  
 25 any individual folder or a set of folders. And so we

6

1 do that when it is uploaded with the court.  
 2 **A.** Yes, that must be the case, yes.  
 3 **Q.** You set out from paragraph 21 onwards the charging  
 4 decisions and there's a number of documents I can take  
 5 you to this, but you may remember it in any event, how  
 6 it was that you were effectively asked to deal with  
 7 retrospective charging?  
 8 **A.** Yes.  
 9 **Q.** Do you want me to take you to documents or can you  
 10 remember that or use your statement?  
 11 **A.** I can remember it, but if you see anything in one of the  
 12 contemporaneous documents that you think I need to see,  
 13 please show me.  
 14 **Q.** I'll take you to it.  
 15 **A.** We -- at the police station on the Wednesday, we  
 16 discussed the likely timetable for the rest of the week,  
 17 in terms of how long it was going to take the police to  
 18 get whatever evidence they could get ahead of charging.  
 19 And as the Inquiry will know, as a general ruling, in  
 20 a serious case like that, you'll get up to 96 hours  
 21 pre-charge detention so that was going to run out on the  
 22 Saturday morning. So the anticipation was by Friday  
 23 morning, Friday midday, the file submission would be  
 24 made to enable me to make a charging decision on the  
 25 Friday afternoon with a view to his being charged.

8

1 Because even on the Wednesday it was pretty obvious that  
2 he was going to be charged with the offences he was  
3 charged with.

4 And Friday afternoon charge would enable first  
5 appearance in the Magistrates' Court on the Saturday,  
6 which would then lead to first appearance in the Crown  
7 Court on the Tuesday. And so during the course of the  
8 week, I made contact with both the Magistrates' Court  
9 and the Crown Court to make sure that they were aware  
10 what was coming on and so that there wouldn't be any  
11 issues at their end with that timetable.

12 On the Thursday, throughout the afternoon into the  
13 evening, the police provided me with a decent chunk of  
14 evidence, if I can put it that way, and I reviewed it  
15 during the course of the Thursday afternoon quite late  
16 into the evening, and I started to draft my charging  
17 decision, because I didn't want -- I didn't want to wait  
18 until the Friday to start that; I wanted to get the work  
19 underway.

20 And then that continued on the Friday morning. We  
21 were still awaiting the compilation CCTV footage that  
22 was to form part of the initial tranche of evidence, and  
23 I was still awaiting the formal request for a charging  
24 decision, the MG3 document from the police, which came  
25 across via Egress in a folder with the CCTV and with the

9

1 And I also became aware that the police were  
2 suggesting that -- because I'd been speaking to the  
3 officers in the case, of course, during the morning on  
4 the phone about the progress of my decision and what was  
5 likely to happen -- that the police were suggesting that  
6 I'd given them verbal authorisation to charge, which  
7 I hadn't, and I didn't need to. I've done it once  
8 before, many, many years ago --

9 **Q.** But you had the time here, yeah.

10 **A.** But I had time here and I was sat by the computer so  
11 I didn't need to do that.

12 So you know from the documents that there are emails  
13 between me and Suzanne. There was an email between Sam  
14 and Sharon, I don't know why I wasn't copied into -- but  
15 between me and Suzanne Llewellyn at 3.00 and at 3.07,  
16 I think. And ultimately, I charged the offences at 3.24  
17 in the afternoon because I'd got the material and  
18 Suzanne had read my draft charging advice and had no  
19 issues with it, and during the course of the afternoon  
20 I received a phone call from Leigh Sanders, and I know  
21 he referred to it in his evidence to the Inquiry where  
22 he apologised for what had happened with this emergency  
23 charging business. I wasn't particularly happy about  
24 it, but it had been done.

25 I'd then authorised the charges correctly, and

11

1 various other documents.

2 I don't know what time it came across on Egress at,  
3 but I do know it arrived on our public drives,  
4 transferred over, I think it was 2.34. I can check that  
5 but it's about -- it's around 2.30 on the Friday  
6 afternoon.

7 And so prior to that I'd had a request from the  
8 Chief Crown Prosecutor, I think on the Thursday, to send  
9 her a draft copy of my charging decision before I signed  
10 it off and sent it to the police. Perfectly  
11 understandable, no issues with that. So I did that.  
12 I think it was 13:40, 20 to 2, on the Friday afternoon.  
13 So I did it at a time when certainly on our systems  
14 I still didn't even have the formal request for "Please  
15 give us a charging decision".

16 At some time, maybe around 3.00, maybe just before,  
17 I became aware either -- I can't remember whether it was  
18 from the Chief Crown Prosecutor first or from Sam  
19 Shallow first, possibly from Sam, I was off that day, I  
20 wasn't at work, but I became aware that the police were  
21 proposing to emergency charge the case, which didn't  
22 make any sense because emergency charging is normally  
23 reserved for cases where you're about to run out of the  
24 custody time clock, and that didn't run out until  
25 Saturday morning.

10

1 looking at the timings when I later got the MG4 charge  
2 sheets, it appeared that one of them had been charged  
3 ahead of my formal charging advice. So I granted  
4 retrospective authority, which is, it's not uncommon,  
5 because on much less serious offences occasionally the  
6 police charge when they're not allowed to, and the CPS  
7 have to deal with that with a retrospective authority.

8 So I did that, and I, within that retrospective  
9 authority, made it clear that if in fact any of the  
10 other five charges had also pre-date -- were earlier  
11 than my official charging advice, then my retrospective  
12 authority applied to those offences as well.

13 **Q.** When Leigh Sanders phoned you, did he say why he had  
14 done that?

15 **A.** I got the impression -- there was a lot of noise in the  
16 background, at Leigh Sanders' end. I got the impression  
17 that the police were under pressure from the press and  
18 possibly from the families to effectively get a charging  
19 decision sorted, because he'd been in custody now for  
20 the best part of three days, and still nothing --

21 **Q.** Why do you say he said possibly about the families?  
22 I understand about the press wanting to run a story, as  
23 far as he was concerned, about the warrant case. Did he  
24 say anything now -- and say if you don't remember, about  
25 the families at this point -- (*overspeaking*) --

12

1 A. No, it was just -- you know, it just appeared to be  
2 pressure from, as I say, from the press and from the  
3 families. I mean I may be wrong on that, but that's my  
4 recollection of that call.

5 Q. But he'd jumped the gun, effectively?

6 A. Yes, and he apologised for so doing, and obviously  
7 I accepted the apology.

8 Q. We then see, at CPSE0001033, page 1, so 0001033, your  
9 charging review Threshold Test document. We see you set  
10 out at 2.1:

11 "This case relates to the deaths of three persons  
12 during the early morning of Tuesday 13 June at two  
13 separate occasions in Nottingham and further assaults  
14 shortly afterwards on three other persons at two further  
15 locations ..."

16 You set out some background facts, and you set out  
17 at paragraph 3.14:

18 "... what is known is he telephoned his brother at  
19 0452 and when his brother asked him if he was going to  
20 do anything stupid (referring to self-harm) the suspect  
21 replied 'it's already done'."

22 So you summarised that. You also set out at 3.18:

23 "... [having viewed] the CCTV, there are two  
24 occasions when cars drive past the premises and the  
25 suspect stops what he is doing ..."

13

1 in charge?

2 A. For different reasons. Do you want to take me back to  
3 them and I'll tell you why?

4 Q. Do you want to do them separately?

5 A. Please. Because there are different reasons for doing  
6 so.

7 Q. Fair enough. If we go back to 3.14 and 3.18.

8 A. They -- it was clear, on the Wednesday and certainly on  
9 the Friday when I got the information, that mental  
10 health issues were going to play a part in the case.  
11 And so 3.14 is just a summary of the evidence that we  
12 had between the first two killings and the third, he  
13 makes this phone call at 04:52 saying, "It's already  
14 done" which seemed to me at the time to be a relevant  
15 piece of information when asking yourself any questions  
16 related to mental health.

17 At three-point --

18 Q. Why?

19 A. Well, because it's between the two killings. It's an  
20 action of his between the two killings.

21 Q. And the significance of the words?

22 A. Well, "It's already done", as in he's already carried  
23 out the first two things, yes.

24 Q. Mm-hm.

25 A. 3.18, this was something that myself and Samantha

15

1 This is the Seely Hirst House stuff.

2 "... he is aware enough of his actions to not draw  
3 attention to himself to passing motorists."

4 Why did you highlight those matters? Perhaps if  
5 I can refer you to a couple more before you answer in  
6 relation to the charges you settled on, at 3.54:

7 "Elias and the suspect hadn't spoken since  
8 Christmas."

9 3.55:

10 "Elias outlines ... he thinks the suspect believes  
11 MI[5] are listening to him. ... describes that the  
12 suspect had psychotic incidents in 2020 but sounded calm  
13 during [the] conversation on 12 June. ... suspect went  
14 on to say 'just disassociate yourself from me, [i]f  
15 anything happens, don't come and see me in hospital!'"

16 If we go to 5.4:

17 "... combination of ... CCTV ... eyewitness  
18 evidence, combined with timings and the findings of  
19 weapons and blood-staining on arrest and the fact that  
20 the suspect is in [a] stolen van all provide[s]  
21 reasonable grounds that he murdered Barnaby, Grace and  
22 Ian and in doing so intended to kill them (rather than  
23 cause them GBH)."

24 So you draw those matters together. Why are you  
25 drawing those together along with others in this summary

14

1 Shallow had observed when we saw the footage at Radford  
2 Road Police Station on the Wednesday and it was an  
3 action -- well, I say that given the likely psychiatric  
4 issues, the fact that he stops what he's doing on two  
5 occasions seemed to me to be a relevant feature of the  
6 case when considering those issues. And indeed, that's  
7 one of the features I drew to the attention later on in  
8 the case to Dr Blackwood.

9 Q. Then if we go to 3.55, 3.55.

10 A. Yeah.

11 Q. "... just disassociate yourself from me, [i]f anything  
12 happens, don't come and see me in hospital."

13 A. Exactly. Voices in the head, MI6 listening to him,  
14 relevant to mental health issues.

15 Q. The last one was 5.4, reference to the weapons, finding  
16 of weapons. There were a number of weapons, weren't  
17 there? We heard yesterday psychiatric reports referred  
18 to a knife, but there were four weapons, weren't there?

19 A. Yeah, yes.

20 Q. The weapon that was used was a dagger?

21 A. Yes.

22 Q. Described in police interview as nearly a foot long?

23 A. Yes.

24 Q. So what significance were you highlighting in relation  
25 to weapons rather than simply referring to a knife?

16

1 **A.** Intent to kill, as I say there, yes.

2 **Q.** Thank you. That document can come down.

3 You tell us at paragraph 56 of your statement that

4 on 2 October the defence served their first psychiatric

5 report from Dr McSweeney, and you say:

6 "This was a development that clearly ought to be

7 communicated to the families if they were able to

8 receive the information."

9 And you refer to the FLOs passing on something that

10 referred to mental health or something like that.

11 Looking back now, that kind of information and its

12 significance, how do you think that can best be imparted

13 at that stage?

14 **A.** The -- undoubtedly, the best way of imparting

15 information about a partial defence such as diminished

16 responsibility is from the lawyers in the case, and of

17 course in this case we have myself and also leading and

18 junior counsel, and junior counsel themselves is senior

19 junior counsel, if I can put it that way. So that's

20 undoubtedly the best way, yes.

21 **Q.** We're going to hear from leading counsel in due course,

22 but in your view, in an issue or a case like this,

23 that's the way of communicating --

24 **A.** Absolutely. Absolutely, both because you have the

25 benefit of leading counsel and their expertise in the

17

1 a Masters. Does not drink or take drugs and was guarded

2 about his family background. Is there any information

3 about his diagnosis in July 2020? How does this fit

4 into when he was studying at university? Lockdown

5 started in March 2020 so is it the case it is only from

6 that point onwards that he becomes ill?"

7 He points out where he thinks there are errors in

8 the report:

9 "Do we have any evidence from the university about

10 him? How he participated in seminars ...? What is

11 happening academically over this period moving forwards?"

12 "Do we have anything from [the] brother concerning

13 14.14? Is there evidence of him contact his family

14 member ..."

15 If we look at the message above it, is your reply

16 from Alan Murphy:

17 "Andrew, I'm available this afternoon, let me know

18 a time.

19 "We don't have any evidence from the University re

20 his attendance at seminars ... we do have material that

21 shows [we] were in close contact ..."

22 **A.** Sorry, that's gone.

23 **Q.** Yeah, it has. No doubt to try to help us but can we

24 have it as it was before, please.

25 There we are, thank you. It says:

19

1 law, and from a public confidence issue, if I can put it

2 that way, or a family confidence issue, they're hearing

3 from the KC in the case. Not just from the CPS

4 reviewing lawyer, if I can put it that way.

5 **Q.** Can we go, please, to CPSE0008560, page 2, and I'm

6 moving into November now where there's communication --

7 we're going to have to enlarge it, I think, for all of

8 our sakes -- between the CPS amongst yourselves. Andrew

9 Baxter. What's his role, Andrew Baxter? Can we look

10 for page 2, please?

11 **A.** At the time, Andrew Baxter was the Deputy Chief Crown

12 Prosecutor, so he was the line manager of Samantha

13 Shallow who was the Head of the East Midlands Complex

14 Casework Unit at the time, and the only person above

15 Andrew in terms of line management in the East Midlands

16 CPS was the Chief Crown Prosecutor herself.

17 **Q.** We see on this page from Baxter to yourself, November 15

18 at 2.55 pm:

19 "Hi, Alan

20 "Can we have a chat about [VC] please and an update?

21 I have the diary meetings in but having read the

22 psychiatric report again there are a few queries? Are

23 you free later on this afternoon?

24 It is interesting reading this. He is bright,

25 graduated in mechanical engineering and started

18

1 "We do have evidence from students he lived with

2 describing his odd behaviour and a violent incident in

3 January 2022 which ultimately led to a member of the

4 Residential Experience team from the University

5 informing the students that [VC] needed to be sectioned

6 because he was mentally ill and as a result they had to

7 leave their flat pending a bed becoming available at the

8 hospital.

9 "The first interaction with the .../mental health

10 services is May 2020 but he tells them he has been

11 hearing voices since late 2019. This is supported in

12 the unused material by his mother."

13 And so it continues.

14 **A.** Yes.

15 **Q.** "The brother states 'he would say that the voices in his

16 head would say that we were being harmed or being

17 threatened not that he would harm others'."

18 So you're having a discussion amongst yourselves

19 about the issues; is that fair?

20 **A.** Yes, yes. And in terms of the University query, Andrew

21 had raised that in October. You'll see in the papers

22 there's an earlier email relating to that. We'd got the

23 two -- I think we got both of the witness statements,

24 from Giddings and from the other chap from the

25 University by this date. We received a full package of

20

1 University material a few days later, which was then  
2 disclosed as unused material, D818.

3 **Q.** More statements, you got more documents. Was that  
4 arising from this communication or were the police  
5 already doing that?

6 **A.** The police were already doing it as a result of the  
7 early request back in October.

8 **Q.** If we can then go please to CPSE0000194. This is  
9 a meeting on 23 November.

10 **A.** Sorry, I can't read that.

11 **Q.** This is going to come down and you'll be able to read  
12 this one, don't worry.

13 **A.** Oh, sorry.

14 **Q.** So this we know -- Dr Blackwood's report comes in on  
15 20 November, doesn't it?

16 **A.** Yes.

17 **Q.** And there's a meeting between, if we look at the first  
18 page, the lawyers --

19 **A.** Yes.

20 **Q.** -- and the police --

21 **A.** Yes.

22 **Q.** -- involved, and Andrew Baxter and yourself and the CPS.  
23 And there's a reference at the beginning from Sam  
24 Shallow:

25 "I received yesterday from [the] FLO for [the

21

1 **A.** Yes.

2 **Q.** And what do you say in response to that?

3 **A.** Well, you'll see in a minute:

4 "... we spoke last week. In [that time] ... we've  
5 had a further submission ..."

6 So this is within -- the submission I've just  
7 mentioned to you, D818:

8 "... 2 statements from his tutors plus the entirety  
9 of his university health records. It has all their  
10 interactions with him and with his mental health  
11 admissions. He had no issues in summary. He started  
12 university in 2017 ... 2019 he updated his course to  
13 a 4-year master's degree. First difficulties they noted  
14 were in May 2020, thereafter lockdown and then was  
15 a failing student. He became more ill during lockdown  
16 and had to re-sit a year. This has all been disclosed."

17 And Andrew says he hadn't seen those, so he thanks  
18 me for that.

19 **Q.** Then we see Karim Khalil King's Counsel says further  
20 down:

21 "The only way we can answer it is to ask the  
22 psychiatrists how they have worked that out for  
23 themselves. They have looked at his long term  
24 background and ... his more immediate background. ...  
25 They are trained and conscious that with those in [the]

23

1 O'Malley-Kumars] ... the topics they want to be covered  
2 tomorrow. Very understandable."

3 So this is being arranged in advance with meeting  
4 the families, is it?

5 **A.** Correct.

6 **Q.** If we go to page 2, leading counsel is saying halfway  
7 down:

8 "Do we accept the joint opinion from the  
9 psychiatrists' reports?"

10 By now you've got McSweeney and Dr Blackwood's  
11 report.

12 **A.** Yes.

13 **Q.** "Were these acts driven by paranoid schizophrenia?  
14 Although he understood right from wrong, he would not  
15 have done it without the driving mental health  
16 condition. Both experts reached similar [conclusions]  
17 ..."

18 If we look at page 3, your colleague Andrew Baxter:

19 "I felt the reports didn't have enough information  
20 about the last 2-3 years of his life. He obtained a 2:1  
21 and went on to a masters course. I don't have any  
22 background, his participations on the course, tutor's  
23 observations. He has come through it successfully at  
24 the time of these events. The reports don't pontificate  
25 this."

22

1 C[riminal]J[ustice]S[ystem] who try to use their mental  
2 health since being in custody as evidence of diminished  
3 responsibility. Neither of the psychiatrists put  
4 forward any suggestion that there is any maligners or  
5 disguise."

6 On that point, as a seasoned lawyer, as it were, and  
7 within the CPS, did you at any point view sceptically  
8 some of the things that VC had said, for example, what  
9 he'd said to Dr Shaffiulla, the general psychiatrist,  
10 that he didn't know right from wrong and didn't  
11 understand the consequences? That's how it's reported.

12 **A.** I knew from the mental health records and document D61  
13 which was disclosed at the time I served the case on  
14 18 August. It's a very helpful 237-page summary from  
15 May 24, 2020 onwards, and there's reference, isn't  
16 there, and there's reference in the psychiatric reports  
17 to his being an unreliable historian at times, and as  
18 the psychiatrists were questioned on yesterday, and as  
19 I could see for myself in the evidence, there are  
20 occasions when he doesn't tell the truth. So yes.

