

Monday, 13 April 2026

1
2 (9.59 am)
3 **MR BLAKE:** Good morning, Chair. Can I please call Samantha
4 Shallow.
5 **THE CHAIR:** Yes.
6 **SAMANTHA SHALLOW (sworn)**
7 **Questioned by MR BLAKE**
8 **MR BLAKE:** Thank you. Ms Shallow, you should have in front
9 of you a witness statement dated 30 October 2025; is
10 that right?
11 **A.** That's correct.
12 **Q.** That has a URN of WITN0080001. Can you confirm that
13 that statement is true to the best of your knowledge and
14 belief.
15 **A.** It is.
16 **Q.** Thank you. You're currently the Deputy Chief Crown
17 Prosecutor for the CPS in East Midlands; is that right?
18 **A.** That's right.
19 **Q.** And you were previously the Senior District Crown
20 Prosecutor and head of the East Midlands Complex
21 Casework Unit.
22 **A.** Also right.
23 **Q.** And as head of the CCU, it was you that allocated this
24 particular case to Alan Murphy; is that right?
25 **A.** Right.

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1 Dr Blackwood rather than instructing him. We weren't
2 instructing him to do anything in particular at that
3 point.
4 **Q.** But as far as you were concerned, on 14 June, can
5 I summarise it as follows: as far as you were concerned
6 you consider there was likely to be enough evidence to
7 charge murder and attempted murder, and there were
8 likely to be issues that would require retaining
9 Dr Blackwood?
10 **A.** Yes.
11 **Q.** Thank you. I want to start with your early involvement
12 in the case, and I'm going to take you to an email of
13 16 June. That can be found at CPSE0000600. This is
14 an email from yourself to Sheryl Monk. Sheryl Monk was
15 a CPS legal manager; is that right?
16 **A.** She was the District Crown Prosecutor who was my deputy
17 in the Complex Casework Unit at that time.
18 **Q.** Thank you. And you've said there:
19 "Sheryl
20 "Not for circulation but in the event that any issue
21 arises as to who said what and when ..."
22 Then you set out information. What caused you to
23 write this particular note?
24 **A.** I had a series of telephone calls which are set out in
25 that email which I wasn't expecting to receive, and

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1 **Q.** You've said in your witness statement that you had
2 oversight and responsibility for all cases in that unit,
3 including this case; is that right?
4 **A.** Correct.
5 **Q.** You also had responsibility, particular responsibility,
6 for internal communication, media handling, and family
7 engagement; is that right?
8 **A.** That's right.
9 **Q.** I think your involvement started quite early on.
10 **A.** (Witness nodded).
11 **Q.** You said in your witness statement that you attended the
12 meeting on 14 June, the briefing at Radford Road Police
13 Station; is that right?
14 **A.** That's right.
15 **Q.** You've also said that it was your view at that very
16 first meeting that, on the evidence available so far,
17 the threshold test had been met in respect of murder; is
18 that correct?
19 **A.** At that stage, my view was that the threshold test was
20 likely to be met for murder and attempted murder when
21 the police submitted the request to us for a charging
22 decision.
23 **Q.** Were you also involved on that day in respect of
24 conversations about the instruction of Dr Blackwood?
25 **A.** Yes. Mr Murphy and I had a conversation about retaining

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1 I was just a bit concerned to make sure that the
2 channels of communication weren't getting confused.
3 Sometimes when lots of people are involved in something,
4 it can -- that confusion can arise. And I just wanted
5 to be clear about the conversations that I'd had.
6 I wasn't at work this day, and I wanted to be clear for
7 anybody else who was wondering what conversations I have
8 had, what they were.
9 **Q.** We'll get to the content but were you concerned that
10 there might arise an issue between yourself and the
11 police as to what was said?
12 **A.** Yes, because I think Alan Murphy had dealt with this in
13 his evidence too. I think there had been -- there was
14 a suggestion at some point that Mr Murphy had given oral
15 authority to charge and that wasn't the case.
16 **Q.** Thank you, and we'll start at that first paragraph. It
17 says:
18 "2.35pm call from Leigh Sanders. Said they wanted
19 to invoke emergency charging procedures (first time I am
20 aware there is an issue). Custody sarg[eant] says that
21 can only charge one offence. I look at DG6 ..."
22 Is that the Director General's guidance? And the
23 reference there to "6", is that the sixth edition of
24 that guidance?
25 **A.** Yes.

4

1 Q. "... which says that emergency charging is only about
2 the PACE clock and not the scenario the police are
3 looking at it. They would need to consider what
4 statutory provisions allow for it. Discussion about
5 sending Alan the material for the charging decision
6 which is not yet all with him."
7 What do you recall of this particular issue? We've
8 heard a little bit about it from Alan Murphy but can you
9 assist us with your recollection?
10 A. So the call was to ask or to discuss with me about
11 whether they could proceed to charge immediately, and
12 my -- it was a little bit confusing because ordinarily
13 the police would only do that if there was an issue with
14 the PACE clock and there wasn't an issue with the PACE
15 clock; that wasn't due to expire until the following
16 day. And I was aware that Alan Murphy hadn't received
17 all the material yet that he needed to complete his
18 charging decision. So then my questions to Leigh
19 Sanders about why we were going -- why this was
20 necessary, why we were having this conversation, why
21 he'd called me.
22 Q. The explanation is in the next paragraph, it says:
23 "The issue is that they have been contacted by [the]
24 press who want to run an inaccurate story on the warrant
25 case. Over-stating the position in terms of the level

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1 the event.
2 Q. Putting aside, then, my reference to an emergency
3 charge, in the circumstances as described there, would
4 that be an appropriate circumstance in which to do that?
5 A. No.
6 Q. It then continues, it says:
7 "A lot of noise and other calls in the background.
8 "Interrupted by a call from [Chief Constable]
9 Meynell and [Assistant Chief Constable] Griffin. Asking
10 about what the consequences would be if had charged.
11 Advised that this is not a situation I am familiar with
12 and it would need some thought. Unclear to me at this
13 stage if one offence has already been charged. A lot
14 going on in the background of the call. Stated that
15 they have had verbal authority to charge from [Alan
16 Murphy]."
17 Now, that wasn't correct, was it?
18 A. That's right.
19 Q. From your recollection, did you have concerns at this
20 time that the police were reacting to press stories in
21 respect of this or in respect of anything else, and that
22 that was in some way influencing their decision making?
23 A. I can't speak to what their thoughts were at that time.
24 My concern for this part of the call was the suggestion
25 that Alan Murphy had provided verbal authority to

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1 of charge, age etc."
2 What do you recall of what was said about that, and
3 the inaccurate story?
4 A. Yes, I mean, this was a relatively contemporaneous note.
5 I don't have a much greater recollection than what I put
6 there, but there was just a concern from the police that
7 there was going to -- a story was going to be run about
8 the fact that VC was subject of a warrant at the time on
9 13 June, and that the story about that was going to be
10 run and that there were inaccuracies in the story.
11 Q. Obviously, the fact that there was a warrant and that it
12 was outstanding is correct?
13 A. Yes.
14 Q. What do you recall of the inaccuracy or alleged
15 inaccuracy?
16 A. I'm afraid I don't remember any more than what I've put
17 in there. To do with the level of charge that would be
18 the type of offence that the warrant was outstanding for
19 and how long it had been outstanding.
20 Q. In your view, would the fact that the press were running
21 an inaccurate story be a justification for an emergency
22 charge?
23 A. No, and in fact it's not an emergency charge, it's
24 a charge which is not compatible with DG6, so it's
25 a charge that the prosecution would have to ratify after

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1 charge. I knew that that was not likely to be the case
2 but I wanted to speak to Alan to confirm that with him.
3 So that was really my primary goal, having had that
4 conversation, and you can see that's what I then go on
5 to do straight away.
6 Q. Are you aware of how that confusion has arisen?
7 A. I don't know. I think there was a telephone call
8 between Mr Murphy and the case team, or more than one,
9 actually, as you would expect, whilst they're preparing
10 the charging decision. He was waiting for material; he
11 was telling them what he needed. And there would have
12 been a discussion about what the likely charges were
13 going to be. But discussing what the likely charges are
14 going to be is not the same as giving authority to
15 charge. And that's the only way that confusion can have
16 arisen.
17 Q. Just stepping back, looking at your involvement in this
18 case as a whole, are there any other circumstances that
19 you can recall where there was either confusion or
20 improper decisions based on press considerations?
21 A. Not that -- no, not that I can think of.
22 Q. I'd like to move on, then, to the rights of the bereaved
23 and the rights of the survivors, a separate topic. One
24 of your principal roles I think you've said in your
25 statement was involving family engagement; is that

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1 right?

2 **A.** *(No audible answer).*

3 **Q.** Is that --

4 **A.** Yes, sorry. Yes.

5 **Q.** Can we please turn to WITN0080006, please. This is the

6 Code of Practice for Victims of Crime in England and

7 Wales. This the current version, but I don't think the

8 changes will be material, but you can correct me if I am

9 wrong on any of that.

10 Perhaps we could start on page 7. We have there the

11 definition of a victim under the Code, and that is:

12 "a person who has suffered harm, including physical,

13 mental or emotional harm ..."

14 And also:

15 "a close relative ... of a person whose death was

16 directly caused by a criminal offence."

17 So it is clear that both the bereaved and the

18 survivors are victims under that Code, isn't it.

19 **A.** That's correct.

20 **Q.** Then if we could please turn to page 13, it sets out

21 there who is responsible for meeting the rights under

22 the Code:

23 "Police and Crime Commissioners

24 "All police forces ...

25 "Police Witness Care Units

9

1 **A.** Yes. I think we -- we separate out enhanced rights and

2 the enhanced service, so the next paragraph it talks

3 about enhanced rights which are available for bereaved

4 close relatives are highlighted separately, so there is

5 an additional part which is the enhanced service that's

6 provided to bereaved families, so there is a slight

7 difference in that.

8 **Q.** So there's the Bereaved Families Scheme --

9 **A.** Yes.

10 **Q.** -- that I think the CPS took a decision that the

11 survivors would also be treated in the same way; is that

12 right?

13 **A.** Initially, yes, yes.

14 **Q.** But in terms of enhanced rights in broad terms, both

15 would fit under that first paragraph.

16 **A.** Yes.

17 **Q.** And then if we turn to the individual rights and have

18 a look at "Right 6", that's at page 26. So this isn't

19 talking about the service; this is about the actual

20 right. "Right 6: To be provided with information about

21 the investigation and prosecution".

22 We see there for example, 6.1:

23 "You have the Right to be told by the police when

24 key decisions on the investigation are made and, where

25 applicable, to have the reasons explained to you within

11

1 "The Crown Prosecution Service."

2 So it covers both the police and the CPS amongst

3 others?

4 **A.** Amongst others, yes.

5 **Q.** If we could then please turn to page 15, there's

6 a section there on enhanced rights. And it says:

7 "This Code acknowledges that victims who are

8 considered vulnerable or intimidated, are a victim of

9 a most serious crime ... or have been persistently

10 targeted are more likely to require specialised

11 assistance ..."

12 It is the reference there to the "most serious

13 crime" that is relevant to this particular case, and if

14 we turn over the page, please, we can see how it defines

15 victims of the most serious crimes. It says:

16 "You are eligible for Enhanced Rights under this

17 Code as a victim of the most serious crime, if you are

18 a close relative bereaved by a criminal offence,

19 a victim of domestic abuse, hate crime, terrorism,

20 sexual offences, human trafficking, modern slavery ..."

21 Then it has there "attempted murder".

22 **A.** Correct.

23 **Q.** So both the bereaved and the survivors in this case were

24 eligible for enhanced rights under that provision; is

25 that right?

10

1 5 working days ..."

2 And then those who have enhanced rights, the time

3 frame is shorter.

4 **A.** That's correct.

5 **Q.** And there are -- it continues with a number of rights

6 that relate to police decisions, and then if we go to

7 page 29 -- at the bottom of page 28 and then into

8 page 29, so if we could scroll up slightly, it moves on

9 to a certain rights involving the CPS. If we scroll

10 down, 6.12, 6.13, and then if we could go over the page,

11 please, to 6.14 and 15. 6.14:

12 "If you are a bereaved close relative in

13 a qualifying case you have the Right to be offered

14 a meeting with the [CPS] ... prior to or following

15 a decision about whether or not to charge a suspect. If

16 a decision is made to charge, the [CPS] ... will explain

17 how the case is likely to progress and answer any

18 questions that you may have. The [CPS] ... will also

19 discuss your needs and jointly agree how regularly you

20 will receive updates."

21 Then 6.15:

22 "If, after the suspect has been charged with an

23 offence(s), the Crown Prosecution Service decides to

24 stop a charge and proceeded with another, make a big

25 change to a charge or stop the case, you have [a]

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1 ... right to be told the reason why and, where the
2 decision is to stop the case, how to ask for a review
3 under the Right to Review Scheme ..."

4 Putting aside the question of who actually
5 communicates the particular message, if we focus there
6 on 6.14 and 6.15 it appears that under this Code the
7 burden of providing information is initially on the
8 police but then it seems to shift to the CPS as you get
9 to post-charge or decisions relating to charge. Is that
10 a correct understanding of the Code?

11 **A.** That's the correct understanding.

12 **Q.** Thank you. And that would make sense, because the CPS
13 is best placed to know about their own decision-making
14 process, and also matters that would impact upon their
15 prosecution; is that right?

16 **A.** Yes, we're the ones who would be making the decisions,
17 so we'd be the ones who would need to be able to
18 communicate those decisions.

19 **Q.** Thank you. Then I'd like to focus in particular now on
20 the issue of diminished responsibility, and if we could
21 please turn to CPSE000002. This is an example of one
22 of the letters that was sent to the bereaved, 16 June.
23 If we scroll down, we can see a paragraph beginning "The
24 first stage of the criminal proceedings" and it sets out
25 there essentially the first stage is met. It says:

13

1 **A.** Or none of those.

2 **Q.** Or none of those. And you've said -- actually, if we
3 could bring it up on to screen, it's page 10 of your
4 witness statement.

5 I mean, having already retained Dr Blackwood, it was
6 likely there was going to be an issue, wasn't it?

7 **A.** We retained him because there were features of the case
8 which suggested to us that a psychiatric defence or
9 partial defence or fitness may arise. But we do have
10 cases which appear like that and then they don't. So
11 it's not -- one doesn't necessarily follow from the
12 other. But we were trying to be prepared.

13 **Q.** And there was a sufficient indication that you would
14 need to at least line up a response.

15 **A.** Yes, because actually it also enables us to do that and
16 have all of that ready in case the defence do in fact
17 serve a report on us.

18 **Q.** Then at the end of that paragraph 36 you say:

19 "All of these are difficult legal concepts and until
20 we have narrowed down which, if any, apply in this case
21 we would not start to explain any of them."

22 When you say "difficult legal concepts", that
23 includes diminished responsibility, does it?

24 **A.** Yes.

25 **Q.** Yes. Have you had difficulty in other cases in

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1 "The first stage of the criminal proceedings has
2 been for the CPS to determine whether there is
3 sufficient evidence to authorise the charge which the
4 police had preferred in this case. Having considered
5 the evidence that the police have gathered to date, we
6 were satisfied that there was sufficient evidence to
7 justify three offences of murder and three offences of
8 attempted murder. I anticipate that you may wish to
9 understand more about the Code ..."

10 It sets out a link there.

11 Then if we go over the page, please. It sets out
12 towards the bottom of the current section about what
13 happens if a guilty plea is entered, and if we scroll
14 down it sets out a little bit about what happens if
15 a not guilty plea is entered.

16 **Q.** Now in your witness statement -- we don't need to bring
17 it up -- it's paragraph 36, page 10 but, as I say, we
18 don't need to bring it up, you said that it would be
19 premature at this stage to have discussed diminished
20 responsibility before receiving, for example, the
21 defence psychiatric report.

22 **A.** That's correct.

23 **Q.** Because I think you've said you needed to know whether
24 it would be fitness to plead, insanity, or whatever,
25 that may be raised.

