

Witness Name: ALAN MURPHY

Statement No: WITN0083001

Dated: 30 OCTOBER 2025

THE NOTTINGHAM INQUIRY

FIRST WITNESS STATEMENT OF ALAN MURPHY

I, ALAN MURPHY, will say as follows: -

INTRODUCTION

1. I am a Specialist Prosecutor with the Crown Prosecution Service [CPS].
2. This witness statement is made to assist the Nottingham Inquiry (the “**Inquiry**”) with the matters set out in the rule 9 request dated 4 August 2025 (the “**Request**”).

BACKGROUND

3. I have been asked to set out a summary of my career background and any relevant education and training. I graduated with an LLB (Honours) degree in 1991 (class 2:1) and successfully completed the Law Society Finals course in 1992 (first class pass). I started work in September 1992 as a trainee court

- clerk / trainee solicitor at Nottingham Magistrates' Court and qualified as a solicitor in November 1994.
4. I worked at Nottingham Magistrates' Court for 10 years (September 1992-October 2002) and following completion of my training period in September 1994 I was employed as a Senior Court Clerk (which later became known as a Senior Legal Adviser). The majority of my work in that period involved sitting with lay magistrates in court and advising them on the law, practice and procedure and sentencing. I worked predominantly in crime but also worked in Family courts and Licensing courts.
 5. In October 2002 I joined the Leicestershire CPS as a Senior Crown Prosecutor. I have been a prosecutor ever since. I spent the first two years prosecuting predominantly in the youth court, albeit I did also prosecute in the adult magistrates' court. In December 2004 I moved to the Crown court team and had a full caseload as a reviewing lawyer in that team.
 6. In approximately October 2005 I successfully gained Higher Rights of Audience (Criminal) from the Law Society permitting me to appear as an advocate in the Crown court. Throughout 2006-2007 I had a mixed caseload of Crown court review work (including murder cases) and Crown court advocacy covering a range of offences.
 7. In 2007 I, along with two other Leicestershire CPS Crown court lawyers, was appointed to work solely as an advocate in the Crown court, the forerunner to the CPS Crown Advocate role. In 2010 I became a Crown Advocate upon the inception of that role and I was employed as a Crown Advocate until 2023. That role involved me being in the Crown court prosecuting for the CPS on an almost

- daily basis. In that role I prosecuted the full range of offences in the Crown court including murder and manslaughter cases as led junior. I have prosecuted as sole advocate section 18 grievous bodily harm offences and many other offences of serious violence. I have prosecuted many trials (as sole advocate and led junior) and also prosecuted countless other types of hearing (including sentencing hearings).
8. In November 2013 I transferred to the Bar via the Qualified Solicitor route, which permits solicitors with appropriate higher courts experience to transfer to the Bar without having to undertake pupillage.
 9. In November 2020 during the Covid pandemic (when the number of cases in the Crown court was limited) I was asked by the CPS if I would be willing to work as a reviewing lawyer in the East Midlands Complex Casework Unit [**EMCCU**] for a temporary period of six months due to staffing issues. As the name suggests, the EMCCU handles the most complex and sensitive cases that are dealt with in the area. I agreed to this secondment. I ended up staying in the EMCCU for 13 months, until the end of December 2021.
 10. During my time in the EMCCU I was the reviewing lawyer for a number of serious cases including a quadruple murder and rape (R v Bendall) where diminished responsibility was raised and successfully rebutted and an attempted murder case (R v Brooks) where insanity was raised and successfully rebutted. I refer further to these cases below when I talk about Dr Nigel Blackwood.
 11. In January 2022 I resumed work as a Crown Advocate. In Autumn 2022 the East Midlands CPS advertised the post of Specialist Prosecutor within the

EMCCU. This was the first time the EMCCU had ever advertised for the role of Specialist Prosecutor as far as I was aware. The job involved being responsible for the most serious, sensitive and complex of the cases that were allocated to the EMCCU. I applied for the post and was successful. I started work as a Specialist Prosecutor in the EMCCU in January 2023.

12. Whilst working in this role I have been responsible for a number of serious cases, including a four-handed murder (an allegation of murder faced by 4 defendants), a conspiracy to convert and transfer prohibited firearms and a conspiracy to commit female genital mutilation ["FGM"] out of the jurisdiction. All of the above cases proceeded to trial and convictions were secured in all of them.

13. It is my understanding that the FGM conviction was the first of its type (conspiracy to commit the offence out of the jurisdiction) and only the third successful prosecution of an FGM offence since it was first criminalised in 1985. I have since spoken at an Honour Based Violence conference about this offence and have delivered a talk (via Teams) to UK Border Force about evidential considerations arising out of the case.

14. In summary, as of June 2023 I had worked in the criminal law for the best part of 31 years and as a prosecutor for almost 21 years. I had very extensive experience of prosecuting the most serious offences, including murder, and at the time I was the sole Specialist Prosecutor in the East Midlands. As such, I was the most senior CPS casework lawyer (i.e. non-manager) in the entire region.

CHARGING DECISION

15. I have been asked to describe the circumstances in which I was appointed the reviewing lawyer and the processes undertaken by me in order to make a charging decision in this case.

16. As stated above, I was the area's most senior casework lawyer. I became aware of the attacks on the day itself and by the afternoon of 13 June 2023 I had spoken to Samantha Shallow, head of EMCCU about the likelihood of my being the reviewing lawyer in the event that the case came into the EMCCU. At that stage as I recall there had not been a referral from the police and there remained the possibility that this would be classified as a terrorist incident which would mean that the case would be dealt with by the CPS counter-terrorism unit rather than the EMCCU. During that conversation with Samantha Shallow, I informed her that my wife worked at the same school as Ian Coates but that I didn't know him or anyone else in the case and I had no issue with taking on the case.

17. Samantha Shallow and I attended Radford Road police station in Nottingham at 9am on Wednesday 14 June 2023 for the police morning briefing. There was something like 50 police officers / police staff there and they were given detailed instructions by senior officers about the lines of enquiry to be pursued that day. This was a two-way process with officers informing the briefing about progress that had been made the previous day / overnight. Samantha Shallow and I were then briefed separately about the progress of the investigation. That briefing included being shown relevant CCTV footage that had at that stage been obtained. This included the footage of the attacks on Barnaby and Grace

and the footage from Seely Hirst House. We were also briefed by counter terrorism police. All indications from those briefings were that this was not a terror-related incident and that mental health issues had already been identified. The police were already in possession of some information relating to his previous interactions with the mental health services. I don't recall how they had obtained that information. A summary of that briefing was prepared later that day by Samantha Shallow [CPSE0002484].

18. We also spoke with the police about the likely timescales for a file submission. On the basis that the police were likely to be given up to 96 hours of pre-charge detention, that meant that Valdo Calocane's "custody clock" (the maximum permitted pre-charge detention) would expire around 6am on Saturday 17 June 2023. As such, a charging decision was required before then. It was therefore agreed that, giving the police the maximum amount of time possible to gather evidence pre-charge, that a file submission to the CPS was likely to be made late on Thursday 15 June or early on Friday 16 June to permit a charging decision to take place later on the Friday. On the basis that I then charged Valdo Calocane with any offences and he was held in custody, that would mean a first appearance at Nottingham Magistrates' Court on the morning of Saturday 17 June 2023. I am aware that Samantha Shallow conveyed details of this briefing to the Chief Crown Prosecutor Suzanne Llewellyn later that day [CPSE0007236].

19. By the afternoon of Wednesday 14 June 2023, the case had been accepted onto the EMCCU, and I had been appointed reviewing lawyer by Samantha Shallow. It was clear from the morning briefing that mental health was undoubtedly going to be a feature of this case. There had been reference to

his being detained under the Mental Health Act in 2020 suffering from a psychosis before being released back into the community. There was reference to his last contact with local mental health services being in January 2022. I took the decision that day to retain the services of Dr Nigel Blackwood. I speak further about this in the section on Dr Blackwood below.

20. I was provided with the details of the police file officers at the briefing and later via email. The file officers were the police officers I was to liaise with in this pre-charge period. The term "file officers" refers to the police officers with responsibility for case. It is, as I understand the term, interchangeable with "Officer in the Case". In this pre-charge period, the file officers were DC Andrew Buxton and DC Mark Henshaw. On Wednesday 14 June I sent the file officers the EMCCU submission instructions. These documents set out how the police were to format and submit the case material to the EMCCU to allow me to deal with it expeditiously. I also made contact with Nottingham Magistrates' Court and Nottingham Crown Court to ensure we and they had early notification of the likely timetable to assist them and also to enable us to give accurate listing information to the families.

21. On Thursday 15 June there was regular contact with the police file officers as regards the file submission. I was aware that a formal charging decision would not be requested until Friday 16 June but I asked the police to send me the material they had at that stage on the early evening of Thursday 15 June so I could read it that night. They did so via a series of emails between 19:58 and 20:20 that evening. That material comprised of a number of witness statements and exhibits relating to all of the separate incidents. I read that material during that evening up until around 23:00 and I sent a query about one matter to the

- police at 23:10 **[CPSE0001806]**. My recollection is that I started to draft my review of the evidence for charging purposes that evening.
22. Also, on Thursday 15 June I had been requested by Suzanne Llewellyn to provide her with my draft charging decision (once I had completed it) before I formally provided it to the police. I agreed to do this.
23. During the morning and early afternoon of Friday 16 June I was sent further evidential material by the police by email attachments. I drafted a provisional charging decision and sent it to Suzanne Llewellyn for her consideration at 13:41 **[CPSE0002435]**. I also copied in the Deputy Chief Crown Prosecutor Andrew Baxter. At that stage I had not yet received the CCTV footage (albeit I had seen it on the Wednesday at the police station), and I was aware that some scenes of crime material may also be provided during the course of the afternoon.
24. Later that afternoon the police formally submitted a charging request to the CPS via Egress, along with the evidence to support the request, most of which had already been reviewed by me. I completed my charging review at 15:24 and sent it to the file officer at that stage. I authorised that Valdo Calocane be charged with three offences of murder and three offences of attempted murder **[CPSE0000004]**.
25. I became aware thereafter that the police had charged one of the offences prior to receiving my charging authorisation. I also received additional scientific material post-charge. I therefore completed a further review and updated my charging decision at 18:00 to authorise retrospectively any charge that had

been laid prior to my charging decision. I also noted the additional evidence therein – see **CPSE0001033** and **CPSE0001034**.

26. As stated above, I had sent a draft of my charging decision to Suzanne Llewellyn and Andrew Baxter as requested. Neither of those persons suggested any alterations. I would have spoken to Samantha Shallow and Sheryl Monk (my immediate line manager and the then-District Crown Prosecutor) during the course of the week about the case, but I didn't seek any particular guidance in respect of the charging decision. By Friday 16 June both prosecution counsel had been instructed but I did not consult with them about the charging decision. I didn't need to. There was a clear basis to apply the Threshold Test of the Code for Crown Prosecutors [**WITN0080003**] and make a charging decision at that stage and there was a clear evidential basis to support charges of murder x 3 and attempted murder x 3. I set out the relevant reasoning in my charging review. It was my job to determine the charges and that is what I did.

POLICE INVESTIGATION

27. I have been asked to identify any concerns I may have about the police investigation into Valdo Calocane. I have been asked to include my observations on matters such as medical and mental health assessments, toxicology assessments, fitness to be interviewed and be detained.

28. I am neither a custody sergeant nor an investigator, I am a prosecutor but as far as I am concerned this was a thorough and comprehensive police investigation. I have no concerns about this investigation whatsoever.

29. I was present at the police briefing on the morning of Wednesday 13 June and I was impressed by the extent of the material already gathered and the detailed exchange of information / instructions between the senior officers leading the investigation and the respective teams carrying out the work.
30. As far as I am aware, all appropriate assessments were made whilst Valdo Calocane was in custody in terms of determining whether a Mental Health Act Assessment should be requested and concerning his fitness to be interviewed. I have seen his custody record [CPSE0000005] and seen statements from Holly Bramley [CPSE0002072] and Rosie Draper [CPSE0002061] who carried out assessments at 08:00 and 16:00 on 13 June 2023. For the avoidance of doubt, the question of a suspect's fitness to be interviewed is entirely separate to that of a suspect's mental health condition. As Annex G paragraph C:4 to Code C of the Police and Criminal Evidence Act 1984 Codes of Practice [WITN0083003] makes clear "it is essential healthcare professionals who are consulted consider the functional ability of the detainee rather than simply relying on a medical diagnosis, eg it is possible for a person with severe mental illness to be fit for interview".
31. Likewise I am aware that Valdo Calocane refused permission for a toxicology sample to be taken and I am aware that the Senior Investigating Officer ["SIO"] Leigh Sanders took the view there was no evidential basis to support the contention that Valdo Calocane was under the influence of alcohol or drugs at the time of the attacks and so there was no basis to pursue further lines of enquiry in this regard. I have seen an email from the SIO dated 17 January 2024 [CPSE0000800] which sets out his rationale for this approach. I take no issue with this.

32. As Dr Richard Latham (below) said in his expert report [CPSE0000017] “mental health is a very compelling dominant explanation for these offences”. It was clear from the outset that mental health was going to be the key issue in the case. As such, the police needed to gather not only all of the medical material on Valdo Calocane that existed, but they also needed to gather material on Valdo Calocane’s day to day existence in the period leading up to the attacks to either confirm or rebut any mental health-based defence. Those were the obvious reasonable lines of enquiry. This they did, by gathering evidence from his family, his University, his former housemates, those whom he had spent the weekend prior to the attacks with and those who with whom he had interacted over recent years. This also involved examination of digital devices / online records etc.

33. It also involved obtaining what turned out to be a huge volume of previous medical / psychiatric material and analysing that material. This they were able to do even before Valdo Calocane’s solicitors provided his written consent.