21 And so when coming to our -- or when I came to my  
22 ultimate decisions about the case, I was careful always  
23 to look for supporting evidence and not simply rely on  
24 what VC was saying to anyone.

25 **Q.** If you go, please, to page 5, Karim Khalil says:

24

1 "It means all is done as we think is proper. We  
2 will get 3 manslaughters with diminished responsibility  
3 and 3 attempted murder. It will proceed to sentence,  
4 not on the same day as the [pre-trial hearing review]  
5 ... The sentence will take a number of days. I'm  
6 prepping an opening for that purpose."  
7 Further down the page:  
8 "Hybrid orders have had multiple killings or  
9 attempted killings. In this case, the psychiatrists  
10 favour a hospital order."  
11 When there is discussion about how the opening is  
12 prepared, is this very much a decision-making meeting?  
13 **A.** This meeting was to decide whether we collectively,  
14 counsel, the CPS, the police, were intending to accept  
15 pleas to manslaughter on the grounds of diminished  
16 responsibility if they were offered, as they were  
17 plainly likely to be, given the contents of  
18 Dr McSweeney's report in the --  
19 **Q.** Do you think --  
20 **A.** Sorry, in the light of the conclusions of Dr Blackwood.  
21 **Q.** Do you think it would have been better to have meetings  
22 with the families before you had this discussion about  
23 plea?  
24 **A.** No, I don't, because this is a legal decision. We have  
25 to make it. And so no, I think the families want to

25

1 **A.** Yes.  
2 **Q.** So in terms of timing, if you'd even swapped the dates  
3 around, you would have had the benefit of their views  
4 and potentially experience in inputting to this  
5 decision.  
6 **A.** The purpose of having the meeting on the 23rd was to  
7 make the decision so that it could then be imparted to  
8 the families on the 24th.  
9 **Q.** We see at page 8, if we go to page 8, please, in fact it  
10 starts better on page 7, the bottom of page 7.  
11 Apologies. You say, Mr Murphy:  
12 "... it is 6 events. He has got evidence of the  
13 regime. As part of our submissions, we will invite the  
14 imposition of a life sentence due to the risk he is and  
15 the 6 killings."  
16 Do you want to explain what you were saying there?  
17 **A.** It was a discussion about sentence, in essence, if he  
18 was being sentenced for manslaughter on the grounds of  
19 diminished responsibility and attempted murder. It's  
20 the six cases. So six killings which would be three  
21 killings and three attempted killings. So six offences.  
22 And the distinction between a Section 37/41 hospital  
23 disposal with a restriction order and a Section 45A  
24 hybrid order which would have a penal element, and that  
25 was just an observation by me that one of the features

27

1 know what we've decided.  
2 **Q.** Legal decisions are always informed by fact, aren't  
3 they?  
4 **A.** Correct.  
5 **Q.** And was that an assumption that the families couldn't  
6 bring any facts? I mean they may have had views and --  
7 **A.** They may have -- and clearly --  
8 **Q.** -- (*overspeaking*) -- facts?  
9 **A.** Well, they've clearly got views, I accept that. But  
10 they're not witnesses in the case, and so they don't  
11 provide evidence in the case, that's going to inform  
12 this decision.  
13 **Q.** But for the CPS, do victims provide an important view in  
14 the case that needs to be really taken into account  
15 before decisions are taken? I appreciate they can't  
16 drive legal decisions entirely, but to hear from victims  
17 and to understand their perspective is crucial,  
18 isn't it?  
19 **A.** (*Pause*) To understand their perspective, I agree, is  
20 very important. But this decision has to be -- it is  
21 one for the CPS to make with the benefit of advice from  
22 counsel and input from the investigating police  
23 officers.  
24 **Q.** You actually were meeting with the families the very  
25 next day.

26

1 of the case that might support -- might persuade a judge  
2 to impose a hybrid order rather than a hospital order,  
3 in essence, might persuade the judge that the penal  
4 element was necessary, was the fact that we were dealing  
5 with six offences here rather than one. It was no more  
6 and no less than that.  
7 **Q.** And if we go to page 8, what is Mr Khalil saying in  
8 response to that? What's your understanding of that?  
9 He'll be giving evidence in due course, so don't strain  
10 to do so, but you were there; what was he saying there?  
11 **A.** He was saying that obviously that the two potential  
12 outcomes would be explained to the families, and that  
13 the Section 45A hybrid order contains an element of  
14 punishment, the penal element, and that both orders have  
15 slightly different release regimes, if one ever got to  
16 that stage. And Mr Khalil was expressing the view that  
17 in informing the families about the two different types  
18 of sentence that might be available, or would be  
19 available, the focus of the families was likely to be on  
20 the penal element versus non-penal element as opposed to  
21 the release regimes at the end.  
22 **Q.** "That's the difference," he says, "the families will  
23 expect focus on that rather than the nature of release  
24 regimes."  
25 **A.** Yes.

28

1 Q. And he says at the top:  
 2 "Psychiatrists might say there is a difference. If  
 3 there is, it's one that won't matter."  
 4 Was that being attributed to psychiatrists? What  
 5 was he saying there?  
 6 A. No. I mean, he can plainly answer this, but he refers  
 7 at some points in the documentation -- I don't know he's  
 8 in this meeting or elsewhere -- to recent cases he's  
 9 been involved in, where the Section 47 versus  
 10 Section 45A order has -- difference in release regimes  
 11 has been ventilated in evidence in court, and it was his  
 12 view, as I understand it, that there wasn't a great deal  
 13 of difference between the release regimes, and  
 14 therefore, following on from that, the nature of the  
 15 release regimes wouldn't be a, as it were, a deciding or  
 16 a persuasive factor for the sentencing judge, so he  
 17 could then focus on the penal element versus the  
 18 non-penal element.  
 19 Q. Page 12, please. Reference to Julian Hendy. I think  
 20 it's the barrister -- is it senior junior barrister  
 21 instructed says:  
 22 "Julian Hendry ..."  
 23 That's an error; obviously "Hendy":  
 24 A. Yes.  
 25 Q. "... I'm sure he will be there in a particular capacity  
 29

1 "These were question[s] I specifically asked in the  
 2 letter of instruction."  
 3 "... He mentions slowing down for speedbumps ... his  
 4 breaking and entering behaviour when he realised ... he  
 5 was being observed. They appear to be rational actions  
 6 ... won't alter his opinion, but we ought to have them  
 7 listed."  
 8 You say: "Such as?"  
 9 "... Hiding before committing the first assaults and  
 10 waiting. After assault 2, he must have done something  
 11 to cause the driver to stop the van and get out in order  
 12 to be attacked."  
 13 What did you understand you were being asked to do  
 14 at this point? You had put those points in the letter  
 15 of instruction. We know that. And to the extent that  
 16 there were those two, they were raised.  
 17 A. Yeah, well, these feed in, don't they, to the later  
 18 report from DC Beddoe that these are factors that  
 19 Mr Khalil thought would persuade a judge to go down the  
 20 hybrid order route rather than the Section 37/41  
 21 hospital order.  
 22 Q. And just so we're all clear, why is that? Were these  
 23 points about planning or what?  
 24 A. Because they would raise the culpability -- you heard  
 25 the -- well, you were asking questions about the  
 31

1 ... We need to have a non-disclosure conversation; we  
 2 don't want the meeting to be part of a documentary in 6  
 3 months' time."  
 4 Samantha Shallow:  
 5 "Thank[s] ... for raising it. I wanted to cover  
 6 this as we said no to him attending initially. We want  
 7 to have an open conversation with the families. But it  
 8 has to be confidential."  
 9 This need for confidentiality, in fact you'd agreed  
 10 that Mr Hendy could attend the conference.  
 11 A. Yes.  
 12 Q. But what's the sense here about it needing to be  
 13 confidential discussions with families around something  
 14 as important as this for them?  
 15 A. It's -- I think it was simply the fact that there was  
 16 the TV producer background, and we were dealing with  
 17 really sensitive matters with two different families in  
 18 the same meeting, and so plainly, they're sensitive,  
 19 they're confidential meetings with those families. It  
 20 was no more or less than that.  
 21 Q. If we look at what Mr Khalil says, he says:  
 22 "AM can you speak to Blackwood. Can you take his  
 23 attention to paragraph 103 please?"  
 24 He makes a reference to a small number of findings.  
 25 If we go to the next page, and you say:  
 30

1 culpability yesterday. They would raise culpability for  
 2 the sentencing judge.  
 3 Q. What kinds of issues are relevant to the legal test of  
 4 culpability in this situation?  
 5 A. Well, I'd have to look at the sentencing guidelines for  
 6 sentencing manslaughter on diminished responsibility,  
 7 but it's the factors that are in there.  
 8 Q. And if we go to page 14 of this, please, that's when the  
 9 officer, Officer Beddoe, said:  
 10 "Would it help if we provide a list that shows areas  
 11 of rational thought? Ian Coates seems to have stopped  
 12 for some reason."  
 13 A. Yeah.  
 14 Q. So there was a sense at the end of that meeting that  
 15 these pieces of evidence that indicate rational thought  
 16 are relevant to culpability and therefore sentence.  
 17 A. Correct.  
 18 Q. So it is important to pull them together, from the  
 19 prosecution's perspective.  
 20 A. It's -- these are features that we may well be able to  
 21 use to persuade a judge to go down the hybrid order  
 22 route, yeah.  
 23 Q. That can come down, please. Can we have CPSE0000196,  
 24 page 1, and this is the meeting that you have with the  
 25 families on 24 November 2023.  
 32

1 If we go to page 2, please, at the top, Mr Khalil KC  
2 says he will explain the two psychiatrist reports and  
3 what diminished responsibility is, and its implications.

4 We see an explanation that follows.

5 If we can just go to page 3 and look at an  
6 observation he makes about the arrest. He says:

7 "He then parks up and allowed his arrest. This  
8 seems extraordinary behaviour."

9 If we go to page 10, he says, second box:

10 "The van was stopped ... he was tasered, but they  
11 didn't have to chase him down and drive him into  
12 a wall."

13 Mr Webber says:

14 "I thought the police had to stop the van?"

15 The senior investigating officer says:

16 "In terms of providing you with the full details, I  
17 am happy to come and do that."

18 Were you aware? Had you seen the arrest video at  
19 this point? Were you aware of the circumstances where  
20 he'd had a police vehicle behind him, a car across the  
21 road in front of him, and an officer who has given  
22 evidence that when he went behind the vehicle, tried to  
23 reverse into him, and had a knife waiting for the police  
24 officers?

25 A. I'd definitely seen the compilation CCTV footage which

33

1 A. Yeah.

2 Q. If you have a look, please, at page 15 talking about the  
3 sentencing, he refers to the fact that:

4 "I do not want any of you to feel you will hear or  
5 see something you don't want to. What I will do, I say  
6 this to all of you, I will provide through the CPS and  
7 police a copy of my opening so you can see it in writing  
8 if you want to."

9 He's also referring to "I may take a view of playing  
10 some of the CCTV."

11 Were you party to any discussion at this point with  
12 the families about how that should be played, might be  
13 played? To what effect? Or was this the only time and  
14 the first time that's raised?

15 A. Well, this is the first discussion about this with the  
16 families. Yes.

17 Q. It's a really important issue that, isn't it, the CCTV,  
18 who sees it, to what effect, and what impact that may  
19 have? Not just on them, but potentially on sentencing  
20 and generally?

21 A. Yeah, again you'll have to ask Mr Khalil, but I think  
22 that was the point. It's incredibly impactful footage,  
23 and the matters being discussed were, you know, 45A  
24 versus 37/41 and whether playing the footage might  
25 impact in that way.

35

1 we'd served as evidence which had the stop at the end  
2 of it. I don't know if I'd seen all of the other  
3 footage you've described. I may have done.

4 Q. But that doesn't on its face appear to do adequacy with  
5 the description that we know, does it, that he didn't  
6 have to chase him down and he'd pulled over?

7 A. If you look at the served compilation footage, it  
8 possibly does.

9 Q. Well, it depends if you're not -- you can't see in that  
10 still of where the van is, what's behind him, what's in  
11 front of the road, or the officer's account, can you?  
12 It's an extract, it's a piece of evidence, an image?

13 A. But you can see the van, it's stationary.

14 Q. For sure.

15 A. And a car then comes up from behind and goes to the  
16 driver's door and then you get the body-worn footage of  
17 the other officers going to the passenger door and doing  
18 the tasing, so yeah.

19 Q. So if you don't have the whole picture of what's behind,  
20 what's in front and that officer's account, you can't,  
21 from that alone, know, can you, you need to have looked  
22 around it to understand that a bit more?

23 A. There's clearly more because there always will be, on  
24 the compilation footage, which is a compilation.

25 Q. Sure.

34

1 Q. Can we have on the screen now CPSE0000039, page 1, and  
2 this is an email from Samantha Shallow to you,  
3 Mr Murphy.

4 A. Saturday morning, yes.

5 Q. We can see from the first paragraph Detective Sanders  
6 has had a lengthy conversation with the O'Malley-Kumars,  
7 and they had clearly:

8 "... spent the day considering the meeting and the  
9 decisions ...

10 That had been made.

11 If we look at paragraph 3:

12 "At the --"

13 Is BFM bereaved family meeting? You may not know if  
14 you're not the person who wrote the email, but it looks  
15 like:

16 "... we were asked if we could have copies of the  
17 psychiatric reports and I said no because we are in the  
18 middle of criminal proceedings and there is no avenue  
19 available for us to provide copies of evidence."

20 Just so I understand that, was that the case? Was  
21 there any problem with them having physical copies of  
22 the reports?

23 A. There was and Sam Shallow would be the person to deal  
24 with this because I know we took advice from leading  
25 counsel about this very issue and about the issue of

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1 confidentiality, about the fact that they were -- the  
 2 reports at that stage of course were evidence in live  
 3 proceedings, so there was a problem. I can't give you  
 4 the exact detail --

5 **Q.** I'll take that up with him.

6 **A.** With Sam, please, yes.

7 **Q.** Or the point of law that was raised, if one was, by the  
 8 silk. Is that what you're saying was in issue? Because  
 9 is it about law or is it about confidentiality?

10 **A.** I can't remember. I spoke to Sam about the advice that  
 11 we received. I don't recall necessarily that I read it.

12 **Q.** Understood.

13 **A.** Oh sorry.

14 **Q.** -- I won't press that.

15 **A.** -- but it was a -- I very much understand why the  
 16 request was made, but we were concerned that there was  
 17 a legal issue with it and so, as far as I can see, we  
 18 dealt with it properly by getting independent --

19 **Q.** Legal advice?

20 **A.** -- advice, yeah.

21 **Q.** If you look at the bullet points, what were you being  
 22 asked to do at the beginning?

23 **A.** The first request made of me by Sam, because of the  
 24 concern that Leigh Sanders had passed on to us from  
 25 Dr Kumar about the fact that the psychiatric reports may

37

1 the PTPH on the Tuesday. And I saw this email from Sam,  
 2 and I saw other emails and so, as a result, it was  
 3 clearly important to do this without delay.

4 And so I sat down on the Sunday afternoon, Sunday  
 5 evening, and drafted the review that you're about to  
 6 come to.

7 **Q.** Yes, so if we go, please, to CPSE0007616, it begins  
 8 at page 1. You set out the overview. You set out at  
 9 paragraph 1.10:

10 "Over the weekend ..."

11 The concerns that had been raised that:

12 "... the psychiatrists have been unduly influenced  
 13 in their assessments of the defendant's mental health by  
 14 the passage of time since the offences and ...  
 15 incarceration ..."

16 If we go through to paragraph 3.2, your conclusions,  
 17 you set out what Dr Blackwood has been sent, detail  
 18 a number of matters and you say, at 3.2:

19 "It would seem only Dr McSweeney and Dr Blackwood  
 20 have specifically looked at the evidence in the case.  
 21 Dr Shaffiulla appears to have relied on the Police Case  
 22 Summary. The evidential material included police  
 23 custody mental health assessments and the Custody  
 24 Record".

25 3.4 you say:

39

1 not adequately have focused on VC's mental health at the  
 2 time of the offences, and instead focused on his mental  
 3 health at the time of the interviews, which may have  
 4 deteriorated because he'd been in custody, and in  
 5 custody for some time, by the time that Dr Blackwood had  
 6 seen him.

7 I was asked to review all three reports, including  
 8 Dr Shaffiulla's, and:

9 "... focus on what material [as you can see] what  
 10 material was made available to each of the three  
 11 psychiatrists and what comment they make on his  
 12 presentation on the day of the murders".

13 **Q.** Shall we go to your review? And that's what you do,  
 14 don't you?

15 **A.** I do that -- I was aware on the -- this came in on the  
 16 Saturday morning to Sam. I was aware on the Friday  
 17 afternoon, which had the meeting, I was aware late on  
 18 that -- you have the emails, I think it was the  
 19 O'Malley-Kumar family that were wanting to have another  
 20 meeting on the Monday, and this came in late on the  
 21 Friday afternoon so I reply saying I'll see -- I'll  
 22 email counsel and see if I can sort something out.

23 So my purpose in logging on on the Sunday afternoon  
 24 was to see if I'd had a reply from Karim Khalil or Peter  
 25 Ratliff about potential meeting on the Monday prior to

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1 "There is nothing in any of the reports as I read  
 2 them to suggest that the authors have come to an  
 3 assessment of the defendant on the date of the interview  
 4 and then 'backdated' it to the date of the offence with  
 5 the potential erroneous inclusion of a deterioration of  
 6 his mental health that occurred in custody after the  
 7 date of the offences."

8 What in fact was necessary to look at that was the  
 9 prison records themselves, wasn't it, to see how he had  
 10 deteriorated or whether he had deteriorated; do you  
 11 agree? I know that's what subsequently happened, but to  
 12 answer that question it was necessary to see first and  
 13 foremost if there had been a deterioration?

14 **A.** No, what was necessary to answer that question was to  
 15 focus on what they looked at and, to be clear, that they  
 16 looked at material relating to the 12th and the 13 June,  
 17 and it was clear to me that they had done.