14

1 explaining the concept of diminished responsibility?

2 **A.** It's never -- it can be a difficult concept for people
3 to understand, but it's a concept which we explain
4 fairly regularly and are able to do so.

5 **Q.** You don't need to name individual cases but just looking
6 back at -- you've clearly been involved in a number of
7 murder cases. Have you experienced difficulties in
8 communicating that message before?

9 **A.** Not difficulties that stand out particularly to me.
10 They're never easy conversations; so difficult from that
11 perspective, and sometimes it requires more than one
12 conversation. But there aren't any cases that stand out
13 to me.

14 **Q.** And that's because it's a difficult conversation to have
15 but also, as you've said here, a difficult legal
16 concept; is that right?

17 **A.** It's both of those things together, I think.

18 **Q.** And putting aside the question of when, which we'll get
19 to, as to when to provide information about diminished
20 responsibility, in light of that difficulty and the
21 difficult legal concepts, just reflecting, do you think
22 it would be better for wording to be provided by the CPS
23 in relation to diminished responsibility, formal wording
24 in a letter or some other written form?

25 **A.** Yes, I think I reflected on that in my statement to say

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1 that we would still want to have a conversation. That
2 doesn't -- it doesn't remove the need for
3 a conversation, but I think, having some information in
4 writing, as we did when we made the eventual decision,
5 is helpful and we can do that earlier.

6 **Q.** Yeah, I mean we've seen here the initial letter and
7 we'll come on to see the final letter. You said you can
8 do it. I mean really reflecting on it, is it something
9 that the CPS should be doing?

10 **A.** I think it depends on the timing and it depends on how
11 people want to receive the information.

12 **Q.** I mean, thinking just simply about human nature, being
13 human, the bereaved have suffered the biggest tragedy of
14 their lives, and they're now facing a possibility that
15 a perpetrator won't be found guilty of murder, may not
16 be going to prison; do you think that there is a moral
17 duty, essentially, on the CPS to provide sufficient
18 information to reassure those families?

19 **A.** Oh yes, there's -- please don't take my hesitation to
20 mean I don't think we should provide sufficient
21 information. It was about the fact that different
22 people want to receive that information in different
23 ways, and so I think it's difficult to be prescriptive
24 and I think the Bereaved Families Scheme tries to avoid
25 being prescriptive for that reason. I think the point

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1 I just email them to inform them of the opinion - which
2 I know will not surprise them. The families too need to
3 know about the opinion."

4 If we scroll up, we can see your response and you
5 say:

6 "I can see no reason why this shouldn't be shared
7 with the police. They need to be aware in the event it
8 raises any ..."

9 Is that reasonable lines of enquiry?

10 **A.** It is.

11 **Q.** "... or disclosure. They will also need to inform the
12 families. What are your concerns in sharing?"

13 Looking at this email exchange, in terms of timing,
14 would that, in your view, have been the appropriate time
15 in which to provide information about diminished
16 responsibility?

17 **A.** Yes, we could have provided the police at that time --
18 you would want to have a conversation with the FLO about
19 that. So the first thing was to ensure that they had
20 the information, that they knew that this was the avenue
21 that we were going to have to now explore, that it would
22 mean that we would need to seek our own psychiatric
23 report. Then, you know, you've talked about reflection,
24 and reflecting on it you could have expanded that
25 conversation to say "Would it be of assistance for us to

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1 you make, would it be helpful to give the police a form
2 of words if they're starting an introductory
3 conversation, then yes, you know, we would be happy to
4 do that. And I think if, relying on what the FLOs tell
5 us, if people would like to have that information, both
6 in writing and in a conversation, then we could provide
7 that.

8 **Q.** I'd like to focus on that relationship with the Family
9 Liaison Officers. At paragraph 36, just below, you say:

10 "On the same day the defence psychiatric report was
11 received, it was sent to the police with a request by
12 the reviewing lawyer to let the [Family Liaison
13 Officers] know so they could inform the bereaved
14 families ..."

15 I'd like to take you to the underlying
16 correspondence about that and that's at CPSE0004765,
17 please. We're here on 2 October, if we look at the
18 middle email, please. We see an email from Alan Murphy
19 to yourself, and Michelle Mannion, and he says:

20 "Defence report just received."

21 We've already heard about his impression that it was
22 balanced, and then the next sentence he says as follows,
23 he says:

24 "The police will obviously want to know about this.
25 Are they entitled to see a copy of the report or shall

18

1 agree a form of words for everybody to have the same
2 explanation about diminished responsibility?"

3 **Q.** Because receiving the defence report from a Family
4 Liaison Officer without more could potentially cause
5 more confusion than it could clarify?

6 **A.** Well, I think what was important was that the Family
7 Liaison Officers are experienced police officers, and
8 the police team are an experienced police team. So my
9 expectation would be that they would know and understand
10 that diminished responsibility is a partial defence to
11 murder, and that it would -- that would mean that
12 somebody may say they would plead guilty to manslaughter
13 and then we would have a decision to make. That's the
14 basic principle, and then you go on to look at what does
15 diminished responsibility actually mean? They're two
16 different things. One is the kind of the process and
17 the form, and so the process and the form, I would have
18 an expectation that Family Liaison Officers who are
19 dealing with homicides all of the time would be able to
20 explain that.

21 **Q.** Just focusing on the role of the Family Liaison Officer,
22 we've heard that they are principally an investigator so
23 they take statements for use in those proceedings, and
24 they have other various roles, but just reflecting on
25 that, do you think that perhaps they might not be the

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1 best people to provide that kind of information?
 2 **A.** It's in terms of -- (*overspeaking*) --
 3 **Q.** In the absence of some letter or something --
 4 **A.** In terms of the process or explaining diminished
 5 responsibility? Because they're two different things.
 6 **Q.** So if you take each of those separately.
 7 **A.** So I think the process, I think absolutely, absolutely
 8 right. I think diminished responsibility, as we've
 9 touched on now a few times, I think, you know, on
 10 reflection, we could have a form of words to explain
 11 that.
 12 **Q.** Thank you. Could we please then move on to CPSE0000194
 13 and this is the meeting of 23 November with counsel. If
 14 we could please start on page 10 at the bottom.
 15 We have there Mr Khalil KC says:
 16 "I can explain and please nudge me if I forgot. In
 17 the run up if they want to see my opening or parts of it
 18 under proper disclosure terms they can if it helps you."
 19 This is a meeting to discuss what will be
 20 communicated to the family, I think, wasn't it?
 21 **A.** It was a meeting to discuss the psychiatric reports
 22 initially, and to reach a decision, and then to discuss
 23 next steps, effectively, and the meeting that we were
 24 due to have the following day.
 25 **Q.** Leigh Sanders responds and he says:

21

1 had happened when you asked for it to happen or that it
 2 didn't happen?
 3 **A.** Yes, my understanding is this is about a slightly
 4 different thing. So we wanted the -- the question of
 5 what the psychiatrist's opinion is is different to the
 6 content of the report. So the content of the report has
 7 got a lot of information in which, as I say, at that
 8 point the families weren't aware of.
 9 So going back to October, my expectation was that
 10 they would be made aware that this was, if you like, the
 11 direction of travel.
 12 **Q.** Knowing now what you know, do you think that Leigh
 13 Sanders was being too protective over that information,
 14 or not?
 15 **A.** I think that's a really difficult balance. I think the
 16 balance between needing any bereaved family to
 17 understand the detail of what happened, there is
 18 a tension there between that and their grief. You know,
 19 that's really difficult.
 20 **Q.** Just reflecting on it, do you think that balance was
 21 achieved or not achieved?
 22 **A.** I don't think that's something that I can answer.
 23 **Q.** If you could try your best to answer it.
 24 **A.** I think that if you consider the message that the FLOs
 25 say that they were receiving, that that was not the

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1 "That would be really helpful especially for the
 2 [O'Malley-Kumar family] ... who have asked if they could
 3 read the psychiatrist report."
 4 Over the page, please, you respond and you say:
 5 "What has been your response to that request?"
 6 Then Leigh Sanders says as follows, he says:
 7 "I've purposely not informed the [Family Liaison
 8 Officer] ... about the contents of the reports, the
 9 families will ask questions so the FLO[s] can be
 10 truthful with them when they say they don't know any
 11 details. I am meeting the FLO later [today] and will
 12 tell them about this meeting ahead of tomorrow. Access
 13 to the psychiatrist reports, I've not got back to them,
 14 the request was sent yesterday. We believe it will help
 15 the families if they read them in a controlled
 16 conditions. I am seeing the families next week so
 17 I could take it and bring it back."
 18 What was your understanding as the reason for the
 19 psychiatric reports being held back?
 20 **A.** The psychiatric reports, as you will have seen, contain
 21 a lot of information about the circumstances of what
 22 happened on the 13th June and that information was at
 23 that time unknown to the families.
 24 **Q.** We saw those earlier emails about informing the families
 25 about the contents. Was it your understanding that that

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1 right time for them to hear the information about what
 2 happened, then I'm not sure that I see what the
 3 alternative is. We have to communicate without that
 4 overriding their feelings and views, and that's a really
 5 difficult balance.
 6 **Q.** The difficulty, of course, that the families are in, and
 7 the survivors, is that they don't know what they don't
 8 know.
 9 **A.** Right.
 10 **Q.** So without something being explained to them they won't
 11 know that they're missing out. Is there an issue there?
 12 **A.** I think that -- I can't think of another case where this
 13 issue has been protracted in this way, and it may be
 14 because of the enormity of what has happened.
 15 **Q.** If we scroll down we can see your response is:
 16 "Just thinking about that. I can understand that.
 17 Is there anything that prevents us from doing that.
 18 I can see it will be a question they will ask and
 19 request access to your opening ... We can give them an
 20 early warning, but they need to be taken through it. We
 21 can revisit with the FLO at another point."
 22 Then Andrew Baxter says:
 23 "I don't think we should rush into that. What
 24 [Karim Khalil] ... says tomorrow. The report of
 25 Blackwood will upset them. They can come at a later

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1 point, but [Mr Khalil] ... will put them into context."
 2 Then you say:
 3 "There is one part that will be unpalatable for them
 4 to read. The issue is of principle, what evidence do we
 5 hand over to victims? We will reflect and email later
 6 today setting out who is attending tomorrow, who they
 7 are in connection with the victims and what they want to
 8 be called."
 9 Can you assist us with what the issue is here?
 10 **A.** So there are two different things. I think the note is
 11 slightly mixed up but there are two different things.
 12 One is taking them through the psychiatric evidence and
 13 the separate one is providing a copy of it, which is
 14 a different matter.
 15 **Q.** Thank you.
 16 **A.** I think it dealt with the issue of taking them through
 17 the evidence and what the problem is there, and then --
 18 but then providing a copy of evidence during proceedings
 19 is a different issue.
 20 **Q.** I think that's possibly an issue we'll come to --
 21 **A.** Okay.
 22 **Q.** -- in due course. I'll take you first to the actual
 23 notes of the conference itself with the Webbers and the
 24 O'Malley-Kumar families, and that can be found at
 25 CPSE0000196. We see there the name of the attendees and
 26

1 a journalist and there is a tension there for us. We
 2 don't just have a responsibility to the people in that
 3 meeting; we've got a broader responsibility to everybody
 4 else in the case. And what we wanted to avoid is that
 5 something that was said in that meeting was then later
 6 used in some way in some sort of media release or
 7 whatever it might be.
 8 **Q.** It might be suggested that there is essentially
 9 an institutional mindset at the CPS that is resistant to
 10 those who challenge. What do you say about that?
 11 **A.** No, I don't think that's right. We have lots of
 12 meetings where we have people who are attending who
 13 aren't immediate family members, who are somebody who,
 14 for whatever reason, whether they are somebody from
 15 a religious organisation or from an extended family
 16 member, but just somebody who has the capability and
 17 capacity to be able to support the family member, and to
 18 be able to maybe explain things after the event.
 19 So that happens fairly regularly, but our brief
 20 family guidance makes it clear that we need to be
 21 satisfied about who the people are that are attending,
 22 and that's set out clearly in the guidance.
 23 So we are right to ask questions and we would always
 24 ask questions because we want to have as open a meeting
 25 as possible. And ultimately, the feelings of
 26

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1 we have Julian Hendy attending as well. What was the
 2 concern about Julian Hendy's attending that meeting?
 3 **A.** So all bereaved family meetings are confidential. They
 4 are meetings that we're having in advance of evidence
 5 being heard in court, and providing families with
 6 information about that. And so we have to be able to
 7 have open conversations. In this case, this was more
 8 complicated because these -- we were meeting with two of
 9 the bereaved families. There's the Coates family who
 10 were not involved in this meeting and also the survivors
 11 who were not involved in this meeting. And the initial
 12 information we had relating to Mr Hendy was that he was
 13 a film-maker or journalist, and so there are obviously
 14 issues for us in terms of whether we could have the open
 15 sort of conversation that we would want to have with
 16 them with him being present.
 17 **Q.** If he's there to assist the family, to help them gather
 18 relevant information, explain difficult concepts, is
 19 there an issue with him attending?
 20 **A.** There would be an issue if there was an issue around
 21 confidentiality. Just to take it back a step, I think
 22 the request initially came in and said that he was
 23 somebody who was supporting, supporting Mr and
 24 Mrs Webber and their family, and -- but then the
 25 information we had, as I said, was that he was
 26

26

1 Mr and Mrs Webber were made very clear to us. We then
 2 checked with Dr Kumar and Dr O'Malley-Kumar who weren't
 3 aware that Mr Hendy was due to join the meeting, but
 4 were content for him to do so. And once we gathered
 5 that information, I wasn't actually at work that
 6 afternoon and the chief was asked if she would approve
 7 that, the Chief Crown Prosecutor, and she did approve
 8 it.
 9 **Q.** Going forward, if the set-up was changed, if there
 10 were -- the Family Liaison Officer had a different role
 11 and if there was something like a victims' advocate,
 12 would there be an issue with them attending this kind of
 13 a meeting?
 14 **A.** I don't see why there would.
 15 **Q.** If we could then scroll over the page, please, to
 16 page 2. We have there Mr Khalil explaining diminished
 17 responsibility and what it means. He goes into quite
 18 a lot of detail. And if we scroll down over the page,
 19 and over the page again into page 5, please, is at the
 20 same time here, as we can see on the page now, that he
 21 is discussing the implications of diminished
 22 responsibility and where it will take the case. And he
 23 says, if we scroll down slightly at the bottom of that
 24 current paragraph, he says:
 25 "So it will be 3 pleas of guilty to manslaughter and
 26

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1 3 pleas of guilty to attempted murder."
 2 Looking back, and I think you've already accepted
 3 this, but just to be clear: the question of what is
 4 diminished responsibility, would it have been preferable
 5 to have separated that out from the question of its
 6 implications and to have had that at an earlier stage?
 7 **A.** The difficulty is that until we received our psychiatric
 8 report, we didn't know that that's where we would be
 9 going. The only point at which it would be -- would
 10 have been possible, but without giving the family an
 11 answer, would have been having received Dr McSweeney's
 12 report, but there was no request to meet us made at that
 13 point.
 14 **Q.** But again, I mean that really goes to the not knowing
 15 what you don't know. Can you see how it can be
 16 difficult for a family to receive not only a detailed
 17 explanation about what diminished responsibility is, but
 18 then being informed of the consequences of that and the
 19 fact that in fact guilty will -- a guilty plea to murder
 20 won't be entered and that it will be manslaughter?
 21 **A.** I can understand that that's a difficult conversation,
 22 but those were -- that was the information that we
 23 needed to provide to them.
 24 **Q.** But wouldn't it have been preferable to have had two
 25 separate conversations: the first earlier, "This is what

29

1 **Q.** So is it still your view, hearing everything you've
 2 heard in this Inquiry, that no further information
 3 needed to be provided in that October time when the
 4 first psychiatric report had been received?
 5 **A.** I think we've talked about a form of words, and had
 6 a form of words been helpful to the police, if they
 7 weren't able to do that, then they could have asked us
 8 for that. I agree with that. And moving forward, it
 9 might be something we do more routinely.
 10 **Q.** Exactly. I mean does the CPS really need to rely on the
 11 Family Liaison Officer requesting information on that?
 12 I mean we've seen -- and I took you to the Code earlier
 13 which says at this stage, the burden is actually on the
 14 CPS, not on the police, to be providing information.
 15 Shouldn't the CPS be doing more at that stage?
 16 **A.** The burden is on the CPS to provide the information, but
 17 we rely on the police and the Family Liaison Officers to
 18 tell us -- to tell us what -- how the families are, what
 19 they want to know about, whether they want to meet with
 20 us. That was an open-ended offer to meet, and we could
 21 have done that.
 22 **Q.** But why? Why?
 23 **A.** Why what, sorry?
 24 **Q.** Why are you relying on the Family Liaison Officers?
 25 I mean the Crown Prosecution Service are taking a case

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1 diminished responsibility is, this is what it involves,
 2 this is what may happen"; and then a later meeting when
 3 you actually know the ultimate consequences?
 4 **A.** That ... I'm pausing because the question you're asking,
 5 whilst it's specific to this case, is also a broader
 6 question. And it won't -- that wouldn't work in every
 7 case and it wouldn't have worked in this case.
 8 **Q.** Why wouldn't it have worked in this case?
 9 **A.** Because we -- until we received Dr Blackwood's report we
 10 didn't know that this was the process we were going to
 11 go down.
 12 **Q.** But we have the McSweeney report, we have the report in
 13 October.
 14 **A.** Yes.
 15 **Q.** Much earlier than this, and we're now 24 November, the
 16 families are being left with a Family Liaison Officer
 17 being asked to communicate the implications of this
 18 psychiatric report, the first psychiatric report.
 19 Wouldn't it have been sensible for the families to have
 20 been provided more information on diminished
 21 responsibility at that stage?
 22 **A.** I think we are, quite rightly, reliant on the FLOs to
 23 let us know what the families need, and that's -- and we
 24 are -- that's the relationship. We are entitled to rely
 25 on that relationship.