34. I have no issues with the quality of the police investigation in this case.

COMMUNICATION WITH THE SURVIVORS AND BEREAVED FAMILIES

35. I have been asked to describe what is expected of the CPS in cases of homicide as a consequence of the Victims’ Code [WITN0080006] and the Bereaved Family Scheme [WITN0080005]. I have also been asked to address specific questions regarding my contact with the bereaved families and the surviving victims in this case.

36. The HMCSI report [HMPC0000625] sets out CPS obligations under the Victims' Code [WITN0080006] and Bereaved Family Scheme at paragraphs 8.1-8.16 [WITN0080005].
37. The Victims' Code [WITN0080006] contains 12 rights and contains reference to Enhanced Rights for bereaved families. The Rights that engage the CPS in this case are as follows: Right 1 – to be able to understand and be understood; Right 4 – to have services and support tailored to your needs (eg special measures at court); Right 6 – to be provided with information about the investigation and prosecution; Right 7 – to make a Victim Personal Statement; Right 8 – to be given information about the trial, trial process and your role as a witness (I include within this the right to be given information about all court hearings); Right 9 – to be given information about the outcome of the case and any appeals; Right 12 – to be able to make a complaint.
38. The Victims' Code [WITN0080006] itself describes those Rights in further detail and sets out, within each Right, where Enhanced Rights also apply.
39. The CPS offers an enhanced service to bereaved families set out in the Bereaved Family Scheme [WITN0080005]. These enhanced services are linked to the Enhanced Right in the Victims' Code [WITN0080006] but expand upon them.
40. Under the Bereaved Family Scheme [WITN0080005] the CPS is required to write to families within 10 days of a charging decision setting out the reasons for the decision. We also offer to meet bereaved families at key stages of the process. In Crown court cases the first meeting is expected to take place at the latest before the plea and trial preparation hearing ["PTPH"]. The exact timing

of such a meeting will depend on the circumstances of the case. The issues to be discussed will also vary, depending on the circumstances of the case and the timing of the meeting. Where families indicate they do not wish to meet, the CPS will make it clear that the offer is not time bound, and they can change their mind at any time.

41. Communication with the bereaved families is via a family liaison officer [**FLO**], a specially trained police officer not involved in the investigation and specifically appointed to this task. Accompanying the initial letter will be a leaflet setting out details of the scheme. In addition, at the outset, the CPS will send a copy of form BFS/1 for each family to the police for completion and return. This form contains details of the family members to be contacted, their wishes in respect of a meeting and details of the FLO.

42. In cases where a charge is substantially altered the CPS will write to the bereaved family within one day explaining the decision and offering a meeting.

43. I have been asked about my communication with the surviving attack victims. A BFS/1 was sent to the police in respect of the victims of the attempted murder counts. This was completed and returned to the CPS on 16 July 2023 [**CPSE0000187**]. The form (and an accompanying email [**CPSE0006150**]) clearly stated that each of the three victims had had the BFS scheme explained to them and that they did not wish to partake in the scheme or meet the prosecutor. The form set out their reasons why, that they were content to receive updates from the FLO and that if they changed their minds they would inform the FLO. There was no reason in the circumstances of this case to take issue with those expressed wishes.

44. Throughout the proceedings we were informed by the police that nothing had changed as regards their position in respect of Sharon Miller and Marcin Gawronski. In addition, Sharon Miller and Marcin Gawronski did not attend any of the court hearings. As such, I had no communication with them. I did however apply for special measures for those witnesses should they be required to give evidence at trial. The special measure was to permit their video recorded witness statements to be adduced as their evidence in chief.
45. At meetings with the police on 30 August [CPSE0000188] and 8 September [CPSE0000190] we were informed that Wayne Birkett and his partner had indicated that they wanted to meet with the CPS. At the 8 September meeting I suggested that such a meeting might take place at the PTPH if the family agreed as it would guarantee the attendance of counsel. The police were asked to liaise with Wayne Birkett and his partner in this regard.
46. Wayne Birkett, his partner Tracey Hodgson and other members of his family did not attend the PTPH but they did attend the sentencing hearing. After conclusion of that hearing on 25 January 2024 we (the prosecution team) offered to meet all of the bereaved families and surviving victims who were present at court. I, along with both prosecution counsel, District Crown Prosecutor Michelle Mannion, SIO Leigh Sanders and the FLO met with Wayne Birkett, his partner and his family at Nottingham Crown Court at that time. A note of that meeting is contained within [CPSE0000216]. An explanation was given to them, primarily by Karim Khalil KC, as to the nature of the sentence passed and the likely effect of that sentence in the future.

47. I have been asked about my communications with the bereaved families. A chronology of contact is set out within document [CPSE0001024]. I will expand upon that here.
48. As stated above, the Bereaved Family Scheme [WITN0080005] requires me to write to the families explaining the charging decision within 10 days of charge. In order to do this, I sent an email to the police on 14 June 2023 asking that the necessary details be provided on form BFS/1 - see [HMCP0000059].
49. In this case the Chief Crown Prosecutor Suzanne Llewellyn had had some experience with the homicide service and a bereaved families charity regarding the drafting of appropriately worded BFS letters [CPSE0008268]. Suzanne Llewellyn took on responsibility for that task which was helpful to me as it allowed me to focus on making the charging decision. Upon charge she completed the BFS letters [HMCP0000150-3] and arranged for them to be served via the FLOs [CPSE0006042]. The letters offered meetings at the Magistrates' Court at the Saturday hearing (17 June 2023), the Crown Court at the preliminary hearing (already fixed for 20 June 2023) or any other appropriate time thereafter.
50. I attended the Magistrates' Court on Saturday 17 June along with Sheryl Monk. No bereaved family members attended.
51. The case was listed next on Tuesday 20 June 2023 at Nottingham Crown Court for a preliminary hearing (48 hour bail consideration hearing). I attended that hearing and the Crown were represented by junior counsel Peter Ratliff. I had arranged for a room to be available in the building that the CPS occupies (five minutes' walk from the court) in the event that bereaved family members were

present and wished to speak to the CPS / counsel away from the court building. James Coates, Darren Coates, Lee Coates and Elaine Newton attended court along with supporters. James, Darren, Lee and Elaine were content to have a joint meeting provided that none of their respective supporters were present so that is what took place. Myself and Peter Ratliff spoke to the family members present. They were content to use the witness rooms at the Crown court for this purpose. The meeting was led in the main by Peter Ratliff and he gave an explanation as to the how the proceedings would progress. The family members were made aware that the case was likely to focus on medical evidence. There had of course been a reference in the hearing to the defence obtaining a psychiatric report. The judge had encouraged the defence to identify the issues to the Crown as soon as possible. I don't recall exactly what was said to the families but given the early stage of the proceedings and the uncertainty about what the exact issues would in fact be, it would have been a general reference to medical evidence in the sense of mental health-related evidence rather than anything more specific. The evidence itself was not discussed. The notes of the meeting are in **CPSE0000186**.

52. The completed BFS/1 form **[CPSE0002501]** in respect of Elaine Newton was received on 26 June 2023. Elaine indicated that she did not require a meeting with the CPS and she had attended court at the first hearing and had had an update from the CPS and the barrister. She was aware that if the position changed, she could contact the FLO.

53. On 4 July 2023 I received an email from the FLO for the O'Malley-Kumar family stating that she had received the BFS/1 and discussed it with the family **[CPSE0006199]**. They indicated that they would like to meet the Prosecutor /

Barrister and asked if that could take place in London. Having initially thought that it might not be possible primarily because of the practical difficulties in securing the attendance of counsel, I liaised with Samantha Shallow. She was of the view that because of both the distances involved and the time to the PTPH (by now the court had moved it to 31 October because of issues over the High Court Judge's availability) we should make every effort to accommodate the family's wishes. This would also of course be extended to the Webber family. As such, I wrote back to the FLOs on 7 July 2023 [HMCP0000149] asking them to speak to the families when it was appropriate (I was aware that the funerals of Grace and Barnaby were approaching) in order that the necessary arrangements could be made. I had responses the same day indicating that the two families would be spoken to by the FLOs in the week commencing 24 July 2023 following the respective funerals.

54. The matter of communication with the bereaved families was raised at a meeting between the police and the CPS on 30 August 2023 [CPSE0000188]. It was acknowledged that the CPS and police needed to put in place plans to meet the bereaved families along with leading counsel. But of course, it goes without saying that such meetings can only occur if the bereaved families want them to take place.

55. On 2 October 2023 I received an email from the FLO for the O'Malley-Kumar family with the concurrent support of the FLO for the Webber family (see [HMCP0000234]). The email expressly stated that both families did not intend to attend the PTPH (then listed for 31 October 2023) and that both families had not felt able to hear any level of detail relating to the attacks. The FLOs were concerned about the level of detail that would come out at the hearing and might

subsequently be reported given the position of the families. The FLOs also suggested that a meeting with the CPS / barrister might be better in this case after the PTPH as the direction of the case would then be known in terms of plea / defences. That in itself in my view was not an unreasonable position to take, particularly given the wishes of the families not to hear details of the case. Those wishes plainly had to be respected.

56. However, on the same day the defence served their first psychiatric report (Dr McSweeney). Dr McSweeney's report [CPSE0000003] ruled out any issue of non-fitness to plead and ruled out the defence of insanity. It did however leave available the partial defence of diminished responsibility in respect of the three counts of murder. This was a development that clearly ought to be communicated to the families if they were able to receive that information. I said as much in my reply of the same day (within [HMCP0000234]). I understand from the chronology contained within the HMCPSI report [HMCP0000625] that the FLOs communicated this information to the families on 3 October (O'Malley-Kumar family), 4 October (Webber family) and 9 October (Coates family).

57. I did not suggest any form or words to be passed onto the bereaved families (or indeed the survivors) in any communication on the issue of diminished responsibility, or indeed any other issue. In my view it would have been inappropriate to have expected the FLO or the investigator to deliver an explanation about the law in this area. That was never my intention. I wanted the families to be aware that this was now a live issue in the case because we were now aware that it was a live issue. Any more detailed explanation would plainly come from the lawyers in the case (preferably leading counsel but

- alternatively junior counsel or myself). Such an explanation could only properly be given when the families were ready to receive it, which was plainly not the case on 2 October 2023 in respect of the Webber or O'Malley-Kumar families.
58. On 2 October I did complete the Full Code Test review of the case **[CPSE0000619]**. I also emailed the court to request to vary the date of the PTPH to allow for the prosecution psychiatrist Dr Blackwood to prepare his report before the hearing and to allow sufficient time for the CPS and barristers to meet with the families prior to the PTPH **[CPSE0003339]**. That request was subsequently granted and the PTPH date was varied to 28 November 2023.
59. On 13 November I received an email from the FLO for the Webber family **[CPSE0006569]** requesting a Teams meeting to discuss the issue of diminished responsibility. That was plainly appropriate and over the course of the next day or so it became clear that the O'Malley-Kumar family also wished to now attend a meeting with the CPS / counsel once the CPS had our psychiatric report **[CPSE0006619]**.
60. Over the course of the next few days it became clear that the two families wished to attend a joint meeting and that Mrs Webber also wished to have a supporter Julian Hendy present which was acceptable to the O'Malley-Kumar family. Whilst initially both the police and CPS were concerned about a non-family member attending a joint bereaved families meeting, it was ultimately agreed that Mr Hendy would be permitted to join to provide support. The meeting was arranged for the morning of Friday 24 November 2023 via Teams.
61. On 21 November 2023 I received the psychiatric report of Dr Blackwood **[CPSE0000011]** which concluded that the partial defence of diminished

responsibility was available to the defendant. On 23 November a conference took place between the CPS, counsel and the police in which it was determined that if pleas of manslaughter on the grounds of diminished responsibility were entered to the three counts of murder, these would be accepted [CPSE0000194]. Dr Blackwood's report [CPSE0000011] and the subsequent conference are discussed further below.

62. On 24 November 2023 a bereaved families meeting took place via Teams with the Webber family and the O'Malley-Kumar family. There is a detailed note of the conference at [CPSE0000196] which includes details of those in attendance. Karim Khalil KC explained in some detail the law relating to diminished responsibility, the findings of the psychiatrists and the possible ways forward in court. At that meeting the families were informed that the CPS intended to accept pleas to manslaughter on the grounds of diminished responsibility were they to be entered. Karim Khalil KC also dealt with the sentencing options that would arise in that situation. It was plain (and completely understandable) that the family members were very unhappy at the prospect of manslaughter convictions rather than murder convictions. It was also plain that a lot of information had been imparted for the first time at this meeting. Samantha Shallow made it clear that further meetings could be arranged once the families had had the opportunity to digest the information.

63. As set out in the chronology of contact with the bereaved families [CPSE0001024]; at the same time that the meeting was taking place with the Webber and O'Malley Kumar families, the FLOs for James Coates, Darren Coates, Lee Coates and Elaine Newton plus the surviving victims visited them

to advise them of the CPS decision. All were offered meetings with the CPS by their FLOs. None wished to have a meeting.

64. As a result of concerns raised by the Webber and O'Malley-Kumar families over the weekend of 25-26 November 2023 (see further below) a decision was made on Monday 27 November to commission a report from Dr Richard Latham. A decision was also made not to accept pleas to manslaughter on the grounds of diminished responsibility at this stage pending receipt of that report. I cover the rationale behind this approach below.

65. The PTPH took place on 28 November 2023. A meeting took place after the hearing attended by myself, Samantha Shallow, Karim Khalil KC, Sanjoy Kumar, Sinead O'Malley-Kumar, James Coates, Elaine Newton and the FLOs **[CPSE0000199]**. The Webber family were not present at the PTPH and so were not present at this meeting. Karim Khalil KC covered some of the issues regarding diminished responsibility and the purpose of Dr Latham's review was also covered.

