

Witness Name: KARIM S. KHALIL KC

Statement No: WITN0068001

Dated: October 23rd 2025

THE NOTTINGHAM INQUIRY

FIRST STATEMENT OF KARIM S. KHALIL KC

I, Karim S. Khalil KC, will say as follows:-

Introduction

1. This statement is made to assist the Nottingham Inquiry (the "Inquiry") by providing my answers to the questions set out in the Rule 9 Request dated 4th August 2025 (the "Request") inviting me to assist with matters principally relating to the legal aspects of the case. I do so as a prosecuting Counsel in the case of R-v-Valdo Calocane and as a member of Drystone Chambers, 1 Bedford Row, London.

Personal Background

2. In 1983 I graduated from Queens' College, Cambridge University with a BA (later MA) in Law. In 1984 I was called to the Bar by The Honourable Society of Lincoln's Inn. After undertaking a series of pupillages, in 1986 I became a tenant of One Paper Buildings, Temple. I subsequently became Head of Chambers, during which time I oversaw the merger with Dyers Chambers and then became the joint Head of Chambers of Drystone Chambers. I relinquished this role 2 years ago but remain a member of Drystone Chambers.
3. After about 5 years working initially in criminal, family, landlord & tenant, commercial and medical negligence work, I chose to specialise particularly in criminal law, which specialism I have maintained to this day.
4. In about 1990 I was appointed to be an Assistant Recorder and subsequently became a Recorder, which I remain to date. In this capacity I sit as a Crown Court Judge in criminal matters. I am one of the cohort of Recorders who is entitled to preside over cases involving serious sexual offences. I am also one of the cohort of Recorders who is entitled to sit at the Central Criminal Court.
5. I was appointed to be Queen's Counsel in 2003 and automatically became King's Counsel in 2022.

6. I was elected to become a Bencher of Lincoln's Inn in 2013. I am a member of Lincoln's Inn's Education and Training Committee, and I was a member of the sub-committee that was responsible for drafting the Inn's Code of Conduct applicable to all Members.

7. I was appointed to be a Deputy Lieutenant of Cambridgeshire in 2019.

8. I am a member of all relevant professional bodies. I was the Chair of the Cambridge & Peterborough Bar Mess and a member of the South Eastern Circuit Committee for several decades; I am a member of the British Academy of Forensic Sciences as a result of their invitation to provide a keynote speech on the scientific work involved in the Soham inquiry (R -v- Ian Huntley & Maxine Carr) in which I was the junior prosecuting Silk. I was the legal member of the judging panel of the High Sheriff of Cambridgeshire's Award for Forensic Excellence.

9. For the past 25 years I have prosecuted and defended almost exclusively in cases involving homicide. On the South-Eastern Circuit I quickly became instructed almost exclusively in cases of murder and/or gross negligence manslaughter that involved a very large amount of forensic material, numerous medical experts and/or were likely to attract particular scrutiny and/or publicity ("high-profile killings").

10. After a Senior Crown Prosecutor of East Anglia moved to the Midland Circuit, my work was divided almost equally between the South-Eastern and Midland Circuits.
11. I have also been instructed to prosecute and defend in high profile killings on the Western Circuit.
12. I have been instructed by the Police and the Crown Prosecution Service (CPS) to advise in several "cold case" reviews dating back to the 1970s/1980s, giving legal assessments of the gathered materials, strategic advice regarding further enquiries and prosecuting cases when the evidence was sufficiently compelling.
13. The issue of diminished responsibility has arisen on many occasions. I have also dealt with the issue of insanity, albeit on fewer occasions.
14. As a result of this case load, much of the work has involved a huge amount of forensic material, with specialisms ranging across many fields, frequently including forensic psychiatry: the number of cases is too numerous to place a fair number upon them. In this context I have read reports prepared by very many forensic psychiatrists based in hospitals across the country, including those in high security prison settings; I have held conferences with many forensic psychiatrists, and I have either called as witnesses or cross-examined many such experts.

15. I successfully defended in the first case in which the law relating to “loss of control” was applied to a male defendant.

16. Through this work, I have established a reputation amongst senior instructing solicitors of understanding the relevant legal principles; of being willing to challenge the workings and/or conclusions of experts, including forensic psychiatrists and of requiring further work to be done when I am not satisfied that everything has been done that should have been done.

17. In the two leading legal directories, “Chambers Partners” and “Legal 500”, I was listed as a Leading Junior for many years and for the past two decades I have been listed as a leading Silk.

Case Background

18. I became involved with the case of Valdo Calocane as a result of the CPS briefing me to prosecute him in the event that it was decided that he should be charged.

19. Alan Murphy, a Specialist Prosecutor in the East Midlands Complex Casework Unit was the reviewing lawyer. On 15th June 2024 he emailed me with the anticipated timescales (CPSE0003129): he would be considering the police file the following day, Friday 16th June and if charges were authorised then Calocane would be brought before the Magistrates’ Court on Saturday 17th June and the Crown Court on Tuesday 20th June.

20. I knew that Alan's work would be considered further by Samantha Shallow, the Head of East Midlands Complex Casework Unit, whose contact details were included in the email chain.