30

1 forward. The work is being done at the Crown
 2 Prosecution Service end at this stage.
 3 **A.** Yes.
 4 **Q.** Why aren't the CPS being more proactive in providing
 5 information to the families? Why does everything have
 6 to be at the request of the Family Liaison Officer?
 7 **A.** It's not so much at the request of the Family Liaison
 8 Officer, but it is all through the Family Liaison
 9 Officer. That's the whole premise of how that
 10 relationship operates.
 11 **Q.** Do you not think that the CPS, just reflecting on
 12 everything we've heard in this Inquiry, should be doing
 13 a bit more? Should be being a bit more proactive in
 14 respect of providing information to families?
 15 **A.** I don't think that we should operate outside of the
 16 Family Liaison Officer relationship, no.
 17 **Q.** I think that's a slightly different question, isn't it,
 18 because you could provide information irrespective of
 19 the Family Liaison Officer relationship. You could
 20 provide them with a letter. I mean, we've seen that
 21 initial letter, it says what happened if you plead
 22 guilty --
 23 **A.** Yes.
 24 **Q.** -- it says what happens if they plead not guilty. We do
 25 not see the ultimate letter that was sent --

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1 A. Yes.

2 Q. -- following the decision. Why can't there be another
3 letter? A letter in between, that says, "We have
4 received the defence psychiatric report, at this stage
5 we haven't taken a decision as to what happens next, but
6 just for your information, this is what diminished
7 responsibility is and its potential implications"?

8 A. Yes, I think that's probably fair. I think that you
9 would just have to be cautious about how you worded and
10 explained that, but a version of what you say may be
11 helpful.

12 Q. Meeting on screen is a meeting with two of the families?

13 A. Yes.

14 Q. Reflecting on everything that happened, would it have
15 been better for the same information to be provided to
16 all the families and the survivors at the same time or
17 approximately the same time?

18 A. It was.

19 Q. It was provided?

20 A. Are you talking about the 24 November meeting?

21 Q. Yes, so that's only a meeting with two families.

22 A. Yes.

23 Q. Do you think -- and reflecting on this idea of further
24 information, some sort of formalisation of the way that
25 the CPS communicate about diminished responsibility --

33

1 from the police that they didn't want to meet with us.

2 Q. Do you need to meet -- (*overspeaking*) --

3 A. We then went on to see the -- both parts of the Coates
4 family the following week, and they met with the CPS and
5 counsel.

6 Q. As we've discussed, this is a hugely significant
7 decision that impacts on their lives.

8 A. (*Witness nodded*).

9 Q. Would it not have been better to have communicated the
10 same information at the same time? As we've discussed,
11 it could have been by way of a helpful letter that
12 explained the concept of diminished responsibility.

13 A. They could have had a letter at the same time, but
14 I think it's -- we have to be really clear about if
15 a family doesn't want to meet with us, being respectful
16 of that decision.

17 Q. Of course, all of that could have been avoided if there
18 had been an earlier letter, couldn't there, explaining
19 diminished responsibility, because at least then they
20 would know that that was -- what diminished
21 responsibility was and its potential implications, so
22 they would have been more informed when deciding whether
23 to have a meeting or not.

24 A. Yes, there's a lot of ifs in that, there's a lot of ifs
25 in that. And I still have a caution about going through

35

1 do you think that that should have taken place at the
2 same time with all the families?

3 A. Everybody together?

4 Q. Not necessarily in the same room, but at least an
5 approximate time when they could all be told at the same
6 time so that some people didn't hear first?

7 A. My understanding is that is what happened.

8 Q. What do you mean by that? I mean, Karim Khalil wasn't
9 in the room with all of the families and all of the
10 survivors on that particular day.

11 A. No, I think we're at cross purposes, sorry. So we were
12 meeting with two of the families, and the Family Liaison
13 Officers were speaking with the two parts of the Coates
14 family, if I can put it like that, and the three
15 survivors.

16 Q. That's a very different level of communication being
17 provided, isn't it? Because here we have the King's
18 Counsel who is going to be prosecuting the case,
19 providing chapter and verse on diminished
20 responsibility, and then the rest being left to the
21 Family Liaison Officers to communicate. Wouldn't it
22 make more sense for the same level of information, same
23 detail of information, being provided at exactly the
24 same time, and, as we've discussed, earlier?

25 A. The offer was made to meet and it was made clear to us

34

1 a legal concept that we may not -- we may not end up
2 exploring, but I think if there was an opportunity to
3 explain a legal concept in a letter, then I would agree
4 with that.

5 Q. Once you receive that first defence report, how is there
6 any other option but exploring diminished
7 responsibility? It wouldn't have just gone away, would
8 it?

9 A. It wouldn't have gone away but we didn't know what our
10 expert was going to say.

11 Q. No, but they would have possibly agreed or possibly
12 disagreed, but both of those would have involved the
13 court being charged with the issue of diminished
14 responsibility.

15 A. Well, it depends what our expert would have said, for
16 example, on fitness to plead.

17 Q. But you had the defence report --

18 A. (*Witness nodded*).

19 Q. -- that said fitness to plead wasn't an issue;
20 diminished responsibility was the issue.

21 A. But we had sought his opinion on that because it's
22 important that we get his opinion on all of those
23 issues.

24 Q. But how would his opinion have impacted in any way as to
25 whether the diminished responsibility would or wouldn't

36

1 be an issue? It wasn't going to go away, was it?

2 **A.** If he was fit to plead it wouldn't go away, no.

3 **Q.** Do you think it's likely that in circumstances where

4 a defence expert has said somebody is fit to plead, that

5 a prosecution expert would say, actually, they're not

6 fit to plead?

7 **A.** Well, I think whether they're a defence expert or

8 a prosecution expert, as we've heard previously, is not

9 the issue, because they're both tasked with the same

10 duty by the court.

11 **Q.** Have you ever experienced a circumstance where

12 a prosecution expert says, "Hang on a minute, this

13 person is not fit to plead"?

14 **A.** Not very often, but it has happened occasionally,

15 I accept.

16 **Q.** So it has happened? You have had cases --

17 **A.** Yes, yes.

18 **Q.** In any event, wouldn't it have been helpful, in those

19 circumstances, for further information about -- we have

20 probably done this to death now -- but further

21 information to be provided at earlier stage, in light of

22 that?

23 **A.** I think we're agreed that some sort of -- whether it's

24 a form of words or a letter, could have been provided to

25 explain diminished responsibility.

37

1 recall what the advice was. What was the advice that

2 led to the non-disclosure of that information?

3 **A.** Are you talking about within -- during the currency of

4 the proceedings, or later?

5 **Q.** I think it was in response to requests for disclosure of

6 psychiatric reports or other evidence, was it not?

7 **A.** So there are two different things. One is during the

8 currency of criminal proceedings and we wouldn't provide

9 copies of evidence during the currency of criminal

10 proceedings. So that was -- so we weren't able to do

11 that at that time. That was overcome by taking the

12 families through the psychiatric reports.

13 **Q.** But I think you took specific advice on the issue of

14 disclosure, didn't you? I think it was Alan Murphy's

15 view that there was specific advice that was taken.

16 **A.** Post- -- yes.

17 **Q.** When was that and why was that?

18 **A.** Post-conclusion of the case I was asked to provide

19 various pieces of evidence from the case, including the

20 psychiatric reports, but there was other pieces of

21 evidence as well, and I spent quite a long time

22 considering that and reviewing it and looking at whether

23 we had any power, looking at the different applicable

24 legislation, whether we had any power to provide that

25 material to the families, and we didn't.

39

1 **Q.** If we please move on, then, to page 13. And this is the

2 disclosure point. Julian Hendy says there:

3 "The psychiatric reports, can the families get

4 copies? Open justice, diminished responsibility is

5 a decision effectively taken by lawyers and the family

6 don't get to see. The doctors doing the reports will

7 have explained to the patient they may be disclosed in

8 court. Court cases are hard for the families to

9 understand. It might assist the other families."

10 Then you address that there and you say:

11 "Thank you ... We have thought about this, bearing

12 in mind the questions asked in advance. Whilst there

13 are live criminal proceedings we cannot provide

14 evidence, and there are issues with expert evidence.

15 There are legal restrictions. There are pathways for

16 people to have access at the conclusion; I can provide

17 the information through the police. There has been

18 a huge amount of information provided this morning.

19 When you have had a chance to think about what has been

20 said we are happy to meet again. I note what you say

21 [and that's I think Ms Webber]. We can look at

22 disclosure of information and will tell the police. At

23 the moment we can't yet."

24 Now Alan Murphy in his evidence said that this is

25 a question I think we should ask you about. He couldn't

38

1 **Q.** Just reflecting on the issue of disclosure to families,

2 whether it be during procedures or after, are there any

3 improvements that you consider should be made in respect

4 of that?

5 **A.** I think the difficulty with that is that there is

6 a complex area of legislation relating to provision of

7 material outside of statutory powers and obligations,

8 and so I don't think that I could come -- I could say

9 a simple way of being able to do that.

10 **Q.** We see there at the bottom of that entry reference to

11 the police being the ones who will deal with the

12 disclosure issue in due course. If we please go over to

13 page 15, the bottom of the page, there's reference to

14 the CCTV issue. And if we go over the page, I think

15 that Dr Kumar says "We can see this before".

16 Mr Khalil says, "Yes".

17 You say:

18 "The CPS and the police press teams will work

19 together in terms of any material that will be given to

20 the press. There are strict rules of what [they] will

21 provide. We will notify you [and] the police if

22 anything is provided. Anything causing you any extra

23 distress, we will seek to avoid giving to the press and

24 ... expect [the judge] to support us with [this. Leigh

25 Sanders] can liaise about that."

40

1 Stepping back and looking at the amount of
 2 information and types of information that's needing to
 3 be communicated by the Family Liaison Officers, as I've
 4 said, they have that investigatory role, they have
 5 general liaison roles. Here we have them having to deal
 6 with things like requests for disclosure in addition to
 7 their ordinary work. On reflection, do you think that
 8 the role of a Family Liaison Officer has become too
 9 legalistic or too involved in the legal mechanisms, or
 10 is it just this particular case or is it something else?
 11 **A.** No, I don't think so. There was no expectation that the
 12 Family Liaison Officers would be involved in making any
 13 sort of decision about disclosure, or -- I'm not quite
 14 sure. There wasn't any great expectation on the Family
 15 Liaison Officers in respect of this point.
 16 **Q.** Putting aside the CCTV point, the point that we
 17 discussed earlier, just disclosure to the families of
 18 the psychiatric reports or underlying information?
 19 **A.** Oh, I see. Okay. I think that that is not a -- that's
 20 not a legal process necessarily. I think taking the
 21 families through the psychiatric evidence was really
 22 difficult, and that should be done by people who know
 23 them.
 24 **Q.** Thank you. Can we please move to CPSE0000200. This is
 25 the letter of 18 December that we discussed. It's from
 41

1 linked, is the question of the survivors. You've heard
 2 with other witnesses the issue of, for example, Wayne
 3 Birkett's injuries, and his concerns in relation to the
 4 information that is being provided as somebody who has
 5 suffered from cognitive issues.
 6 What is your view, looking back, as to whether more
 7 could have been done?
 8 **A.** I think that in respect of all of the survivors, we
 9 offered to meet with them throughout the case, and in
 10 any of those meetings we could have answered any
 11 questions they had. So I'm not clear exactly what the
 12 additional ...
 13 **Q.** Isn't the difficulty here open-ended invitations? When
 14 you're dealing with vulnerable people, people who have
 15 suffered serious injuries, open invitations, aren't
 16 actually particularly helpful because, as I've said, you
 17 don't know what the issues are going to be. You don't
 18 know how much information you need to be provided with.
 19 I mean, is there more that the CPS could do in that
 20 respect?
 21 **A.** There were also specific invitations made. So in
 22 November, they were provided with a form of words by
 23 Detective Superintendent Sanders, and at that point
 24 specifically asked if they would like to have a meeting,
 25 and then subsequently, a form of words from myself and
 43

1 Janine McKinney the Chief Crown Prosecutor, and is here
 2 that she explains diminished responsibility. If we
 3 scroll down, over the page, please, she says there in
 4 the third paragraph:
 5 "... for murder cases alone, there's [an] additional
 6 partial defence of diminished responsibility ..."
 7 She explains why it's a partial defence. Then, if
 8 we scroll down, we see over onto page 3, we can see that
 9 she then sets out that the CPS has decided that the
 10 prosecution will accept the plea. I think that's
 11 three-quarters of the way down this page.
 12 It says:
 13 "As a result, we have decided that the prosecution
 14 will accept the pleas to manslaughter on the grounds of
 15 diminished responsibility ..."
 16 The kind of information that's set out there in
 17 relation to diminished responsibility, so the first part
 18 of this letter, is that the kind of information that you
 19 think could be communicated earlier?
 20 **A.** Yes, I think it could be communicated earlier. I think
 21 how it would be communicated, we would want to discuss
 22 that with the FLOs in terms of how any particular family
 23 would want to receive that information.
 24 **Q.** That can come down, please.
 25 Moving on to a slightly separate topic, although
 42

1 Detective Superintendent Sanders to explain the steps
 2 that we'd taken regarding the fourth psychiatric report,
 3 and again offered an opportunity to meet.
 4 So if that's the sort of specific information you
 5 mean, and a meeting about those things, then yes.
 6 **Q.** Yes, you did, or yes, you could do more?
 7 **A.** Yes, that's what we did do.
 8 **Q.** Similarly in relation to the court environment and the
 9 size, we've heard concerns about that. Just reflecting
 10 on it, is there more you think you could have done?
 11 **A.** I have reflected on that, and been back through the file
 12 and looked at -- I wasn't involved personally in the
 13 arrangements for what happened at court, so I've been
 14 back and looked at that. And there was a huge amount,
 15 a huge volume of email traffic between the CPS team, the
 16 Family Liaison coordinator, and HMCTS about trying to
 17 make sure we could accommodate everybody and different
 18 sorts of needs.
 19 There wasn't -- there were quite open conversations,
 20 quite detailed, and I'm not sure what more we could have
 21 done in that regard.
 22 **Q.** I want to move on now to a different topic and that is
 23 the instruction of the experts. Could we start, please,
 24 with CPSE0000188. So we're going back in time now,
 25 we're on 30 August and this is a meeting between
 44

1 yourself, Leigh Sanders, DC Beddoe and DS Mason.
 2 It starts by saying:
 3 "No agenda. This was due to the high level meeting
 4 between [yourself and Leigh Sanders] to reinforce the
 5 requirements of a timely quality file given the issues
 6 for Stage 1. However, [Leigh Sanders] also wanted the
 7 DC/DS to update me on progress. Give assurance from
 8 [Leigh Sanders] that the team are pressing on with it."
 9 If we go over the page, there is reference there to
 10 the file, number 4; is that the CPS file?
 11 **A.** It's the file that the police are providing to CPS.
 12 **Q.** It says:
 13 "Providing full file in accordance with Alan's
 14 advice.
 15 "This is largely in hand."
 16 Then it addresses things like pathology, body
 17 mapping, forensic reports, CCTV, and it's the
 18 penultimate bullet point I'd like to ask you about. It
 19 says there:
 20 "The police want to discuss how much detail to go
 21 into his medical before the provision of the reports and
 22 also his 'normal actions'. They are already evidencing
 23 his actions over the period in question but
 24 understanding how much to do this would be of benefit to
 25 the police."