66. A meeting was arranged between the police and the Webber and O'Malley-Kumar families in Bristol for 7 December 2023 at the request of those families. Neither the Coates family nor Elaine Newton requested a further meeting at this time. The purpose of the meeting was for the police to take the families through the evidence because up to that stage they had not seen it. The families wished to be taken through the psychiatric reports and so Samantha Shallow also attended that meeting to deal with that aspect of their questions **[CPSE0000362]**.

67. Dr Latham's report [CPSE0000017] was received late on 12 December 2023 (at 21:15). It was sent to the police on the morning of 13 December and it was agreed that its contents could be disseminated to the bereaved families via the FLOs [CPSE0004068]. It was also sent to the court and to prosecution and defence counsel that morning [CPSE0000580].

68. Counsel's advice [CPSE0000034] was received on Saturday 16 December and considered by me on Sunday 17 December. I conducted a further review [CPSE0000012] and concluded that the evidential test of the Code for Crown Prosecutors ["the Code"] [WITN0080003] was no longer met in respect of the murder counts and that the pleas entered to manslaughter on the grounds of diminished responsibility would be accepted. This was a purely legal decision that I was required to make (in accordance with my duties and responsibilities under the Code), having regard to the advice from leading and junior counsel and all of the evidence in the case. In accordance with our obligations under the Bereaved Family Scheme [WITN0080005] and Victim's Code [WITN0080006], that decision was imparted to the bereaved families by letters written by the Chief Crown Prosecutor Janine McKinney on 18 December [CPSE0000200, CPSE0000207, CPSE0000209, CPSE0000211] and hand-delivered by the FLOs on 19 December 2023. Neither the defence nor the court were to be informed of the decision until I had confirmation that the families had been informed. A further meeting with the CPS was offered within the letters. The court and defence were informed of the Crown's decision later the same day.

69. On 20 December I received an email [CPSE0000416] from the FLO for the O'Malley-Kumar family requesting a further meeting with Karim Khalil KC in the

early new year, preferably in person at his chambers in London. There was a suggestion within the email that they may wish to have a meeting separate from the Webber family [HMCP0000426]. On 4 January 2024 I received an email from the FLO for the Webber family requesting a Teams meeting with counsel during week commencing 8 January 2024 [CPSE0007111]. The FLO noted that the O'Malley-Kumar family had been copied into the original request. At that stage the judge had yet to fix a sentencing date. The Coates family did not request a further meeting at this time. Elaine Newton did not request a further meeting at this time.

70. On 8 January 2024 the judge fixed the sentencing date as 23-24 January 2024. I emailed [CPSE0003665] the FLOs that same morning to pass on the information. At the same time, I suggested a meeting date of 15 January (which incorporated known availability) with the option of a separate meeting if that was desired by the O'Malley-Kumar family. It was confirmed later in the week that they would attend the same meeting and a meeting took place via Teams on 15 January 2024 [CPSE0000212]. The meeting covered the likely progression of the sentencing hearing and included an explanation of the potential sentences and the Crown's submissions which would be in support of a hybrid order. There was also a discussion about the process for the families reading their Victim Personal Statements.

71. The SIO confirmed at that meeting that the Coates family did not want a further meeting with the CPS / counsel and that only one of the attempted murder victims was planning to attend the sentencing hearing.

72. Sentence took place over three days and offers to meet with all bereaved families present were made. We did meet with James, Darren and Lee Coates and with Elaine Newton during the course of that hearing. The Webber and O'Malley-Kumar families declined to meet with us.

73. Following the conclusion of the hearing we made it clear that we were available to meet with any of the families. As stated above, we met with the family of Wayne Birkett. I am aware that Elaine Newton indicated in court that she did not require a meeting. None of the other family members met with us at the conclusion of the case. We remained in the court building for some time into the afternoon.

74. I have had no further contact with the bereaved families but I am aware that Janine McKinney wrote to the bereaved families on 29 January 2024 offering a further meeting with the CPS on 7 February 2024 to include the CPS Head of Legal Services [CPSE0000215, CPSE0000217, CPSE0000218, CPSE0000219]. Elaine Newton replied declining the offer and thanking the CPS for its work [CPSE0010001]. No replies were received from the other bereaved families and Janine McKinney wrote to them on 5 February 2024 [WITN0080008, WITN0080009 and WITN0080010] to indicate the meeting, if required, would be paused pending the recently announced HMCPSI review into the CPS's decision making and engagement with the families in this case.

75. I am asked to comment on the nature of my working relationship with the FLOs in this case. My working relationship with them was fine. In general, we communicated by email, as I would with the majority of police officers, particularly in the role of FLO. It was clear from their emails that they were in

regular contact with the families and they made the families' positions clear to me so that the CPS could respond to their needs accordingly.

76. When they had specific issues to raise (such as on 4 July [CPSE0006199], 2 October [HMCP0000234] and 13 November [CPSE0006569]) they set them out to me and I was able to respond. There was no point when I had any concerns regarding my working relationship with any of the police team, including the FLOs.

77. I have been asked to give my view on whether each of the bereaved family groups were offered the same level of support by the CPS. My answer to that question is "yes". We wrote to all four family groups – that is, the Webber family, the O'Malley-Kumar family, the Coates brothers and Elaine Newton - at the outset with the same information. That information made it very clear that we were available to meet upon request and if a meeting was not desired immediately, it remained an open-ended offer.

78. I was aware that all four family groups had dedicated FLOs and that any issues raised by the families would be forwarded to me. This was an incredibly distressing set of circumstances and each individual family member was likely to react differently to the situation they found themselves in. It certainly was not appropriate, in my view, to adopt a "one size fits all" approach. Instead, we had to respect the views of the individual family members / groups as to how much, if at all, they wished to engage with the CPS. We were aware that they all had FLOs as a first and direct point of contact in any event. In short, if they wanted to meet with us, we would meet with them. If they didn't, we would respect their wishes.

79. We met with James, Darren and Lee Coates and Elaine Newton at the first hearing in the Crown court. As such, they were able to meet with junior counsel and myself and ask any questions they wished. They were aware from the outset that if they wanted to meet again, they only had to ask. It is clear from the chronology [CPSE0001024] above that we met with them at all court hearings, including the hearing on 28 November when diminished responsibility was discussed with leading counsel. It is also clear from the above chronology that offers of meetings with the CPS / counsel outside of court hearings made by the FLOs were declined.

80. In particular, after the meeting with the Webber and O'Malley-Kumar families was fixed for 24 November, Michelle Mannion specifically raised with the SIO the issue of a meeting with the Coates family. We were informed that they had declined a meeting in advance of the PTPH but that they would be updated and if they changed their mind we would be informed - see [CPSE0007625]. That was entirely their prerogative and was understandable given that there was a court hearing a few days later at which a meeting would take place.

81. Insofar as the Webber and O'Malley-Kumar families are concerned, it was clear that no meeting could take place until after the funerals in July and, thereafter, it became clear that they were having difficulties dealing with this horrific set of circumstances. That much is clear from the emails of 2 October 2023 [HMCP0000234]. The offer of a meeting as stated remained open throughout but plainly could only take place at a point when those family members were ready for it. As is clear from the chronology [CPSE0001024], that point wasn't reached until around 13 November. At that stage it was plainly appropriate to

await Dr Blackwood's report and the meeting therefore took place on 24 November.

82. As can also be seen from the above chronology [CPSE0001024], we were available to meet and did meet in December and January at the request of the Webber and O'Malley-Kumar families.

83. I am aware that the HMCPSI report [HMCP0000625] suggests that once the meeting had been arranged with the Webber and O'Malley-Kumar families on 24 November, that that information should have been imparted to the Coates family (and presumably Elaine Newton) as it may have affected their thinking on whether to request a meeting themselves and reduce the risk that they later believed they had not been given sufficient information to make a decision. It's not clear to me whether the report is also suggesting that they should have been invited to the same meeting (which seems to be the view of Ian's son – see para 9.52 of the HMCPSI report) [HMCP0000625].

84. There are obvious dangers in any suggestion that members of different families should be invited to the same meeting, not least any issues of confidentiality.

85. We treated all four families as individual family units and we treated them in the same way. We made the same offers of meetings to all of them. At no stage did we seek to force any of the family members to meet with us but as far as we were concerned all of the family members knew they could request a meeting at any time for us to explain anything about the case, including the issue of diminished responsibility when it arose.

86. Ordinarily, any such meeting would have taken place individually and dealt with the specific issues raised by the family concerned but in this case the Webber

and O'Malley-Kumar families requested joint meetings. We of course acceded to those requests.

87. In my view each of the family groups were offered the same level of support by the CPS. Each of them responded differently and we acted according to their wishes.

88. I am asked if I consider that my conduct and decision making complied with applicable guidelines and good practice, in particular the Victims' Code **[WITN0080006]** and the Bereaved Family Scheme **[WITN0080005]**. I do consider that my conduct did comply with these guidelines and requirements.

89. As stated above, the initial letters informing the families of the charging decision, giving them initial details of the likely progress of the case and informing them that we were available to meet at any stage were drafted on the day of the charging decision. They were drafted by the Chief Crown Prosecutor herself, a measure in itself of the seriousness with which the CPS regarded this case. They were delivered via the FLO as required and delivered substantially in advance of the 10-day limit under the Bereaved Family Scheme **[WITN0080005]**.

90. We met with Elaine Newton and James, Darren and Lee Coates on 20 June, three days after the first (magistrates') court appearance and seven days after the attacks. We made it clear in that meeting that we were available to be contacted at any time thereafter.

91. For entirely understandable reasons the Webber and O'Malley-Kumar families did not meet with us on 20 June. As can be seen from the above chronology **[CPSE0001024]**, there were discussions in early July about a meeting after the

funerals of Barnaby and Grace had taken place. It was made clear (in my email of 7 July 2023 [HMCP0000149]) that we would make arrangements to hold the meeting as best suited the families, in accordance with our obligations. But as is also clear in the above chronology [CPSE0001024], the information the FLOs were receiving from those families through to October was that they were unable at that stage to engage in such meetings. The offer to meet remained open at all times and was repeated by me on 2 October in my email to the FLOs [HMCP0000234].

92. The 2 October 2023 was an important date because that was the date the first defence psychiatric report was served. As such, that was the date when the real issue in the case, diminished responsibility, was clearly identified. The families had the right to understand this and be informed of it. They had the right to a proper explanation of this. Such an explanation in my view could only come from the lawyers in the case. And at that stage there was the caveat that this was just the defence report and we would make no decisions until we had received our own report. But the families also had the right not to be compelled to meet with us if they didn't want to or felt unable to.

93. I sought to balance those competing issues by informing the police that the families needed to know that diminished responsibility was now a live issue in the case but that they should devise a strategy for imparting this information. That wasn't an attempt to pass on responsibility for discussing this difficult legal area with the families but was an attempt at a practical means of ensuring the families were informed, as they had the right to be. The expectation was that at some point before the PTPH we would meet with the families and at that meeting we would explain the position if they wished us to. As set out in the

above chronology [CPSE0001024], a meeting with the Webber and O'Malley-Kumar families occurred on 24 November, at their request. No meeting took place with the Coates family or Elaine Newton until 28 November but the information we had (supported by FLO logs referred to in the HMCPSI report) was that those families were aware that diminished responsibility was a live issue and did not require a meeting in advance of the PTPH.

94. The Bereaved Family Scheme [WITN0080005] requires that the prosecutor should fully understand the case before the meeting takes place. I understood this case throughout. I understood that following service of the defence report, that no material decision on progress of this case could be made until, at the earliest, after we had received Dr Blackwood's report [CPSE0000011]. As such I understood that (a) there would likely be significant benefit to all concerned if the PTPH date was pushed back to a date after Dr Blackwood's report, allowing sufficient time to speak to the families if they so wished and (b) that whilst we were available to meet at any time, it would be beneficial to the families to arrange a meeting for a time after receipt of Dr Blackwood's report. Those considerations coupled with families and counsel availability informed the selection of Friday 24 November 2023 as an appropriate date to meet with the Webber and O'Malley-Kumar families.

95. The Bereaved Family Scheme [WITN0080005] permits supporters to attend meetings and Julian Hendy was permitted to attend that meeting at the request of Mrs Webber.

96. As stated above, the Victims' Code [WITN0080006] Right 1 requires that families be understood. Right 6 requires that families be given information

about the prosecution and references the Victims Right to Review Scheme that is applicable in certain circumstances. Those circumstances did not apply in this case but, in my view plainly within the spirit of the Victims' Code **[WITN0080006]** and the Bereaved Family Scheme **[WITN0080005]**, we took account of the concerns raised by the Webber and O'Malley-Kumar families over the weekend of 24-26 November 2023 and decided not to accept the guilty pleas that were subsequently entered on 28 November. Instead, we commissioned the additional report from Dr Latham which we hoped would address those concerns. In my view, this action was beyond that required by the Victims' Code **[WITN0080006]** or the Bereaved Family Scheme **[WITN0080005]** but was an example of good practice. We listened to the concerns of the families, we appreciated how serious and sensitive this case was and we acted on those concerns.

97. Thereafter meetings were held as described above in December and January.

The December meeting was held in Bristol to assist the families. We were available at court to meet if desired, including after the conclusion of the case. In addition, the letter **[CPSE0000200, CPSE0000207, CPSE0000209, and CPSE0000211]** explaining our decision to accept the pleas of guilty to manslaughter was written within the specified time period of one day. Again, as a reflection of how seriously we took this case and to ensure consistency of approach with the letter written on 16 June, that letter was written by the Chief Crown Prosecutor, Janine McKinney. Letters were also written after the conclusion of proceedings to offer a further meeting if desired **[CPSE0000215, CPSE0000217, CPSE0000218, CPSE0000219]**.