18 **Q.** The question that was being raised was whether, by the  
 19 time they saw him, his mental state was worse because  
 20 he'd been in prison, and just saying he presented in the  
 21 same way as he did to them when they examined him did  
 22 not sufficiently account for how he presented on the day  
 23 of the attacks. Do you follow? It wasn't that they  
 24 didn't look at the day of the attacks, it's just that  
 25 they didn't see him and weren't able to assess him on

40

1 the day of the attacks and therefore didn't know really  
 2 what was happening on the day of the attacks.  
 3 **A.** No, the question was whether the presentation in prison,  
 4 whether it deteriorated or not, was what they based  
 5 their opinions on rather than what his mental state was  
 6 on the day of the attacks. It was Dr Kumar's view that  
 7 his mental state must have deteriorated over that time.  
 8 That wasn't necessarily true.  
 9 **Q.** Well, we heard yesterday we all agree that by the end of  
 10 July he was in segregation.  
 11 **A.** Yes.  
 12 **Q.** He assaulted an officer, a prison officer, on 5 August  
 13 and he had deteriorated when he went to prison?  
 14 **A.** Dr Shaffiulla thought his mental state had improved  
 15 a little in hospital.  
 16 **Q.** I see that you referred to that?  
 17 **A.** And Dr McSweeney noted no particular concerns in July  
 18 when he saw him, so he was first in time to see him,  
 19 save for the defendant's inability to appreciate the  
 20 illness. So I accept the evidence that was heard  
 21 yesterday.  
 22 But the point of the question was whether they had  
 23 based their assessments of his mental health as for the  
 24 12 and 13 June on his appearance to them in custody, and  
 25 so that's what I focused on.

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1 inform the Court that whilst we do not anticipate there  
 2 will be a trial, we require further time (perhaps 2  
 3 weeks) to notify the parties of a final decision.  
 4 "(iii) The Defendant enters his pleas on Tuesday  
 5 and we inform the Court that those pleas are acceptable,  
 6 and deal with any fall-out with the families after  
 7 (noting that this step would extinguish the proper  
 8 prospect of any legal step the families might want to  
 9 consider taking having any material effect)."  
 10 We know that you go for option two and instruct  
 11 Dr Latham; is that right?  
 12 **A.** In fact, I mean, there are some other emails on that  
 13 same Sunday. It's more 2A, because option two in that  
 14 email doesn't reference instructing anyone else. But  
 15 there are some other emails from that day. Is that at  
 16 10.55 in the morning? If we go later on in the day,  
 17 that email chain, of course, contains one of the points  
 18 I make in my written witness statement about  
 19 Mr Ratliff's view, in my view, of Dr Blackwood and his  
 20 abilities.  
 21 The -- there is ... what we clearly did not want to  
 22 happen in this case was to -- was for the families not  
 23 to have confidence in the decisions that we were making.  
 24 Didn't want that, we would never want that.

And so as the emails progress on the Sunday and

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1 **Q.** Presumably you focusing on the fact they had looked at  
 2 the historical medical records to get to the point of 12  
 3 and 13 June?  
 4 **A.** Well, they looked at those, but they looked at what  
 5 records there were available for the 12 and 13 June.  
 6 **Q.** I see, so you were looking at it in that question as did  
 7 they have records on the days themselves? Neither  
 8 before or subsequently was relevant to you; you thought  
 9 it was about what was seen on the day itself?  
 10 **A.** What was seen on the day itself was plainly an important  
 11 factor in that, in terms of how they came to their  
 12 conclusions, and whether, within the term -- within what  
 13 they wrote about their conclusions, they were focused on  
 14 the 12 and 13 June, and in my view they were.  
 15 **Q.** Can we have a look, please, the next document,  
 16 CPSE0008516?  
 17 This is an email from Senior Junior Counsel to you,  
 18 Mr Khalil, and on the 26th making suggestions for three  
 19 options. One -- sorry, it's page 3 of this document,  
 20 not page 1. We see there three possibilities being  
 21 raised:  
 22 "[First] we seek to adjourn the hearing on Tuesday,  
 23 on the basis the Prosecution require time to properly  
 24 liaise with the victims;  
 25 "(ii) The Defendant enters his pleas on Tuesday, and

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1 spoke to Peter Ratliff on the phone, I think, a couple  
 2 of times, as well, afternoon, evening, we get to a point  
 3 where a suggestion is made to both deal with the  
 4 concerns that were raised on the Friday by Dr Kumar, and  
 5 to hopefully allow those affected by this confidence  
 6 that the decision-making was correct, we would instruct  
 7 a fourth psychiatric expert, who would review  
 8 everything, but wouldn't do the interview, so therefore  
 9 couldn't be said to have been unduly influenced by any  
 10 deterioration of VC's whilst he was remanded in custody.  
 11 **Q.** What was --  
 12 **A.** So we get to that in the end.  
 13 **Q.** What's the pressure in terms of the court dates?  
 14 Because here we are, we're in November. Very difficult  
 15 time of the year, this. Leaving aside the pace it was  
 16 going, over Christmas, early New Year, what pressure  
 17 were you placing on yourself as prosecutors, certainly  
 18 on victims who have lost their family members only in  
 19 June? What was the race to this plea hearing? Was it  
 20 time to just ask for time in accordance with the  
 21 suggestion that, one, you require time to think about  
 22 this case. It was a complex case on any view, and you  
 23 were all, including yourself, working now, you have told  
 24 us, over weekends and evenings, taking calls, just to  
 25 take stock?

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1 A. Well, we did get time, because of course we had another  
2 three weeks after the 28th November. So --  
3 Q. That's not very long, is it? And I've said it's  
4 a particularly emotive time of the year for many people.  
5 A. There was a trial date in January. We've got a High  
6 Court judge booked for that trial and, as you all know,  
7 their availability is limited, and there was a custody  
8 time limit in operation. So that also meant there was  
9 an expectation that this case would be tried in January.  
10 Q. So when was the custody time limit due to expire?  
11 A. The original custody time limit was due to expire on 15  
12 December, but the trial couldn't be fixed until January.  
13 I think there was an option for November, that was never  
14 going to be realistic, and so it was always intended  
15 that we would apply to extend the custody time limits to  
16 cover the trial, and there was never going to be any  
17 issue for that purpose, because the trial date was the  
18 earliest trial date that could be accommodated.  
19 Q. Even if it was months later, in these circumstances,  
20 would extending it be a difficulty?  
21 A. Unlikely, but possible, because the defence might  
22 object. It depends on the reasons. But unlikely,  
23 I accept, yeah.  
24 Q. It's not just down to the defence, is it? It's for the  
25 court to decide what's fair, appropriate.

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1 to him? Did you feel a bit diffident about that or  
2 concerned about that because you did rate him so highly?  
3 A. No. They were put to him, that they were points the  
4 families wanted answering so he can answer them. And  
5 indeed, in terms of the instruction of Dr Latham, it was  
6 always clear, and you can see this in the minutes of the  
7 meeting of 27th November, that on the Monday morning --  
8 the CPS meeting -- that if Dr Latham had come back and  
9 said, "Dr Blackwood has got it wrong" or "Dr Shaffiulla  
10 has got it wrong", or Dr McSweeney, and in fact  
11 diminished -- they've taken the wrong approach or  
12 whatever, then we would have followed that. And we  
13 would then have been in the position you've just  
14 described: asking for more time, and seeking to extend  
15 the custody time limit. But we'd have done it.  
16 Q. And Dr Latham had a couple of weeks, I think, didn't he,  
17 for the instructions. Is that --  
18 A. Yeah, I mean I spoke to him on the phone, so I checked  
19 that the timeframe was workable and it was. So yes.  
20 I spoke to him on the 27th November and we had to serve  
21 his report, I think, by the 20 -- by the 17th December  
22 or something. There's a date on the hearing record  
23 sheet from the 28th November but it --  
24 Q. And there's a lot of material and unused material to get  
25 through, isn't there, to be looking at the questions

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1 A. They'd have to be satisfied that we'd acted with all due  
2 expedition, all due diligence and expedition, and if  
3 they don't find that then they can't extend it even if  
4 they want to.  
5 Q. Well, you seem diligent. It doesn't look like you  
6 weren't looking at your emails and responding.  
7 A. Thank you.  
8 Q. What was going to be the difficulty with that? You were  
9 all looking at this case, reasonable questions were  
10 being raised by the families that needed further  
11 investigation. Do you agree it appears rushed, that it  
12 just had to be gotten through when these are really  
13 serious issues with lifelong consequences all round?  
14 A. Save that we'd had a very thorough, in my view, very  
15 thorough report from Dr Blackwood, and we were going to  
16 get a further report from Dr Latham. So if we'd needed  
17 more time we'd have asked for it, but we didn't need it.  
18 Q. And you've referred to Dr Blackwood, both you and  
19 I think Senior Junior Counsel had considerable  
20 experience of him and you really rated him and supported  
21 his conclusions.  
22 A. Mm, absolutely. Well, we rated him and so we trusted  
23 his conclusions, yes.  
24 Q. Was that more difficult for you, then, when the families  
25 didn't, and raised various issues that needed to go back

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1 that were being raised?  
2 A. But he clearly did it.  
3 Q. In terms of the video interviews, of the police  
4 interviewing VC --  
5 A. Yes.  
6 Q. -- when were those videos shared with the experts?  
7 A. Can I check my spreadsheet?  
8 Q. Yes, please do. You can do it in the break, if you  
9 like. Would you like to do that? It sounds like it's  
10 at your fingertips.  
11 A. No, I mentioned to you that I have the case spreadsheet.  
12 It tells me the date I sent through all of the served  
13 evidence in the case.  
14 Q. Thank you.  
15 *(witness is off the microphone)*  
16 A. The transcripts -- I asked about the videos, but the  
17 transcripts were served on the date of stage 1 service,  
18 so that's 18th August. So they go on to be the digital  
19 case system, at -- 18th is when I give the instruction  
20 to the paralegal, so it may be 18th or the 19th.  
21 Q. Thank you. What about the videos?  
22 A. The videos that were served on 1st October and I know --  
23 via Egress --  
24 *(witness back on the microphone)*  
25 And I know from various emails that are on our

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1 folder that the paralegal was up -- because there was  
 2 a lot of material to serve on 1st October, she was  
 3 uploading that material on the 1st, 2nd and 3rd,  
 4 I think, so between the 1st and 3rd of October, and the  
 5 videos would go into the served evidence folder on  
 6 Egress, so defence can see them, court can see them, and  
 7 the psychiatrist can see them.

8 **Q.** Thank you. CPSE0008095, please. And this is  
 9 a discontinuance of the assault on PC Pritchard. So you  
 10 make the decision to discontinue that assault. Can you  
 11 just tell us the reasons for that?

12 **A.** It was -- I took the view, once he'd entered the guilty  
 13 pleas on the 28th November to manslaughter on the  
 14 grounds of diminished responsibility and attempted  
 15 murder, even though the manslaughter pleas had not been  
 16 accepted on that date but he was clearly going to be  
 17 sentenced for either murder or for manslaughter in  
 18 respect of those three counts, and for the other three  
 19 counts of attempted murder. I took the view that it  
 20 wasn't in the public interest to carry on with the  
 21 Magistrates' Court case of the assault on the emergency  
 22 worker.

23 **Q.** Had you seen the video of that, the video footage?

24 **A.** Yes.

25 **Q.** You say here that:

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1 assault sentencing guidelines.

2 So unlikely on the guidelines to attract a sentence  
 3 of imprisonment. So I took the view that both because  
 4 of the mental health issues which would reduce  
 5 culpability, and the Inquiry will be aware that there is  
 6 a specific sentencing guideline for dealing with  
 7 mentally disordered offenders, and in the assault  
 8 guideline, culpability can be reduced by mental health  
 9 issues. So that's one --

10 **Q.** It wouldn't have been a defence, would it, for the  
 11 assault, not at all?

12 **A.** Not a defence, no, of course, and he was charged  
 13 with it, it passed the Full Code Test.

14 That was one factor, and the other factor was the  
 15 sentence. Because he -- he's not going to get  
 16 a community -- he would inevitably get no separate  
 17 penalty to whatever sentence was imposed on the six  
 18 offences that he, you know, that he had pleaded guilty  
 19 to, whether the first three be murder or whether they be  
 20 manslaughter on the grounds of diminished  
 21 responsibility. And in addition, all of that material  
 22 was before the sentencing judge in the Crown Court in  
 23 any event.

24 So that was my rationale, and it's set out in more  
 25 detail in the formal Notice of Proposed Discontinuance,

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1 "... there is evidence that the defendant was  
 2 suffering from clear mental health difficulties at the  
 3 time ..."

4 Is that the public interest criteria? Or what do  
 5 you mean --

6 **A.** It is a public interest criteria.

7 **Q.** So is that -- what did you apply when you meant the  
 8 public interest a moment ago, then?

9 **A.** Two reasons. I set it out in the -- in a later  
 10 document, because this is 23rd of November. So I'm  
 11 alerting the police. They were aware already, but I'm  
 12 alerting them in writing to the fact that this is  
 13 a likely outcome, because if I'm going to discontinue  
 14 a case, particularly a case of assaulting an emergency  
 15 worker, then plainly before I do so I'm going to give  
 16 the Officer in the Case an opportunity to respond, and  
 17 he no doubt -- well, I know he did because the  
 18 Inquiry -- the Inquiry knows he did because there's  
 19 an MG6 to that effect: that the Officer in the Case  
 20 spoke to the complainant officer about the proposal.

21 But the two factors, the maximum penalty for this  
 22 offence is, at the time -- so my statement is wrong on  
 23 that -- it's 12 months, 12 months' imprisonment. And on  
 24 the sentencing guidelines for that particular offence it  
 25 would attract, on conviction, community order, on the

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1 which I think I wrote on the 29th of November, it would  
 2 be the day after the PTPH and, as the Inquiry will be  
 3 aware, there was no objection from the police. They  
 4 already said beforehand there wasn't going to be  
 5 an objection, and there wasn't.

6 **Q.** In terms of that public interest test, there's  
 7 a countervailing public interest, isn't there, that  
 8 namely the protection of emergency workers in  
 9 a situation like this?

10 **A.** There is.

11 **Q.** And indeed, when one sees the video, he selects his  
 12 target, doesn't he? He takes his glasses off, he knows  
 13 what's going to happen next.

14 **A.** It's unpleasant --

15 **Q.** PC Pritchard doesn't know what's going to happen next,  
 16 and the attack is as we have all seen. So what about  
 17 the public protection and public interest in that? He's  
 18 before the court with other proceedings. Why not  
 19 continue in those circumstances?

20 **A.** He's about to get an indeterminate sentence,  
 21 effectively, or a very, very long prison sentence with  
 22 a hybrid order, or, if we had rejected the manslaughter  
 23 pleas and prosecuted him successfully for murder, he  
 24 would end up with a life sentence. So the public  
 25 protection is going to be met by the sentence he gets on

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1 the -- what are far more serious offences in the Crown  
2 Court, irrespective of whether we proceed or don't  
3 proceed on the assault to emergency worker in the  
4 Magistrates' Court.

5 **MS LANGDALE:** Chair, I wonder if that's a good moment for  
6 the morning break.

7 **THE CHAIR:** Yes, we'll take a break now. Let's say 11.30.  
8 Thank you.

9 (11.13 am)

(A short break)

11 (11.28 am)

12 **MS LANGDALE:** Can we have on the screen, please,  
13 CPSE0003998, page 2. Mr Murphy, this is an email from  
14 you on Friday, 24 November at 18.28 to counsel:

15 "Please find attached my review re the acceptability  
16 of pleas to manslaughter ..."

17 You've done one by then.

18 "This will go up the chain within the CPS but I'm  
19 sure will be confirmed.

20 "Would you be kind enough to draft a short advice on  
21 the position of yourselves. It need not be very long at  
22 all but it would help to have this by Monday."

23 Perfectly reasonably asking counsel to do an advice  
24 on such an important matter. We will deal with this  
25 with Mr Khalil. He sends a short advice and then

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1 case including those attempted murder victims."

2 **A.** Mm.

3 **Q.** So what was he saying about the survivors? We will come  
4 to a meeting that CPS had with some of them, but what  
5 was he suggesting there in terms of those who had  
6 survived being attacked with the vehicle, the attempted  
7 murders?

8 **A.** Well, he had said that at the outset of the case. So in  
9 fact the surviving families were offered the same  
10 facility, the CPS Bereaved Families Scheme. So as  
11 I read that I think he'd just forgotten that he'd  
12 already said that months earlier.

13 **Q.** So as far as he was concerned, and as far as you were  
14 concerned, equity across them was important whatever the  
15 scheme said?

16 **A.** We offered both -- we offered the three attempted murder  
17 victims, the survivors, the same facility as we were  
18 required to offer the bereaved families, yes.

19 **Q.** Can we have a look now, please -- that can come down --  
20 at CPSE0000212 -- I think it might be four zeros,  
21 actually -- 0000212, page 1. And it's a meeting,  
22 15 January 2024. This is with two of the bereaved  
23 families. We note that the Coates sons aren't at these  
24 particular meetings. You deal with that in your  
25 evidence. Why was it that they were not invited to

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1 subsequently a longer advice --

2 **A.** Yes.

3 **Q.** -- in fairness. But if we look at page 1, we see your  
4 colleague, Mr Baxter, in relation to the short advice he  
5 wants a longer one. But look at paragraph 2:

6 "The family essentially think we are in a rush.

7 I get that. I would like to see a proper advice now  
8 please from the KC."

9 **A.** Yes.

10 **Q.** So there was a sense, even from within the organisation,  
11 that this was a rush, and he got the fact that they felt  
12 it was in a rush.

13 **A.** I can understand why they think that. It wasn't a rush,  
14 because we had the information we needed but, as I read  
15 that email, that was Andrew saying he understood why  
16 they had that perception.

17 **Q.** He'd come to a meeting, he'd got the overall picture and  
18 could see the gravity of the issues raised.

19 **A.** Andrew?

20 **Q.** Yes.

21 **A.** Yes, he's the Deputy Chief Crown Prosecutor, yes.

22 **Q.** Yes. And he says:

23 "Picking up on the bereaved family scheme, I think  
24 we would be well advised notwithstanding the wording of  
25 the scheme to treat all families in the same way in this

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1 these meetings?

2 **A.** I do deal with that in my evidence, Chair. We offered  
3 all of the families meetings, and that offer was  
4 open-ended throughout the duration of the proceedings.  
5 And it was set out in the letters of the 16th of June  
6 from Suzanne Llewellyn, and it was clear, insofar as the  
7 FLOs were concerned, that those offers were available.

8 Whether the families wanted to have meetings with us  
9 or not, and when those meetings might take place, was  
10 plainly a matter for them. But what we weren't doing  
11 was organising meetings ourselves, as it were, to bring  
12 all the families into. It was for -- we were responding  
13 to their wishes and their needs. We're dealing with  
14 three -- well, in fact four separate family groups, with  
15 the Coates brothers and Elaine Newton, four separate  
16 family groups, obviously four entirely separate  
17 dynamics, needs, wishes, and requirements.