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1 from yourself, and you've said:
 2 "Andrew [that's Andrew Baxter] has asked for sight
 3 of the letter of instruction to Dr Blackwood. Can you
 4 assist? I think he is concerned about the things we
 5 have already talked about -- to ensure that there is
 6 consideration of the incongruous factual elements
 7 including the call to his brother and his behaviour at
 8 Seelyhurst House."
 9 Did you share those concerns?
 10 **A.** Yes, I think it's in my note of the original meeting we
 11 had at Radford Road Police Station that there were
 12 elements to his behaviour which seemed rational.
 13 **Q.** If we please could turn to CPSE0000153, this is the
 14 ultimate Letter of Instruction to Dr Blackwood of
 15 5 October. Were you involved in the drafting of this?
 16 **A.** Yes. Well, I approved it before it went out.
 17 **Q.** If we turn over the page to page 2, it sets out there
 18 a couple of concerns from the Crown in respect of
 19 reservations. So it says, for example, in that
 20 paragraph beginning "Nonetheless", there's reference to
 21 the phone call between VC and his brother Elias.
 22 If we scroll down, there's then reference, a couple
 23 of paragraphs below, to VC breaking in to Seely Hirst
 24 House. Then at the bottom of that page it says:
 25 "Whatever conclusions you reach applying your

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1 What did you understand by "normal actions" there?
 2 **A.** Evidence in his normal, everyday interactions.
 3 **Q.** Is that significant because it may point away from
 4 diminished responsibility?
 5 **A.** I think it's just significant to get the overall
 6 picture.
 7 **Q.** But why? I mean at this stage why is that a specific
 8 entry?
 9 **A.** Because that -- because the police wanted to understand
 10 what material they should gather or whether they were
 11 gathering the right sort of material.
 12 **Q.** As early as August, were there at least some concerns
 13 about the fact that VC was able to act or appear to act
 14 in a normal way?
 15 **A.** Yes, it was something we discussed at the police
 16 station.
 17 **Q.** If we then go to CPSE0004789, and that's emailed
 18 correspondence that I took Ms Mannion to, so you'll be
 19 familiar with it. It's where the defence expert report
 20 has been received and she says she's struggling to
 21 reconcile it with the defendant's actions at and around
 22 Seely Hirst House.
 23 **A.** Yes.
 24 **Q.** Then we have CPSE0008370. If we could look at the
 25 bottom email on page 2, please. This is a follow-up

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1 expertise in this field, the Crown would ask that these
 2 concerns, are specifically addressed in your report."
 3 Then if we go over the page, please, there's a
 4 series of questions at the bottom. That's the material,
 5 and then the series of questions at the bottom. Did you
 6 draft those questions or were you involved in that?
 7 **A.** Yes, yes.
 8 **Q.** Yes. And then you approved the letter itself.
 9 Now I'm not asking you whether a change in the
 10 Letter of Instruction would have changed the ultimate
 11 opinion; that can't be a question for you. But we've
 12 heard various additional bits of information during the
 13 course of this Inquiry, whether it be the fact that
 14 seven individuals passed VC before he carried out the
 15 attacks; whether it be the fact that he had three knives
 16 including a dagger; SIM card changes; more detail on
 17 previous stalking incidents; more detail on the attack
 18 on the flatmate Christopher; the names that were found
 19 on a piece of paper in a bag, in VC's bag, former
 20 flatmates; evidence that the van was not necessarily
 21 stopped itself, but was blocked in; various bits of
 22 unused material, such as the particular contents of VC's
 23 mobile phones; downloads showing violence, extremist
 24 materials. We've also seen DC Beddoe's report.
 25 Just giving you examples. Do you think, on

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1 reflection, the Letter of Instruction could have
 2 benefited from a bit more information reflective of
 3 those kinds of concerns that you all had from quite
 4 early on?

5 **A.** The concerns that we flagged in that report are not
 6 supposed to be exhaustive. But the information that
 7 you're referring to is not new information; that was all
 8 information that was provided to Dr Blackwood. And
 9 these examples are examples of where it looks to
 10 a layperson that he is acting in some sort of rational
 11 way. The sorts of things that you have referenced --
 12 and forgive me, because it was quite a long list --

13 **Q.** They are just examples.

14 **A.** -- certainly some of those aren't on this point. So
 15 some of those aren't about him acting rationally, they
 16 are about other sorts of behaviour or other interesting
 17 things he's got on his phone, and so -- and so they
 18 weren't the things that we were seeking to draw his
 19 attention to here but they were material that he had
 20 access to, and as you've heard from him, he did access.

21 **Q.** If we scroll up we can see the list of things. I mean
 22 it's quite a document dump, essentially, all served
 23 prosecution evidence, all disclosed unused material.
 24 It's only those two examples that I've shown you in
 25 a page before that are drawn to his attention, the Seely

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1 to as being about his psychosis. So I don't mean to
 2 come across as being defensive, but the -- this -- what
 3 you're suggesting to me is that the letter could be
 4 improved but it's not clear to me how you're saying it
 5 could be improved because they're not -- because those
 6 are not examples about his rationality. So I don't
 7 think it could, and I think we also have to look at an
 8 expert and expect them to use their own experience to
 9 look at the material, and if there are other aspects of
 10 rationality, pull those out, which Dr Blackwood did in
 11 his report.

12 **Q.** Isn't there at least some burden on yourselves to draw
 13 matters to their attention for their consideration? And
 14 in respect of whether something goes to rationality or
 15 not, that won't ultimately be a decision for you; that
 16 will be a decision for them. So couldn't you have drawn
 17 more out in these letters?

18 **A.** I don't think so, I think it's a really full letter, and
 19 I think Dr Blackwood commented on the same.

20 **Q.** I'm going to ask you again the same question in respect
 21 of the decision to accept the plea of manslaughter.
 22 You've seen the legal test that I took Ms Mannion to.
 23 Reflecting on the evidence that the Inquiry has heard,
 24 documents that have been provided to you in your hearing
 25 bundles, could the CPS perhaps have done more to test

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1 Hirst House and the telephone call.

2 Just reflecting, I mean we've heard many weeks of
 3 evidence now, do you think reflecting on this letter, it
 4 would have been better to have drawn his attention to
 5 some more of that information?

6 **A.** To the point of rationality, or to a different point?

7 **Q.** Yes, to the point of rationality or in fact to a
 8 different point. Could this letter have been developed
 9 a bit more?

10 **A.** No, I don't think so.

11 **Q.** I mean does the CPS reflect enough on these kinds of
 12 things or do you think it just defends its decisions?

13 **A.** Sorry, don't understand the question.

14 **Q.** Well, I mean we've been here for many weeks and we've
 15 heard a lot of evidence and you don't think that this
 16 letter could be improved on. And my question is,
 17 looking at that answer, do you think the CPS is a bit
 18 too defensive and not really reflective enough?

19 **A.** No, I don't think that because the examples you've
 20 provided to me, the things that you've asked me about in
 21 this letter are about things that appeared to us to be
 22 about him behaving in a rational way. Much of the other
 23 material that you've referred to is on a different
 24 point, on his general behaviour, talking about previous
 25 incidents. They are things that the psychiatrists point

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1 the conclusions of the psychiatrists?

2 **A.** I think that the legal test requires us to consider the
 3 opinions of the psychiatrist, and then look at whether
 4 there are any other circumstances which would allow us
 5 to test that at trial, and here there are not any.

6 **Q.** Could you, reflecting on it and hearing the evidence
 7 that's been heard throughout the Inquiry, have pointed
 8 out some limitations, some inconsistencies, some factual
 9 matters that hadn't been considered?

10 **A.** But it had all been considered.

11 **Q.** Do you think that the CPS are too deferential to
 12 a psychiatrist's opinion, when ultimately you can pursue
 13 a case that is at odds with those opinions?

14 **A.** If there are some -- and referring to the case law, if
 15 there are some other circumstances which allow us to do
 16 that, the case law is very clear about that and very
 17 clear about the importance of a psychiatric opinion. So
 18 that's a legal decision to say that it's important to
 19 look at the psychiatric opinion. So I don't think it's
 20 about deference; I think it's about looking at the
 21 evidence and applying the Code for Crown Prosecutors.

22 **Q.** Do you think that you were probing enough in relation to
 23 those other circumstances?

24 **A.** Yes.

25 **Q.** Is there anything that the CPS considers it didn't do

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1 perfectly and could improve upon?

2 **A.** I don't think that in our discussions this morning I've

3 suggested that we have been perfect. We talked about

4 providing a form of words or something in writing to

5 support conversations and, certainly, I think that's

6 something that we could look at and take forward.

7 **Q.** Outside of that one example, is there anything else that

8 you think the CPS could improve upon?

9 **A.** I think in respect of the decision making in this case,

10 I don't think so.

11 **MR BLAKE:** Thank you, Chair. I don't have any further

12 questions. There are questions from the Core

13 Participants.

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

15 **Questioned by MR MOLONEY**

16 **MR MOLONEY:** Morning, Ms Shallow.

17 You received advice from counsel in respect of the

18 acceptability of pleas to manslaughter on the grounds of

19 diminished responsibility?

20 **A.** Yes.

21 **Q.** Yeah. You, in fact, received two advices from counsel,

22 didn't you?

23 **A.** Yes.

24 **Q.** Yes. The first one was a short advice, which

25 essentially endorsed the position of Mr Murphy; is that

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1 **Q.** You did get the more detailed advice from counsel,

2 didn't you?

3 **A.** Yes.

4 **Q.** That was on 15 December 2023?

5 **A.** Yes.

6 **Q.** That was after the decision had been taken to accept the

7 pleas, wasn't it?

8 **A.** No.

9 **Q.** The decision essentially had been taken, hadn't it, in

10 late November that the pleas were to be acceptable?

11 **A.** We had made the decision in November, that's right, and

12 then -- you'll know that over that weekend, following

13 discussions between ourselves and the police, we -- it

14 was identified that there remained concerns from some of

15 the families about psychiatric evidence. And so we made

16 the decision to instruct a fourth psychiatrist and so

17 the decision effectively was pended.

18 **Q.** Can we look, please, at CPSE0009524. This is an email

19 from Mr Beddoe, DC Beddoe, dealing with his report and

20 the reaction to it from Mr Murphy. Are you familiar

21 with this email?

22 **A.** Yes.

23 **Q.** Can we go over to page 4 of this, please. This is the

24 main body of Mr Murphy's email which you're familiar

25 with where he discusses the -- it's a response to

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1 right?

2 **A.** Yes.

3 **Q.** Were you content with that advice?

4 **A.** No, Mr Murphy and I had a conversation that we would

5 need to seek a more detailed advice. But then, as

6 events then took us on, we sought the fourth opinion

7 from Dr Latham and so that was postponed, if you like,

8 until after we'd received that fourth advice -- report.

9 **Q.** Could we please look at CPSE0003998, and this is an

10 email from Mr Baxter which went to Mr Murphy and you and

11 Ms Mannion and Ms McKinney and Ms Pochin, and this

12 addresses the first advice, doesn't it?

13 **A.** Yes.

14 **Q.** It says that:

15 "This isn't really sufficient and para[graph] 9

16 concedes it. It essentially reads there is not enough

17 time to do a proper advice (like Alan's). Can you

18 remind me of the brief fee we have paid here for both

19 counsel?

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

21 I get that. I would like to see a proper advice now

22 please from the KC."

23 Did you share that view of Mr Baxter?

24 **A.** In part. I shared that the advice was too brief and

25 that we would need to get a more detailed advice.

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1 Mr Beddoe's report; yes?

2 **A.** Yes.

3 **Q.** Can we go to then the final paragraph where it says

4 that:

5 "Can I ask that this document is placed on the

6 sensitive schedule of unused material ...it is plainly

7 sensitive in my view. It will not be disclosable to the

8 defence as it doesn't meet the CPIA test and it would

9 plainly not be disclosable to anybody else."

10 Why would the disclosure of Mr Beddoe's report give

11 rise to a real risk of serious prejudice to an important

12 public interest so as to justify it being placed on the

13 schedule of sensitive unused material?

14 **A.** So correspondence between police and ourselves is

15 actually largely not -- it's not scheduled. It's not

16 material that's --

17 **Q.** It's not scheduled, is it, no --

18 **A.** It's not --

19 **Q.** It's not material. This a report prepared by

20 an officer. So why, just to ask the question again, in

21 the limited time, would the disclosure of this report

22 give rise to a real risk of serious prejudice to

23 an important public interest so as to justify it being

24 placed on the schedule of sensitive unused material?

25 **A.** Sorry, I was trying to answer that question.

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1 Ordinarily, because this is communication between the
 2 police and ourselves, it wouldn't be scheduled; it
 3 should only be scheduled if it's disclosable. So
 4 I don't think it should have been placed on the D,
 5 I don't think it should have been scheduled at all. If
 6 it is going to be -- if it's appearance on the D is
 7 because it is communication between ourselves and the
 8 police which is one of the -- which is one of the
 9 reasons for putting something on a sensitive schedule.
 10 **Q.** But it only goes on the sensitive schedule -- not all
 11 police communication goes on the schedule, does it?
 12 There's lots of police communication.
 13 **A.** No, that's right.
 14 **Q.** Most material doesn't. This goes on the sensitive, but
 15 it can only go on the sensitive if it gives rise to a
 16 real risk of serious prejudice to an important public
 17 interest. What is that real risk?
 18 **A.** The risk is around communication between the police and
 19 the CPS being disclosed. That's a standard risk as far
 20 that -- (overspeaking) --
 21 **Q.** Isn't that circular, Ms Shallow?
 22 **A.** It is. I'm not saying that -- I'm not saying it ought
 23 to go on the D, I'm saying that it didn't ought --
 24 **Q.** So it should not have gone on the D, should it?
 25 **A.** Because it didn't ought to have been scheduled at all.

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1 the CPS to have an insight about a victim's experience
 2 of the investigation.
 3 **A.** *(Witness nodded).*
 4 **Q.** Would you agree?
 5 **A.** Yes.
 6 **Q.** And you have essentially, when asked about the
 7 experience of the survivors, that something better could
 8 have been done for them from their experience, and
 9 I think you've effectively said you've looked at
 10 everything and you think the CPS did all they could have
 11 done in this case; is that correct?
 12 **A.** Yes, so far as the limited questions that were asked of
 13 me about this, yes.
 14 **Q.** Now you have said essentially that the survivors were
 15 offered meetings and they didn't want one.
 16 **A.** *(Witness nodded).*
 17 **Q.** So how can you assist? How you can stand by that
 18 position when, on the CPS meeting minutes, Tracey
 19 Hodgson and Wayne Birkett are both recorded as wanting
 20 meetings at the end of August and in September
 21 specifically with the CPS?
 22 How can you reconcile you saying they didn't want
 23 meetings and the CPS own minutes show that they were
 24 requesting those, and that was never taken forward and
 25 meetings offered?