98. In my view, the CPS complied with all applicable guidelines. We were available to meet throughout the proceedings to answer any questions that the families had and they were aware of this. We were aware of the need to specifically inform the families of the issue of diminished responsibility after the 2 October and we did this in a way which respected the wishes of the families. We had the PTPH moved to avoid the need for an unnecessary hearing and also to try and ensure that any meeting would be of maximum benefit by being able to discuss the contents of both psychiatric reports **[CPSE0001993]**.

99. This issue was considered in some detail by HMCPSP and they found (paragraph 1.11 of their report) **[HMCP0000625]** that generally the CPS had met its obligations to the families under the Victims' Code **[WITN0080006]** and Bereaved Family Scheme **[WITN0080005]** and were committed to providing a good service to the families. In my view this is correct.

100. I am asked if I experienced any issues with respect to the handling of communications, whether with the bereaved families, or more widely with the media or others. Our communications with the bereaved families were via the FLOs. Our communications with the media were via the CPS Press Office and our local communications manager. I don't recall having any issues in this regard, albeit as is clear, I didn't deal directly with the bereaved families or the media. My communications in this case were with the police (including FLOs), with CPS colleagues, with counsel, with the defence solicitors and with Dr Blackwood and Dr Latham. There were also communications with the court. I don't recall any issues with the handling of those communications.

EXPERT EVIDENCE

Dr Blackwood

101. I have been asked to describe the circumstances in which Dr Blackwood was instructed and to then go on and answer specific questions about his report.

102. As referred to above, I first came across Dr Blackwood in 2021. I had been working in the EMCCU for two months when I was allocated a case involving an attempted murder and attempted arson with intent to endanger life (R v Brooks). The case was particularly sensitive because of the nature of the allegations and the nature of both the complainant and the defendant (both consultant surgeons at a major hospital). Senior Treasury Counsel was instructed to prosecute, along with a junior. The defendant in that case served a psychiatric report shortly before the original trial date raising the defence of insanity to all counts. He thereafter served a report from a second psychiatrist which in some ways supported the first report, such that insanity was available for him to run at trial if he so wished.

103. On the advice of Senior Treasury Counsel, I instructed Dr Blackwood to prepare a report in that case for the Crown. There was a huge amount of material (in excess of 12000 pages of disclosed unused material) plus extensive case material including prison medical records supplied throughout the life of the proceedings. Dr Blackwood impressed me in that case, both with his evident expertise, his ability to stick to timetables and the quality of his work. His report in that case challenged the opinions of the two defence psychiatrists to the extent that, when they prepared their joint report, both of the defence

psychiatrists concurred with Dr Blackwood's view that insanity did not arise in respect of two of the three counts the defendant then faced. In respect of the third count (attempted murder), one of the defence psychiatrists maintained that insanity was "probable", the second maintained only that it was "possible" and Dr Blackwood ruled it out for what were in my view cogent and persuasive reasons. I met Dr Blackwood at court in those proceedings and I had conversations with him via email and telephone. Had insanity been advanced at trial it is my view that a jury would have rejected it on the basis of Dr Blackwood's evidence. In the event, when the case finally came to trial, no defence at all was advanced and the defendant was convicted of all counts.

104. Later in 2021 I was allocated a case involving the rape of an 11 year old girl followed by the murder of the girl, her brother, her friend and her mother. All were bludgeoned to death in the girl's family home by the mother's partner. This was, by any measure, a truly horrific crime. Former Senior Treasury counsel was instructed in that case to prosecute alongside a junior. The junior was Mr Ratliff.

105. The defendant in that case did not dispute responsibility for the killings. It was always likely that if there was going to be any issue at trial, it would relate to his mental health at the time of the killings. I made a decision at the outset of that case to retain the services of Dr Blackwood. I did so for three reasons: i) I was impressed with his work up to that point in R v Brooks; (ii) He was positively endorsed by the Homicide Unit in CPS London who deal with a lot of homicide cases; (iii) he was also the preferred choice of leading counsel, who had worked with him before.

106. The defendant in that case raised the partial defence of diminished responsibility based on a possible diagnosis of Chronic Traumatic Encephalopathy [CTE]. The evidence to support this came via analysis of his medical records by a medical expert and an analysis of that report and that material by a consultant forensic psychiatrist.

107. Within those proceedings Dr Blackwood gave evidence at an interim hearing relating to whether or not the case should be adjourned for further medical tests. I was impressed with the way he gave evidence. It seemed to me that he was a persuasive witness and could explain complex matters in a clear fashion which would be of obvious assistance before a jury. It was also clear to me that he was a genuine expert in his field.

108. Dr Blackwood's report in that case completely challenged the basis for any finding of CTE and, as a result, any potential for the partial defence of diminished responsibility to be engaged. It was a thorough report and made very good use of the primary medical material that had been provided to him and been used by the defence medical expert as the basis for his opinion. The end result was that the defence abandoned their position and the defendant pleaded guilty to all five counts. He was sentenced to a whole life order in respect of all five offences.

109. As such, on 14 June 2023 following the briefing at Radford Road police station, it seemed to me fairly clear that we were going to be able to prove that the defendant was responsible for the killings and that any likely issue would be mental health related. It was in my view necessary to retain a psychiatrist at that early stage to ensure that if the Crown were required to serve any

psychiatric evidence, or respond to any defence psychiatric evidence, we had on our side the best expert available. Dr Blackwood is a genuine expert in his field whom I knew was capable of thorough and robust analysis of evidence and challenging defence psychiatric expert opinion where appropriate to do so. I had no doubt that he should be retained by the Crown in this case and I contacted him by telephone and follow up email that very day to briefly tell him about the case and retain him [CPSE0000792]. One advantage of retaining him that early (ie pre-charge) was that we wouldn't thereafter lose him to the defence or to another case. (I also mention at this stage a comment made by Peter Ratliff in an email of 26 November 2023 referred to below [CPSE0008516] – *"In Dr Blackwood we have an expert who is regarded by lawyers and his peers as being the best of the best. He is someone with a demonstrable track record of identifying malingerers and dubious diagnoses. He has routinely disagreed with defence experts who have found insanity / diminished responsibility and the courts, in my experience, have sided with his opinion".*.)

110. Following the first hearing in the Crown court on 20 June 2023 I emailed Dr Blackwood on 26 June 2023 to give him the timetable for the case and ask him what material he might require at that early stage. He replied with a list of "usual" documents, most of which I wouldn't be expecting to receive until the police made their stage 1 file submission, which was due to be served on 18 August [CPSE0000789].

111. I obtained and disclosed to Dr Blackwood via Egress the defendant's custody record [CPSE0000005] on 5 July 2023. This was plainly a material

document, not least because it contained details of his interactions with the police upon arrest and the custody medical assessments.

112. My intention was to ensure Dr Blackwood had access to all of the following primary material: (a) served evidence; (b) disclosed unused material; (c) any medical reports and supporting evidence served on behalf of the defendant; (d) any prosecution case summaries. This would ensure that Dr Blackwood had access to all relevant material that was in the Crown's possession and had been provided to the defence. The method of providing this material to Dr Blackwood was via folders on Egress **[CPSE0002910]**.

113. Dr Blackwood was provided with all of the above material at the point of stage 1 service of the case. At that stage, as is clear from my stage 1 service review, there was still material outstanding from the police. But there was included in that service a significant amount of mental health related material and material from the extraction of the defendant's telephone that was likely to be relevant.

114. The defence psychiatric report was due to be served on 15 September 2023. It wasn't served and so I chased the defence on 18 September 2023 **[CPSE0000040]**. I received a phone call on 19 September from the defence solicitor informing me that they had a report but at that stage they were not in a position to serve it because they hadn't been able to visit the defendant in custody to take him through it and take his instructions. The defence solicitor did tell me that the report stated that diminished responsibility was available and it recommended a transfer to hospital. I informed Samantha Shallow and Michelle Mannion of the position and I also informed Dr Blackwood of this

information, in advance of service of the report, in case it assisted him
[CPSE0001545].

115. I had had further communication with the defence as regards service of the report on 29 September and I communicated that to Dr Blackwood on 21 September 2023 [CPSE0002360]. Within that email I queried whether, given that the defence report was late, whether Dr Blackwood was going to be in a position to respond ahead of the PTPH date.

116. On 28 September the defence requested a further extension to Monday 2 October. Meanwhile, on 1 and 2 October 2023 a further tranche of evidence and unused material which had been received from the police in the latter part of September was reviewed and served upon the defence and Dr Blackwood. It was the service of this material that allowed me to apply the Full Code Test to the case on 2 October 2023.

117. On the morning of 2 October 2023 the defence served Dr McSweeney's report [CPSE0000003]. I sent it to Dr Blackwood with a covering email at 10:22 that morning [CPSE0008912]. I also sent it to counsel and invited them to consider if there were any additional lines of enquiry that the police should be following in light of the report. It didn't seem to me that there were and counsel agreed, save that the fact that we still didn't have the defendant's consent to access his medical records was highlighted by Mr Ratliff [CPSE0008553]. I was aware of this and had chased it.

118. Dr Blackwood had emailed me asking me if I was available to speak to him on the telephone as regards timescales. We arranged to speak at 3pm and did so. My note of the conversation is in an email to counsel copied to

Samantha Shallow and Michelle Mannion [CPSE0005782]. Dr Blackwood had by that stage read Dr McSweeney's report [CPSE0000003] and his initial impression is that this was a case of a clear untreated psychosis and most likely heading towards a diminished responsibility finding and a ss37/41 order. He made it clear he would evaluate all of the material he was provided with as part of his report.

119. It was clear from that conversation that his report would not be available much before 17 November. That was the catalyst for my contacting the defence and court and having the PTPH date changed to 28 November [CPSE0001993].

120. I had further email contact on 2 October with Dr Blackwood following a query about the CCTV to inform him that further evidence was about to be served and pointing him in the direction of the CCTV material and material from the telephone records relating to the hours prior to the attacks [CPSE0001322]

121. During the course of my general discussions with colleagues about the case, we had concerns about how the finding of diminished responsibility was consistent with some of the defendant's actions on the day of the attacks (the phone call to his brother, his stopping the attempt to break into Seely-Hirst house when a car drove past, his slowing down for speed bumps). I do recall mentioning this to Dr Blackwood in a telephone conversation, but I don't recall specifically if it was before or after the receipt of Dr McSweeney's report [CPSE0000003]. It may have been both. In any event, it was plainly appropriate to put our instructions to Dr Blackwood in writing and I drafted the instructions on 4 October 2023. Before sending the instructions to Dr

Blackwood I sent a draft to the Deputy Chief Crown Prosecutor Andrew Baxter and copied in Samantha Shallow and Michelle Mannion. At 20:32 on 4 October 2023 Andrew Baxter confirmed the instructions were acceptable **[CPSE0008370]**. I sent the letter to Dr Blackwood at 20:50 **[CPSE0000790]**. The email highlighted the fact that we had concerns about Dr McSweeney's findings which were of course set out in the letter.

122. I was contacted by Samantha Shallow on the morning of 5 October. She wished some additional questions to be included in the instruction letter which Andrew Baxter agreed with. As such I added the final section to the letter and re-sent it to Dr Blackwood on 5 October. The instruction letter is at **[CPSE0000153]**.

123. As can be seen in the letter **[CPSE0000153]**, Dr Blackwood was provided with the police case summary, counsel's initial summary, all served evidence and all disclosed unused material (including the medical material).

124. Specific reference was made in the instruction letter **[CPSE0000153]** to the "particular reservations" that the Crown had in how the evidence in the case was consistent with Dr McSweeney's finding that diminished responsibility was available to the defendant. I drew Dr Blackwood's attention to the telephone call at 4.52am and to the defendant's actions at Seely-Hirst House followed by the attack upon Ian Coates. I queried whether, the telephone call was evidence that at the time of the third killing the legal justification for diminished responsibility had in fact fallen away? And if that were the case, could it not be argued that it equally was not applicable to the first two killings?

125. I became aware during the HMCPSI process that I had not included reference to the “speed bump” issue in the letter – I thought I had - but I know I referenced it in telephone conversations with Dr Blackwood and in any event, he addressed it in his report.
126. On 10 October 2023 I received an email from the defence containing a number of items referred to in Dr McSweeney’s report **[CPSE0000003]** that had not been appended to it and which I had requested. That email contained Valdo Calocane’s consent to access his medical records, albeit not in a format I was happy with. I forwarded the email to Dr Blackwood **[CPSE0000023]**. We received the necessary written consent from Valdo Calocane’s solicitors on 19 October 2023.
127. Dr Blackwood’s report **[CPSE0000011]** was received on 21 November 2023. I am asked if I was satisfied that it had adequately addressed the relevant issues in the case. I was so satisfied.
128. I reviewed the evidence in the case on 24 November 2023 **[CPSE0000009]**. At paragraphs 2.31-2.37 I reviewed the contents of Dr Blackwood’s report **[CPSE0000011]**. In my view it was a detailed, balanced and impressive report. It specifically considered the psychiatric history as evidenced by the medical records both prior to and post the commission of the offences.
129. It also specifically addressed the concerns that I had raised in my letter of instruction **[CPSE0000153]** and provided a clear explanation as to how behaviour which was seemingly inconsistent with a finding of diminished

responsibility might nevertheless be exhibited by someone in the grip of a psychotic episode.