18 And so it wasn't a question of setting a meeting and  
19 excluding the Coates at all. This was -- the Webbers  
20 and the O'Malley-Kumars had clearly formed a bond, and  
21 wanted their meetings with us to be joint meetings. And  
22 so we facilitated that.

23 **Q.** If we look at this document, the introduction, Sam  
24 Shallow says:

25 "I am keen for the KC to explain what will happen

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1 next week and run through that so you know what will  
 2 happen. It is also an opportunity for questions."  
 3 If we go to page 2, counsel starts with how the case  
 4 will be opened to the judge and then in that paragraph  
 5 says:  
 6 "I will refer to the moving and audio material ...  
 7 This can cause distress to people in the court. I would  
 8 pause to allow people to leave. Those representing the  
 9 defendant wish to avoid playing key CCTV in the court  
 10 room. We have not been provided with the reasons, just  
 11 that they object."

12 Can you expand on that? What was that about?  
 13 **A.** That was an email from Peter Joyce King's Counsel saying  
 14 exactly that. If we were proposing to play in open  
 15 court the graphic footage in this case, he was going  
 16 to -- he told us he was going to object to the judge,  
 17 effectively saying -- his email will set out the  
 18 reasons, it's on the file -- but effectively saying that  
 19 it didn't need to be played. The judge could watch it  
 20 and it didn't need to be played in open court.  
 21 **Q.** If we look at page 10, Dr O'Malley-Kumar picks up on  
 22 that.  
 23 **A.** Mm.  
 24 **Q.** It says:  
 25 "The defence are not wanting it to be played in open

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1 "Please instruct Dr Blackwood (if you've not done so  
 2 already) to prepare an addendum report considering the  
 3 issue of sentence. In addition to assessing matters  
 4 generally ..."  
 5 He sets out there the matters that the report should  
 6 address.  
 7 If we go to page 1, you say at the bottom of page 1,  
 8 we can see:  
 9 "Although I've sent the defence report to  
 10 Dr Blackwood, I haven't yet instructed [sorry, you have  
 11 to go back to 2, Amanda] I haven't ... instructed him to  
 12 prepare a further report because he does address  
 13 disposal in his original report at paragraphs 107-110,  
 14 covers some of the points you refer to below.  
 15 "If you want me to ask Dr Blackwood to address your  
 16 specific request, I will do, but I'd be amazed if he  
 17 would be willing to give any evidence on timings (beyond  
 18 perhaps saying 'years and years' ...)"

19 If we go back to page 1, Karim Khalil says to you:  
 20 "I know ... but I think the judge will want it in  
 21 another report to hold alongside the recently uploaded  
 22 extras from the defence.

23 "I did speak with him about management of the  
 24 families' expectations, so he may be willing to add  
 25 something to his previous writings. He is certainly

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1 court to reduce the public disgust and protect the  
 2 defendant and the ugliness of his actions being  
 3 reportable and presented in court. They are trying to  
 4 protect their client. We don't want the CCTV to be on  
 5 the news, I will not be able to watch it, but the  
 6 defence are trying to protect their client. Can we  
 7 agree it should be played in court?"

8 A really difficult issue is being raised there,  
 9 isn't it: that in effect, the email is from the  
 10 defendant's perspective or that's --

11 **A.** Defence counsel, yes.

12 **Q.** Defence counsel, yeah, on behalf of the defendant. And  
 13 then prosecution counsel:

14 "There is no difficulty in me describing in graphic  
 15 detail ..."

16 That of itself is one of the most difficult issues  
 17 in presentation of a case. Would you rather I picked  
 18 that up with Mr Khalil?

19 **A.** I think so. I mean, it wasn't a trial, and plainly if  
 20 it had been a trial, it would be very different  
 21 considerations because you'd then be playing it to a  
 22 jury. But the judge was going to see it and did see it.

23 **Q.** That can come down, please. If we can have CPSE0008005,  
 24 page 2. If we see there, email from Karim Khalil to  
 25 you, 17 January:

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1 expecting to be asked to provide a further report."

2 So had you spoken to Professor Blackwood about the  
 3 families' expectations?

4 **A.** I don't remember -- no, no, that's Karim saying that. I  
 5 don't recall having any conversation with  
 6 Professor Blackwood about the families' expectations.

7 **Q.** So I'll take that up with him if somebody did speak to  
 8 him about that.

9 **A.** I mean, the email certainly reads as if Karim spoke  
 10 directly with him. Yeah. Unless there's another  
 11 document on that basis, I can't remember any such  
 12 conversation.

13 **Q.** Understood. That can come down, please, and can we have  
 14 CPSE0000216. This is a meeting with Wayne Birkett and  
 15 Tracey Hodgson.

16 **A.** Oh, after court, yes.

17 **Q.** So this is the only meeting they had with you, wasn't  
 18 it?

19 **A.** They had seen us on the 23rd, as well. On day one of  
 20 the sentencing hearing, they had seen us before court  
 21 that day. But -- and then this is, as it were, after  
 22 court. It took three days to do the sentence, so they'd  
 23 seen us at the start of the hearing and then they saw us  
 24 at the end.

25 **Q.** When we speak of the court hearing itself, we've heard

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1 from victims and survivors about how that was managed,  
2 the size of the court, VC's prominence in the court. In  
3 the case of Wayne Birkett, having to walk right past him  
4 when he left the court. Do you think that courtroom was  
5 big enough or equipped to deal with the various  
6 sensitivities involved in this?

- 7 **A.** I thought it was. It's the biggest courtroom at  
8 Nottingham Crown Court and it is large.
- 9 **Q.** It is, but was it adequate for this case, and the  
10 circumstances of it?
- 11 **A.** I thought it was. We had -- I know there had been  
12 issues the week before because the court were proposing  
13 to list it in a different courtroom, I think Court 3,  
14 because they had ongoing multi-handed trials in Courts 1  
15 and 2. Court 1 was the biggest court.
- 16 **Q.** Would you have gone with that before you got  
17 Mrs Webber's emails, or before she responded to say  
18 "What are you thinking of with a case like this?"  
19 effectively.
- 20 **A.** Where cases are listed is a matter for the court. Once  
21 we became aware of the desire to have the case in  
22 Court 1, we facilitated that and got it moved to  
23 Court 1. I thought the courtroom was big enough for the  
24 press interest and the number of people there. It's set  
25 up for multi-handed defendant cases and of course this

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- 1 was the email and the BFS/1 form received back from  
2 DC Johal saying that none of the families at that stage  
3 wanted it.
- 4 There was communication in August and September  
5 between myself and the police, suggesting that Wayne  
6 Birkett wanted a meeting, so I said yes, but then  
7 nothing came back from the police until the sentencing  
8 hearing, yeah.
- 9 **Q.** One of the important ways in having families meetings  
10 with the families is thinking about how they can be  
11 conducted, isn't it? And for Sharon and her partner  
12 Martin, going either to the court or to have meetings  
13 with you in a place out of her home was not possible at  
14 that time. Was there ever any consideration or  
15 discussion with her about participating in a hearing  
16 either over Teams Meet, into the court or CBB Cloud  
17 I think they use there, but something that could have  
18 enabled her to have access to the court proceedings in  
19 accordance with the special measures that she needed to  
20 be doing it from home?
- 21 **A.** That kind of communication I would expect to come  
22 through the FLO. I would expect the FLO to inform me,  
23 as the reviewing lawyer, that that's what's desired.  
24 I -- I think I've made a Special Measures Application  
25 for her in the event that she was required to give

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- 1 only had one defendant and therefore there was  
2 additional room for extra people to be in that  
3 courtroom.
- 4 **Q.** Would you have accepted Court 3 until there were points  
5 raised by Mrs Webber?
- 6 **A.** Well, Court 3 is quite big as well. It is.
- 7 **Q.** I know the court building, but I'm not giving evidence.  
8 But in terms of the significance of this case and the  
9 issues that were being raised, it's hard to imagine what  
10 was more -- a more significant case at the same time as  
11 that being heard.
- 12 **A.** I agree with that.
- 13 **Q.** If we look, please, at this meeting. This is after the  
14 hearing and you are explaining. Who does the explaining  
15 to Wayne and Tracey at this point?
- 16 **A.** Mr Khalil. He took the lead in the meetings where he  
17 was present.
- 18 **Q.** The families were informed of the process for applying  
19 for release, et cetera. There's a lot of information to  
20 impart after they're hearing this, isn't there? And  
21 they hadn't been spoken to before.
- 22 **A.** No. As I said earlier, they were -- all of the  
23 survivors were offered the Bereaved Families Scheme so  
24 they were told they could have meetings. You know from  
25 the Inquiry documentation, I think from 16 July, there

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- 1 evidence at any trial. But yes, we were aware, as  
2 I say, that they were being offered -- they were offered  
3 the Bereaved Family Scheme. They had a FLO, and if that  
4 kind of wish was expressed to us through the FLO, we  
5 would have endeavoured to have arranged for that to  
6 happen.
- 7 **Q.** Would it be helpful to have a series of questions that  
8 you give FLOs in cases like this to find out? Because  
9 it sounds like that information completely fell through  
10 the gap, and they didn't indeed even seem aware of that  
11 as an option, giving evidence to the Inquiry. And it's  
12 important, isn't it, for victim participation? You  
13 sound like you'd thought about, if she had to be  
14 a witness, how her evidence could be obtained, but the  
15 CPS also has a responsibility towards victims, don't  
16 they, and her participation in the hearing itself,  
17 including things like not having to see the defendant  
18 because she could have participated audio only.
- 19 These are steps that you might be expected to know  
20 more about, as the CPS and lawyers, than the FLOs would.
- 21 **A.** We are led by the FLOs in terms of victim engagement and  
22 their express wishes. The FLOs, in my experience, are  
23 generally very good at what they do -- I know evidence  
24 on that has been given already in this Inquiry -- and  
25 are aware of those kind of issues, and in other cases

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1 contact us to arrange that kind of thing because they  
 2 know what they're doing, basically, yeah.

3 **Q.** But as a point moving forwards, would you take that, in  
 4 a particular sensitive case, that knowing how hearings  
 5 and sentencing hearings develop, and their significance,  
 6 that it be something, as lawyers, that it's worth  
 7 checking in with to make sure the right questions have  
 8 been asked? Because they were completely overlooked, it  
 9 would appear. You would say, "We didn't know they  
 10 wanted to meet or could meet," and from their  
 11 perspective and their experiences at that very difficult  
 12 time, there was no reach-out to them.

13 **A.** From our perspective they most definitely were not  
 14 overlooked because we knew that they had Family Liaison  
 15 Officers and we knew that they'd been offered the BFS  
 16 scheme. So -- I mean, it's difficult. I think we're  
 17 entitled to rely on the expertise and professionalism of  
 18 the FLOs to come to us with any issues like this that  
 19 may arise in the course of a case.

20 **Q.** Do you think, if they had independent advocates in  
 21 a case such as this, and in these circumstances, that  
 22 might be helpful too? So any concerns or lack of  
 23 understanding around their rights to participate could  
 24 be expressed through such a role.

25 **A.** Yeah. Leaving aside whatever practical difficulties

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1 **A.** Yes, sorry, it goes back to what we said before the  
 2 break about the judge's approach to culpability and  
 3 whether or not a penal element should be attached to the  
 4 sentence that he imposes for manslaughter on the grounds  
 5 of diminished responsibility.

6 **Q.** So even where manslaughter applies, diminished  
 7 responsibility, culpability is relevant to the sentence?

8 **A.** Yes, as per the sentencing counsel guideline.

9 **Q.** If we go, please, to page 2 here, he is making the  
 10 points that in fact Andrew Baxter had made in  
 11 conversation with you, despite all the recorded  
 12 psychotic episodes, he maintains his studies and  
 13 graduates with a 2:1.

14 Were you aware at the time that, in effect, on  
 15 20 October 2021, after he'd assaulted PC Pritchard,  
 16 after he'd been sectioned, on leave he went and met with  
 17 one of his tutors to discuss his studies, didn't mention  
 18 the section, didn't mention the assault. So a parallel  
 19 series of activities there being treated for his  
 20 psychosis, being admitted, and in the University talking  
 21 about his studies?

22 **A.** I don't recall being aware of that specific detail  
 23 although it's possible I was, but I was aware, from the  
 24 bundle of documents I described to you earlier, D8/18,  
 25 that his progress at university effectively stalled in

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1 there may be, I can see that, yes. I'm sorry, I'm just  
 2 thinking about the ISVA-type role, yes.

3 **Q.** Which seems to have had success.

4 **A.** Yes.

5 **Q.** That can come down, please. If we can go to  
 6 NGPF0000474, this is DC Neil Beddoe's report. He did  
 7 this report, didn't he, and we saw as a consequence of  
 8 an earlier meeting when it was suggested, in effect, the  
 9 rationality parts were set out.

10 **A.** Yes.

11 **Q.** You pick up -- I'm not going to take you to the emails,  
 12 but you pick up that you didn't really recall the  
 13 request and you --

14 **A.** I didn't.

15 **Q.** Yes. But you recognised one was made, and you refer to  
 16 it as being about capacity, and I appreciate it's not  
 17 technically capacity, but within this there are some  
 18 good points made, aren't there, along the lines that he  
 19 was asked to do at the meeting or the police were asked  
 20 to do, setting out what are the points of rationality?

21 **A.** For the 45A versus 37/41 point?

22 **Q.** Yes.

23 **A.** I accept that, yes.

24 **Q.** Do you want to set that out what you mean by the 45A  
 25 versus 37/41?

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1 May of 2020, and although the 2020 to 2021 academic year  
 2 he didn't do, he got deferred, by the end of 2021, so in  
 3 this time period, he'd asked to go back to the  
 4 bachelor's degree from the master's degree, the -- there  
 5 is a document which sets out a small timeframe --  
 6 a brief time period to cover the four years in the  
 7 University disclosure documents D8/18, where it says  
 8 that his -- in essence, his grading was backdated, you  
 9 know, his earlier work, so prior to May 2020, was used  
 10 as the basis for his final degree.

11 So as I read the University records, there was very  
 12 little, if anything, in the way of engagement with his  
 13 course post-May of 2020. That's what they seemed to  
 14 suggest to me.

15 **Q.** Let's move on. You can take that down, please.  
 16 CPSE0001921, page 1. DC Beddoe again, he was the  
 17 Officer in the Case, wasn't he, at this point?

18 **A.** Yes, he was after the first week, yes.

19 **Q.** After the first week. December 20:  
 20 "Afternoon Alan  
 21 "I've submitted a few recent items for you,  
 22 including the unused prison, psychiatric and medical  
 23 records for the defendant whilst in HMP Manchester. It  
 24 might be worth asking Prof Blackwood to check his  
 25 report. I've now had the opportunity to read the prison

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1 records and there may be a couple of inaccuracies in his  
2 report".

3 And he set them out.

4 Then over the page, if we go to page 2:

5 "The notes made by the defendant appear to show an  
6 obsession with mathematical analysis which was getting  
7 worse prior to his medication in prison. What is clear  
8 is that despite the medication the voices in his head  
9 are constantly there but currently the commands are to  
10 harm himself."

11 Did you -- and I'm not suggesting it was your job to  
12 do so -- did you ever trace command hallucinations  
13 through the evidence, through the writings, the zip  
14 files, the prison records? Just trace what was being  
15 said about any command hallucination?

16 **A.** No, I was aware that they were there, but no, I didn't  
17 trace that.

18 **Q.** On the face of this, DC Beddoe is picking up on that  
19 point and referring to where they are then, isn't he?

20 Then, if we go, please, to CPSE0000778, page 1, you  
21 refer Professor Blackwood to those documents, the prison  
22 documents, so that he had them.

23 **A.** Yes, plus an updated version of that zip file that I  
24 sent on 12 June.

25 **Q.** Yes, thank you. That can come down. You were  
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1 Dr McSweeney reaching the same conclusions."

2 Is that your position, in effect, about the nature  
3 and the quality of the evidence?

4 **A.** Yes.

5 **Q.** That can come down, please. If we finally go to  
6 HMCP0000625, page 77, and these are -- page 77, should  
7 be the findings of that HMCPSI report.

8 The first one:

9 "We found ... written guidance on diminished  
10 responsibility should have been provided by the CPS to  
11 the FLOs. This would have assisted the FLOs explaining  
12 this legal concept to the families and would have  
13 enabled them to understand the potential implications  
14 for the case at an earlier stage".

15 So taking us back to Dr McSweeney's report, October,  
16 was that a point in time when written guidance from the  
17 CPS should have been provided to the FLOs, in your view?

18 **A.** I think it's difficult. What would we provide? We  
19 could give them dry letter law, Section 2 of the  
20 Homicide Act 1957. I'm not sure that would necessarily  
21 help anyone if that was simply read out by a FLO to  
22 a bereaved family.

23 Alternatively, at that stage, we could explain  
24 how -- the evidence upon which Dr McSweeney had reached  
25 that conclusion, but of course, at that stage, we don't  
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1 interviewed by HMCPSI if we go to HMCP0000552, it begins  
2 on page 1, but if we could go to page 2, please. You  
3 say halfway down, you're asked by the interviewer:

4 "When you get Dr B's report - there is mention of  
5 some of the facts but it doesn't address explicitly D's  
6 decision to attack certain people - were there any  
7 concerns that Dr B hadn't necessarily addressed these?"

8 You say:

9 "... - pars 103 and 104 of the report he addressed  
10 decision to act rationally in context of psychosis -  
11 I didn't have specific concerns that Dr B didn't address  
12 that D had attacked 2 students and another man rather  
13 than someone else - I think Dr B covers the fact that  
14 notwithstanding psychosis D can still make rational  
15 decisions."

16 And you were asked:

17 "Were you surprised that Dr B didn't ask D about  
18 that - his thought processes at the time, bearing in  
19 mind that Dr B was coming to a conclusion about  
20 self-control?"

21 You say:

22 "... I didn't concern me because Dr B gets to  
23 conclusions in such detail and in reference to the  
24 medical evidence I didn't feel I needed to address other  
25 issues with him, and we had another report from  
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1 know what our position on that conclusion is going to  
2 be. So would that give the impression that we'd  
3 accepted it or not? I don't know because we didn't know  
4 until we had Dr Blackwood's report.

5 So if I go back to my earlier answer, I think it's  
6 better, rather than putting something in writing and  
7 asking the FLOs to deliver it, it's better that leading  
8 counsel delivers it in a meeting.

9 **Q.** But would leading counsel be likely to meet them as  
10 early in the case as only the defence report?

11 **A.** If they want a meeting, they will have a meeting.

12 **Q.** Would that have been the time to set out the different  
13 options how these cases can be dealt with, by judge, by  
14 jury, by various ways?

15 **A.** Yes, and one of the advantages, if it were after  
16 Dr McSweeney's report rather than before it, would be  
17 practically we could narrow down what the issues in the  
18 case are. Prior to that, there are many issues that  
19 could have been discussed.