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1 **Q.** Well, that's perhaps more debatable because it
 2 potentially is material in the sense that it's something
 3 that's generated by the police which could be
 4 disclosable, but in this, you could very easily have put
 5 this on the non-sensitive schedule and put it there as
 6 clearly not disclosable, in the same terms as Mr Murphy
 7 says this: "It will not be disclosable to the defence as
 8 it doesn't meet the CPIA test ..."
 9 **A.** That's right.
 10 **Q.** "... and it would plainly not be disclosable to anybody
 11 else."
 12 **A.** It -- there's no reason why this would be on an MG6C.
 13 **Q.** Was there a view that the prosecution team did not wish
 14 the family to see this report at any stage?
 15 **A.** But this is about disclosure to the defence; this isn't
 16 about -- this is about CPIA disclosure. It's nothing to
 17 do with disclosure to anybody else.

18 **MR MOLONEY:** Thank you very much, Ms Shallow.

19 **THE CHAIR:** Yes? Ms Cartwright.

20 **Questioned by MS CARTWRIGHT**

21 **MS CARTWRIGHT:** Ms Shallow, good morning. I ask questions
 22 very briefly on behalf of the survivors, and I've
 23 listened with care with how you answered Mr Blake's
 24 questions.

25 This Inquiry offers an opportunity, doesn't it, for

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1 **A.** So the meeting on the 30th August,
 2 Detective Superintendent Sanders told me that Tracey
 3 Hodgson was likely to want to meet CPS -- that she was
 4 going to want to meet the police and was likely to want
 5 to meet CPS. I asked Mr Murphy to follow that up with
 6 the police when he saw them the following week, which he
 7 did, and he asked them if they could arrange a meeting,
 8 if she wanted to have a meeting, and that didn't happen.
 9 And I accept that that wasn't chased up by us, but we
 10 also didn't get any information back from the police.
 11 And we could have chased that up at that point, but
 12 I do -- and so there is a gap there between then and
 13 November, when Tracey Hodgson is asked again if she
 14 would like to meet with us, and her answer was no, not
 15 until the sentencing.
 16 **Q.** I think your chronology omits the CPS meeting minutes of
 17 8 September which again record it was for the CPS to
 18 take forward with the police the meeting, because they
 19 were requesting still a meeting in September with the
 20 CPS.
 21 **A.** Sorry, that's when I'm -- when I referenced that I asked
 22 Alan Murphy to take it forward and he spoke to the
 23 police the following week, that's the meeting I'm
 24 referring to, when he spoke to the police about this
 25 issue, and he asked the police to make some enquiries

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1 and to put some arrangements in place.

2 **Q.** But that didn't happen and that's why I want to --

3 **A.** No, and that's what I've just acknowledged; that there

4 was a gap between that meeting in September when Alan

5 asked the police to put that in place, and then

6 November. And we didn't chase that up.

7 **Q.** In circumstances where the CPS individually have their

8 own responsibilities under the Code, does that, in light

9 of the questions Mr Blake has asked you, not show that

10 there is more that the CPS should be doing directly to

11 satisfy themselves that all is being done to encourage

12 and facilitate victim participation?

13 **A.** Yes, as I said, we could have chased the police when

14 they didn't come back to us about arranging a meeting,

15 if in fact it was confirmed that Tracey did want to meet

16 with us, because we were still waiting to find that out.

17 **Q.** It's a bigger issue now, I'm going to suggest to you, is

18 that these are victims that are saying that they did not

19 have the relevant input information from their FLO.

20 That didn't work. That they were asking for meetings

21 with the CPS. They were not arranged. They had one FLO

22 between the three survivors, and so there wasn't the

23 timely communication of information. And then they did

24 not have the relevant information provided to them.

25 So you have victims describing their experience,

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1 mind the CPS, in their opening statement, suggested that

2 the survivors had two FLOs, were you aware that the

3 survivors only had one FLO?

4 **A.** Not until we heard that in the Inquiry.

5 **MS CARTWRIGHT:** Okay. Thank you.

6 **THE CHAIR:** Thank you. Yes. No? Thank you. Ms Carey.

7 **Questioned by MS CAREY**

8 **MS CARTWRIGHT:** Ms Shallow, you know I ask questions on

9 behalf of the Crown Prosecution Service. A number of

10 different topics, please, if I may.

11 Can I start back with where Mr Blake asked his

12 questions and back on 14 June I think you told us that

13 you picked Alan Murphy as the reviewing lawyer on this

14 case. Why did you select Mr Murphy for this particular

15 case?

16 **A.** Because he was the most experienced prosecutor that I

17 had on the Complex Casework Unit.

18 **Q.** We know that on 14 June, Mr Murphy retained

19 Dr Blackwood, and I think you told HMCPSP in due course

20 that Dr Blackwood had done a number of cases for the CPS

21 previously and you referenced a previous case where

22 there were difficulties in a dispute between

23 psychiatrists which he dealt with, and you said:

24 "From our perspective we wanted to make sure we had

25 secured him."

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1 which is there for the CPS to learn from things that

2 didn't happen for those survivors in this case. And so

3 it's not just now about not arranging a meeting in

4 September; but would you agree this casts a light on the

5 need for the CPS themselves to directly satisfy

6 themselves that they have discharged their obligations

7 to victims?

8 **A.** Well, I think the issue about the meeting in -- at the

9 back end of August, September, is actually quite helpful

10 in looking at that because I think that is a way in

11 which we can discharge our obligations. So if we ask

12 the police to set up a meeting and that doesn't happen,

13 then it's our obligation to chase that up and to make

14 sure it happens.

15 So I think that's something that we can reflect on

16 and ensure that where something is supposed to happen,

17 that we make sure that it does.

18 **Q.** Would you agree in particular, where a victim then also

19 has a traumatic brain injury, it's even more essential

20 that there's bespoke victim participation and

21 facilitation put in place by the CPS?

22 **A.** That was why the meeting was to be with Tracey. I think

23 initially just with Tracey, but I think as time went on,

24 Tracey and Wayne.

25 **Q.** Finally, can I ask from your perspective, bearing in

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1 Why did you want to secure Dr Blackwood particularly

2 for this case?

3 **A.** He had previously demonstrated to us that he was able to

4 be robust and to ensure that if there was any issue of

5 malingering, that he would identify that.

6 **Q.** Right. Can I turn to a different topic, please:

7 communications with the family and families in this

8 case. I just want to take a step back, please, because

9 you were asked about meetings on and around the time of

10 McSweeney's report coming in on 2 October, meetings with

11 the families on 24 November, and answers may have become

12 conflated, and I just want to try to separate those out,

13 please.

14 **A.** Thank you.

15 **Q.** Can we just take a step back. Under the Bereaved

16 Families Scheme, is it right that the FLO is the conduit

17 of information from the Crown Prosecution Service to the

18 bereaved families?

19 **A.** Yes.

20 **Q.** You've been asked a number of questions this morning by

21 both CTI and indeed Ms Cartwright about the CPS

22 potentially being more direct, to use that word. Does

23 the current scheme allow for the CPS to have direct

24 contact with bereaved family or families?

25 **A.** No, it all needs to go through the FLO.

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1 Q. Right. So even when a letter is sent by, for example,
2 Ms McKinney on 18 December, it is for the FLO to deliver
3 that letter; is that correct?
4 A. Yes.
5 Q. All right. I think you are aware in this particular
6 case that some of the families wanted written
7 communications, some of the families in fact preferred
8 to be told things over the phone?
9 A. Yes.
10 Q. Indeed, some of the families, perhaps Marcin being the
11 obvious example, didn't really want any contact at all?
12 A. Yes.
13 Q. Is that familiar with your general experience of how
14 different families react differently to these types of
15 crimes?
16 A. That's right, and that's why I said we have to be
17 cautious about being too prescriptive within the
18 Bereaved Families Scheme.
19 Q. Right. Now I think, when we look at 2 October, and
20 Dr McSweeney's report raised the defence of diminished
21 responsibility, CTI suggested that a letter could have
22 been sent around that time and I think you agreed that
23 there could be a form of words certainly -- whether
24 a letter or not matters not -- to help the police
25 explain the concept of diminished. But have

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1 22 November, it's an email from one of the FLOs to
2 Michelle Mannion, but I think in fact you were copied
3 in, confirming arrangements for the meeting with the
4 O'Malley-Kumars that was to take place on the 24th, and
5 there's reference to the fact that Mr Hendy is now going
6 to be attending. They didn't have an issue with this.
7 They were happy to have the joint meeting.
8 A. Yes.
9 Q. Then they set out -- can you see the bold section there
10 "OMK family expectations from the meeting"?
11 A. Yes.
12 Q. What they hoped to achieve by the meeting: meeting with
13 legal team; provided with an explanation; what is the
14 mental health diagnosis; what the reports mean in terms
15 of the route map through the judicial system;
16 explanation of the partial defence; reference to fitness
17 to plead and standing trial; implications his mental
18 health has on sentencing, if any.
19 Right, so that was -- what the fact that the
20 O'Malley-Kumar wanted to know about at the meeting on
21 the 24th, and in due course did you prepare an agenda --
22 A. Yes.
23 Q. -- essentially mirroring the OMK families' expectations
24 at the meeting?
25 A. Yes.

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1 I understood this correct, that any form of words would
2 augment but not replace a meeting if the families wanted
3 one?
4 A. Absolutely.
5 Q. Right. By 24 November, clearly Dr Blackwood's report is
6 now available, and we know there was a meeting with the
7 O'Malley-Kumars and the Webbers. And I just want to be
8 clear: that meeting was happening over Teams with
9 counsel, I think you were present with the
10 O'Malley-Kumars and the Webbers?
11 A. Yes.
12 Q. Was it the expectation of the CPS that the Coates family
13 and Elaine Newton were being told about the likely
14 acceptance of pleas at or around the same time as the
15 meeting was going on?
16 A. Yes.
17 Q. I think the suggestion was made that there should be
18 perhaps potentially a meeting about diminished
19 responsibility at one meeting, and then a separate
20 meeting about the implications of accepting any plea and
21 what might happen at sentencing.
22 A. Yes.
23 Q. In this particular case, can I see if we have on screen,
24 please, CPSE0004509, and if we could go down to page 3
25 please. Can we see in the middle of the page there on

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1 Q. Is that why the meeting on 24 November included not only
2 an explanation about diminished responsibility, but also
3 the sentencing options that might therefore arise?
4 A. Yes.
5 Q. So in this particular case, it was as a result of
6 a direct request that both diminished and sentencing was
7 discussed, had a family indicated they only wanted to
8 discuss diminished responsibility or in a different case
9 the family only wanted to discuss sentencing, would that
10 be reflected in any agenda for meetings with families?
11 A. It would, and I think you've encapsulated the difficulty
12 in trying to weave your way through some of the issues.
13 Q. Final topic from me, please. You've been asked about
14 the Beddoe Review being placed on the MG6D. Can I ask
15 you, please, what is the test for disclosure to the
16 defendant under the CPIA 1996?
17 A. So something is disclosed to the defendant if it
18 undermines the prosecution case or assists the defence.
19 Q. Right. In your view, did the Beddoe Review, which as we
20 know was a document prepared to try and assist the court
21 in arguments that might lead the court to impose
22 a hybrid order, did that review meet the test for
23 disclosure?
24 A. No.
25 Q. Right. In any event, the document then went on MG6D and

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1 can I ask, please, that we have on screen CPSE0000077.
 2 We have there the "Disclosure PII Codes" which accompany
 3 any document that appears on an MG6D; and if we look
 4 there at item 10 in particular it makes clear that
 5 internal police communications could go on MG6D.

6 **A.** Yes.

7 **Q.** If so, they would be listed as an Item Code 10, which is
 8 in fact what happened in this case, isn't it?

9 **A.** Yes, the point that I was making initially was that
 10 actually we don't have to schedule them at all, but if
 11 it is going to be scheduled, it's perfectly proper for
 12 it to be on the D.

13 **Q.** So if I understand your evidence correctly, firstly this
 14 did not meet the disclosure test, you would not have put
 15 it on a D, but the fact that Mr Murphy put it on the D,
 16 he correctly identified the PII code to which that
 17 document related?

18 **A.** Yes.

19 **Q.** In any event, the matters that were raised in the Beddoe
 20 Review, do you agree that they were all matters that
 21 were available to the psychiatrists when coming to the
 22 view as to whether diminished responsibility was the
 23 appropriate partial defence in this case?

24 **A.** There was absolutely nothing new in the Beddoe Review.

25 **MS CAREY:** Ms Shallow, they are all the matters I want to
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1 responsibility means. So I think we do have a certain
 2 expectation that Family Liaison Officers, because of
 3 their role and their experience in that particular job,
 4 will have some understanding of that and they would be
 5 able to, on a very basic level, explain that what the
 6 result of a partial defence would be, as in
 7 manslaughter.

8 I absolutely take on board that anything more
 9 detailed than that, then that needs to come from
 10 prosecutors.

11 **THE CHAIR:** Has any attempt ever been made to, as it were,
 12 put a decision tree: if this, you move onto that, if --
 13 something so that you -- for those who find it much
 14 easier to understand things when they're set out in
 15 a visual form rather than a description, to go along
 16 with the description? Has any attempt been made to
 17 prepare one of those by the CPS or to use it?

18 **A.** Not that I can think of, Chair.

19 **THE CHAIR:** Do you think that might be helpful?

20 **A.** I don't think it would be unhelpful. I go back to my
 21 everyone likes to receive things in different ways. It
 22 wouldn't be helpful to everybody, but it could be
 23 helpful to some people.

24 **THE CHAIR:** So if you had a description in simple terms, as
 25 simple as possible, plus a diagram, plus a meeting, you
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1 ask you about. Thank you very much. Thank you, Chair.

2 **Questioned by the CHAIR**

3 **THE CHAIR:** Yes, can I just go back to what essentially has
 4 been asked of you by both Mr Blake and also now by
 5 Ms Carey.

6 That's in relation to the different ways in which
 7 people, you've said, wanted to receive information and
 8 what they wanted to receive information about. Is it
 9 not really the case that most people have never had any
 10 experience of the criminal justice system and this kind
 11 of very complex case before they are thrown into it by
 12 the circumstances of a violent death and bereavement or
 13 injury themselves?

14 **A.** That is very often the case.

15 **THE CHAIR:** So, as Mr Blake put it, it's a question of you
 16 don't know what you don't know?

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

18 **THE CHAIR:** Therefore, the idea that it should be left to
 19 the individual to ask for information about the effects
 20 of diminished responsibility and the description of it,
 21 and/or the effects on sentencing, how would you expect
 22 them to know that there were effects on sentencing that
 23 they should ask about?

24 **A.** I think this goes back to the issue that I raised
 25 around -- about the process and about what diminished
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1 might cover all the bases, mightn't you, the way that
 2 different people learn?

3 **A.** Yes, I think -- and just going back to the earlier point
 4 around not being too prescriptive, I think the way that
 5 you would need to make sure that we weren't forcing
 6 things on to people that they don't want to have. So
 7 that's the only caveat that I would have to that.

8 **THE CHAIR:** Yes. So people might not want everything in
 9 writing. But in order to have a meeting, I think
 10 certainly I think you probably heard the survivors say
 11 that it would have helped them if they'd had some
 12 indication of what was happening in advance, either by
 13 a phone call or in writing or something like that?

14 **A.** Yes, and there were -- I did refer to them -- there were
 15 two forms of words provided to the survivors to explain
 16 certain concepts.