130. It was clear to me on reading the report [CPSE0000011] that Dr Blackwood had addressed his mind to the defendant's mental health state at the time of the offending. Nonetheless, to address the concerns expressed by the Webber and O'Malley-Kumar families over the weekend of 24-26 November and following a request from Samantha Shallow, I conducted a further review of the psychiatric evidence on the afternoon / evening of Sunday 26 November [CPSE0007616]. This review focussed on identifying evidence from within the reports that the psychiatrists had properly addressed their minds and identified evidence relating to Valdo Calocane's mental state on the day of the attacks.

131. My review of Dr Blackwood's report [CPSE0000011] is contained at paragraphs 2.15-2.28 of that document [CPSE0007616]. It is clear from that review, and clear to me now, that Dr Blackwood had more than adequately addressed the issues in this case. He had conducted a forensic examination of all of the evidence (including unused material) relevant to the issues of fitness to plead, insanity and in particular diminished responsibility. Had he required further material I have no doubt he would have requested it. Had there been any basis on this evidence to mount an argument that diminished responsibility was not available to this defendant I am in no doubt whatsoever that Dr Blackwood would have identified it.

132. I was entirely satisfied that Dr Blackwood had properly addressed the relevant issues in the case.

Dr Latham

133. I am asked to describe the circumstances in which Dr Latham was instructed and in particular, to describe the rationale for instructing him to provide a review of the other three psychiatric reports rather than interviewing Valdo Calocane himself and to identify whether I considered the concerns raised by the bereaved families when instructing him.

134. It must be understood from the outset that the entire purpose of the instruction of Dr Latham was to address the concerns of the bereaved families. It was an unusual course of action, not one I had previously undertaken and its purpose was to provide the bereaved families with the reassurances that they plainly needed following the meeting of 24 November 2023 and the communications that followed over that weekend.

135. As is made clear below when I refer to the process by which the guilty pleas to manslaughter on the grounds of diminished responsibility were accepted, following the receipt of Dr Blackwood's report [CPSE0000011] on 21 November 2023, a conference was held on 23 November 2023. That conference was attended by myself, both prosecution counsel, the Deputy Chief Crown Prosecutor Andrew Baxter, Samantha Shallow, Michelle Mannion, the SIO Leigh Sanders and a number of police officers involved in the case – see document [CPSE0000194].

136. The unanimous view was that the two psychiatric reports received (Dr McSweeney [CPSE0000003] and Dr Blackwood [CPSE0000011]) provided clear and compelling evidence to support the partial defence of diminished responsibility and that, subject to anything contrary in the third report, that those

pleas, if offered, should be accepted. I was aware that a third report (the second defence report) was due within the next day or so. That arrived on the morning of the Bereaved Family Meeting (24 November 2023) and, whilst not as comprehensive as the other two reports, also supported the partial defence of diminished responsibility. That is the background to the information that was given to the families on 24 November about the Crown's position in respect of diminished responsibility. My review of the evidence, undertaken on 24 November on the same day that the third report was received, is set out in the first part of **[CPSE0000012]**.

137. At the Bereaved Family Meeting **[CPSE0000196]**, as has already been stated the Webber and O'Malley-Kumar families were very opposed to the CPS's position in respect of diminished responsibility. Dr Kumar queried whether we were satisfied that the psychiatric reports were reliable. Karim Khalil KC explained that we were so satisfied. Dr Kumar also asked if there was any benefit in getting another report from the prosecution and Karim Khalil KC said he didn't believe so.

138. At the end of that meeting it was appreciated by all that the families had received a lot of information and they were invited to come back with any further queries that they might think of after the meeting. Later on that day **[HMCPO000339]** I received an email (at 17:40) from the FLO for the O'Malley-Kumar family stating that they had further questions for counsel "prior to plea" and they sought to arrange a Teams meeting for Monday 27 November 2023. I replied (at 18:23) saying that I "had asked" and would check my emails on Sunday 26 November to see if I had had a response.

139. I logged onto my work computer on the afternoon of Sunday 26 November 2023. The purpose in logging on was to check if counsel were available for the proposed Teams meeting the following day and to make any necessary arrangements. I discovered that there had been a number of important emails on Saturday 25 November and Sunday 26 November. I refer to these now.

140. On Friday 24 November 2023 at 20:49 the SIO Leigh Sanders sent an email to Samantha Shallow [CPSE0000039]. In that email he detailed the contents of a communication he had had with Dr Kumar that day. As can be seen in the email, Dr Kumar's concern regarding the psychiatric reports was that the psychiatric assessments were undertaken some time after the day of the attacks, that more consideration needed to be placed upon Valdo Calocane's presentation on the day itself and that consideration should be given to a further independent psychiatric report which concentrated on Valdo Calocane's "fitness" on the day of the murder. Examples were given such as his presentation in custody, the fact he was deemed fit for detention, the reviews undertaken in custody, watching and listening to his actions on custody CCTV / in his interviews etc.

141. Dr Kumar had also raised a specific concern about the fact that assessments conducted after a period of incarceration would not be able to accurately account for any deterioration in Valdo Calocane's mental health caused by his remand in custody. Dr Kumar's concern was that the psychiatrists had effectively constructed their findings based on assessments of Valdo Calocane some time after the date of the offences which were not necessarily

accurate and failed to give proper emphasis to his presentation on the day of the attacks.

142. It was clear from this that one of the key concerns was that because the psychiatrists had interviewed Valdo Calocane some weeks or months after his first remand in custody, they had been unduly influenced by what Dr Kumar thought would be a deterioration in Valdo Calcoane's mental health because of his being detained and had included that deterioration in their findings as to his mental state on the day of the attacks.

143. Samantha Shallow replied to that email at 07:52 on Saturday 25 November [CPSE0000039], copying in myself as well as other CPS lawyers including the Chief Crown Prosecutor Janine McKinney. Within that email she asked me to review the three psychiatric reports with a focus on what material was made available to the psychiatrists and what comment they made as regards Valdo Calocane's presentation on the day of the murders. Samantha Shallow also fixed a meeting for 10am on Monday 27 November to discuss the case ahead of the PTPH.

144. There were emails from Peter Ratliff and Karim Khalil KC on Sunday 26 November at 10:55 and 12:01 [CPSE0008518] proposing that we commission a further report and, if pleas to manslaughter on the grounds of diminished responsibility were to be entered at the PTPH, we wouldn't at that stage accept them. We would not make a decision until we had received that fourth report.

145. At 17:39 on that Sunday Peter Ratliff sent an email to myself and Samantha Shallow [CPSE0008516] in which he stated that he and Karim Khalil KC considered that if the CPS were to instruct an expert to reassure the

bereaved families that all that could be done had been done, the middle ground might be to limit the instructions to a review of the available material and existing reports, and to provide an opinion on whether the conclusions are properly reached, with a specific focus on whether appropriate weight had been given to the defendant's presentation at the time of arrest and immediate period in custody. Mr Ratliff mentioned Dr Latham and, in the email, refers to a recent counter terrorism case he had prosecuted in which Dr Latham disagreed with two defence experts and the court preferred his evidence.

146. I also recall that at some point prior to that Dr Latham's name had come up in conversation between myself and Mr Ratliff in connection with a possible third report (prior to becoming aware that the defence had another report in train). I was also aware that Dr Latham had provided evidence in the Manchester Arena bombings case and was also a highly regarded expert in his field.

147. This seemed to me to be an appropriate way of dealing with the concerns raised by Dr Kumar. On the one hand we would have a fourth expert who would independently evaluate the evidence relating to Valdo Calocane's mental health on the day of the offence itself and, by not interviewing him, he could not be said to be improperly influenced by any deterioration in Valdo Calocane's mental health as a result of his remand in custody. At the same time, in addition to simply looking at evidence relating to Valdo Calocane's mental health on the day of the offence, it seemed to me to be appropriate, if it were possible, to invite the fourth expert to evaluate the other three reports, especially Dr Blackwood's, both in terms of the approach taken, the evidence considered and the conclusions reached. It seemed to me that this would provide the families

with the reassurances they sought – and of course if Dr Latham found that there were problems with the approaches / conclusions of any of the three reports, we could act accordingly. I spoke to Mr Ratliff on the telephone that evening and my recollection is that we were both agreed this was the way forward.

148. As requested by Samantha Shallow I conducted a review that evening of the three psychiatric reports focussing in particular on the evidence they cited as regards Valdo Calocane's presentation on the day of the murders. That review is contained at [CPSE0007616]. In short, I was entirely satisfied that they had properly addressed Valdo Calocane's mental health at the time of the attacks and had not "back-calculated" from their later interviews of him. I set out within that review my reasoning and, in particular, I identify the evidence that Dr Blackwood had specifically considered that was proximate to the time of the attacks.

149. I met with the Chief Crown Prosecutor Janine McKinney, the Deputy Chief Crown Prosecutor Andrew Baxter, Samantha Shallow and Michelle Mannion on the morning of 27 November 2023 [CPSE0000405]. The position was discussed and it was agreed that we would instruct Dr Latham if he was available to carry out this work. I made specific reference in that meeting to the fact that if Dr Latham were to see Valdo Calocane as part of his review, it would leave him open to the same criticism advanced by Dr Kumar as regards undue influence of suspected deteriorated mental health.

150. I asked the paralegal officer to contact Dr Latham. She did and initially he thought he would be unable to do the work due to the timescale and in particular because he thought that the defendant may be in prison "in the

Midlands". The paralegal officer forwarded me his initial response **[CPSE0000798]**.

151. I telephoned Dr Latham and explained to him the nature of the instruction. I explained to him that I wouldn't in fact be asking him to interview the defendant and so any concerns about a prison visit could be allayed. During the conversation it was clear to me that the type of review I was requesting could in fact be undertaken by Dr Latham and the conversation ended with Dr Latham agreeing to accept the instruction. I informed Samantha Shallow, Michelle Mannion, the Chief Crown Prosecutor Janine McKinney and the Deputy Chief Crown Prosecutor Andrew Baxter of that at 11:59 that morning **[CPSE0002876]**.

152. I drafted the letter of instruction to Dr Latham that afternoon. I sent it to Samantha Shallow for consideration. She had no amendments to make but did recommend I highlighted the sensitive nature of the video footage. I had already done that in the telephone conversation.

153. I sent the letter of instruction to Dr Latham at 15:46 on 27 November 2023 **[CPSE0000016]**. I set out in that letter the particular concern that had been raised by Dr Kumar. I specifically instructed Dr Latham to consider the three psychiatric reports, consider the evidence in the case (insofar as was necessary), with particular regard to the evidence of the defendant's presentation on 12-13 June 2023 and provide an expert opinion as to whether the conclusions reached by the psychiatrists on the issue of diminished responsibility had been properly reached by them.

154. I also asked him, if he was able in the absence of an interview with the defendant, to provide an expert opinion on whether, at the time of the offences, the defendant's mental health was such that he had available to him the partial defence of diminished responsibility.
155. I made it clear in the letter as to why he was not being asked to interview the defendant (to avoid the same potential concern as I have referred to above) and I also made it clear that if he could not reach his own conclusion on the issue of diminished responsibility in the absence of an interview, he should not do so.
156. He was provided with all of the evidence and disclosed unused material in the case (ie the same as had been sent to Dr Blackwood). He was also provided with the three psychiatric reports. All of the material supplied to him is set out in the letter of instruction.
157. The following day (after the PTPH) I emailed Dr Latham to update him as to the timetable. I also attached to that email a further email we had received (on 27 November) from Dr Kumar **[CPSE0001973]**. This email raised 13 discrete points that Dr Kumar wished to be considered by the prosecution team in respect of Valdo Calocane's presentation on the day of the attacks. The email confirmed Dr Kumar's concern that Dr Blackwood's report **[CPSE0000011]** was flawed because it was about "the patient's state of mind 5 months down the line" and "the report cannot accurately reflect the day of the 13th of June and only an examination or observations on the day would be admissible". I drew Dr Latham's attention to Dr Kumar's concerns and indicated

that it would be helpful for Dr Latham to address these concerns if he was able to do so [CPSE0003323].

158. On 8 December 2023 I was informed by Samantha Shallow that at the Bereaved Family Meeting on 7 December the families had raised concerns as to why none of the three psychiatrists who had prepared reports had personally interviewed Elias Calocane or Ivan [GRO-B] both of whom were witnesses who had interacted with the defendant on the morning of the attacks. As a result of that concern being raised, I drafted an additional question for Dr Latham to consider in his report [CPSE0008432]. As this question specifically concerned Dr Blackwood, I also wrote to him and asked him to provide a response in writing which he did on 12 December [CPSE0000166].

159. I am asked if I had any discussions with the bereaved families in respect of this peer review and if I considered the concerns raised by them in my instructions to Dr Latham. In response, I did not have any direct discussions with the bereaved families but, as demonstrated above, the entire focus of my instructions to Dr Latham was to deal the concerns expressed by them. The original letter of instruction was based upon the concerns expressed in the bereaved families meeting of 24 November, the telephone call between Dr Kumar and the SIO that night and the emails that followed that weekend. Those instructions to Dr Latham were updated upon receipt of Dr Kumar's further email of 27 November and the additional concerns raised by the families on 7 December in the meeting with the SIO and Samantha Shallow.

160. Dr Latham's report was received on 12 December 2023 [CPSE0000017]. I am asked if I was satisfied that it had adequately addressed

the relevant issues in the case. I was so satisfied. I carried out a further review of the evidence on 17 December [CPSE0000012]. Within that review I include my assessment of Dr Latham's report (paragraphs 4.2 – 4.12) [CPSE0000017]. In my view, Dr Latham's review of the earlier psychiatric reports is particularly impressive. He sets out the approach undertaken by an expert forensic psychiatrist and provides an authoritative explanation for why the approach taken in particular by Dr Blackwood and Dr McSweeney is simply not open to criticism.