20 **Q.** As we've seen, you didn't meet the Webbers until  
21 24 November, another finding of this review was:

22 "We find no record that the request by Barney's  
23 parents on 9 October for clarification on diminished  
24 responsibility had been communicated by the FLO to the  
25 CPS. It was not until 13 November, after a further  
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1 request from [Mrs Webber] that the FLO informed the CPS  
2 leading to the meeting of [the 24th] ..."

3 **A.** Yeah, until this report came out, I wasn't aware of  
4 that.

5 **Q.** Although, look at the 9.59:

6 "Although the CPS were informed by the [Senior  
7 Investigating Officer] on 22 November that Ian's sons  
8 did not want a meeting, we found no record that they had  
9 been made aware of the issues being raised by the other  
10 families or of the meeting that had been arranged on  
11 24 November."

12 So I appreciate what you were saying earlier that  
13 each family, each person, is different, but in the  
14 circumstances of this case, that had gathered  
15 a particular momentum, and as you now know, the sons  
16 agreed wholeheartedly from their own responses at the  
17 time and what you've seen subsequently, was it important  
18 that they should have been told about that meeting?

19 Because it was talking about pleas and accepting pleas  
20 and the Crown's position, it had enormous impact for  
21 them, as well, didn't it?

22 **A.** Chair, I cover this in my written evidence. It's  
23 really, really difficult that they were told in early  
24 October, weren't they, according to the FLO logs, that  
25 diminished was now -- had been raised by the defence

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1 this meeting has been arranged? I find that a really  
2 difficult question to answer, and I think that the  
3 better course is to treat the families as individuals,  
4 and to make meetings available to them with us as and  
5 when they wish, and where they wish and how they wish.

6 **Q.** You knew there had been a request for Julian Hendy to  
7 accompany the families at a meeting. Were you aware,  
8 indeed are you aware through your work that mental  
9 health related homicides is an issue or concern for many  
10 people who have been impacted by them?

11 **A.** I'm sure they are.

12 **Q.** So wasn't it likely that the Coates sons, irrespective  
13 of what you might do in some cases, may also have a view  
14 about the role of public protection, the risk to the  
15 public and the like, and similar concerns about how  
16 their loved one was placed in the middle of this when  
17 the sentencing hearing took place or not?

18 **A.** I'm sorry. Might you repeat that just so I understand.

19 **Q.** Do you think that the Coates boys would have been  
20 interested in the same issue in this case? The same  
21 issue that Julian Hendy was interested in, you knew he  
22 was involved and why he was involved.

23 **A.** We had met with him, of course, on the 20th of June, and  
24 they were meeting with us on the 28th of November. So  
25 certainly on the 28th of November meeting there was the

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1 and --

2 **Q.** I'm just going to pause there. I'm not sure it's as  
3 clear as that. Mental health is simply raised or it may  
4 be mental health, you'd have to go back to the  
5 documents, but it's not as simple as diminished  
6 responsibility was raised.

7 **A.** Okay.

8 **Q.** Far from it. So assume from me at the moment mental  
9 health may be an issue, but nothing broader than that.

10 **A.** We're having a meeting at the request of two sets of  
11 families who want the meeting joined. There are two  
12 other sets of bereaved families in the case who have  
13 told us at that stage that they don't want a meeting.  
14 They've told the FLOs that, whatever the information is  
15 they've been given.

16 How do we go about then, as it were -- and this is  
17 my word -- engineering a situation whereby one or two,  
18 or however many more sets of families in any other case  
19 there might be, attend a meeting that's been set up  
20 specifically to deal with the concerns and address the  
21 issues raised by a family group or, in this case, two  
22 family groups together?

23 Do we go to the people who are attending the meeting  
24 first, to see if they're happy for more people to come  
25 along? Or do we inform them without telling them that

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1 opportunity, leading counsel was there, to discuss any  
2 of these issues at that stage.

3 **MS LANGDALE:** Thank you. Those are my questions. There  
4 will be more.

5 **THE CHAIR:** Yes, Mr Moloney.

#### 6 **Questioned by MR MOLONEY**

7 **MR MOLONEY:** Good afternoon, Mr Murphy. I ask questions on  
8 behalf of the Bereaved Families.

9 May I ask you first of all about something you said  
10 earlier this morning: you thought there may have been  
11 pressure on the police to charge from the families?

12 **A.** Yes.

13 **Q.** Did you watch the evidence of Detective Chief  
14 Superintendent Sanders? He didn't say anything about  
15 any pressure from the families to charge, did he?

16 **A.** I didn't watch all of his evidence but I'll take your  
17 word if he didn't say that.

18 **Q.** If I were to suggest to you that there was no pressure  
19 from the families you wouldn't actively disagree with  
20 that?

21 **A.** No, not at all. It's a memory of a phone call two and  
22 a half years ago.

23 **Q.** Thank you. May I ask you just a few questions, now,  
24 about what lawyers know as unused material. A criminal  
25 investigation and prosecution may generate a lot of

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1 material.

2 **A.** Yes.

3 **Q.** Yes. And there was quite a lot of material generated in  
4 this case, wasn't there?

5 **A.** There was.

6 **Q.** Medical records and everything, quite a lot of unused  
7 material. The CPIA 1996 requires that all of that  
8 unused material is to be recorded in schedules.

9 **A.** Yes, all relevant material, yes.

10 **Q.** All relevant, yeah, indeed. And most unused material is  
11 recorded in the non-sensitive schedule of unused  
12 material, the MG6C.

13 **A.** Yes.

14 **Q.** And sometimes, unused material has to be recorded in the  
15 sensitive schedule of unused material known as the MG6D.

16 **A.** They do, yes.

17 **Q.** And essentially the test for going on the schedule of  
18 sensitive material is that disclosure of it would give  
19 rise to a real risk of serious prejudice to important  
20 public interest?

21 **A.** Yeah.

22 **Q.** Yeah. And essentially that can be all sorts of things,  
23 witness and victim safety, internal police  
24 communications, national security, investigative  
25 techniques, the policing arrangements, but whatever it

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1 psychiatric defence.

2 **A.** Well, I read their reports, yeah.

3 **Q.** You received Dr McSweeney's report on 2 October 2024.

4 **A.** Correct. 23.

5 **Q.** Sorry, 23, of course. I do apologise. And you  
6 considered it a balanced report.

7 **A.** I did.

8 **Q.** Can we have a look at an email which reflects that view,  
9 which is CPSE0004765. This is an email from you,  
10 Mr Murphy, at 10.30 in the morning on 2 October, going  
11 to Sam Shallow and Ms Mannion, and it says on 2 October:

12 "Defence report just received. Fit to plead and not  
13 insane. Diminished responsibility is available for the  
14 murders.

15 "I've sent it to Dr Blackwood.

16 "My impression of the report is that it is balanced.  
17 It describes that he poses a risk of grave harm to  
18 others. It's clearly heading towards a ...37/41  
19 disposal subject to a section 48/49 transfer.

20 "The police will obviously want to know about this  
21 ... [and]  
22 "The families too need to know about the opinion."  
23 Yes?

24 **A.** Yes.

25 **Q.** Having read Dr McSweeney's report, did it concern you at

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1 is, for something to go on the MG6D its disclosure would  
2 have to give rise to a real risk of serious prejudice to  
3 the public interest.

4 **A.** Yeah, there are lots of bases for finding material  
5 sensitive, yes.

6 **Q.** The defence never sees the MG6D but they do have the  
7 MG6C.

8 **A.** Correct.

9 **Q.** Thank you. I'd like to ask you about the psychiatric  
10 reports if I may now, please. I say with respect,  
11 Mr Murphy, you obviously are a very experienced  
12 prosecutor, and we heard 21 years as prosecuting.

13 **A.** *(The witness nodded).*

14 **Q.** And over 30 years as a lawyer.

15 **A.** Yes.

16 **Q.** Yeah. And I assume you've instructed a number of  
17 psychiatrists over the years.

18 **A.** Yes.

19 **Q.** And it sounds as if -- please forgive me if I'm being  
20 presumptuous, but it sounds as if you worked with  
21 Professor Blackwood on other occasions?

22 **A.** Yes, on two or three other cases.

23 **Q.** Yes. And you'd have obviously some knowledge of the  
24 working methods of psychiatrists, forensic  
25 psychiatrists, who have to assess any potential

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1 all that Dr McSweeney had relied on a summary of the  
2 allegations, issues, and witness statements in the case,  
3 rather than having all the prosecution material?

4 **A.** No, it didn't concern me. He'd -- I'd read the report.  
5 I thought it was balanced and fair.

6 **Q.** Yeah. But the fact that he had not been provided with  
7 the prosecution papers, no unused material, so on,  
8 nothing to triangulate with, as it were, that didn't  
9 concern you?

10 **A.** Well, he would have had the prosecution material that  
11 had been served in advance at the outset.

12 **Q.** But what he says in his report is he identifies his  
13 sources, and what he had was the MG5 to look at, and  
14 well he had -- and a summary provided by the solicitors  
15 who instructed him of the allegations, issues and  
16 witness statements. He didn't say he had the  
17 prosecution papers.

18 So did that concern you, that this was really quite  
19 early, and that he hadn't looked at papers?

20 **A.** As I say, I thought the report was balanced.

21 **Q.** And he completed his report -- although you got it on  
22 2 October, he completed it on 25 August 2023.

23 **A.** Yes.

24 **Q.** Having seen VC on 10 July.

25 **A.** Yes, yes, and 25th August was after we'd served stage 1,

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1 yeah.

2 **Q.** Yeah. And Ms Mannion expressed her concerns to you  
3 about the report on 2 October; do you recollect that?

4 **A.** About Seely Hirst House?

5 **Q.** Yes.

6 **A.** Yes, I do.

7 **Q.** She said:

8 "I've been pondering this report for several hours,  
9 I agree it's balanced but I'm still struggling to  
10 reconcile it with the defendants actions around Seely  
11 Hirst House." *(As read)*

12 **A.** Yes.

13 **Q.** And of course Dr McSweeney will not have seen any video  
14 material from Seely Hirst House at that stage, would he?

15 **A.** Well, he could have. That was within the IDPC, served  
16 at the outset of the case. The defence had that.

17 **Q.** You heard what Dr Blackwood said yesterday about the  
18 vital importance of reading the prosecution papers  
19 before venturing an opinion.

20 **A.** Yes.

21 **Q.** Do you agree with that?

22 **A.** I -- if Professor Blackwood says so, then yes.

23 **Q.** And that would apply in every case but all the more so  
24 in a case of such seriousness, wouldn't it?

25 **A.** Yes.

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1 evidence, wouldn't it? That somebody had looked at that  
2 sort of material?

3 **A.** There's a whole -- there's masses more additional  
4 material on those phones relating to mind control and  
5 the documents, and all of that, plus all of the  
6 extensive medical evidence in this case.

7 **Q.** There is indeed. But -- and he was asked about that but  
8 he wasn't asked about the shootings, was he? He wasn't  
9 asked, and if you talk about other material, Mr Murphy,  
10 there's material which shows mutilated animals on there,  
11 isn't there?

12 **A.** Mm.

13 **Q.** Yeah. There's material -- I mean, and severely  
14 mutilated animals, and there's material that shows guns.  
15 Pages and pages of guns and other weapons.

16 **A.** The psychiatrist answered this yesterday. They're the  
17 professionals, they're the experts in that field.

18 **Q.** And so you weren't concerned that nobody had ever  
19 asked -- no psychiatrist had ever asked him about those  
20 things on his phone?

21 **A.** I wasn't, because I read those psychiatric reports,  
22 particularly Dr Blackwood's, and in my view it's very  
23 impressive, very thorough.

24 **Q.** Thank you. Can we have a look at CPSE0005782, please.  
25 This is 2 October 2023. You sent your email to your

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1 **Q.** Dr Shaffiulla only saw the MG5 and the prosecution  
2 opening note from November 2023, and yet he gave  
3 an opinion. Did it concern you that he had not looked  
4 at the prosecution papers?

5 **A.** You will have seen my review of Dr Shaffiulla's report  
6 in my 26th of November 2023 review, and yeah, I think  
7 I say it's not a particularly impressive report because  
8 he doesn't seem to have seen a lot.

9 **Q.** But in coming to his conclusion that VC was unlikely to  
10 be fabricating, which we saw yesterday, Dr Latham  
11 observed that three psychiatrists had found him  
12 credible. So it wasn't irrelevant, was it, his report?

13 **A.** In what sense, sorry?

14 **Q.** That it had been relied on in terms of three  
15 psychiatrists finding VC credible.

16 **A.** Well, it had been served by the defence.

17 **Q.** Thank you. Did it and does it concern you that no  
18 psychiatrist appears to have asked VC why it was he had  
19 watched live streamed videos of mass shootings on his  
20 phone?

21 **A.** No, not given both the evidence that they gave yesterday  
22 and the material that's in their reports.

23 **Q.** So these were random killings carried out by lone  
24 killers in Buffalo and in Christchurch, and in any  
25 murder trial, that would be deployed as classic mindset

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1 colleagues at 10.30 in the morning, this is at 4.04 in  
2 the afternoon and this is an email to Mr Khalil KC and  
3 it -- it reads:

4 "I've spoken to Dr Blackwood this afternoon. He has  
5 seen Dr McSweeney's report. His initial impression is  
6 that this is a clear case of untreated psychosis and we  
7 are most likely heading towards diminished  
8 responsibility and a ...37/41 disposal. He of course  
9 will evaluate all of the material he's provided with as  
10 part of the preparation for his report."

11 Were you aware that that was the initial impression:  
12 that it's a clear case of untreated psychosis and  
13 heading towards diminished responsibility and a 37/41  
14 disposal on 2 October, the very day that the report of  
15 Dr McSweeney was received?

16 **A.** Sorry, was I aware of --

17 **Q.** Were you aware of this, that that was the initial  
18 impression?

19 **A.** Well, that's what he's told me in the email. But of  
20 course by the 2 October, Dr Blackwood has had all of the  
21 material that was served at stage one which includes the  
22 extensive medical and psychiatric records set out in  
23 D58, D60, D61, et cetera. And he's had the prosecution  
24 evidence that was served at stage one and the other  
25 unused material that was disclosed at stage one.

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1 Q. He saw him on 14 November, didn't he?  
 2 A. Yes.  
 3 Q. When you received Dr Blackwood's report were you at all  
 4 concerned that in his materials that he'd looked at,  
 5 that Dr Blackwood didn't say that he'd reviewed the  
 6 phone downloads? Did that occur to you?  
 7 A. He had the phone downloads because I sent them to him.  
 8 Q. On 14 November 2023, which is the day that  
 9 Professor Blackwood saw VC for five hours in Ashworth,  
 10 were you surprised that, having seen VC for five hours  
 11 in the day, and we know from paragraph 22 of his witness  
 12 statement that he'd reviewed the Ashworth medical notes  
 13 during the lunch break, that he'd been able to go  
 14 through his 13 pages of notes of what VC had said to him  
 15 and travel from Ashworth to the train station, which is  
 16 about 10 miles, and triangulate his account with all the  
 17 other material in the case so as to say "diminished" and  
 18 37/41 rather than 45A by 17.22 on that day?  
 19 A. By 14th November he'd also had all of the material  
 20 that I served on 2 October, 1-3 October, which allowed  
 21 me at that stage to complete the Full Code Test review.  
 22 Q. You've been asked about Mr Beddoe's report.  
 23 A. Yes.  
 24 Q. In summary, as Ms Langdale King's Counsel has just said  
 25 to you, it raises questions about the rational or

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1 happened in the case since then, including the receipt  
 2 of Dr Latham's report.  
 3 Q. You acknowledge the mistake now that you hadn't seen  
 4 the -- you hadn't recollected the request --  
 5 A. Correct.  
 6 Q. -- at the start, but I'm just going to ask you: is that  
 7 a sarcastic comment there at that stage? "I don't  
 8 actually recall the request for this report ..."  
 9 A. No, it's true.  
 10 Q. Okay. And then you deal with the capacity, and we heard  
 11 Dr Latham asked about capacity yesterday afternoon.  
 12 A. Yes.  
 13 Q. That you say that Mr Beddoe's report focuses on the  
 14 capacity, but that's not really the issue in this case;  
 15 it's not a capacity-based test. And you say that you  
 16 raised that in the light of -- no, you say -- and  
 17 I think it's about nine lines down:  
 18 "It's not clear to me whether the submission of the  
 19 report is simply you responding to the request made of  
 20 you (and including your views therein) or whether you  
 21 are inviting the CPS to reconsider its position as  
 22 regards the acceptance of the pleas to counts 1- 3?  
 23 I raise this in light of the content of the final  
 24 two paragraphs and in particular your assertion that 'it  
 25 is not possible to say with any certainty that at the

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1 otherwise nature of VC's actions and you've said today  
 2 that you thought there were some good points that went  
 3 to 37/41 or 45A.  
 4 A. I did.  
 5 Q. You were disparaging of it when it first emerged on  
 6 15 December, weren't you?  
 7 A. I was.  
 8 Q. You described it as a "poor piece of work".  
 9 A. I did.  
 10 Q. Might we look at, please, CPSE0009524. CPSE0009524.  
 11 Could we please go, I think it's to page 2 -- no,  
 12 further. This is the email -- and you said when it was  
 13 a poor piece of work that you were going to respond to  
 14 it that day, didn't you, and you did respond to it that  
 15 day, on 15 December, and this is your response to it.  
 16 A. This is the email, yeah.  
 17 Q. It's a lengthy response, and if I could just take you  
 18 through it, it won't take long, but just to identify  
 19 that you don't actually recall the request for this  
 20 report, but it's clear you've done a lot of work --  
 21 sorry, go on, Mr Murphy. You want to say something?  
 22 A. I do. Just this: when I got it, I didn't recall the  
 23 request from the 23rd November meeting, because this  
 24 came in, although it's dated 30th November, it was only  
 25 sent in on 15th December, and obviously a lot had

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1 moment of the murders and attempt murders 'his  
 2 abnormality of mental functioning substantially impaired  
 3 his ability to form rational judgement and to exercise  
 4 self-control'."  
 5 Then you say:  
 6 "I don't want to engage in a full critique of your  
 7 report, not least because ..."  
 8 And it carries on down the page to set out how  
 9 essentially that's not the point in a case such as this  
 10 because it's the balance of probabilities that's  
 11 important.  
 12 A. And other reasons, but yes.  
 13 Q. Yes. And then you say:  
 14 "As such ..."  
 15 And this is the penultimate paragraph:  
 16 "As such, your assertion above is not correct. If  
 17 you had meant to say it's not possible to come to that  
 18 conclusion with absolute certainty, then that would be  
 19 accurate, for the reasons Dr Latham refers to."  
 20 Then you refer to this standard of proof in the  
 21 criminal court, and you say that you don't read your  
 22 report to suggest that you're inviting the prosecution  
 23 to reject the expert opinion, and so on.  
 24 And over the page if we could, please. And you say:  
 25 "I'm not sure that the meaning of the final

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1 paragraph where you say 'ultimately it's a decision for  
2 the court to consider ...'"