17 **THE CHAIR:** The other aspect of it, of course is that where
 18 you have a number of different victims in different
 19 groups in something like this, so you've got those who
 20 are the bereaved and those who are the survivors of
 21 attempted murder, so different legal considerations
 22 apply to those different potential offences, and also --
 23 but nonetheless, even though diminished responsibility
 24 is not a defence which is available to attempted murder,
 25 is that something that should be explained and the
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1 effect nonetheless of it on the potential sentence?

2 **A.** Yes, yes, and, as I say, the diminished responsibility
3 was explained, it's via a form of words, to the
4 survivors, and I suppose that was their opportunity,
5 I guess, to ask for a meeting to understand that better,
6 and we were told that none wanted to meet with us to
7 discuss it.

8 **THE CHAIR:** Of course this is at a time when they themselves
9 are coming to terms with really very serious injuries
10 and their own ability to attend or take in information
11 is more limited, isn't it?

12 **A.** Yes, I mean, this was -- I -- I would say, five months
13 down the line, but for everybody, you know, their
14 emotions and their physical abilities will change within
15 the course of a case. It won't stay the same.

16 **THE CHAIR:** No. Where there are different groups or
17 different people who perhaps want to receive information
18 and others who don't, do you think that letting those,
19 who initially perhaps say they don't want to receive
20 information, know that others are receiving it might
21 also be a good idea?

22 **A.** I think that's more challenging because you're telling
23 one party something about somebody else.

24 **THE CHAIR:** Well, if you said, for example, "We're having
25 a meeting with X and Y and they're taking part in this,

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1 Families.

2 **THE CHAIR:** Because that was the -- as it were, the
3 springboard for his involvement in that. Were you aware
4 of the website of Hundred Families?

5 **A.** At some point I became aware of it. Sorry, Chair,
6 I can't -- I don't recall the chronology but at some
7 point I became aware of the Hundred Families.

8 **THE CHAIR:** I see. So that would have given you some idea
9 of the capacity and his background in this particular
10 area, assisting victims?

11 **A.** Yes. But as I say, I can't -- I don't recall the
12 chronology of how that happened.

13 **THE CHAIR:** Thank you.

14 Yes, I have no further questions. We'll take
15 a break now until 12.05. Thank you.

16 **(11.44 am)**

17 **(A short break)**

18 **(12.05 pm)**

19 **MS LANGDALE:** Chair, may I call, please, Karim Khalil,
20 King's Counsel.

21 **KARIM KHALIL (affirmed)**

22 **Questioned by MS LANGDALE**

23 **MS LANGDALE:** You prepared a statement for the Inquiry,
24 dated 23 October 2025; can you confirm the contents are
25 true and accurate as far as you're concerned?

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1 who are also affected," and that's a meeting with
2 counsel, is that something that you might wish to take
3 part in?

4 It doesn't disclose anything you can't reveal,
5 does it?

6 **A.** No, but I think -- I think we just need to be cautious
7 about if somebody has said, "I don't want to meet," and
8 then you say to them "Well, we're meeting with X and Y
9 and with counsel, are you sure you don't want to meet?"

10 **THE CHAIR:** It's the way you present it, isn't it.

11 **A.** It is the way you present it. I just think it needs
12 a bit of caution because not everybody wants to engage.

13 **THE CHAIR:** No.

14 **A.** And that's -- and where I've had hesitation, Chair,
15 that's why. Because I think that the Bereaved Families
16 Scheme has to work for everybody, and so it has to be --
17 it has to be open enough to do that. But you're right,
18 there might be things that we could add to that, but we
19 just need to be mindful of that.

20 **THE CHAIR:** And just one final thing about Julian Henty's
21 attendance. I think initially you said you were
22 concerned that he had been a film-maker. Was that
23 before or after you looked at the website on Hundred
24 Families?

25 **A.** I don't know that I did look at the website on Hundred

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1 **A.** I do.

2 **Q.** Could you tell us briefly about your qualifications and
3 practice, please?

4 **A.** Yes, I qualified through law degree at Cambridge
5 University. I went to London and completed the Bar
6 exams, was called to Lincolns Inn, and then, having
7 obtained the tenancy, started practising initially with
8 a mixed practice but shortly specialised in criminal
9 law, and after a few years, I've really continued
10 specialising in criminal law ever since. So I suppose
11 I've been practising for just a little over 40 years.

12 Became King's Counsel in 2003, when we were partway
13 through the Soham case, so I was second silk prosecuting
14 that trial of Ian Huntley and Maxine Carr and
15 I continued in practice as a silk thereafter.

16 I worked across the South Eastern Circuit, the
17 Western Circuit, the Midlands and also into Wales.

18 I've prosecuted and defended in roughly equal
19 measure across the entirety of the years of my practice.
20 For the last 25 years or so my practice has been
21 principally in cases of homicide. Usually complex cases
22 of homicide, whether because of multiplicity of killings
23 or difficult forensic materials that are involved, or
24 perhaps because they're likely to attract a lot of
25 publicity because of the nature of the cases, but of

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1 course I've also engaged with other forms of crime as
2 well.

3 **Q.** Just to be clear, is that your statement you're looking
4 at?

5 **A.** I've got my statement here.

6 **Q.** That's fine, just your statement, yes.

7 **A.** I'm not actually looking at it now.

8 I've been instructed by the prosecution in a number
9 of cold case reviews over time. Those are cases where
10 the police decide to reinvestigate an historic event
11 with a view to seeing if it can be prosecuted now, when
12 previously it was not able to do so.

13 I've been instructed in cases where there's been
14 a difference of opinion between investigating police
15 officers and the Crown Prosecution Service initially as
16 to whether there is a sufficiency of evidence to
17 prosecute. And I have advised on occasion that with
18 further work, my opinion is that they should be
19 prosecuted, in particular a case back in the end of the
20 seventies and the early eighties.

21 **Q.** Don't worry, I don't need details about the cases.

22 **A.** Very well.

23 **Q.** So you've got extensive experience --

24 **A.** Yes.

25 **Q.** -- in homicide cases and those that involved the issue

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1 of the supervision of a person convicted of manslaughter
2 by reason of diminished responsibility, and as part of
3 the examination of that at the time of sentencing, often
4 the psychiatrists are asked to comment upon the
5 protection of the public and the differences between the
6 regimes either by way of a hospital order with
7 a restriction, or what has been colloquially termed the
8 hybrid order.

9 And if those two forms of supervision and release
10 regimes were aligned then I think it would allow judges
11 to be more focused as to which of those two regimes
12 would actually better suit it, in terms of whether
13 punishment should be required in a given case or whether
14 the overriding need for the protection of the public is
15 the more important supervening factor, or whether the
16 two can be properly combined, so that those who have
17 suffered these appalling bereavements can be satisfied
18 that there isn't a tension between the possible
19 supervision and release provisions, which is preying
20 unnecessarily on the mind of the sentencing judge.

21 **Q.** Given your experience in these cases, do you think
22 a significant issue for bereaved is a real sense that
23 the defendant is getting away with murder by the concept
24 of diminished responsibility, and pleading guilty to
25 manslaughter, it is not recognising the enormity of the

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1 of diminished responsibility?

2 **A.** I have.

3 **Q.** You tell us that at paragraph 13 and you say diminished
4 responsibility has arisen on many occasions.

5 **A.** It has.

6 **Q.** Do you consider it is an area in need of law reform?

7 **A.** In terms of disposal, I think it would be helpful to
8 look at the task of the sentencing judge when looking at
9 forms of disposal, because, through this case and other
10 cases that I've been involved in, I've become very
11 conscious that it is often the disposal of the case that
12 most vexes the bereaved families.

13 **Q.** Shall we have on screen, please, WITN0068001, page 34,
14 since you refer to that part of your statement.

15 Just to recap on my questions, so the actual impact
16 and relevance to a plea of diminished responsibility,
17 you're not saying that's in need of reform --

18 **A.** No.

19 **Q.** -- but the way sentencing is addressed is; is that your
20 position?

21 **A.** Yes, I am.

22 **Q.** Tell us what you set out here, I'm simply suggesting we
23 have it on screen so people can follow what you're
24 saying about that.

25 **A.** The court is enjoined to consider, in part, the nature

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1 crime -- and we'll come to the details of this more
2 specifically -- but generally that the law does not
3 adequately reflect the crimes in the context of
4 diminished responsibility where sentencing might?
5 Effectively sentencing would bring together, wouldn't
6 it, consideration of background mental health.

7 Is that one way of dealing with it rather than
8 having this what was described in 2006 as a "rickety
9 structure set upon shaky foundations", diminished
10 responsibility?

11 **A.** I entirely understand that families, whose loved ones
12 who have been taken away from them in the circumstances
13 of a brutal killing, would feel aggrieved that a plea
14 did not encompass a plea to murder, where the Crown
15 could establish that the intention of that person was to
16 kill their loved one, and indeed that's the starting
17 point, that it would be murder, but for the partial
18 defence of diminished responsibility.

19 In this case, we had a not unusual position, in my
20 experience, where there are some completed killings and
21 there are some attempted killings and so you have an
22 indictment which encompasses both murder and attempted
23 murder, and yet ultimately pleas to manslaughter and
24 attempted murder are accepted. And I entirely see the
25 tension for a family whose loved one has been killed,

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1 that the law then ultimately recognises the criminality
 2 of the killing under the heading of manslaughter rather
 3 than murder.
 4 **Q.** The contradiction between being found guilty of
 5 attempted murder with the *mens rea* that's required for
 6 that?
 7 **A.** Yes, well, ultimately there isn't a contradiction
 8 because of the requirements of diminished
 9 responsibility. The intention is the same in both the
 10 manslaughter by reason of diminished responsibility and
 11 attempted murder so that there isn't a contradiction
 12 there. And so yes, I can well understand why the
 13 previous examination in this area of the law has
 14 recommended that perhaps there should be a sort of
 15 murder one or murder two, or some sort of different
 16 description to allow for a partial defence without
 17 causing it to be called something entirely different.
 18 I see that.
 19 Whether a particular family would ultimately feel
 20 that a conviction of second degree murder rather than
 21 first degree murder would be sufficient, I can't answer
 22 that, but it may go some way to helping.
 23 **Q.** Do you think a penal element should attach in those
 24 circumstances? I appreciate you're not a law maker and
 25 can't change it, but is it in your view necessary for

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1 **A.** Looking for more material relating to an individual's
 2 background, looking at other material that might bear
 3 upon certain issues that have arisen in the case that
 4 haven't been sufficiently examined, inviting more
 5 material to be provided to certain experts so that they
 6 can reconsider their initial conclusions. That sort of
 7 material. It's a common part of the sort of advice
 8 that I give.
 9 **Q.** What's so important about background? Why do you need
 10 to know more about a defendant's background in cases?
 11 **A.** Well, to be sure that the conclusions reached are
 12 sufficiently robust.
 13 **Q.** Paragraphs 28 and 29, please, page 7. You say it was
 14 clear to you that "there was unlikely to be any dispute
 15 as to the identity of the person who committed the
 16 [crimes] ..." and at paragraph 29:
 17 "It was thus clear to me that [VC's] ... case may
 18 well require particular focus on issues relating to his
 19 mental capacity, albeit that this was something that
 20 could not be assessed without much more factual
 21 information and the involvement of appropriately
 22 qualified forensic experts, if required."
 23 Again, what factual information at the outset, did
 24 you think would be necessary, categories of information?
 25 **A.** Well, I had only a certain amount of material that was

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1 whether it was first or second degree murder to have
 2 a penal element?
 3 **A.** I don't feel at the moment there's any need to move
 4 significantly from the position that currently holds,
 5 namely that the first role of the sentencing judge is to
 6 consider whether a penal element is required. That's
 7 already enshrined, and so for my part I don't see that
 8 there's a need to alter that. What I do think might
 9 help is a unification, as I say, of the supervision and
 10 release regimes, which would diminish the tension
 11 potentially between looking at the penal element and
 12 looking at the treatment element, because there wouldn't
 13 be a tension between the supervision and release regimes
 14 that followed, consequent upon those decisions.
 15 **Q.** Can we have a look then, please, at paragraph 16 of your
 16 statement, page 5. You set out there through your work
 17 you have demonstrated you're "willing to challenge the
 18 workings and... conclusions of experts, including
 19 forensic psychiatrists and of requiring further work to
 20 be done when I am not satisfied that everything has been
 21 done."
 22 Without going into particular lengthy details of any
 23 particular other case, what are the examples of further
 24 work around factual evidence gathering or generally have
 25 you suggested in cases needs to be done?

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1 initially sent to me. I was conscious that those
 2 investigating would inevitably be spending time
 3 obtaining as many statements from witnesses, documentary
 4 materials, if he'd been in hospital, if he'd been
 5 detained in any way. All that sort of material that
 6 would inform both the legal decision-makers and those
 7 who would potentially be involved in coming to
 8 psychiatric opinions about his behaviour.
 9 **Q.** Would any previous cautions or convictions be necessary
 10 in a case, to know about those?
 11 **A.** They would be helpful.
 12 **Q.** This Inquiry is examining a number of incidents before
 13 the index offences and looking at the material that was
 14 potentially available around them. If there had been
 15 a criminal conviction of an ABH, or even a GBH and the
 16 like, how would that have been helpful for you looking
 17 at the prosecution of these offences?
 18 **A.** Well, the short answer is without knowing the facts of
 19 them, I couldn't possibly say. But incidents of
 20 violence would be something that obviously
 21 decision-makers would wish to know about whether or not
 22 a conviction arose. I would expect the forensic
 23 examiners to want to be informed about other incidences
 24 of violence. Whether they were incidences that informed
 25 as to his mental capacity or his mental illness, one

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1 wouldn't know until the examinations took place. But it
 2 would be information that one would hope to be able to
 3 gather and be able to consider.

4 **Q.** Paragraph 32 of your statement, doesn't need to come on
 5 the screen. You refer to considering all the "unused
 6 material" to consider whether it should become served
 7 evidence. Can you just tell us what "unused material"
 8 refers to, and whose responsibility it is in a case of
 9 this enormity to go through that unused material?

10 **A.** Well, all the material is collated initially by the
 11 investigating officers, provided to the Crown
 12 Prosecution Service, and it's their decision as to
 13 whether it is deployed as used or unused material. If
 14 it's unused, it's scheduled, and I think just before
 15 I was called to give evidence, you had some documents on
 16 screen relating to unused material so that sort of
 17 schedule is created. And then those schedules
 18 ordinarily in a case of this sort are sent to counsel
 19 who has been asked to prosecute the case; for us to go
 20 through also, so that we can form our own judgement as
 21 to whether any of that material should actually be moved
 22 from the unused schedule, which contains material that
 23 isn't intended to be used in the prosecution, and moved
 24 out of it, and actually served as evidence upon which we
 25 will rely. And that sometimes happens. I look through

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1 **Q.** He:
 2 "... ticked [various] boxes to indicate the nature
 3 of his complaints.
 4 "... complained ... organisations ... had carried
 5 out 'continuous intrusive surveillance and harassment
 6 and recorded information about all aspects of [his]
 7 life'. ... said to have taken place 'primarily in
 8 Nottingham'."
 9 Paragraph 7:
 10 "... his devices were accessed everywhere".
 11 Paragraph 8:
 12 "If another agency is responsible ... local
 13 authorities are complicit".
 14 He set out in a supplementary letter, paragraph 12:
 15 "... it [had] 'become evident' to him from May 2020
 16 when 'one of the intelligence agencies used an
 17 artificial intelligence system/program to cause him to
 18 have a prolonged enhanced audiovisual experience'.
 19 Paragraph 14, he set out the link of the conduct to
 20 his mental health and criminality. He says at the
 21 bottom:
 22 "... to ensure that the complainant [that is VC] had
 23 little recourse to substantiate his claims and seek
 24 redress the system curated an experience that could
 25 'plausibly' be dismissed as a sudden mental illness.

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1 unused schedules and see material that I think well
 2 actually this would be quite helpful to the prosecution
 3 to deploy against a particular defendant, and so I'll
 4 ask for it to be redeployed as material in the case.