161. As stated above, I had asked Dr Latham to give an opinion on the primary issue himself, that is the availability of diminished responsibility, if he were able to in the absence of an interview with the defendant. He was able to and he did so. He explained why the evidence supporting the contention that the defendant had paranoid schizophrenia at the time of the offences and for some time before was "compelling" and he provided that explanation with direct reference to the evidence in the case.

162. He also dealt with the specific concerns raised by the family members and included in my original and additional instructions. These concerns included the lack of interviews with witnesses and Valdo Calocane's behaviour and presentation at the time of the attacks and whilst in police custody.

163. Dr Latham specifically addressed the issues I had asked him to address. He reviewed the approach and findings of the previous psychiatrists. He specifically dealt with the concerns raised by the bereaved families. He had a clear grasp of the material he had been given (which was extensive in volume) and as such he was able to provide his own expert opinion on the primary issue.

He did so in a way that in my view was not only clear and persuasive but very obviously demonstrated his expertise. His report, in my view, addressed the relevant issues in the case head-on and did so in a way that was beyond any proper counter-argument.

ACCEPTANCE OF PLEAS

164. I have been asked to describe the process by which the prosecution accepted Valdo Calocane's guilty pleas to manslaughter on the grounds of diminished responsibility. I have been asked to provide details of any consultation I had with CPS colleagues and/or counsel in this regard. I have also been asked to identify any policies/ guidance / standards I had regard to and to what extent I consider such policies / guidance / standards to be sufficient and appropriate.

165. My original charging decision on 16 June 2023 [CPSE0001033] charged Valdo Calocane with three counts of murder but noted (at paragraph 10.8) that it seemed inevitable that the issues in the case would focus around his mental state at the time (insanity / diminished responsibility) and potentially fitness to plead.

166. When I had received sufficient evidence to apply the Full Code Test on 2 October 2023 [CPSE0000619] I had also that day received Dr McSweeney's report [CPSE0000003]. I therefore included reference to that report in my review (paras 3.68-3.71). I also noted (at paras 5.2 and 5.5) that the stabbings of Barnaby, Grace and Ian were plainly carried out with an intent to kill and so the appropriate charge was murder, but that the issue for the murder counts

would plainly be the availability of the partial defence of diminished responsibility. I went onto state that the Crown would review its position upon receipt of its own psychiatric report which was not likely to be available until mid-November at the earliest.

167. That is what we did. We received Dr Blackwood's report **[CPSE0000011]** on 21 November 2023. It was immediately disseminated to counsel and the police for consideration. For the reasons outlined above, I was entirely satisfied with its content, and I was of the view, subject to anything that might be contained in a third report which I knew was due, that there was insufficient evidence to rebut the partial defence of diminished responsibility and that should such pleas be offered, they should be accepted.

168. A conference was held on the morning of 23 November 2023 **[CPSE0000194]**. Present at the conference were the following: the Deputy Chief Crown Prosecutor Andrew Baxter, Head of EMCCU Samantha Shallow, District Crown Prosecutor Michelle Mannion, Karim Khalil KC, Peter Ratliff, the SIO Leigh Sanders, the Officer in the Case Neil Beddoe, three other police officers including the disclosure officer and the CPS paralegal officer. We discussed at some length the contents of Dr Blackwood's report **[CPSE0000011]** in conjunction with Dr McSweeney's report **[CPSE0000003]** and in conjunction with the evidence in the case (both served evidence and unused material). We were all agreed that there was no evidential basis for challenging the findings of the experts in relation to diminished responsibility and, as such, if manslaughter pleas were entered on that basis at the PTPH on 28 November, they would be accepted.

169. This was the information that was imparted at the bereaved families meeting on 24 November (and to the other families via the FLOs). By that stage we had just received the second defence report which also supported such a finding. However, as stated above, because of the concerns raised by the families at that meeting and over the course of the weekend, by Sunday 26 November we (that is the CPS and counsel) had resolved to pause that process and not to accept such pleas on 28 November. Instead, we intended to commission a fourth report to review the findings of the three psychiatrists as fully set out in the section on Dr Latham above.

170. As such, on 28 November 2023 at the PTPH the defendant did enter the pleas as expected and they were not accepted by the Crown. The Judge directed that the Crown serve Dr Latham's report by 15 December 2023 and thereafter to make its decision on acceptance of the pleas and notify the court and defence by Friday 22 December 2023.

171. Dr Latham provided his report on 12-13 December 2023 [CPSE0000017]. As stated above, it fully supported the conclusions of the other three psychiatrists in respect of diminished responsibility and provided no material upon which that finding could be challenged.

172. The report was circulated within the CPS and to counsel and the police on the morning of 13 December 2023. Counsel was requested to provide an advice and did so attached to an email received on Saturday 16 December 2023 [CPSE0000034]. Counsel's detailed advice summarised the evidence in the case, summarised the findings of the psychiatrists (including Dr Latham) and summarised the law. Counsel advised (para 28-29) that there was no

proper basis upon which the prosecution could invite a jury to reach a different conclusion to the unanimous view of the experts and advised that in counsel's view the evidential test in the Code for Crown Prosecutors [WITN0080003] was no longer met in respect of the counts of murder. In those circumstances, the pleas to manslaughter should be accepted.

173. I carried out a further review of the evidence on Sunday 17 December 2023 [CPSE0000012]. This was in the form of an update to my earlier review of 24 November 2023. Within this review I also summarised the evidence in the case and the psychiatric reports including that of Dr Latham [CPSE0000017]. I also summarised the law. I had set out my original conclusions (ie those reached prior to the instruction of Dr Latham) at paragraphs 3.1 – 3.7. After then summarising Dr Latham's evidence I state (at para 4.12) that Dr Latham had provided no basis for my reaching a different conclusion to that expressed (in the original review) on the acceptability of the pleas to manslaughter. Indeed, I noted that Dr Latham's report [CPSE0000017] provided further evidence in support of that conclusion.

174. I went on to note that I had received an advice from counsel which had concluded that there was no longer a realistic prospect of conviction for murder.

175. I agreed with that advice. I of course had already concluded the same independently of counsel.

176. In terms of policies / guidance / standards that were followed in reaching this decision, the key focus was on the Code for Crown Prosecutors (8th edition, October 2018) ["the Code"], [WITN0080003], a document issued by the Director of Public Prosecutions under the Prosecution of Offences Act 1985 and a

document I am required to take account of when making decisions about criminal prosecutions.

177. Section 4 of the Code, [WITN0080003], sets out the matters I must consider when determining whether a case meets the Full Code Test. Paragraph 4.1 of the Code states that prosecutors must only start or continue a prosecution when the case has passed both stages of the Full Code Test. (The exception relating to the Threshold Test did not apply by this stage of the case).

178. The Full Code Test contains two parts – an evidential stage and a public interest stage. I was concerned only with the evidential stage.

179. Paragraphs 4.6-4.8 set out the requirements of the evidential stage. The test is this: am I satisfied that there is sufficient evidence to provide a realistic prospect of conviction for the offence charged. I must consider what the defence case may be and how it is likely to affect the prospects of conviction. “A case which does not pass the evidential stage must not proceed no matter how serious or sensitive it may be” – para 4.6.

180. This section goes on to state that a finding that there is a realistic prospect of conviction is based on a prosecutor’s objective assessment of the evidence, including the impact of any defence or any other information on which a suspect may rely. It means that I ask myself if an objective, impartial and reasonable jury, properly directed and acting in accordance with the law, is more likely than not to convict. This test in essence replicates the test applied by a judge in respect of a submission of no case to answer in a criminal trial.

181. My view, as stated in my review, was that the evidence as a whole no longer provided a realistic prospect of conviction in respect of the counts of murder. Put simply, there was no basis at all for challenging the agreed psychiatric evidence relating to diminished responsibility. The “other circumstances” referenced in the case of Brennan (para 3.2 of my review and paras 32-39 of counsel’s advice) simply did not exist in this case. And, in my view, the expertise of Dr McSweeney, Dr Blackwood and Dr Latham was beyond argument.

182. Having reached these conclusions on the material before me and carrying out my statutory duty under the Code for Crown Prosecutors [WITN0080003], I determined in my review of 17 December 2023 [CPSE0000012], that the Crown would not pursue the murder counts and the pleas of guilty to manslaughter on the grounds of diminished responsibility, already entered, would be accepted.

183. I have no concerns about part 4 of the Code for Crown Prosecutors [WITN0080003], and in particular the evidential stage of the Full Code Test. It seems to me to provide an appropriate basis to determine whether there is sufficient evidence in a case to start proceedings or to continue proceedings. I consider the guidance to be sufficient and appropriate.

184. Also engaged was CPS legal guidance on diminished responsibility. [CPSE0010216]. This is reproduced in part at paragraph 5.12 of the HMCP SI report [HMCP0000625]. In essence, this guidance states that the usual course in a case like this will be for the prosecution to obtain its own expert evidence and then further review the case. That is what I did and had planned to do from

the outset. Given the nature of this case it was plainly the obvious course to follow.

185. The guidance goes onto state that a jury was not bound to accept medical evidence and that it was, in effect, open to the prosecution to seek to test that evidence. But if, on further review, a prosecutor concludes there is no realistic prospect of conviction, especially if the evidence is uncontradicted and has plainly met each element for diminished responsibility, then a plea of manslaughter should be accepted. This part of the guidance does no more than re-state the law which is referred to in both my review and counsel's advice. I have no concerns about this guidance, but it is brief, and it is my practice to make reference to the primary source material for the guidance, which I did.

DECISIONS ON OTHER OUTSTANDING MATTERS

186. I have been asked to outline any involvement I had in any outstanding criminal matters in respect of Valdo Calocane such as the decision to take no further action in respect of the 3 September 2021 assault on a police officer. I have also been asked to set out the process by which the relevant decisions were taken.

187. Although the reference in this question refers to outstanding criminal matters (in the plural), I make it clear that the only other case I had involvement in (apart from the 13 June 2023 offences) was the assault upon the police officer of 3 September 2021. As such, it is only that case which will be referred to in this section.

188. My recollection is that I became aware of the existence of this matter during my attendance at Radford Road police station on Wednesday 14 June. I certainly knew of it at some point that day as I am aware of emails relating to it, including **[CPSE0005369]**.
189. As it became clear during the week that Valdo Calocane was going to be charged with homicide offences arising out of the attacks on 13 June and that he was going to appear in the magistrates' court on Saturday 17 June, it was decided to ask the magistrates at that hearing to adjourn the assault case for a short period of time to allow the matter to be reviewed by the CPS. That request was made. It was not opposed by the defence and the magistrates adjourned that case to Monday 26 June.
190. On Monday 19 June I was formally allocated that case (ie it was transferred onto the EMCCU) on the basis that I was the reviewing lawyer in respect of the homicide case.
191. At the PTPH on Tuesday 20 June it became clear that the defence were going to obtain a psychiatric report and a timetable was fixed for the Crown court case. I took the view that in order properly to review the assault case, and in particular in order properly to apply the public interest stage of the Code Test (see below), I needed to take into consideration the contents of any psychiatric report. I took that view not only because of the nature of the report itself, which was likely to be relevant material when considering the public interest test, but also because, as was clear from the evidence, the assault itself took place whilst Valdo Calocane was being detained under the Mental Health Act. As such, a psychiatric report might have some bearing on the evidential

stage of the Code Test as well (for instance if insanity was engaged). It may also be relevant as regards fitness to plead.

192. Plainly, no psychiatric report was going to be available by 26 June so I contacted the defence and secured their agreement to the assault case being further adjourned. I then contacted the magistrates' court [CPSE000394] and requested an administrative adjournment to a date after the PTPH. I suggested 2 October 2023. That request was granted.

193. Because of the changes with the court timetable and the late service of the defence psychiatric report, I made two further requests of the magistrates' court for administrative adjournments (ie adjournments without a court hearing). These were on 25 September 2023 and 6 November 2023 [CPSE0003611] and [CPSE0008907]. Both of these requests were granted, and the assault case was listed for 12 December 2023.

194. On 7 November 2023 I emailed the Officer in the Case ["OIC"], DC Beddoe. I informed him I was highly likely to issue a notice of proposed discontinuance in this case for reasons specified within the email. I wanted to alert the OIC in the assault case at an early stage in case that was my ultimate decision so that enquiries could be made of the complainant officer and that any final resolution of the assault case would not be unduly delayed. I received a response on 23 November not objecting to a discontinuance should that be my decision [WITN0083002].

195. The defendant entered his guilty pleas on 28 November 2023. Although at that stage the Crown had not accepted the guilty pleas to manslaughter, what was clear was that he was going to be sentenced in the Crown court for six

offences: three offences of attempted murder and three offences of either murder or of manslaughter on the grounds of diminished responsibility. What was also clear as a result was that were he to be prosecuted for and convicted of the assault in the magistrates' court he would receive no additional penalty.

196. With that knowledge, and by that stage having received the three psychiatric reports, I further reviewed the assault case on 29 November 2023. I was satisfied that the evidential stage of the code test was met, there being no issue over fitness to plead or insanity. Nonetheless, I took the view that it was no longer in the public interest to pursue that prosecution. I set out my reasoning in a proposed notice of discontinuance **[CPSE0008088]**. In summary, I was of the view that whilst ordinarily it would clearly be in the public interest to prosecute someone who had kicked and headbutted a police officer acting in the execution of their duty, there were two significant factors which in this case outweighed the usual public interest in such a prosecution: (a) the psychiatric evidence which made it abundantly clear he had a history of mental illness and was mentally ill at the time of the 2021 assault; and (b) given his guilty pleas to far more serious offences, any sentence would inevitably be no separate penalty.