3 So it's an analysis of the email and a reply to it,  
4 as you said you would do.

5 If we could just see the -- if we can just go back  
6 to page 2, we can see the replies to your email, and  
7 then we see there's one from Chief Superintendent  
8 Sanders:

9 "Hi Alan,

10 "No it is not a request for CPS to reconsider it's  
11 position in the slightest.

12 "These are simply Neil pulling together, from the  
13 police perspective (as OIC), a summary of material that  
14 has come across."

15 And your reply above that:

16 "Thanks Leigh.

17 "Given the submission of the report to the CPS it  
18 was necessary to clarify."

19 **A.** And it seems, I don't know if he was asked this, but it  
20 seems as if Leigh Sanders in that email also doesn't  
21 remember the request arising at the 23rd November  
22 meeting because he doesn't say so either.

23 **Q.** Right, that's what you imply from that --

24 **A.** No, that's --

25 **Q.** Fair enough. It's not important. Then you say:

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1 responsibility in this case then I'm afraid that for  
2 a number of reasons the report is fundamentally flawed.  
3 Can I ask that this document is placed on the sensitive  
4 schedule of unused material MG6D -- it is plainly  
5 sensitive in my view. It will not be disclosable to the  
6 defence as it doesn't meet the CPIA test and it would  
7 plainly not be disclosable to anyone else."

8 **A.** Yes.

9 **Q.** What is the important public interest that would be  
10 seriously prejudiced by the disclosure of this document  
11 from Mr Beddoe, Mr Murphy?

12 **A.** This is internal police CPS communications. They don't  
13 go on an MG6C. Confidentiality between the police and  
14 the CPS, it's obviously an important public interest.

15 **Q.** And that would take -- that would essentially be  
16 required to go on the schedule and would go on the MG6D?

17 **A.** If it were -- if it even meets the definition of  
18 relevant material, and quite often internal  
19 communications won't do, but let's put that to one side;  
20 if it does, then yes. There is nothing else, as far as  
21 I'm aware, on the "C" that relates to communications  
22 between me and the police.

23 **Q.** Do you remember getting an email from junior counsel who  
24 you've described as "very senior junior counsel" on the  
25 same night, 15 December 2023?

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1 "Thanks Leigh."

2 Then we actually see on the first page --

3 **A.** His response.

4 **Q.** -- his response:

5 "Please accept my apologies for any confusion. The  
6 request came from the meeting we had where Mr Khalil  
7 referred to Prof[essor] Blackwood's report ..."

8 So that's just to set that scene.

9 Can we go, please -- now at this stage, of course,  
10 the families have been asking questions about the  
11 conclusions of the psychiatrists, haven't they?

12 **A.** Yeah, on the 23rd -- no, 24th November and over that  
13 weekend, yes.

14 **Q.** In short, they weren't happy.

15 **A.** No, correct. Yes.

16 **Q.** Can we go, please, to page 4, to the final paragraph of  
17 your report.

18 **A.** Yes.

19 **Q.** Well, this email, sorry --

20 **A.** Yes.

21 **Q.** -- and your response:

22 "As I say, I don't want to spend any more time  
23 critiquing the report but if part of its intention is to  
24 offer an alternative opinion to those of the  
25 psychiatrists on the availability of diminished

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1 **A.** Mr Rattliff. I've definitely seen an email as part of  
2 this Inquiry, yes.

3 **Q.** Yes, and it's that night and it's 11.10 at night, and  
4 did he essentially say to you that he agreed with your  
5 email and he was also far from convinced with Leigh  
6 Sanders's response. If it wasn't to set out the  
7 police's view as to the acceptability of the pleas, then  
8 what was the point of it?

9 **A.** He does say that, and I would take from that that he'd  
10 also forgotten about the request on the 23rd November,  
11 as I had.

12 **Q.** And was he very concerned that the views have been or  
13 may be shared with the family, whether in the form of  
14 the report or in the discussion?

15 **A.** I can't remember that. If that's in the email, then  
16 yes, but you'd have to ask him. I can't remember --

17 **Q.** In that last line, "it would plainly not be disclosable  
18 to anyone else".

19 **A.** It's unused material.

20 **Q.** Yeah.

21 **A.** Section 17, is it, applies.

22 **Q.** Section 17 of the CPIA 1996 especially stipulates that  
23 upon receipt of unused material --

24 **A.** Yes.

25 **Q.** -- through a criminal process, then it can amount to

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1 a contempt to further disclose that. So it's not  
2 section 17.  
3 What that is is, you're saying there it would not --  
4 "plainly not be disclosable to anyone else", that's the  
5 families you're talking about, aren't you?

6 **A.** To anyone else, full stop.

7 **MR MOLONEY:** Thank you very much, Mr Murphy.

8 **THE CHAIR:** Yes, Ms Cartwright.

9 **Questioned by MS CARTWRIGHT**

10 **MS CARTWRIGHT:** Good afternoon, Mr Murphy.

11 **A.** Good afternoon.

12 **Q.** I ask questions on behalf of the Survivors, Wayne Miller  
13 and -- sorry, Wayne Birkett and Sharon Miller.

14 Now, can I explore a little further with you  
15 evidence that you've given that if the victims -- and  
16 obviously the two victims I represent are the attempted  
17 murder -- wanted a meeting, they would have had  
18 a meeting, to look, please, at responsibilities you had  
19 to action those meetings, as well, please?

20 **A.** Of course.

21 **Q.** Thank you. Now, you've already detailed the form was  
22 initially sent was essentially treating those who  
23 I represent under the Bereaved Family Scheme.

24 **A.** Yes.

25 **Q.** I think you'd agree that they are victims under the

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1 wanting a meeting with the CPS and the police; would you  
2 agree?

3 **A.** Yeah, I wasn't at that meeting; I was on leave, but  
4 I was aware of that, yes.

5 **Q.** Thank you. If we can move forward through this  
6 document, please, to the next page, we see under the  
7 actions that at action 2:

8 "CPS/police to meet partner of Wayne Birkett."

9 And we can see the owner of the action was  
10 CPS/Police. Are you the "AM" alongside the "KP"?

11 **A.** Yes, that's me, yes.

12 **Q.** You can see what's being asked:

13 "can this be factored into action 1, please?"

14 Which was the plans to meet with the families,  
15 including leading counsel, in advance of the PTPH; is  
16 that correct?

17 **A.** Yes.

18 **Q.** So can you help first of all, with that being an action,  
19 why that wasn't taken forward in accordance with the  
20 wishes of Tracey Hodgson to meet with the CPS?

21 **A.** Well, it was taken forward the following week. I wasn't  
22 at that meeting, but I was at the meeting, case review,  
23 on the 8th September and I asked for that to be arranged  
24 with the police.

25 **Q.** All right. So you say you did ask for that to be

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1 Victim Code --

2 **A.** Yes.

3 **Q.** -- entitled to the enhanced scheme.

4 **A.** Yes.

5 **Q.** So whilst the initial response that came back from  
6 Officer Johal was that they didn't want a meeting at  
7 that time, matters changed for Wayne Birkett and his  
8 partner Tracey Hodgson, didn't they?

9 **A.** In August, 30th August and 8th September meetings, yes.

10 **Q.** Can we look, please, at the note that deal with that,  
11 please. It's CPSE0000188. Thank you.

12 We can see in this note of the meeting of 30 August,  
13 which we can see the various attendees there, at  
14 point 2:

15 "Update on Wayne Birkett. Alan has asked for  
16 a statement but he is not well enough to provide one.  
17 Aside from the physical issues, he has no memory of the  
18 incident but also has much broader amnesia which is  
19 severely impacting his life. He cannot remember his  
20 partner at all. Police suggest, and I agree, that they  
21 provide medical plus a statement from his partner  
22 explaining the changes. This will steer away from VPS  
23 which will come later. Will keep this under review.  
24 His partner would also like to meet CPS/Police."

25 So I think clearly at that stage his partner was

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1 arranged?

2 **A.** If we're able to look at the minutes from 8th September  
3 I will be able to confirm that.

4 **Q.** I'm going to take you to CPSE0000190. Thank you. So  
5 now we're on 8 September, and if we can move forward,  
6 please, again, we see again --

7 **A.** Yeah.

8 **Q.** -- at point 5 --

9 **A.** Point 5, yes.

10 **Q.** "The position is as per the meeting on [30th August] ...  
11 The police do now have medical evidence re his injuries  
12 and this can be submitted with the next file ..."

13 Then:

14 "They intend to obtain a statement from his partner  
15 Tracey re the effects on Wayne and his difficulties. He  
16 has lost blocks of memory and can become agitated. In  
17 any event he can't remember anything of the incident and  
18 when one looks at the CCTV that is not surprising".

19 Then we can see the reference to the meeting that  
20 was due to be held:

21 "The family have indicated they want a meeting to  
22 include the CPS --

23 **A.** Yes.

24 **Q.** "-- [you] ... had suggested they be approached to see if  
25 this could be on the date of the next hearing so that

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1 counsel can attend."

2 But again, if we move forward to the actions,  
3 please. Thank you. We can see:

4 "Police to liaise with family of Wayne Birkett to  
5 see if meeting can take place at PTPH. If not, police  
6 and [you] ... to arrange a meeting."

7 **A.** Yes.

8 **Q.** Before moving off this document can I ask you, because  
9 certainly whilst there's reference to Wayne's loss of  
10 memory and amnesia, did you fully appreciate that Wayne  
11 had a traumatic brain injury?

12 **A.** I was aware the injury was very serious and he'd had a--  
13 he'd gone to the rehabilitation unit, yes.

14 **Q.** I know you say you appreciate it's very serious, but did  
15 you appreciate -- and no doubt from victim statements  
16 and the like, that Wayne had fractured his skull and had  
17 obtained a traumatic brain injury?

18 **A.** I can't remember at the moment because we were in the  
19 process, as you can see from the earlier minute, of  
20 actually getting the evidence to set out what his  
21 injuries were.

22 **Q.** That's what I want to ask more broadly, because I am  
23 going to come on to deal with what happened at  
24 sentencing. Did you appreciate just how significant the  
25 cognitive impairment and impact was of the attack on

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1 you not take forward ensuring that these victims had  
2 a meeting?

3 **A.** I relied on the FLO.

4 **Q.** You relied on the FLO?

5 **A.** I relied on the FLO.

6 **Q.** Can I then just display, please, WITN0080005.  
7 WITN0080005, and to move page 11, please. Thank you.

8 Now in terms of meeting trial advocate, again under  
9 the scheme, this document makes clear that a meeting  
10 will take place at an appropriate point before  
11 commencement of the trial, or, if it's known there will  
12 be a guilty plea, before that plea is entered.

13 So again, can I ask you in the context of Wayne and  
14 his partner asking for a meeting, why there was not  
15 a meeting arranged with counsel and the CPS before the  
16 pleas were entered?

17 **A.** It's the same reason. We -- I'm waiting for -- or  
18 relying on contact from the FLO to arrange the meeting.

19 **Q.** Now the opening submissions of the CPS made clear that  
20 the CPS are completely independent to the police.

21 **A.** Yes.

22 **Q.** So why, in that scenario, where the request has come to  
23 the CPS for a meeting with the CPS, had the CPS not  
24 arranged it and then relying on -- they rely on the FLO?

25 **A.** Well, it's come through the police. The request has

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1 him, for Wayne?

2 **A.** Possibly not. I can't remember. I don't know.

3 **Q.** I'm asking you that, Mr Murphy, because it's the  
4 position of Wayne that there was no accommodation for  
5 the very significant impact his injuries have had on  
6 him. But then -- can I ask you then, looking at this,  
7 this is obviously wanting a meeting to take place, if  
8 possible the PTPH, but if not, for it to be arranged.

9 **A.** Mm.

10 **Q.** There was no -- Wayne and his partner did not attend the  
11 PTPH. So can you help then as to why no meeting was  
12 arranged up until the brief meeting after sentencing in  
13 January?

14 **A.** I rely on the police, the FLO, to come back to me with  
15 details of what it is that they want, and when it can  
16 take place.

17 **Q.** But you have said: if the victims want a meeting, they  
18 will have a meeting.

19 **A.** Yes.

20 **Q.** There are now two notes where the victims and the  
21 victim's partner have said they want a meeting, and none  
22 has been arranged. Now you'll say you're dependent on  
23 the FLOs.

24 **A.** Yes.

25 **Q.** But why, with this being an action for you as well, did

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1 come through the police, through the SIO, presumably via  
2 the FLO. That's how it has operated.

3 **Q.** So you say you bear no responsibility under the Code to  
4 ensure that victims who are asking for a meeting with  
5 the CPS are arranged and facilitated before plea and in  
6 advance of sentencing?

7 **A.** No -- sorry, no. I don't say that. I don't say that.

8 **Q.** So what steps did you take after the meeting in  
9 September to follow up why is this meeting with Wayne  
10 Birkett not taken place and his partner?

11 **A.** I didn't take any steps.

12 **Q.** You didn't?

13 **A.** No.

14 **Q.** So nowhere in the intervening period when you were  
15 having meetings did you follow that up?

16 **A.** Well, there will be discussion at the meetings with the  
17 police. Where are we now? 8 September. There will be  
18 discussions throughout about engagement, but no,  
19 I didn't specifically follow up the request to organise  
20 a meeting with Wayne or Tracey.

21 **Q.** Can I ask, because those meeting minutes from  
22 8 September suggest it should have been considered  
23 alongside the meeting that we know took place on  
24 24 November where essentially counsel is there as well  
25 as CPS?

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1 A. Yes.

2 Q. Did you give any thought to inviting Wayne Birkett and  
3 Tracey to a subsequent meeting that day where they could  
4 have their meeting?

5 A. They were contacted by the FLOs, as I understand it, at  
6 the same time as the Coates family were contacted, and  
7 the Coates brothers. And at the same time as Elaine  
8 Newton and the other survivors, and the information  
9 that I understand it to be was that they declined the  
10 meeting.

11 Q. Well, you say they declined the meeting, but that flies  
12 in the face of the notes you have that they wanted  
13 a meeting.

14 A. It does, but that was the information, as around  
15 24 November and that's in --

16 Q. So who do you say provided that information?

17 A. Well, that comes through the police. I'm sure it's on  
18 the emails. You've got all the documents, on the  
19 Inquiry bundle.

20 Q. Can I ask you, then, in terms of the investigation  
21 report that was conducted by the inspectorate  
22 HMCPSI0000625, a chronology is given as to contact with  
23 the bereaved and the survivors.

24 A. Yes.

25 Q. But if we look at that chronology at, say, 21, there is

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1 Q. So you say that was the failure of the inspectorate not  
2 to pick up on those, the failure to arrange meetings  
3 with Wayne and Tracey?

4 A. It's their chronology, their report, yes.

5 Q. That can be taken down then, please.

6 So, then, can I ask you about Tracey because you've  
7 referenced that she had special measures. Why, when the  
8 sentencing was coming up, did it not remind you that  
9 there had still not been a meeting with Wayne Birkett  
10 and Tracey and, similarly, give any consideration to the  
11 position of the victim -- of Sharon Miller?

12 A. Again, we're relying on the FLOs. We've got  
13 a sentencing date coming up, and do they want a meeting?  
14 Are they attending court? Do they want to have it  
15 there? And we knew that Wayne and Tracey were coming,  
16 and neither Marcin nor Sharon were.

17 Q. Sorry, I missed the last --

18 A. Sorry, neither Marcin nor Sharon were intending to  
19 attend the hearing, and didn't want to engage with us,  
20 as we understood it, which was perfectly understandable.

21 Q. That's again why I want to ask you. Did you ask the  
22 question as to whether special measures had been offered  
23 for Sharon to access the hearing, bearing in mind her  
24 PTSD and the impact of her injuries was that she was not  
25 leaving her home?

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1 no reference within that chronology to the two meetings  
2 I've taken you to from August and September where the  
3 victims were asking for meetings and there was no  
4 follow-up with a meeting. Can you help us as to why  
5 that was omitted from the chronology?

6 A. Can I see the chronology?

7 Q. Yes, HMCPSI0000625. Thank you. Can we move to page 21,  
8 please.

9 So we see the start of the chronology there, but if  
10 we move forward, please, and contacts with the survivors  
11 are in green. We keep moving. Thank you. And again.  
12 We can see there the initial letter. Then over the  
13 page, please. So we've seen August there, and now we're  
14 into September. There's no reference on that chronology  
15 of those two meetings that have recorded Wayne and his  
16 partner wanting meetings. Can you help why that was  
17 omitted as to the relevant contact?

18 A. This is the chronology prepared by HMCPSI as a result of  
19 their inspection of us.

20 Q. Yes, that was --

21 A. It's their document.

22 Q. -- why was the information not provided to include that?

23 A. They had access to the same information that you have  
24 had access to. We gave them all of the emails, just  
25 like we've given you all of the emails. I don't know.

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1 A. Our understanding was that she didn't want to  
2 participate in the hearing at all.

3 Q. Can we then, please, display CPSE0000216. It's the note  
4 that Ms Langdale KC has already taken you to. Now, this  
5 log suggests that the meeting lasted 15 minutes.

6 A. Yes.

7 Q. But in fact it's the memory of those present that this  
8 was a far more rushed meeting, somewhere in the order of  
9 five minutes, that was not a planned meeting, but was  
10 almost an afterthought, after the bereaved had left  
11 court to do a press briefing, and that's when I think  
12 Mr Birkett had been waiting and then there was this  
13 rushed meeting. So would you agree --

14 A. No, I wouldn't, no.

15 Q. You don't agree that this was a rushed meeting?

16 A. No. It did go on for 15 minutes or so. Mr Khalil went  
17 through a lot of material downstairs, and we had met  
18 with them. When the sentencing hearing took place,  
19 Ms Mannion I know, met with Wayne and Tracey on the  
20 23rd, on day one, and so that was the start of the  
21 sentence, and then we were aware at the conclusion of  
22 the sentence that they wanted to see us and see counsel  
23 afterwards, and they'd gone to the witness area, which  
24 is in the depths of the court, and once the courtroom  
25 had cleared, we went down to meet them.