5 **Q.** The Inquiry has put together some legal documents, legal
 6 team documents, summarising some of the unused material,
 7 particularly the zip file evidence. There were many,
 8 many zip files sent to his family. I don't suppose you
 9 went through all of those, for example, yourself. There
 10 was a lot of phone evidence. I know you've seen these
 11 Inquiry legal team documents, Mr Khalil --

12 **A.** Yes.

13 **Q.** -- so I think it might be helpful to go to them if we
 14 can. INQY0000003. And this is the document that deals
 15 with zip files, prison records, and takes us through
 16 chronologically.

17 There is one document that you will not have seen
 18 that the Inquiry has obtained or would not potentially
 19 have been available to you, and that's VC's application
 20 to the Investigatory Powers Tribunal. So if you see, at
 21 paragraph 1, he submitted three documents to the
 22 Investigatory Powers Tribunal on 21 May 2022.

23 If we keep the whole page on the screen, I am going
 24 to jump around, if I may, to paragraph 6.

25 **A.** Yes.

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1 The objective of the activity as far as the complainant
 2 can ascertain is to harass and misinform him so as to
 3 drain him mentally to coerce him to commit criminal
 4 activities that retroactively justify the illegal
 5 surveillance that the agencies committed. The
 6 complainant asserts that the local police department is
 7 aware and involved in the illegal activity and as such
 8 that avenue for resolution is non-viable."
 9 We see at paragraph 20:
 10 "... 'in order to entice [VC] to harass [members of
 11 the public] and then be detained'. ... stated ... that
 12 'the harassment was curated so it could be dismissed as
 13 him suffering a mental illness'.
 14 If we can see, you had access potentially to you
 15 from ReadMeFirst at page 6, an undated document sent to
 16 his family and set out at the bottom of paragraph -- the
 17 third paragraph under 25:
 18 "From the beginning, it was clear that what was
 19 happening was some kind of communication that obviously
 20 required technology. There is a system communicating in
 21 my mind. ... I had no information about the nature of
 22 this technology, who the operators were, or their
 23 intentions. I now have some information and I want you
 24 to understand this because, although the type of
 25 experience I have had in recent years is not common,

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1 there are several other identical cases. Apart from
2 that, the technology interacts with the entire
3 population - this is ... what I mean by 'greater
4 experience' - but most people just don't realise it, and
5 that is by design."

6 So the letter to the Investigatory Powers appears to
7 summarise in effect what he was saying in these zip
8 files.

9 Did you have a look at these zip files in any
10 detail, or the documents?

11 **A.** I think I read through the material. I don't recall
12 spending time on all of the detail of it. I can see
13 from the paragraphs that you've just highlighted, and
14 others that are also within there, that this seems to
15 accord entirely with the history of his effective denial
16 of mental illness.

17 I'm trying to explain that which the psychiatrist
18 said was paranoid schizophrenia in terms of being
19 interfered with by a series of technological
20 interventions, whether they were government bodies or
21 other authorities, so yes, this seemed to fit the
22 pattern that became evident from the other materials.

23 **Q.** If we look at pages 16, at the bottom of page 16 and
24 then 17, reference to it not being a conspiracy theory
25 on page 17. Paragraph 44: "real life situation ... the
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1 as to any material that might support his way of
2 thinking about the world, and imposing that on the minds
3 of others.

4 **Q.** Do you think some of this reflects extreme views?

5 **A.** That's not how I read this material.

6 **Q.** Let's have a look at paragraph 54, please:

7 "Topics range from crop circles being potentially
8 the product of microwave weapons ... experiments on
9 Uri Geller on the context of System X's development.
10 One post argues that 'the phenomenon of "cattle
11 mutilation"' in Pennsylvania and Kansas in the 1960s can
12 be explained by System X."

13 And that's footnoted at the bottom, those images of
14 dead animals, as potentially in the context of crop
15 circles, conspiracy theories, mind control, et cetera.

16 What do you make about all of these blog posts as
17 views?

18 **A.** Well, it's on the same sort of theme that things are
19 being attributed to here the development of System X, as
20 described, and events, whether they're crop circles or
21 something on well known Uri Geller, all accountable by
22 some curious phenomenon. I didn't see this as
23 an extreme view as to wanting to achieve some particular
24 end; this was explanation for things. And so no doubt
25 would be material that any psychiatrist would themselves
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1 public needs to know." Referring to the Washington Navy
2 Yard shooting, we see at paragraph 45.

3 **A.** Yes.

4 **Q.** We also know from the analysis of the phones that VC was
5 watching New Zealand shootings, the Buffalo New York
6 live stream shootings.

7 **A.** Yes.

8 **Q.** Had you noted that at the time of the prosecution, or
9 not?

10 **A.** I don't recall the particulars of noting something in
11 that particular detail, but I do recall noting the
12 nature of what he was doing, that he was seeking, in
13 a sense, to justify his own understanding of his
14 condition by reference to other events.

15 **Q.** How would an interest in mass murders or looking at
16 shootings help assist his own condition? Just so I can
17 follow that. It's something different, isn't it,
18 potentially?

19 **A.** Well, yes, he was moving from one topic to another, and
20 whether it's mass shootings or nanotechnology, as you
21 see in paragraph 45, suspected nanotechnology was used
22 to harass him in order to drive him to commit crimes.
23 "It is my assumption that they may be using this
24 technology to create domestic terror events for profit".

25 This is, it seems to me, part of his investigation
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1 look at. But that was for them to form a judgement if
2 they had it.

3 **Q.** And I don't suppose they had it in this form, or they
4 didn't have it in this form, did they? It took some --

5 **A.** Not in this form, no, but they had this material.

6 **Q.** It would have been useful though, wouldn't it, probably
7 for the prosecution to have it in this form, is you go
8 through it where a diligent lawyer has been able to
9 extract and reference and provide, neutrally, what is to
10 be found?

11 **A.** It's not easy to answer that with a "Yes" or "No",
12 because taking a summary is all very well after the
13 event, but if you're asking an expert to examine
14 a particular person and their way of thinking and then
15 come to conclusions, I would have thought it is better
16 that the expert is given the material that derives
17 directly from the person --

18 **Q.** This all does.

19 **A.** -- rather than a summary being created for the expert.

20 **Q.** This is the person, hence his preparing it like this.
21 You are looking at his phone, what he's looking at on
22 screens, in files -- (*overspeaking*) --

23 **A.** Yes.

24 **Q.** This is centred on the person. The fact that it's
25 a summary of blogs is reflecting the fact that that's
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1 what he's looking at. So wouldn't it have been helpful
 2 to have a look at that to know what the person is doing
 3 and looking at?
 4 **A.** I'm saying better for the expert to have the material in
 5 its original form rather than set out neatly summarised
 6 by somebody for them.
 7 **Q.** How long did it take you to go through the zip files in
 8 their original form?
 9 **A.** I honestly can't remember.
 10 **Q.** Well, it's a huge task, isn't it?
 11 **A.** It is, yes.
 12 **Q.** So is it that you were dipping in and out? I mean it's
 13 difficult to see how you could go through everything in
 14 the zip files, and please be candid if you didn't; there
 15 is a lot there.
 16 **A.** There is a lot there, and I don't say I read every line
 17 of them but went through them looking for anything that
 18 stood out as anomalies or curiosities that might argue
 19 against a particular position. I would have expected
 20 and I am confident that those who we instructed would
 21 have done the same. I dare say they have given evidence
 22 as to whether they considered the material.
 23 I haven't been there -- here for their evidence, but
 24 it was provided to them with a view to them conducting
 25 that exercise for themselves.

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1 A bit further down he refers to:
 2 "I started to feel anguished. About half an hour
 3 later a new plot started. I ... started to hear vividly
 4 people screaming for help in the next apartment. I
 5 recognised the voices, these were not strangers but
 6 people I knew and cared about. They were an hour
 7 earlier I even tried to contact but my phone was not
 8 working ... It was the first time this had happened to
 9 me."
 10 And so it continues.
 11 **A.** Yes.
 12 **Q.** On the next page, page 29 at the end of the top
 13 paragraph:
 14 "This was my introduction to the technology some
 15 called neural remote monitoring, others synthetic
 16 telepathy ..."
 17 That links, doesn't it -- that can go down now that
 18 document -- and can we have, please, EMAS000000, page 2.
 19 It could be six zeros, actually. Page 2. EMAS00000002.
 20 If we can go to page 1 of it. I don't think we have
 21 that. I don't know if you have seen a document from
 22 EMAS. Do you remember looking at when VC was admitted
 23 to --
 24 **A.** The admission?
 25 **Q.** Yes.

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1 **Q.** I haven't seen a note where any of this material between
 2 the lawyers, the CPS and yourselves as counsel, any of
 3 the detail of this has been discussed or documented. Is
 4 that because there wasn't actually detailed discussion
 5 about any of the contents of this material?
 6 **A.** We did not sit down and discuss the detail of this
 7 material.
 8 **Q.** Okay.
 9 **A.** And I wouldn't ordinarily have expected to.
 10 **Q.** Page 27, please. VC wrote "over six pages" in
 11 July 2023, again referring to a significant event in
 12 2019, we see halfway down, this is where he refers
 13 again:
 14 "When I finished my work I noticed my body was
 15 shaking. I was having tremors. It was from the top of
 16 my head to my feet. I felt the ground ... stopped. The
 17 people around said they could not hear it and it was not
 18 coming from the place I thought. The tremors remained
 19 for the next few months."
 20 If we go over the page he refers at the top of
 21 page 28, feeling:
 22 "... a sensation building up, some difficulty in the
 23 chest, some sort of internal tension. What came to my
 24 mind was I'm being given a heart attack. I called
 25 an ambulance and went to the hospital."

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1 **A.** Yes.
 2 **Q.** Admissions on 23 April. Well, I can tell you the
 3 Inquiry has seen it plenty of times before --
 4 **A.** Yes.
 5 **Q.** -- but it details an admission to hospital on 23 May and
 6 the query is "acute behavioural disturbance".
 7 **A.** Yes.
 8 **Q.** Query "mental health", complaining of "chest pain and
 9 hearing mumbling".
 10 We see that at the top, thank you very much
 11 Lawrence, the third box down.
 12 **A.** Yes, I remember that.
 13 **Q.** And we see, if we go over the page, the state of the
 14 patient is "Anxious". And at the bottom,
 15 "Medical/Surgical History". We need to have it larger
 16 because it's just a small paragraph at the bottom:
 17 "Patient admits to having mental health problems in
 18 the past but would not say what. Not currently
 19 medicated for anything on questioning."
 20 So this is 23 May. Did you see that document at the
 21 time and see that he appears to have admitted having
 22 mental health problems before then?
 23 **A.** I think I did, yes.
 24 **Q.** Do you think it's significant he had mental health, or
 25 described himself as having mental health problems

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1 before May 2020 and this event, this so-called tremor
2 event that took him to hospital?

3 **A.** I think there's some evidence that in 2019 he was
4 showing signs of mental ill health. So it would accord
5 with that.

6 **Q.** If we go to page 3, please, we see the details:
7 "hyperactive, [Glasgow coma scale] 14 [out of] 15
8 with crew presenting like under the influence of drugs
9 or acute mental health but denies drug use hearing
10 voices mumbling, erratic behaviour, [complaining of]...
11 intermittent chest pain but does not give [a] clear
12 [history] ..."

13 Did you see this reference to a query about whether
14 he was presenting under the influence of drugs at the
15 time?

16 **A.** Yes, but it's an "or": "under the influence of drugs or
17 acute mental health", and he denied drug use.

18 **Q.** Mm.

19 **A.** That's a theme that is consistent with other material in
20 the case, that as far as I could tell from the evidence
21 we had, which was extensive, there was no material
22 suggesting that he was an habitual drug user. There was
23 extensive material that showed he suffered from periods
24 of acute mental ill health. There was evidence that he
25 could be violent or threaten violence during episodes of

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1 Dr Mirvis in the same report considered for himself
2 whether there was any connection between drug use or
3 drug taking, and the material events with which we were
4 so focused, and determined that there was not.

5 And so one description of an historical event of
6 drug taking, albeit with a florid description of
7 consequences, appeared to have no bearing whatsoever on
8 the events that we were concerned with some years later.

9 **Q.** Isn't a bearing on credibility, if the defendant denies
10 any drug use, effectively lying about it to other people
11 who have interviewed them? Whether they're being
12 interviewed for criminal proceedings or dealing with
13 medical staff when they're being treated, is the fact of
14 a lie around whether they have or haven't used drugs
15 relevant to you?

16 **A.** Yes, it is relevant, and I know that it was relevant to
17 all those forensic psychiatrists who examined him,
18 because one of the things that they have to determine is
19 whether they're dealing with somebody who has a history
20 of lying or misinforming, and in some aspects he
21 unquestionably had. He would, for example, pretend that
22 he was taking his medication, but it was known that he
23 was not. So they have to bear in mind those aspects of
24 how he is willing to describe his own behaviour, and
25 then, of course, determine whether those answers on any

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1 mental ill health but none of those who shared
2 accommodation with him, for example, or family members
3 spoke of him being a drug user or indeed using alcohol.

4 **Q.** He told Dr Mirvis, didn't he, that he'd experienced
5 cannabis on one occasion and he thought his arm was
6 going to drop off and he might die?

7 **A.** He did.

8 **Q.** That's a very extreme physiological response, isn't it?

9 **A.** It's a description of an extreme physiological response
10 and it's limited to one occasion.

11 **Q.** And what did you make of it, the description?

12 **A.** I'm not sure what you're asking me to comment on.

13 **Q.** It's obviously relevant, drug use, or you say repeated
14 drug use. That was the description given. What did you
15 make of that? That it had happened? That it hadn't
16 happened? That he was fabricating what happened next?
17 That it happened on this occasion when he was taken to
18 the hospital because the timings fit? Where did you
19 place that?

20 **A.** I wasn't in a position to judge whether it had happened
21 or not. I noted it was a single occasion that was
22 described. It was an historical occasion. And I think
23 Professor Blackwood also described a single occasion of
24 admitted or asserted drug taking, although without the
25 florid detail that you've just reminded us about. And

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1 given topic bear upon his condition at the time of those
2 killings.

3 So it's important for me to consider it and for
4 them.

5 **Q.** So it is important for you as the prosecutor to think
6 where lies are being told, and why --

7 **A.** -- of course.

8 **Q.** -- and the underlying reason.

9 **A.** Of course.

10 **Q.** Can we please have on the screen WITN0428001, page 1.
11 And this is witness evidence that the Inquiry has
12 obtained, and again I think you've been sent that,
13 Mr Khalil, have you, from a witness in Wales who was
14 sharing accommodation between --

15 **A.** Oh yes.

16 **Q.** -- 2014 and 2015?

17 **A.** Thank you, I've read that.

18 **Q.** So if we look at paragraph 3:

19 "[VC] ... was quiet, unfriendly and did not appear
20 to want to socialise ..."

21 If we look at paragraph 4:

22 "... typically open the door only slightly, speak
23 through the gap, and pass a piece of paper with the
24 password written on it through the door."

25 When someone needed a password for the wi-fi.

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1 And paragraphs 5 and 6, other concerns including,
2 which some of his flatmates years later referred to,
3 noises in the night and a "screaming coming from his
4 room."

5 And then at paragraph 8, a moment when a housemate
6 asked everyone in the house about food going missing,
7 and:

8 "When she asked [VC] ... about it, he raised his
9 voice and asked why she was accusing him, which [she]
10 ... found intimidating."

11 And the issue wasn't discussed further.

12 She contacted the police. If we have a look,
13 please, at NGPF0004019, page 1. That's an "Action
14 record and log print". No worries if you can't find
15 that, Lawrence, but the reality was on an action record
16 and log print, the police record:

17 "Please see attached with further details for
18 [a] witness. Statement not taken as the witness resides
19 in Wales."

20 So they -- she contacted the police when there was
21 publicity about the case, concerned, as she said, about
22 his mental health back in 2014 to 2015. Do you think
23 that that witness statement should have been obtained
24 then and it would have been helpful to have that, at
25 least for the psychiatrists to see that, some time ago?