197. In making this determination I had particular regard to the public interest stage of the Full Code Test as set out in paragraphs 4.09 – 4.14 of the Code for Crown Prosecutors **[WITN0080003]**. I had regard in particular the factors at paragraph 4.14 (a) – (c) of the Code. As I stated in the proposed discontinuance notice, although ordinarily a prosecution would clearly be in the public interest (paragraph (c) is clearly engaged, as the victim was a public servant) it seemed to me that the defendant's culpability was low (paragraph (b)) because of the

mental health issues identified. I also noted that although the offence was an offence of violence, it was at the lower end in terms of harm (maximum penalty 2 years' imprisonment) and, importantly, no safeguarding or public protection issue arose given the fact that he was going to be sentenced for far more serious offences. In addition, the facts of this assault formed part of the evidence in the homicide case, and so no separate penalty was inevitable.

198. Of course, as a result of the email of 23 November 2023, I was aware that neither the victim nor the OIC in that case objected to the case being discontinued [CPSE0008095]. Nonetheless, the notice of proposed discontinuance was the proper way to deal with this aspect of the case and it of course gave them another opportunity to make representations. I received confirmation on 6 December 2023 [WIT0083002] that the matter had been considered by major crime and there were no objections from the OIC or his sergeant. The document [WIT0083002] stated "Response received today from OIC to Proposed Discontinuance. 'Hello, this is noted and I have discussed this with major crime and no objections from myself or my sergeant'." I understood the term "major crime" to refer to the Major Crime Unit of Nottinghamshire Police. As such, I discontinued the case on public interest grounds on 7 December 2023.

HMCP SI REVIEW

199. I have been asked if, in my view, the HMCP SI review (1) accurately and (2) adequately sets out the history of the case and the basis of CPS decision-making.

200. In my view the HMCPSI review accurately sets out the history of the case. It contains an extensive chronology derived from primary case materials (emails, reviews etc) which has been separately extracted at [HMCP0000605].
201. In terms of the basis for CPS decision-making, the HMCPSI report [HMCP0000625] accurately states the applicable law and CPS guidance. It contains, in section 5, an accurate overview of the legal principles which governed my decision making (and indeed governed the duties and responsibilities of counsel and of the expert witnesses).
202. In section 6, at paragraphs 6.1-6.20, it accurately and adequately describes the history relating to my reviews in this case and the decisions I took. In particular, it accurately and adequately records my engagement with the psychiatrists and the relevant findings in their reports which I acted upon.
203. There is one minor issue and it concerns the assault case. At paragraph 7.6 (final bullet point) it is stated that there were no “representations from the police” regarding the proposed discontinuance. This is ambiguous. I make it clear above that I had received communications from the police and the discontinuance was not opposed.
204. Save for this minor point, which may simply be a matter of drafting rather than an inaccuracy, I take no issue with HMCPSI’s report insofar as it recounts the history of the case and the basis of CPS decision-making.

LESSONS LEARNED

205. I am asked if I consider that there are any structural issues (such as CPS guidelines / policies, training) which contributed to any of the issues I have identified. I'm not aware that I have identified any issues that concern any of the above.
206. I am asked to look back and identify whether I consider there was anything I could or should have done differently in relation to my decision-making and conduct in this case, including communication with bereaved families and survivors.
207. In terms of my decision-making, I am satisfied that I made the correct decisions at the correct times. The decision on 16 June 2023 to charge Valdo Calocane with three offences of murder was the correct one on the evidence available at the time. The decision to maintain those charges on 2 October 2023 when I applied the Full Code Test to the case was the correct one on the evidence available at that time. The decision on 24 November 2023 to accept guilty pleas to manslaughter should they be offered was the correct one based on the evidence available at that time. The decision to pause that process on 27 November 2023 as a result of the concerns raised by the bereaved families was appropriate in the circumstances of this case. The decision on 17-19 December 2023 to accept the guilty pleas to manslaughter on the grounds of diminished responsibility was the correct one on the available evidence.
208. It is plain that three of the four bereaved family groups are not happy with the service they have received from the CPS. I am genuinely sorry that that is the case. However, I struggle to think what else we could have done, or what different actions we could have taken in this case.

209. I am aware that the families think the decision to accept the guilty pleas was “rushed” and that they were “rail-roaded” into it. As I hope I have made clear above, we were concerned throughout to be guided by the wishes of the families in respect of contact with us. We did not wish to cause them any difficulties whatsoever in what was a horrific set of circumstances.
210. Prior to 2 October 2023 any discussion as to possible outcomes would have been very general. In my interview with HMCPSI the possibility of sending an early letter (ie just after charge) setting out the various scenarios that may arise was canvassed. I suggested this was not an appropriate course to take. In this case, for example, had we done that, the letter would have had to cover (a) insanity, (b) diminished responsibility, (c) intent, (d) loss of control, (e) self-defence and (f) fitness to plead. All were at least potential issues in the case. Such a letter in my view would have been confusing and served no meaningful purpose.
211. I am aware that HMCPSI took the view that I should have issued written guidance to the FLOs on the issue of diminished responsibility following the receipt of Dr McSweeney’s report **[CPSE0000003]** – see paragraph 9.57 of **[HMCP0000625]**. I also note however that this seems to be a specific finding for this case, rather than a wider recommendation for the CPS to adopt.
212. I have some difficulty with this. I could of course have transcribed from the Homicide Act 1957 and literally set out the dry-letter law of the relevant section (along perhaps with a summary of some of the case law), but I’m not sure how that would have helped, without any cross-reference to the facts or to the contents of Dr McSweeney’s report **[CPSE0000003]**. And the difficulty with

referencing any of the facts in this case was that at least two of the bereaved families were not aware of them and didn't want to be made aware of them – and we knew this. Hence why, in my email [HMCP0000234], I invited the police to devise a “strategy” for communicating the fact that diminished responsibility was now the live issue in the case.

213. Of course, if the FLOs had sought assistance in this regard I would have done my best to have helped – but even then, it is my view that the most appropriate way to take families through this issue is a meeting with the CPS and counsel. And that is what I had intended to happen, when they were ready. The importance of flagging up diminished responsibility on 2 October was to ensure that there was no delay in the families at least knowing this was a live issue.

214. In terms of the perception that this was a “rushed” decision or that the families were “railroaded” into it, I don't accept that is an accurate description of what actually happened. I do accept that our intention to accept the guilty pleas to manslaughter was indicated shortly before the PTPH, and so to that extent the families may have felt that it was “rushed”, but two matters arise from this.

215. Firstly, we could not have made the decision any earlier – we only received Dr Blackwood's report [CPSE0000011] on 21 November. The PTPH was on 28 November and there was no proper basis for asking for it to be adjourned. As stated above, Dr Blackwood's report [CPSE0000011] was a very thorough document and I had no concerns over its conclusions. As such, the fact that the decision was only made five days before the PTPH (on 23

November) and the families were informed of it the next day (24 November) was unavoidable. It was an inevitable consequence of the timetable for the case which of course has to take account of many factors, including the availability of a High Court Judge and the Custody Time Limits.

216. Secondly, notwithstanding our stated intention on 24 November, we did in fact pause the process. We made it clear of course that we did not expect the position to change but we commissioned Dr Latham's report, we provided him with all of the concerns raised by the families, and we did so in the hope of assuaging their concerns. We wanted to bring them along with us if that were possible and to try and ensure they maintained confidence in our approach. As a result, the final decision was not made until 17 December, some weeks after that initial meeting.

217. I am aware from the HMCPSI report that the sons of Ian Coates felt that they had been treated differently to the families of Grace and Barnaby. I deal with this in the section on the Bereaved Families above. I don't accept this. We treated all families as individual groups and we made offers of meetings to all of them in the same way. I don't accept that if one bereaved family wishes to meet with the CPS, then an invitation should be extended to all other bereaved families to attend the same meeting. That seems to me to be the opposite of treating families on an individual basis and seeking to address their individual needs. Likewise, I don't accept that if one bereaved family wishes to meet with the CPS, that other bereaved families should be informed of that fact. The important thing in my view is to ensure that all bereaved families are aware that they can meet with the CPS at any time and, at the same time, to ensure they are aware of any significant developments in the case (such as a defence report

supporting the partial defence of diminished responsibility) so they are properly informed as to whether they should in fact request a meeting.

218. In terms of my decision-making and communication in respect of the survivors, it is clear that my decisions in respect of the charges of attempted murder were correct. They were not altered and Valdo Calocane pleaded guilty. They were also provided with an FLO and I cover my communication with them in the section above. We met with Wayne Birkett and his partner and his family on 25 January 2024. Neither Marcin Gawronski nor Sharon Miller attended court or made any requests of us via the FLOs. I am not aware of any issues being raised at the time by any of the survivors and there is no reference to any such issues in the HMCPSI report.

219. I am asked to consider, by looking back, what steps could or should be taken to improve communication with and treatment of bereaved families and survivors in the future.

220. This is a very difficult question. What has to be understood is that such cases are by their very nature highly traumatic. Every individual bereaved family member or survivor will react differently and have different needs and expectations insofar as engagement with the CPS is concerned. Any attempt to prescribe additional "steps" to be taken in every case carries the danger of turning this process into a "one size fits all" procedure, which in my view is the opposite of what it should be. I have been involved in homicide cases both before and after this one and, just as in this case, each set of bereaved families had different needs. In my view, one of the most important parts of our role is to be responsive to those needs and act in accordance with the wishes of the

families concerned. That of course requires an understanding of what those needs and wishes are and at the moment we have the Bereaved Family Scheme [WITN0080005] and the FLOs to guide and assist in this regard.

221. In my view the Bereaved Family Guidance [WITN0080005] in conjunction with the Victims' Code [WITN0080006] offers a sound framework for communications between the CPS and bereaved families and survivors. We must make sure that they have the information they need to be able to make decisions about what they wish to do. In particular, if something significant may happen in a case, they are aware straight away that there is a possibility of that occurring. And at the same time, we have to respect the fact that every single individual in this situation will want different levels of engagement at different times.

222. In my view, routing everything through FLOs is by far the most appropriate way to achieve this. FLOs will have the personal relationship with the family members, they will be aware of their needs and wishes and by effectively acting as a single point of contact, nothing will be missed and there will be no inconsistency in communications.

223. I am asked if I have any other recommendations that I consider could help prevent any of the issues I have identified. As stated, I am aware that three of the four bereaved family groups do not feel they have received a good service from the CPS and I am genuinely sorry that they feel this way. I'm not sure what more we could have done, or what we could have done differently. If recommendations are suggested by other parties involved in this Inquiry, I

would welcome the opportunity to consider those and provide my comments to assist the Inquiry

Statement of Truth

I believe the content of this statement to be true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:  **GRO-B**

Dated: 30 October 2025

INDEX TO FIRST WITNESS STATEMENT OF ALAN MURPHY

	URN	Document description
1	CPSE0002484	Diary Note by Sam Shallow dated 14/06/2023, re: Op Hendrix
2	CPSE0007236	Email from Samantha Shallow to Suzanne Llewellyn, Andrew Baxter and Graham Buchanan RE: Serious Incident
3	CPSE0001806	Email from Mark Henshaw to Alan Murphy, re: Op Hendrix
4	CPSE0002435	Email from Alan Murphy to Suzanne Llewellyn, Andrew Baxter and Alan Murphy, re: Hendrix - Draft MG3A
5	CPSE0000004	Report dated 16/06/2023 compiled by Alan Murphy Re: East Midlands Complex Casework Unit, Charging Review, Threshold Test
6	CPSE0001033	Report dated 16/06/2023, compiled by Alan Murphy, CPS Re: Valdo CALOCANE - Review Document, EAST MIDLAND COMPLEX CASEWORK UNIT, CHARGING REVIEW, THRESHOLD TEST
7	CPSE0001034	REPORT TO CROWN PROSECUTOR FOR CHARGING DECISION, DECISION LOG & ACTION PLAN, 06/07/2023, unknown police force
8	WITN0080003	The Code for Crown Prosecutors
9	CPSE0000005	Custody record, dated 19/06/2023, Nottinghamshire Police
10	CPSE0002072	Witness statement of Holly Bramley, paramedic, Health Care Professions Council, Mitic Care and Custody Police Services dated 22.06.2023
11	CPSE0002061	Witness statement of Rosie Draper, NMC, Care and Custody Health, dated 21.06.2023
12	WITN0083003	Code C, Police and Criminal Evidence Act 1984
13	CPSE0010216	Homicide – 9 Sept 2022 version.pdf
14	CPSE0000800	Email from Emma Webber to Leigh Sanders, David Webber and Sanjoy Kumar, and others re: External Email - Re: Samples
15	CPSE0000017	Expert Report from Dr Richard Latham, Consultant Forensic Psychiatrist, Re: Psychiatric Report of Valdo Calocane aka Adam Mendes