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1 So to that extent, it was planned in the sense that  
 2 we were told they wanted to see us, so we went to see  
 3 them.  
 4 **Q.** Can I ask you, you say you met them on the first day of  
 5 the sentence. Where's the note of that? Because  
 6 certainly it's the evidence of the solicitor and of  
 7 Mr Birkett and his partner that there was no such  
 8 meeting as you've sought to give to this Inquiry today  
 9 to suggest a formal meeting with them?  
 10 **A.** I'm sure they'd met at the start.  
 11 **Q.** Would there be a note of that meeting?  
 12 **A.** The person to ask, I don't want to pass it on, but the  
 13 person to ask would be Michelle Mannion because she went  
 14 to the sentencing hearing in part specifically to deal  
 15 with any family members that attended, and although  
 16 I did see them, of course, a lot of my focus during the  
 17 course, certainly on day one and day two, was with  
 18 counsel for the prosecution.  
 19 **Q.** So you've not made a note of the meeting --  
 20 *(overspeaking)* --  
 21 **A.** No -- *(overspeaking)* --  
 22 **Q.** But you're now deferring that to Ms Mannion.  
 23 But again, if you look at what is the summary note  
 24 that has been provided by yourself that you say lasted  
 25 15 minutes, how did what you were relaying to Mr Birkett

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1 determine the number of people and supporters who were  
 2 coming with each of the sets of families and that  
 3 information was then given to the court to arrange  
 4 appropriate seating.  
 5 **Q.** Can I then finally ask you, please, Mr Murphy, just on  
 6 aspects of the investigation with you being the  
 7 reviewing lawyer and the Specialist Prosecutor, can  
 8 I ask you, first of all, in terms of the note that was  
 9 in VC's backpack with the names of the three students  
 10 on, did you appreciate the significance of that note and  
 11 it related to the names of victims from an incident in  
 12 January of 2022?  
 13 **A.** I knew that it related to those people.  
 14 **Q.** Can I ask you, had you appreciated that on the morning  
 15 of the attack, that where VC attacked Grace and Barney  
 16 was in eyesight of that accommodation where VC had  
 17 attacked those students in January of 2022?  
 18 **A.** No, I knew it was a student area, but I wouldn't have  
 19 necessarily known it was within eyesight of the --  
 20 *(overspeaking)* --  
 21 **Q.** Had you appreciated, as well, that before 4.00, the  
 22 sequence of events on the CCTV also showed VC going on  
 23 to Milton Street, and had you appreciated that that was  
 24 the scene of VC's attack of Sebastian and the Police  
 25 Constable Pritchard?

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1 accommodate his brain injuries and the cognitive  
 2 impairment he had? Would you agree there's a lot of  
 3 complex information you were relaying, even on your  
 4 account, over 15 minutes in a very short space of time?  
 5 **A.** There was a lot of information, yes.  
 6 **Q.** I think you've fairly admitted at the outset, that you  
 7 may not have appreciated the significance of  
 8 Mr Birkett's brain injury when you were undertaking this  
 9 task; is that correct?  
 10 **A.** That is correct, yes.  
 11 **Q.** But again, I'm going to put to you that it's the  
 12 evidence of those present that this was rushed, it was  
 13 a confusing meeting, and it was an afterthought?  
 14 **A.** It definitely wasn't an afterthought. I didn't think it  
 15 was rushed. And I wouldn't -- it wasn't confused in the  
 16 sense that Mr Khalil explained in some detail what had  
 17 happened in court and what the consequences would be.  
 18 **Q.** Then can I ask you in the hearing itself, was any  
 19 thought given to where the victims would be sat in  
 20 proximity to VC? Because, again, it's the evidence of  
 21 Mr Birkett and Tracey Hodgson that they were -- felt  
 22 excluded from the sentencing and as an afterthought?  
 23 **A.** No, the -- as a result of the concerns over which  
 24 courtroom the case would be heard in, liaison was made  
 25 with the court and with the police through the FLOs to

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1 **A.** I knew he'd gone on to Middleton Street, I didn't  
 2 appreciate it was the scene of those incidents.  
 3 **Q.** Then we know after VC left the scene, he walked ending  
 4 up by Brook Court and been absent for eight minutes  
 5 during that time. Had you appreciated that Brook Court  
 6 and where VC went out of sight was the place where he  
 7 had attacked Feven in May of 2020, the victim who had  
 8 fractured her spine?  
 9 **A.** Well, it was all within the same area where he was  
 10 living.  
 11 **Q.** Pardon?  
 12 **A.** It was all within the same area where he was --  
 13 **Q.** Well, you say that, but had you appreciated the  
 14 significance that VC spent eight minutes in Brook Court  
 15 that morning, which was the location where he'd attacked  
 16 Feven in May of 2020, but also had entered premises of  
 17 other occupants in May of 2020 and in July of 2020?  
 18 **A.** Well, he was in the area where he was. I'm not sure  
 19 that there is a significance in that.  
 20 **THE CHAIR:** Ms Cartwright, you are over time.  
 21 **MS CARTWRIGHT:** This is the last question, please, if I'm  
 22 permitted.  
 23 Then, finally, there's the sequence of events that  
 24 was provided, including the stills from the CCTV and  
 25 from the phone footage, omitted to include significant

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1 contact from Bill Monteiro that referenced an incident  
2 that had occurred on 12 June about VC was going to get  
3 into trouble -- had got in an incident with his  
4 neighbour. And can you assist us as to why, first of  
5 all, that wasn't included in the sequence of events as  
6 relevant contact with Bill Monteiro to VC.

7 **A.** Bill Monteiro's voice message?

8 **Q.** Yes.

9 **A.** I can't tell you why it wasn't in the sequence of  
10 events. I can tell you it was provided to the CPS by  
11 the police as unused material. So that's probably why,  
12 but you'd have to ask the witness who prepared the  
13 sequence of events chart.

14 **Q.** Okay, but then can I ask you, as the reviewing lawyer,  
15 whether you at any point asked for that to be  
16 investigated bearing in mind there seems to be a further  
17 incident on 12 June that would be relevant to the nature  
18 of VC's behaviour and conduct?

19 **A.** No, it -- if there was an incident, it would only most  
20 likely support the evidence of the psychiatrist that  
21 they've already given. And we had very clear evidence  
22 later on 12 June of his mental state.

23 **Q.** Mr Murphy, I'm going to suggest that's a complete leap  
24 of faith on your part to suggest that something you  
25 didn't investigate would in any event support the

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1 Dr Latham's report.

2 **Q.** You said earlier on that by the morning of 14 June it  
3 had become clear that mental health issues were going to  
4 play a part --

5 **A.** Yes.

6 **Q.** -- in this. Can you explain why that had become clear?

7 **A.** Because when we attended the briefing at the police  
8 station, whilst at that stage counter terror hadn't been  
9 ruled out, the police already had access to mental  
10 health records, and so I was aware that there'd been  
11 previous relatively recent sections, and so that's why  
12 it seemed to me it was very clear mental health was  
13 going to play a part.

14 **Q.** Had you become aware by that point that the healthcare  
15 professionals the day before, so 13 June, had recorded  
16 that, based on VC's history and current presentations,  
17 they believed that he's mentally unwell?

18 **A.** No, I don't think I had that specific information until  
19 I got the custody record, which was the 5 July, is my  
20 recollection.

21 **Q.** Professor Blackwood. You've described him in your  
22 witness statement as "The best of the best"?

23 **A.** Yes.

24 **Q.** Can you give us a bit more specific details as to why  
25 you said that?

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1 psychiatrists, but I'll leave it there, thank you.

2 **THE CHAIR:** That's a comment. Thank you.

3 Yes, Mr Straw?

4 **Questioned by MR STRAW in**

5 **MR STRAW:** Mr Murphy, good afternoon I represent Elias and  
6 Celeste Calocane.

7 I think, is it right, you asked Professor Blackwood  
8 and Dr Latham if Elias Calocane should be interviewed?

9 **A.** Yes.

10 **Q.** To be clear, had you made available to the two experts,  
11 Elias Calocane's witness statement dated 13 June 2023?

12 **A.** Yes.

13 **Q.** We've seen that, but do you recall within that witness  
14 statement, Elias describes the content of the calls  
15 between him and his brother on 12 and 13 June 2023?

16 **A.** Yes, 7.09 pm, 5.08 am.

17 **Q.** So were you then satisfied that the experts had taken  
18 that into account in coming to their conclusions as to  
19 VC's mental state at the time of the offences?

20 **A.** They had clearly taken it into account, they refer to  
21 it. Yes.

22 **Q.** Were you satisfied with their explanation as to why they  
23 considered it wasn't necessary to interview Elias in  
24 that context?

25 **A.** Yes, it's very clearly explained, particularly in

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1 **A.** Chair, I became aware of Professor Blackwood in a case  
2 where I was the reviewing lawyer in 2021, where  
3 prosecution counsel was First Treasury Counsel. So  
4 very, very senior, experienced counsel, and the  
5 defendant in that case -- I talk about it in the witness  
6 statement so I won't describe it in any detail unless  
7 you wish me to -- but the defendant in that case very  
8 late on raised an unexpected defence of insanity, and so  
9 we had a discussion, first senior Treasury Counsel,  
10 in -- recommended Dr Blackwood --

11 **THE CHAIR:** Well, I think it's clear in your report. Do we  
12 need to go to the details of this, Mr Straw?

13 **MR STRAW:** No, thank you. You don't need to go into it in  
14 detail.

15 **A.** I'd had previous experiences with him and he had  
16 successfully rebutted defences of insanity and the  
17 partial defence of diminished responsibility, which had  
18 been raised by defence psychiatrists, or psychiatrists  
19 instructed by the defence, in other serious cases.

20 **Q.** Thank you. Can you give us an idea, a rough idea, of  
21 the number of pages of information that was made  
22 available to Professor Blackwood?

23 **A.** Well, hundreds, if not thousands, including all of the  
24 mental health records, and medical records that were  
25 disclosed via Egress.

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1 Q. The five-hour interview that Professor Blackwood did of  
 2 VC, would you describe that as exceptionally thorough?  
 3 A. Yes.  
 4 Q. I think you asked Professor Blackwood specifically to  
 5 consider the concerns that VC had been slowing down over  
 6 speed bumps on 13 June, his call to Elias at 5.52 am on  
 7 that day and the fact that he stopped a break-in at  
 8 Seely Hirst House that day?  
 9 A. Yes.  
 10 Q. Were you satisfied that Professor Blackwood had  
 11 explained his conclusions of diminished responsibility,  
 12 notwithstanding those factors?  
 13 A. I was very satisfied he'd done so. You will be aware  
 14 that's covered in paragraph 103 of his report.  
 15 Q. Just looking, then, in summary of the reports of  
 16 Professor Blackwood and Dr Latham, was it your view --  
 17 and I'm referring to paragraph 136 of your witness  
 18 statement -- that they provided clear and compelling  
 19 evidence to support the partial defence of diminished  
 20 responsibility?  
 21 A. Yes, it was and still is my view.  
 22 Q. Just finally the issue of drugs. In paragraph 31 of  
 23 your statement, you refer to the Senior Investigating  
 24 Officer, his view, Saunders, that there was no  
 25 evidential basis to suggest VC had been using drugs?

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1 you were just being asked by Mr Straw King's Counsel and  
 2 the absence of any evidence to suggest that VC had taken  
 3 drugs, either in the past or indeed on the 12/13 June.  
 4 A. Correct.  
 5 Q. From your knowledge of the case papers, was there any  
 6 evidence of drugs being found on his person or in his  
 7 belongings?  
 8 A. No.  
 9 Q. Was there any evidence of a smell of drugs, namely  
 10 cannabis, on his arrest?  
 11 A. No.  
 12 Q. Was any drugs paraphernalia found at any of the searches  
 13 of the properties?  
 14 A. No.  
 15 Q. Were there any messages that were drug related on his  
 16 phone?  
 17 A. No.  
 18 Q. Has he had any previous arrests for drugs?  
 19 A. No.  
 20 Q. Was there any evidence from university students or  
 21 family that was served in the prosecution case that he  
 22 took drugs?  
 23 A. No.  
 24 Q. Was there anything in the medical records to suggest,  
 25 apart from the one occasion in due course he'd told

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1 A. There isn't.  
 2 Q. Did you accept his view?  
 3 A. Yes, yes. The -- all of the evidence in the case, all  
 4 of it, is, in my view, clear on that point and supports  
 5 the officer's view on that issue.  
 6 Q. The legal relevance of illicit drugs to diminished  
 7 responsibility, is this right, so firstly if the  
 8 offender is intoxicated at the time of the offences, but  
 9 alongside intoxication, the test in Section 2 of the  
 10 Homicide Act is met, then diminished responsibility is  
 11 still applicable?  
 12 A. Yes, yes. It's not a bar to diminished responsibility.  
 13 Q. And similarly, if illicit drugs were the original cause  
 14 of the recognised medical condition, that's not  
 15 material, diminished responsibility still arises?  
 16 A. If you have a recognised medical condition, then that's  
 17 quite right yes.

18 **MR STRAW:** Thank you very much.

19 Thank you, Chair.

20 **THE CHAIR:** Thank you.

21 Yes, Ms Carey.

**Questioned by MS CAREY**

23 **MS CAREY:** Thank you, Chair.

24 Mr Murphy, a few topics, please, on some perhaps  
 25 disparate subjects, but can I pick up, please, on what

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1 Dr Mirvis about, that he had consumed drugs?  
 2 A. No.  
 3 Q. We know that on 2 October, the defence served  
 4 Dr McSweeney's report, right, and in due course,  
 5 Dr Blackwood, having been retained, was thereafter  
 6 formally instructed.  
 7 A. Yes.  
 8 Q. The plea was finally accepted by the CPS on 17 December?  
 9 A. Correct.  
 10 Q. From your perspective, was there any rush or pressure to  
 11 make the decision to accept the pleas to diminished  
 12 responsibility in relation to the three murder counts?  
 13 A. No.  
 14 Q. Now, we know that when you instructed Dr Blackwood you  
 15 had previously sent him some material?  
 16 A. Yes.  
 17 Q. And then you sent him further, as it came through to  
 18 you?  
 19 A. Absolutely.  
 20 Q. Right.  
 21 A. So he could have it.  
 22 Q. Do you remember, Mr Murphy, whether you sent the  
 23 "Christopher headlock" and so-called "hostage footage"  
 24 to Dr Blackwood?  
 25 A. Yeah, they were served -- well, they were disclosed as

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1 unused material at stage one.

2 **Q.** You did not have school records, though, or work  
3 records, or GP records which predated 2017; is that  
4 correct?

5 **A.** That is correct.

6 **Q.** Right. Was there any reason, from your perspective, why  
7 you considered them to be reasonable lines of inquiry in  
8 this case?

9 **A.** No, no.

10 **Q.** Can I go, please, to the case conference on 23 November.  
11 Could we have up on screen, please, CPSE0000194.  
12 Mr Murphy, whilst that's being brought up, you told us  
13 the purpose of this meeting, which was between the  
14 lawyers and the police --

15 **A.** Yes.

16 **Q.** -- and counsel effectively, was to make the decision --

17 **A.** Yes.

18 **Q.** -- about the acceptability of the pleas?

19 **A.** Yes.

20 **Q.** According to the CPS code, who makes a decision about  
21 whether the evidential test is met?

22 **A.** The CPS.

23 **Q.** All right. Even if families, such as the families in  
24 this case, either don't like, don't understand, don't  
25 agree with the decision, with whom does the decision

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1 **A.** Exactly.

2 **Q.** All right. In doing so, can we see there reference to  
3 Dr Blackwood's report, and if we go over to page 13,  
4 essentially there, there are features, if we look at the  
5 bottom, we see Karim Khalil:

6 "We need some paragraphs on the addendum, features  
7 of the behaviour which are rational and thought through.  
8 This is a case that pushes us to the hybrid order. It's  
9 double edged driven by psychosis, apparently rational  
10 rather than irrational. It is deliberate thought  
11 through behaviour". *(As read)*

12 You say you refer to those, Karim Khalil says:

13 "I take that on board.

14 "We noticed these and we asked Blackwood to explain  
15 them." *(As read)*

16 Then I think if we go over the page again, then  
17 there is reference in that document to DC Beddoe at the  
18 top there saying:

19 "Would it help if we provide a list that shows areas  
20 of rational thought, reference to Mr Coates and it was  
21 Mr Kharim Khalil King's Counsel who said that would  
22 help?" *(As read)*

23 **A.** Yes.

24 **Q.** So it is in the context of the court in relation to  
25 sentencing that the Beddoe Review came into being, not

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1 lie?

2 **A.** The CPS.

3 **Q.** Now can I just take you, please, to pages 12 and 13 of  
4 that document, and it's the run-up to what has been  
5 called the Beddoe Review. Is this the position: that  
6 early on in the meeting there was discussion about  
7 whether the pleas should be accepted?

8 **A.** Correct.

9 **Q.** Is there then discussion about what impact that might  
10 have on the sentencing options for the judge in due  
11 course?

12 **A.** Yes.

13 **Q.** Those options in this case in reality were either  
14 a hospital order with restriction, or what's called  
15 a hybrid order?

16 **A.** Correct.

17 **Q.** Right. Was it the position of Mr Khalil that he wanted  
18 to argue on behalf of the prosecution for a hybrid  
19 order?

20 **A.** Correct.

21 **Q.** In doing so, was the position this: that he wanted to  
22 ensure that there was evidence perhaps before the court  
23 that might lead the court to going down the road of  
24 imposing a hybrid order as opposed to the hospital order  
25 with restriction?

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1 with a view to trying to persuade the CPS to not accept  
2 the pleas; have I got that right?

3 **A.** You have got that right and Neil Beddoe makes that very  
4 clear himself in his email of 16 December.

5 **Q.** Right, but you'd forgotten that by the time the Beddoe  
6 Review came thorough?

7 **A.** I had because it came through three weeks later and we'd  
8 had so many other things on this case in that time  
9 period.

10 **Q.** Right, with that context in mind, you were asked  
11 questions by Mr Moloney King's Counsel about what's  
12 called MG6D, a sensitive schedule. Are you familiar  
13 with the fact that there is a CPIA Code of Practice --

14 **A.** Yes.

15 **Q.** -- which sets out a non-exhaustive list of material  
16 which may be considered sensitive?

17 **A.** Yes, as I said, lots of things can be considered  
18 sensitive, yes.

19 **Q.** One of the things you said to the Chair was that  
20 internal communications between the police and CPS may  
21 be considered sensitive?

22 **A.** Yes.

23 **Q.** Indeed, in due course, did the Beddoe Review go on the  
24 sensitive schedule?

25 **A.** It did.