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1 Regulations [and]

2 "Other documents relating to police powers and
3 regulations."

4 He wasn't asked by anyone about why he was looking
5 at those. Did you see that he was looking at those, and
6 was aware of relevant legislation?

7 **A.** I honestly don't now recall if I noted that. I --

8 **Q.** Would it be interesting --

9 **A.** I realised -- sorry.

10 **Q.** No, no. You go.

11 **A.** I can see other material there, can we just shrink the
12 page down so we see the whole page, please. There's
13 more material in here that aligns with the other
14 materials of looking for --

15 **Q.** Can we have the whole of page 6, please, thank you.

16 Thanks, Lawrence.

17 **A.** Thank you.

18 So, for example, (c) dealing with "Coalition Against
19 Covert Harassment", "Synthetic Telepathy",
20 "brain-computer interaction and mind control", "Remote
21 Behavioural Influence Technology Evidence."

22 There's a mix of materials here. So I don't recall
23 particularly noting that he had downloaded certain
24 legislative documents, but I do recall seeing the broad
25 tenor of the materials that were here.

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1 **A.** Yes, it would have been helpful to take it, and it would
2 have -- if she'd be right -- extended the period over
3 which he was showing signs of mental ill health.

4 **Q.** Well, there's no reason to think she's not right, is
5 she --

6 **A.** No.

7 **Q.** -- she has come forward and it's --

8 **A.** I'm not suggesting she was at all.

9 **Q.** Sure, so --

10 **A.** What I'm saying is, if she's right, then she provides
11 further evidence of a yet more prolonged period of
12 mental ill health.

13 **Q.** And it would be necessary to understand what that
14 represented.

15 **A.** Well, yes.

16 **Q.** That can come down, please. Can we have another Inquiry
17 Legal Team document, INQY0000001. This is the analysis
18 of phone material. Page 3 is where we see, as I've
19 outlined earlier, at the top, the video of the
20 Christchurch Mosque shootings and the Buffalo shootings.
21 Various other images. If we go to page 5, partial
22 images of some weapons. If we go, please, to page 6, we
23 see at (d), please:

24 "... copy of the Mental Health Act ...

25 " ... copy of the General Data Protection

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1 **Q.** We know, of course, that he has many dealings with the
2 police and also mental health services and he's looking
3 at policy documents reflecting the powers and
4 authorities of the various institutions he's dealing
5 with; do you agree?

6 **A.** Well, he's got the documents, yes.

7 **Q.** So you agree he's an intelligent man and he's reading
8 that stuff?

9 **A.** Yes.

10 **Q.** Page 7, please. Same document. We see there at (g)
11 a 193-page report entitled "The Public inquiry into the
12 Shootings at Dunblane Primary School ..."

13 Again, did that stand out to you why he would be
14 looking at that or how that fitted with what else was
15 going on?

16 **A.** I remember seeing this type of material that he was
17 looking at. It didn't strike me as being extraordinary.
18 I've done a lot of cases involving diminished
19 responsibility and I've seen a lot of similar material
20 researched, downloaded, read by people with this type of
21 mental illness. It is not uncommon.

22 **Q.** That can come down, please.

23 Going back to your statement at paragraph 34 you
24 said you were made aware of his no comment responses in
25 six police interviews between 14 and 16 June. Did you

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1 watch the interviews or did someone provide you with
 2 that summary?
 3 **A.** I don't recall watching the interviews.
 4 **Q.** You would remember if you had, presumably?
 5 **A.** Yes, yeah.
 6 **Q.** Were you aware it wasn't, in fact, a full 'no comment'
 7 interview, because he was engaging with the questioners
 8 where the answers didn't require any evidence to be
 9 given about himself. So he was cooperating with the
 10 interview, would look at things, answer generic
 11 questions but not the specifics when he was being asked
 12 about the crimes. Were you aware of that?
 13 **A.** I understood in that sense there were some mixed
 14 answers, but to anything that was of import, it was no
 15 comment.
 16 **Q.** Did you ask or invite or think to invite
 17 Professor Blackwood to comment on his ability to make
 18 those choices about which questions he chose to answer
 19 during those interviews?
 20 **A.** No, that would be a judgement for Professor Blackwood.
 21 **Q.** Were you aware that in custody he was not noted to
 22 exhibit signs of hallucinations or any response to
 23 unseen stimuli or anything like that?
 24 **A.** I'd seen the custody record, yes.
 25 **Q.** You had looked at that?

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1 **A.** No.
 2 **Q.** So to have a forensic psychiatrist do as much as they
 3 can at that point, isn't that better for the criminal
 4 justice system to see that at that time?
 5 **A.** If that is available and can be done, yes.
 6 **Q.** Why do you agree? Why is it better to do that, if we
 7 can?
 8 **A.** Well, no doubt Professor Blackwood provided the answers
 9 himself from a forensic psychiatric perspective.
 10 **Q.** But from a lawyer's perspective -- and I'm not asking
 11 you as a psychiatrist, I'm asking you as a lawyer -- to
 12 understand on the day the best evidence that is
 13 available about a mental state would be helpful,
 14 wouldn't it, presenting these cases? You have --
 15 **A.** It would be more evidence that we -- upon which we could
 16 base an ultimate decision, of course.
 17 **Q.** Yes. Because we know the CPS contacted
 18 Professor Blackwood the day after on 14 June --
 19 **A.** Yes.
 20 **Q.** -- but he didn't get to see him until November, did he?
 21 **A.** That's right.
 22 **Q.** So what's the issue? You prosecute and defend in equal
 23 measure. What's the issue with advising that early on
 24 as the prosecution? Can we get someone in to assess
 25 them now? Could you ever do that in a case?

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1 **A.** Yes.
 2 **Q.** So you knew he'd been assessed as fit to interview by
 3 a healthcare professional, and effectively actively
 4 engaged in that to the extent that he co-operated,
 5 answered questions where it suited him but didn't answer
 6 others?
 7 **A.** Yes, and I'd observed that he declined consent to
 8 various things, and that there was a concern over his
 9 mental health, yes.
 10 **Q.** Professor Blackwood told us that historically, it was
 11 possible for a forensic psychiatrist to assess a suspect
 12 soon after arrest to go into the police station and
 13 assess their mental state. And he said reflecting upon
 14 that, that that may have been a more helpful system to
 15 be able to do that at the time. Would you agree with
 16 that?
 17 **A.** I wouldn't disagree with it certainly.
 18 **Q.** Does that mean you agree with it?
 19 **A.** Well, the likelihood is yes, but timing and the
 20 availability of all the materials, how much information
 21 the psychiatrist would have at that stage, could all
 22 bear upon how useful that examination would be.
 23 **Q.** But certainly people from Liaison and Diversion seeing
 24 a suspect charged with serious crimes, they're never
 25 going to be diverted, are they?

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1 **A.** I have done it in a case, I've actually done it on
 2 a couple of occasions where it is known that those
 3 defending are going to be pursuing a likely partial
 4 defence or indeed seeking to question the issue of
 5 fitness to plead, and there are delays being occasioned
 6 in the obtaining of a report, and then I have advised
 7 that we should liaise and see if we can't send somebody
 8 in sooner.
 9 **Q.** So there's no rule to prevent that. If you think it's
 10 sensible and coming down the line, you can do that?
 11 **A.** It's unusual to do it.
 12 **Q.** Is there anything to stop the psychiatrist who has done
 13 that reinterviewing further down the line when they have
 14 more information? Because I take the point they
 15 wouldn't have all the prosecution statements and
 16 materials that are still being garnered, but that
 17 doesn't stop a second interview, does it?
 18 **A.** They could interview again but until one actually knows
 19 that a particular line of inquiry is being pursued, the
 20 Crown does not seek to actively, itself, investigate
 21 whether one might. It would give the impression, if
 22 nothing else, of actually looking to create a partial
 23 defence or a defence for a person. That just wouldn't
 24 sit well.
 25 **Q.** Or looking, that you'd have the best evidence to deal

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1 with it fairly, one way or the other, to robustly say
2 that's not the case on an investigation or an assessment
3 on the day of the offences or soon thereafter, but it's
4 clear, isn't it? The evidence base would be clearer one
5 way or the other?

6 **A.** Potentially.

7 **Q.** You say at paragraph 74 in your statement that you are:

8 "... aware from cases involving paranoid
9 schizophrenics that information obtained from
10 interviewing them can be notoriously inaccurate and
11 requires close comparison to independently available
12 material."

13 What independent available material did you have in
14 VC's case, in this case, as categories again, I'm not
15 going into the detail.

16 **A.** Statements from other witnesses, records from hospitals,
17 that sort of material.

18 **Q.** Mm-hm. And what -- in your experience when you say they
19 can be notoriously inaccurate, in what sort of respects
20 can they be notoriously inaccurate?

21 **A.** A multiplicity of respects. It's entirely dependent on
22 the individual person. It may be that they are
23 notoriously inaccurate in reporting their own mental
24 ill health over a period of time, whether they're a user
25 of substances, whether they're a violent person, where

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1 So it speaks for itself, but you relied on what the
2 officers had recorded at the time to understand those
3 events --

4 **A.** Yes.

5 **Q.** -- and in effect what may have been the coincidences and
6 didn't amount to very much from your perspective as the
7 prosecutor at this time; is that a fair summary?

8 **A.** No. It's not that it didn't amount to very much; it's
9 that, as described, I didn't see how it would alter my
10 judgement as to the proper conclusions to reach in this
11 case.

12 **Q.** Well, would you have been interested in if there was any
13 planning or fixation or persistent behaviours directed
14 towards another person, in this case Sebastian?

15 **A.** Yes, but I wouldn't -- I wouldn't assign that into a new
16 or special category of material. I wouldn't see how
17 that would alter the decision-making process here.

18 **Q.** So if you -- assume from me for a moment --

19 **A.** Yes.

20 **Q.** -- knew that VC had a persistent interest in this
21 person, that he'd assaulted them and he had a persistent
22 interest trying to initiate contact with him through the
23 telephone and when he saw him following him, that
24 wouldn't have been relevant to you considering planning
25 and the nature of planning. But you went on to describe

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1 they've lived, what their relations with family members
2 are or friendships. It's so diverse, it can't simply be
3 narrowly categorised.

4 The point I was trying to make, I hope properly, is
5 that as lawyers we're conscious that this is an area
6 that we need to be acutely sensitively aware about and,
7 as forensic psychiatrists, they too have to be looking
8 to support or negate anything that is said by the person
9 they're interviewing. You don't just take their word
10 for it.

11 **Q.** Can we have a look at your statement, if we have it on
12 the screen WITN0068001, page 27. It's paragraph 100
13 onwards, and at the bottom of paragraph 100 you deal
14 with three incidents. If we go over to page 28, this is
15 your dealing of Sebastian, who the Inquiry has heard
16 evidence from.

17 You set out from paragraph 102, if we just scroll
18 down it gently, people can see what you set out and
19 summarise here. 102, 103, 104, 105. We've heard from
20 the relevant officers, Mr Khalil, but you set out what's
21 recorded in the police records --

22 **A.** Yes.

23 **Q.** -- why no further police action was taken, and you
24 "regarded the fuller assessments to be carefully
25 consider and sensible".

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1 and set out in your sentencing note the defendant's
2 ability to plan and consider what they were doing.

3 **A.** We knew from the material we had that he was perfectly
4 capable of planning, of planning effectively, and of
5 preparing to commit the most appalling offences. And
6 when I prepared the opening in this case, I made it
7 absolutely clear that the Crown's case was that although
8 the individuals hadn't been pre-selected, his conduct
9 that night, early morning, involved extensive
10 comprehensive planning. He had acquired weaponry
11 beforehand, he'd changed his clothing, he'd changed his
12 SIM card, he hid in the shadows. All of this was
13 indicative of planning. And so to find that he has had
14 an obsession with a particular person previously adds to
15 that aspect but it doesn't actually, in the context of
16 what he did in this case, alter any of the decisions
17 that would have flowed from it.

18 **Q.** Was another student -- Sebastian was another student --
19 and when you say no evidence of pre-selection of
20 victims, the two people he killed were -- the two first
21 people -- were students, weren't they?

22 Were you aware that there were several other people,
23 seven other people that had passed by when he was hidden
24 in that area before those students? They had crossed
25 the road but they passed by.

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1 A. Yes, I was aware others had been by, but --
 2 Q. When he was hiding in that area.
 3 A. -- I was not aware that he had any knowledge of either
 4 of his first two victims, or that they were in fact
 5 students.
 6 Q. Well, they were in a student area. It wouldn't have
 7 been difficult to deduce they were students, was it?
 8 You've seen the footage. Would that have been difficult
 9 to assess that they were likely students walking back
 10 from a night out?
 11 A. Well, they may have been, but his third victim plainly
 12 wasn't a student.
 13 Q. No.
 14 A. And nor were his fourth, fifth, and sixth victims
 15 students. So I didn't consider that a targeting of
 16 students provided an appropriate explanation for his
 17 conduct that night, because four of his six victims
 18 plainly were not.
 19 Q. I'm going to ask that we put the -- an exhibit of the
 20 weapons on the screen. So I'm going to give people an
 21 opportunity not to stay in or not to look at that if
 22 they don't want to.
 23 INQY0000022, please. We know, through the
 24 psychiatric evidence, there's reference to a knife and
 25 Professor Blackwood deals with a knife that's been
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1 questions were asked about that?
 2 A. The psychiatrists, as I recall, were all of the opinion
 3 that he had deliberately armed himself with a view to
 4 inflicting likely fatal injuries. So --
 5 Q. That can come down, please. Thank you. Carry on.
 6 A. I'll just wait for a minute.
 7 **THE CHAIR:** Do you want to finish your answer and then
 8 I think we'll take a break now until two o'clock.
 9 A. I really don't want to cause any more distress. The
 10 psychiatrists were clear that he had pre-armed himself
 11 with a view to likely inflicting fatal injuries.
 12 Whether that was pre-arming with one or more weapons
 13 didn't alter the fact that he had pre-armed himself with
 14 the intention of committing exceptionally serious
 15 crimes. So I don't see the need to -- for them to
 16 concern themselves with more weaponry. They were very
 17 focused on what he had done and why he had done it.
 18 Q. Were you aware, in that bag of weapons, there was
 19 a piece of paper with three students' names on it, three
 20 former flatmates' names on it?
 21 A. I don't now recall that. I've become aware of it,
 22 certainly, in the meantime.
 23 Q. Would you like to have been aware of that, with this
 24 stash of weapons that had been prepared and collected on
 25 a particular basis? Would you like to have seen names
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1 obtained back in 2022. So I'd just like us to be clear
 2 now about what weapons were in the rucksack.
 3 A. Yes.
 4 Q. So we see, don't we, that's the pole that was in the
 5 orange bag that we see him using in Seely Hirst House
 6 trying to break the window in?
 7 A. Yes.
 8 Q. We see below a knife and I think that ruler is a foot
 9 long, isn't it, and we see a knife below. If we go,
 10 please, to the next page, page 2. We see another knife,
 11 and what that was contained in.
 12 Then if we go to page 3, we see a dagger, don't we?
 13 A. Yes.
 14 Q. Double-edged weapon, nearly a foot long. Can only have
 15 been obtained with a view to killing or causing serious
 16 injury, can't it? That's the only use for that
 17 implement?
 18 A. I wouldn't suggest otherwise.
 19 Q. You refer to it as a dagger in your opening.
 20 A. Yes.
 21 Q. But we see references in psychiatric reports to the
 22 purchase of one knife, some considerable time earlier.
 23 Do you think the obtaining of this weapon, when you
 24 agreed with me the purpose of it is clear, was
 25 adequately addressed, or questions -- sufficient
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1 on a piece of paper?
 2 A. I don't see how it would have affected my decisions in
 3 this case.
 4 **MS LANGDALE:** I think that might be a good time.
 5 **THE CHAIR:** Yes, I think we will take a break now. Thank
 6 you.
 7 We will start again at 2.00, thank you.
 8 **(1.05 pm)**

(The short adjournment)

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