16	WITN0080006	The Code of Practice for Victims of Crime (the Victims' Code)
17	WITN0080005	Bereaved Families Guidance – CPS Service to Bereaved Families in Homicide Cases
18	HMCP0000625	Report dated March 2024 compiled by HMCPSP re: An inspection of Crown Prosecution Service actions in the Valdo Calocane case - The events in Nottingham on 13 June 2023
19	CPSE0000187	Bereaved Families Scheme Form of Wayne Birkett, Sharon Miller and Marcin Gawronski
20	CPSE0006150	Email from Raj Johal to Alan Murphy and Neil Beddoe, re: Op Hendrix, Nottingham murders 13 06 23 - FLO details
21	CPSE0000188	Phone/Meeting/Conference Note by Sam Shallow Re: Case name: Op Hendrix (Calocane) Meeting Radford Road PS In person
22	CPSE0000190	Phone/Meeting/Conference Note by Alan Murphy Re: Case name: Op Hendrix (Calocane) Meeting Radford Road PS In person
23	CPSE0000216	Minutes of Meeting re: East Midlands CCU (CPS) Conference 25/01/2024, Operation Hendrix
24	CPSE0001024	Report dated 29/01/2024, compiled by Janine McKinney (CPS), re Chronology of engagement with bereaved families - Op Hendrix
25	HMCP0000059	Email from Neil Beddoe to Alan Murphy [CPS], Fiona McVey[NPF], Claire Gould [NPF] and others re: Op Hendrix, Nottingham murders 13 06 23 - FLO details
26	CPSE0008268	Email from Alana Murphy to Samanth Shallow and Sherly Monk RE: family letters
27	HMCP0000150	Letter from Suzanne Llewellyn to Mr and Mrs Webber re: Criminal Investigation regarding Barnaby's case
28	HMCP0000151	Letter from Suzanne Llewellyn, Chief Crown Prosecutor, CPS East Midlands, to Elaine Newton, re: Update on Criminal Investigation
29	HMCP0000152	Letter from Suzanne Llewellyn, Chief Crown Prosecutor, CPS East Midlands, to James Coates, Lee Coates and Darren Coates, re: Criminal Investigation regarding James' father case
30	HMCP0000153	Letter from CPS to Dr Sanjoy Kumar MBE and Dr Sinead O'Malley-Kumar, Re: Criminal

		Investigation Update
31	CPSE0006042	Email from Suzanne Liewellyn to Sheryl Monk, Alan Murphy and Andrew Baxter, re: Op Hendrix
32	CPSE0000186	Conference Note by East Midlands Complex Casework Unit re Op Hendrix (Calocane)
33	CPSE0002501	Bereaved Families Scheme Form, CPS
34	CPSE0006199	Email from Alan Murphy to Gillian Cutts, Claire Gould, Fiona McVey and others, re: Operation HENDRIX - Family meetings
35	HMCP0000149	Email from Alan Murphy [CPS] to Gillian Cutts [NPF] and cc'd Alan Murphy [CPS], re: Operation HENDRIX - Family meetings
36	HMCP0000234	Email from Alan Murphy to Fiona McVey, re: Operation Hendrix -PTPH 31/10/2023
37	CPSE0000003	Expert report from Dr Leo McSweeney, Consultant Forensic Psychiatrist re VC
38	CPSE0000619	Report dated 02/10/2023 compiled by Alan Murphy re: East Midlands Complex Casework Unit - Full Code Test Review
39	CPSE0003339	Email from Alan Murphy to Listing Nottingham Crown, Crime Secure (Bhatia Best Solicitors), Alan Murphy and another, re: R v Valdo Calocane / Adam Mendes U20231322 / 31CF0944023 - Request to vary date of PTPH - FAO HHJ Shant KC
40	CPSE0006569	Email from Alan Murphy to Samantha Shallow, Andrew Baxter, Kessie Pochin and others, re: Operation Hendrix - PTPH 28/11/23
41	CPSE0006619	Email from Fiona McVey to Kessie Pochin, Alan Murphy, Gina Farrell and others, re: RE: Operation Hendrix - PTPH 28/11/23
42	CPSE0000011	Medical Report of Professor of Forensic Psychiatry, Nigel Blackwood, King's College London, re: Psychiatric Report on Valdo Calocane
43	CPSE0000194	Minutes of Meeting re: Op Hendrix Conference, dated 23/11/2023
44	CPSE0000196	Minute of Meeting re dated Op Hendrix conference with family, dated 24/11/2023
45	CPSE0000199	Conference Note by East Midlands Complex Casework Unit re Op Hendrix (Calocane) in person including Grace and Ian's family members.
46	CPSE0000362	Email from Samantha Shallow to Karim Khalil, Peter Ratliff, Alan Murphy and others,

		re: Bereaved family meeting
47	CPSE0004068	Email from Alan Murphy to Samantha Shallow, Leigh Sanders, Michelle Mannion and others, re: RE: EXTERNAL EMAIL - R V CALOCANE / MENDES
48	CPSE0000580	Email from Alan Murphy to Mr Justice Turner, Simon Smith, Alan Murphy and others, re: Calocane/Mendes - Psychiatric Report of Dr Latham
49	CPSE0000034	Report dated 15/12/2023, compiled by Karim Khalil KC and Peter Ratliff Re: Advice on Acceptability of Pleas re: Rex v Valdo Calocane (aka Adam Mendes)
50	CPSE0000012	Report by East Midland Complex Casework Unit, Re Review as to the acceptability of pleas to manslaughter on the grounds of diminished responsibility
51	CPSE0000200	Letter from Janine McKinney, CPS to Dr Sanjoy Kumar MBE and Dr Sinead O'Malley-Kumar, re: CPS's reasoning behind their decision
52	CPSE0000207	Letter from Janine McKinney, CPS to Mr and Mrs Webber, re: CPS's reasoning behind decision
53	CPSE0000209	Letter from Janine McKinney, CPS to James Coates, Lee Coates, and Darren Coates, re: CPS's reasoning behind decision
54	CPSE0000211	Letter from Janine McKinney, CPS to Elaine Newton, re: CPS's reasoning behind decision
55	CPSE0000416	Email from Fiona McVey to Leigh Sanders, Samantha Shallow, Alan Murphy and another, re: CPS Letter - OMK"s - Operation Hendrix
56	HMCP0000426	Email from Samantha Shallow to Fiona McVey, Leigh Sanders and Alan Murphy, Re: CPS Letter - OMK's - Operation Hendrix
57	CPSE0007111	Email from Gillian Cutts to Alan Murphy Re: Request for Teams meeting with Counsel - Op Hendrix
58	CPSE0003665	Email from Gina Farrell [NPF] to Emma Webber, David Webber, Gillian Cutts [NPF] and others Re: CPS / Barrister meeting
59	CPSE0000212	Minute of Meeting re Op Hendrix, dated 15/01/2024
60	CPSE0000215	Letter from Janine McKinney to Dr Sanjoy Kumar and Dr Sinead O-Malley-Kumar re offer to meet with Dr Sanjoy Kumar and Dr O'Malley Kumar along with the Director of

		Legal Services, Greg McGill and Head of Complex Casework, Samantha Shallow, on 07/02/2024
61	CPSE0000217	Letter from Janine McKinney to James Coates re: Offer to meet with Janine McKinney, Greg McGill and Samantha Shallow from the CPS
62	CPSE0000218	Letter from Janine McKinney to Mr and Mrs Webber re: Offer to meet with Janine McKinney, Greg McGill and Samantha Shallow from the CPS
63	CPSE0000219	Letter from Janine McKinney to Ms Elaine Newton re: Offer to meet with Janine McKinney, Greg McGill and Samantha Shallow from the CPS
64	CPSE0010001	Email from Janine McKinney to Alan Murphy, Samantha Shallow, Michelle Mannion and others, re: FW: External Email - CPS case reference number 31CF0944023
65	WITN0080008	Letter to Mr & Mrs Webber 05.02.24
66	WITN0080009	Letter to Elaine Newton 05.02.24
67	WITN0080010	Letter to James Coates, Lee Coates and Darren Coates 05.02.24
68	CPSE0006569	Email from Alan Murphy to Samantha Shallow, Andrew Baxter, Kessie Pochin and others re: Operation Hendrix – PTPH 28/11/23
69	CPSE0007625	Email from Michelle Mannion [CPS] to Samantha Shallow [CPS], Alan Murphy [CPS], Andrew Baxter [CPS] and others Re: URGENT - Op Hendrix
70	CPSE0001993	Email from Alan Murphy to Samantha Shallow, Michelle Mannion and Alan Murphy, re: R v Valdo Calocane / Adam Mendes U20231322 / 31CF0944023 - Request to vary date of PTPH - FAO
71	CPSE0000792	Email Nigel Blackwood to Alan Murphy. Re: External Email - Re: Op Hendrix
72	CPSE0008516	Email from Peter Ratliff to AM and SS regarding the options for instructing a 4 th psychiatrist - 26 November 2023
73	CPSE0000789	Email from Nigel Blackwood [Kings College London] to Alan Murphy [CPSE] re: External Email - Re: Op Hendrix (Nottingham murders)
74	CPSE0002910	Email from Alan Murphy to Kessie Pochin, Julie Curtis and Alan Murphy, re: Op Hendrix

		- Unused material disclosure
75	CPSE0000040	Email from Alan Murphy to Crime Secure, Alan Murphy and Kessie Pochin, re: Valdo Calocane aka Adam Mendes - defence psychiatric report
76	CPSE0001545	Email from Alan Murphy to Nigel Blackwood and Alan Murphy, re: Hendrix - Defence Psychiatric Report
77	CPSE0002360	Email from Alan Murphy to Nigel Blackwood and Alan Murphy, re: [CJSM] Re: HENDRIX - Defence psychiatric report and future timetable
78	CPSE0008912	Email from Alan Murphy to Nigel Blackwood, Alan Murphy and Kessie Pochin, re: Valdo Calocane / Adam Mendes
79	CPSE0008553	Email from Peter Ratliff to Alan Murphy, Karim Khalil and Peter Ratliff, re: [CJSM] Op Hendrix - defence psychiatric report
80	CPSE0005782	Email from Michelle Mannion to Alan Murphy, Samantha Shallow and Kessie Pochin, re: Op Hendrix PTPH date
81	CPSE0001322	Email from Alan Murphy to Nigel Blackwood and Alan Murphy, re: External Email - CCTV
82	CPSE0008370	Email from Andrew Baxter to Alan Murphy, Samantha Shallow, Michelle Manion and others, re: Hendrix
83	CPSE0000790	Email from Nigel Blackwood to Alan Murphy, re: External Email - Re: Op Hendrix - Instruction Letter
84	CPSE0000153	Letter from A. Murphy to Dr Nigel Blackwood re: DEFENDANT(S): Valdo CALOCANE aka Adam MENDES, URN: 31CF0944023, COURT AND HEARING DATE: Nottingham Crown Court 31st October, 2023 (likely to be varied to w/c 27 November 2023)
85	CPSE0000023	Email from Alan Murphy [CPS] to Nigel Blackwood [KCL], Alan Murphy [CPS] and Kessie Pochin [CPS], re: FW: External Email - RE: [CJSM] RE: R v Valdo Calocane / Adam Mendes U20231322 / 31CF0944023 - email chain between prosecution and defence lawyers to agree directions and to obtain VC's medical records
86	CPSE0000009	Report dated 24/11/2023, compiled by Alan Murphy, re: Review as to the acceptability of pleas to manslaughter on the grounds of diminished responsibility

87	CPSE0007616	Expert Report from Alan Murphy, re: Review at to the material considered by the psychiatrists, East Midland Complex Casework Unit
88	CPSE0000194	Minutes of Meeting re: East Midlands CCU Conference 23/11/2023, Operation Hendrix
89	HMCP0000339	Email from Fiona McVey [NPF] to Alan Murphy [CPS] , re: RE: Request for further meeting with Dr Sinead O'Malley-Kumar and Dr Sanjoy Kumar
90	CPSE0000039	Email from Samantha Shallow to Alan Murphy, Andrew Baxter, Janine McKinney and others, re: URGENT - Op Hendrix
91	CPSE0008518	Emails from Peter Ratliff and KKKC dated 26 November 2023 relating to the instruction of a fourth psychiatric expert
92	CPSE0000405	Minutes of Meeting regarding the BFM, the bereaved families and Valdo Calocane's plea
93	CPSE0000798	Email from Richard Latham to Kessie Pochin. Re: External Email - Re: Operation Hendrix - family meeting
94	CPSE0002876	Email from Alan Murphy to Samantha Shallow, Andrew Baxter, Janine McKinney and others Re: Op Hendrix - Richard Latham
95	CPSE0000016	Letter from A. Murphy, CPS to Dr Richard Latham, Consultant Forensic Psychiatrist, Re: Court and Hearing Date: Nottingham Crown Court 28 November 2023
96	CPSE0001973	Email from Fiona McVey to Leigh Sanders, Alan Murphy, Samantha Shallow and others, re: Operation Hendrix - Email from Dr. Sanjoy Kumar
97	CPSE0003323	Email from Alan Murphy to Richard Latham RE: R v Calocane / Mendes
98	CPSE0008432	Email from Richard Latham (East London NHS Foundation Trust) to Alan Murphy (CPS), Kessie Pochin (CPS) and Alan Murphy (CPS), re: Re: R v Calocane / Mendes
99	CPSE0000166	Email from Nigel Blackwood to Alan Murphy and Kessie Pochin, re: External Email - Re: R v Calocane / Mendes
100	CPSE0005369	Email from Daniel Wilshaw to Alan Murphy, Re: Op Hendrix (Nottingham murders) update
101	CPSE0000394	Letter from A Murphy to The Court Manager at Nottingham Magistrates Court re: Valdo Calocane's Crown Court Hearing

102	CPSE0003611	Letter from A. MURPHY, Specialist Prosecutor, CPS to The Court Manager, His Majesty's Courts Service, Nottingham Magistrates' Court, re: DEFENDANT(S): Valdo CALOCANE aka Adam MENDES, COURT AND HEARING DATE: Nottingham Magistrates' Court 2 October 2023, Assault Emergency Worker - Magistrates' Court Case
103	CPSE0008907	Letter from Alan Murphy to The Court Manager Re: COURT AND HEARING DATE: Nottingham Magistrates' Court 14 November 2023
104	WITN0083002	Confirmation from police major crime that there were no objections to discontinuing the assault emergency worker matter
105	CPSE0008088	Letter from A Murphy to Nottinghamshire Police Re: Urgent notice of proposed discontinuance for VC
106	CPSE0008095	Email from Neil Beddoe to Alan Murphy, Re: [CJSM] RE: Valdo Calocane / Adam Mendes - Request to adjourn 31CF1215321 [DPS:1G:280923/001:A]
107	HMCP0000605	Note of chronology of events.