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- 1 Q. But, Mr Murphy, the matters raised in the Beddoe Review,  
2 namely reference to university records, where they  
3 existed, mental health records, VC's mental health  
4 admissions, the assault at the warehouse, his calls with  
5 Elias in and around the time of the killings, were all  
6 of those underlying matters either served as part of the  
7 prosecution case or disclosed as unused material?  
8 A. Yes.  
9 Q. Finally this: in relation to disclosure, can you confirm  
10 whether or not families receive disclosure?  
11 A. No, they don't.  
12 Q. All right. Can I jump forward, then, to the weekend of  
13 25 and 26 November?  
14 A. Yes.  
15 Q. There was a lot of email activity?  
16 A. There was.  
17 Q. A review by you?  
18 A. Yes.  
19 Q. On the 27th, a meeting amongst the lawyers?  
20 A. Yes.  
21 Q. Can I ask, please, that we have up on screen CPSE0000405  
22 which is a minute of the meeting that you attended on  
23 27 November.  
24 A. Yes.  
25 Q. All right. We can see there Janine McKinney, Mr Baxter,

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- 1 Q. Right.  
2 A. A plea to manslaughter on the grounds of diminished  
3 means the *mens rea* of murder is present and the intent  
4 to kill rather than the intent to cause grievous bodily  
5 harm was our case from the start to the end.  
6 Q. All right. Thank you.  
7 Final two matters, please. You were asked about  
8 meetings with Wayne and his partner before the  
9 sentencing hearing commenced, and for the assistance of  
10 all, I hope you, Chair, the note is at CPSE0000214. It  
11 won't be in the evidence handler's system because it  
12 hadn't been asked by anyone to put in, but there is  
13 a note of that meeting and I hope that assists, in  
14 particular, Ms Cartwright.  
15 Final topic, please --  
16 A. Thank you.  
17 Q. -- the discontinuance of the assault emergency worker.  
18 Could we have up on screen, please, CPSE0008088. In  
19 answering questions this morning, Mr Murphy, you  
20 recalled a fuller note.  
21 A. I did, yes.  
22 Q. In fairness to you, I just wanted to call it up on  
23 screen.  
24 A. Thank you.  
25 Q. Is this the note you had in mind?

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- 1 Ms Shallow, Ms Mannion, AGM, that is you; is that right?  
2 A. I'm AGM, yes, and Janine is the Chief Crown Prosecutor,  
3 yes.  
4 Q. Can we go, please, to page 3. Can we see about halfway  
5 down, there had been discussion about the fact that  
6 there may be the need to instruct a fourth expert, and  
7 JMC -- can you see that paragraph, Mr Murphy?  
8 A. Yes, I can, yes.  
9 Q. Janine McKinney, asked what would happen if Dr Latham  
10 disagreed with the other three. You said that:  
11 "If it was the case we would have to ask him to  
12 complete a full report". (As read)  
13 Did you mean by that interview VC?  
14 A. Absolutely, interview, yes.  
15 Q. "If it meant going to trial on murder we would." (As  
16 read)  
17 A. Absolutely, yes.  
18 Q. Does that accurately reflect the position, had Dr Latham  
19 disagreed with the other three experts?  
20 A. It does.  
21 Q. Whilst we're dealing with the acceptance of the police,  
22 does the fact that the CPS accepted pleas to diminished  
23 responsibility mean that the CPS accepted that VC lacked  
24 an intent to kill?  
25 A. Quite the opposite.

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- 1 A. Yes, as I said this morning, I thought it was the day or  
2 the day after, 29 November, so the day after the guilty  
3 pleas had been entered by VC.  
4 Q. Can we see there that you set out your rationale for  
5 discontinuing --  
6 A. Yes.  
7 Q. -- those proceedings?  
8 A. Yes.  
9 Q. Second paragraph:  
10 "It is not in the public interest to proceed with  
11 this prosecution. The allegation amounts to an assault  
12 on a police officer who was detaining the defendant  
13 pursuant to a warrant ... under the Mental Health Act.  
14 Ordinarily there would be a clear public interest in  
15 pursuing this case given the nature of the victim's  
16 employment, the task he was undertaking at the time of  
17 the assault and the nature of the assault [which  
18 included] (punching and headbutting)".  
19 But you go on to set out:  
20 "In light of the likely sentence on the case  
21 involving these families ..."  
22 A. Yes.  
23 Q. -- it was not in the public interest?  
24 A. Correct.  
25 Q. Is there any suggestion that the CPS were in some way

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1 downplaying or dismissing or, less still, condoning  
 2 assaults on emergency workers?  
 3 **A.** No, and I hope that that paragraph makes that very  
 4 clear.  
 5 **MS CAREY:** Thank you very much.  
 6 Chair, that's all I ask.  
 7 **THE CHAIR:** Yes, thank you.  
 8 **Questioned by THE CHAIR**  
 9 **THE CHAIR:** I was just going to ask a couple of questions.  
 10 You, as you've told us, have been in prosecution of  
 11 serious crime in quite a long time.  
 12 **A.** Yes.  
 13 **THE CHAIR:** Do you remember a period in which mental health  
 14 assessments would be done by on call consultants in the  
 15 police station?  
 16 **A.** No, I heard that evidence from Professor Blackwood  
 17 yesterday. I don't remember that, no, Chair.  
 18 **THE CHAIR:** That would be helpful, wouldn't it?  
 19 **A.** Yes.  
 20 **THE CHAIR:** Although Liaison and Diversion does a good job  
 21 in relation to less serious crime, it would be helpful  
 22 in cases of this kind, wouldn't it?  
 23 **A.** It would. Professor Latham commented, didn't he, about  
 24 the distinction between the assessment and being the  
 25 expert witness.

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1 Julian Hendy --  
 2 **A.** Yes.  
 3 **THE CHAIR:** -- in the meeting with them and I think the  
 4 issues you had in relation to him were confidentiality.  
 5 **A.** They were.  
 6 **THE CHAIR:** There's no objection, or there could be no  
 7 objection, to someone who was independent and there for  
 8 a purpose who could, in effect, act as a bridge between  
 9 those who were very aware of the law but not necessarily  
 10 able to explain to people who had never come across it  
 11 before the process they were going to go through. So  
 12 there'd be no objection, I take it, to someone coming  
 13 into a meeting whose purpose was specifically for that?  
 14 **A.** I agree, Chair.  
 15 **THE CHAIR:** Finally, just in relation to the Police National  
 16 Computer, you in your job have to rely on the accuracy  
 17 of the entries on that computer, don't you --  
 18 **A.** Yes.  
 19 **THE CHAIR:** -- as to somebody's criminal record?  
 20 **A.** Yes, we do.  
 21 **THE CHAIR:** I was just going to ask you in your experience  
 22 how often you come across inaccuracies in that record?  
 23 **A.** It does happen. I wouldn't say often, but it does  
 24 happen.  
 25 **THE CHAIR:** Maybe things are, in your line of work, in more

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1 **THE CHAIR:** Yes.  
 2 **A.** But yes, I agree.  
 3 **THE CHAIR:** Just in terms of the meetings with the families,  
 4 you again have been in the prosecution of serious cases  
 5 for a long time. So you are probably aware that at the  
 6 time when the families are going through the grief as  
 7 a result of the incident itself, quite often in some  
 8 cases their own injuries, most people are thrown into  
 9 dealing with something which is a very complex area of  
 10 law.  
 11 **A.** Yes.  
 12 **THE CHAIR:** And there's a sense of the process and the  
 13 powerlessness, I'm sure you've come across that, that  
 14 people feel?  
 15 **A.** They never ever expect to meet people like me, or the  
 16 barristers, yes, of course.  
 17 **THE CHAIR:** As far as having things explained to them,  
 18 you've said on a number of occasions that you relied on  
 19 the FLOs, but it's right, isn't it, that their primary  
 20 role is to gather information for the case although that  
 21 may involve also keeping the victims informed?  
 22 **A.** Yeah, their role in terms of how they interact with the  
 23 CPS is -- they're the conduit of information to us from  
 24 the victims and the families.  
 25 **THE CHAIR:** You were aware that the families wanted to have

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1 serious crime, less obvious --  
 2 **A.** Yes.  
 3 **THE CHAIR:** -- but certainly as far as other crime, are you  
 4 aware of any entries in relation to the Police National  
 5 Computer that are -- well, there being less accuracy  
 6 than perhaps there was before?  
 7 **A.** I -- I'm not aware there's been any deterioration in it,  
 8 just that there is the odd instance when an entry will  
 9 appear on there. Normally it's in the context of  
 10 there'll be a conviction, and the defendant will say  
 11 "That's not accurate" or "The sentence will be  
 12 incorrectly recorded". So we'll have to make further  
 13 enquiries of the source material to find out if that's  
 14 the case.  
 15 **THE CHAIR:** Yes, and just in relation to the procedure you  
 16 described of uploading on Egress and so on in relation  
 17 to what's currently the digital case system --  
 18 **A.** Yes.  
 19 **THE CHAIR:** -- has any change been made or do you know of  
 20 any changes going to be made by the advent or the final  
 21 version of the Common Platform --  
 22 **A.** I don't, Chair, no.  
 23 **THE CHAIR:** -- as to whether things would be accessed or  
 24 accessible by different people?  
 25 **A.** No. I'm familiar with the Common Platform to the extent

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1 I've seen it in a couple of cases I've had in the lower  
 2 courts but beyond that, no, I don't know.  
 3 **THE CHAIR:** All right, thank you. Right, well, I think  
 4 we'll just take a break now until 2.00. Thank you.  
 5 **MS LANGDALE:** Thank you.

6 (1.12 pm)

(The short adjournment)

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44/3 61/20 62/16 67/6 68/7 69/19 75/5 89/1 90/6 98/20 99/22 100/17 100/24 101/3 102/2 106/19 107/15 107/16 108/6 108/6 108/9 108/12 108/15 108/18 112/2 112/2 121/2</p> <p><b>Where cases</b> [1] 61/20</p> <p><b>Where's</b> [1] 105/5</p> <p><b>whereby</b> [1] 74/17</p> <p><b>whether</b> [24] 10/17 25/13 35/24 40/10 40/18 41/3 41/4 41/22 42/12 51/19 51/19 53/2 56/8 67/3 87/18 87/20 92/13 103/22 109/15 116/22 117/21 118/7 121/10 128/23</p> <p><b>which</b> [54] 1/22 3/21 4/18 4/19 5/8 9/6 9/24 10/21 11/6 12/4 15/14 20/3 21/1 24/13 27/20 27/24 33/25 34/1 34/24 38/3 38/17 51/4 52/1 66/3 68/5 69/6 71/24 79/8 79/9 82/10 83/10 84/21 85/8 85/15 85/20 94/13 94/18 94/23 95/14</p>
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<p><b>W</b></p> <p><b>which... [15]</b> 103/20 104/23 106/23 108/15 111/19 112/17 117/3 117/13 119/7 120/15 120/16 121/22 124/17 125/13 126/9</p> <p><b>whilst [8]</b> 43/1 44/10 68/23 94/5 97/9 111/8 117/12 122/21</p> <p><b>who [31]</b> 6/24 7/17 18/13 24/1 33/21 35/18 36/14 44/7 44/18 55/5 62/14 74/11 74/12 74/23 75/10 78/25 80/15 91/23 93/22 100/4 101/16 107/1 108/7 109/12 117/20 119/21 124/12 127/7 127/8 127/9 127/10</p> <p><b>whole [2]</b> 34/19 83/3</p> <p><b>wholeheartedly [1]</b> 73/16</p> <p><b>whom [1]</b> 117/25</p> <p><b>whose [1]</b> 127/13</p> <p><b>why [34]</b> 11/14 12/13 12/21 14/4 14/24 15/3 15/18 31/22 37/15 52/18 54/13 54/15 55/25 75/22 82/18 95/19 98/11 98/25 99/14 99/22 100/9 102/4 102/16 102/22 103/7 103/21 109/4 109/9 109/11 110/22 111/6 111/11 111/24 117/6</p> <p><b>will [52]</b> 4/21 6/23 7/1 7/2 7/12 8/19 25/2 25/3 25/5 27/13 28/22 29/25 33/2 34/23 35/4 35/5 35/6 43/2 51/5 52/2 53/18 53/19 53/24 55/3 56/25 57/1 57/4 57/6 57/17 58/5 59/16 59/20 72/11 76/4 79/20 81/13 82/5 84/9 91/5 94/22 94/23 94/23 96/3 98/18 99/10 99/11 100/16 100/17 113/13 128/8 128/10 128/11</p> <p><b>willing [2]</b> 59/17 59/24</p> <p><b>wish [6]</b> 57/9 64/4 75/5 75/5 75/5 112/7</p> <p><b>wishes [4]</b> 56/13 56/17 64/22 95/20</p> <p><b>within [14]</b> 12/8 23/6 24/7 42/12 42/12 53/18 54/10 66/17 81/15 102/1 107/19 108/9 108/12 110/13</p> <p><b>without [3]</b> 22/15</p>	<p>39/3 74/25</p> <p><b>WITN0080005 [2]</b> 99/6 99/7</p> <p><b>witness [20]</b> 1/3 4/7 20/23 43/18 48/15 48/24 64/14 77/23 78/13 80/2 80/16 85/11 104/23 109/12 110/11 110/13 111/22 112/5 113/17 125/25</p> <p><b>witnesses [1]</b> 26/10</p> <p><b>won't [8]</b> 6/9 29/3 31/6 37/14 86/18 91/19 112/6 123/11</p> <p><b>wonder [1]</b> 53/5</p> <p><b>word [3]</b> 5/7 74/17 76/17</p> <p><b>wording [1]</b> 54/24</p> <p><b>words [1]</b> 15/21</p> <p><b>work [13]</b> 4/13 6/7 6/20 7/11 9/18 10/20 68/9 75/8 86/8 86/13 86/20 117/2 127/25</p> <p><b>workable [1]</b> 47/19</p> <p><b>worked [3]</b> 1/14 23/22 78/20</p> <p><b>worker [7]</b> 3/1 3/2 3/12 49/22 50/15 53/3 123/17</p> <p><b>workers [2]</b> 52/8 125/2</p> <p><b>working [2]</b> 44/23 78/24</p> <p><b>works [2]</b> 4/12 7/21</p> <p><b>worn [1]</b> 34/16</p> <p><b>worry [1]</b> 21/12</p> <p><b>worse [2]</b> 40/19 69/7</p> <p><b>worth [2]</b> 65/6 68/24</p> <p><b>would [110]</b> 2/3 2/5 2/6 2/8 2/15 7/22 8/23 9/4 9/6 20/15 20/16 20/17 22/14 25/21 27/3 27/20 27/24 28/12 28/18 31/19 31/24 32/1 32/10 36/23 39/19 43/7 43/24 44/6 44/7 45/9 45/15 45/20 47/12 47/13 48/9 49/5 50/25 51/4 51/10 51/16 52/1 52/24 53/20 53/22 54/7 54/24 57/7 58/17 58/20 59/17 61/16 62/4 63/21 63/22 64/5 64/7 64/20 65/3 65/9 65/9 71/11 71/12 71/18 71/20 72/2 72/9 72/12 72/16 75/19 77/18 78/1 80/10 81/14 81/23 82/25 88/18 89/4 91/6 91/9 91/15 91/15 91/16 92/9 92/17 93/3 93/17 94/24 95/1 104/13 105/11 105/13 106/2 106/17 106/19 106/24</p>	<p>109/17 109/19 109/25 113/2 119/19 119/21 122/9 122/11 122/15 124/14 125/14 125/18 125/21 125/23 128/23</p> <p><b>wouldn't [13]</b> 9/10 29/15 44/8 51/10 76/19 81/24 83/1 104/14 106/15 107/18 125/18 125/22 127/23</p> <p><b>writing [3]</b> 35/7 50/12 72/6</p> <p><b>writings [2]</b> 59/25 69/13</p> <p><b>written [4]</b> 43/18 71/9 71/16 73/22</p> <p><b>wrong [7]</b> 13/3 22/14 24/10 47/9 47/10 47/11 50/22</p> <p><b>wrote [3]</b> 36/14 42/13 52/1</p> <hr/> <p><b>Y</b></p> <p><b>yeah [40]</b> 3/2 3/5 6/2 11/9 16/10 16/19 19/23 31/17 32/13 32/22 34/18 35/1 35/21 37/20 45/23 47/18 58/12 60/10 63/8 65/2 65/25 73/3 77/10 77/21 77/22 78/4 78/16 79/2 80/6 81/1 81/2 82/6 83/13 86/16 90/12 92/20 95/3 96/7 116/25 126/22</p> <p><b>year [6]</b> 23/13 23/16 44/15 44/16 45/4 68/1</p> <p><b>years [9]</b> 1/15 1/16 11/8 22/20 68/6 76/22 78/12 78/14 78/17</p> <p><b>years' [1]</b> 59/18</p> <p><b>yes [189]</b></p> <p><b>yesterday [12]</b> 16/17 21/25 24/18 32/1 41/9 41/21 81/17 82/10 82/21 83/16 87/11 125/17</p> <p><b>yet [2]</b> 59/10 82/2</p> <p><b>you [476]</b></p> <p><b>you'd [12]</b> 1/14 4/3 27/2 30/9 58/21 64/13 74/4 78/23 92/16 93/25 109/12 120/5</p> <p><b>you'll [7]</b> 3/20 8/20 20/21 21/11 23/3 35/21 98/22</p> <p><b>you're [15]</b> 1/10 2/20 6/9 10/23 20/18 34/9 36/14 37/8 39/5 70/3 88/22 93/3 93/5 98/22 105/22</p> <p><b>you've [25]</b> 1/8 2/21 22/10 34/3 46/18 47/13 53/17 59/1 73/17 78/16 85/22</p>	<p>86/1 86/20 91/24 93/15 93/21 101/18 103/6 105/8 105/19 106/6 111/21 125/10 126/13 126/18</p> <p><b>your [49]</b> 1/18 3/13 4/10 8/10 13/8 17/3 17/22 19/15 22/18 28/8 38/13 39/16 46/6 48/10 54/3 55/24 59/15 69/11 71/2 71/17 75/8 76/16 83/25 83/25 86/15 87/20 87/24 88/6 88/16 88/21 89/6 89/15 90/17 90/21 92/4 106/3 109/24 111/21 112/11 113/16 113/17 113/23 115/5 116/10 117/6 124/4 127/16 127/21 127/25</p> <p><b>yours [1]</b> 7/24</p> <p><b>yourself [8]</b> 14/14 15/15 16/11 18/17 21/22 44/17 44/23 105/24</p> <p><b>yourselves [3]</b> 18/8 20/18 53/21</p> <hr/> <p><b>ystem [1]</b> 24/1</p> <hr/> <p><b>Z</b></p> <p><b>zeros [1]</b> 55/20</p> <p><b>zip [2]</b> 69/13 69/23</p> <p><b>zipped [1]</b> 4/17</p>	
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