21. Although I had not worked directly with either of these lawyers before, from my years of prosecuting in the Midlands I knew of their reputations for being able to conduct extremely diligent work under exacting time pressures, so they appeared to be ideally suited to this case.

22. Junior Counsel was Peter Ratliff, whose contact details were also included on the email chain. I had not worked with Peter before but was aware of his reputation of having an excellent legal mind and of his attention to detail – again, he appeared to be ideally suited to this case.

23. I was therefore reassured that an excellent team of lawyers was involved and that I was unlikely to need to "second guess" day to day decisions in the case. This proved to be entirely justified, as they all worked remarkably hard, explained their decisions clearly and asked for assistance/advice appropriately.

24. When I received the instructions in this case, I was prosecuting a sensitive murder trial in Chelmsford involving complex psychiatric issues, so I was unable to attend Nottingham Crown Court in person on the first occasion, but I agreed that if I could attend remotely then I would.

25. On 17th June I received, via email, several documents to familiarise myself with the likely materials to follow, including a few initial statements and photographs from the investigation (CPSE0001821).
26. Thereafter I was in regular contact with Junior Counsel and the reviewing lawyer, almost invariably by email.
27. I am aware that all the email correspondence passing between the CPS and me was disclosed by the CPS to His Majesty's Crown Prosecution Service Inspectorate team (HMCP SI) who conducted the subsequent investigation into the conduct of the CPS (including the Police, Counsel and the forensic psychiatrists) and produced a 116-page Report dated March 2024 (HMCP0000625). I refer the Inquiry to this document in full and the entirety of the email correspondence.
28. It was clear from the moment when I was instructed that there was unlikely to be any dispute as to the identity of the person who committed the fatal and non-fatal assaults.
29. I had experience of prosecuting a case in the Midlands in 2020-2021 involving multiple stabbings by a paranoid schizophrenic that had striking similarities to the facts of this case (CPSE0001821). It was thus clear to me that Calocane's case may well require particular focus on issues relating to his mental capacity, albeit that this was something that could not be assessed without much more

factual information and the involvement of appropriately qualified forensic experts, if required.

30. In these circumstances it was entirely appropriate that the CPS quickly retained the services of a forensic psychiatrist: they instructed Professor Nigel Blackwood, the professor of forensic psychiatry at King's College London.

31. The Police investigation was still in its early stages – however, they had already obtained a considerable amount of material which was placed before the Reviewing Lawyer for him to make a charging decision. I was not a party to the making of this decision but was made aware of it afterwards since it was provided as an attachment to the email from Alan Murphy on 17th June (CPSE0001821). This accords with the usual practice.

32. As the matter progressed, I was provided with all the “served evidence”, namely the evidence upon which it was clear the CPS would wish to rely in the event of a trial, together with all the “unused material”, namely the evidence that the CPS considered that we would not wish to rely on. I was also asked to advise upon evidence in respect of which the decision was less clear. I considered all the “unused material” to consider whether it should become served evidence. This process accords with usual practice.

Police Investigation

33. When reviewing all the materials I was made aware of the enquiries made by the Police, including the totality of the events during the detention of Calocane in police custody, as recorded on his Custody Record, including the requests made of him to which he consented and others to which he declined consent (CPSE0002697, CPSE0000156).

34. I was made aware of his “no comment” responses in six police interviews between 14th – 16th June 2023.

35. I was satisfied that all the assessments that could and should have been undertaken of Calocane whilst in Police custody were carried out, including his mental health together with his fitness to be detained and interviewed. I was not concerned that any further assessments could or should have been carried out.

Communication with Survivors and Bereaved Families

36. In homicide cases, prosecuting Counsel is bound by the terms of the Code of Practice for Victims of Crime in England & Wales (WITN0068003): in particular the victims have the rights under paragraph 1 to be given information in a way that is easy to understand; and under paragraph 6 to be provided with updates about the case, when important decisions are to be taken and to ask for decisions to be reviewed.

37. In homicide cases, prosecuting Counsel is also bound by the terms of the Crown Prosecution Service – Service to Bereaved Families (WITN0068005). This scheme sets out the broad parameters of the services that should be made available to qualifying families, including the appointment of a Family Liaison Officer and the offering of meetings at which an independent prosecuting advocate (such as myself) may be present.

38. From what I observed, I was satisfied that the Police and the CPS complied with the obligations that are set out. They appeared to be dedicated and professional in all that they did, to be very focused on the issues in the case as well as the understandable concerns of the bereaved families and surviving victims.

39. I note the chronology and conclusions contained in the HMCPSI Report (HMCP0000625) in Chapters 9 & 10 and that some shortcomings are asserted to have occurred: none of these asserted shortcomings would or could have affected my interaction with any of the family members whom I did meet or the decision-making process in respect of the acceptability of pleas.

40. For my part, I was asked to conduct conferences with certain members of bereaved families, and I did so.⁴¹ (ii) During these conferences I explained matters in a careful manner, ensuring that they knew that they had the right to ask for further information and/or explanation – this is apparent from the notes made of the conferences.

41. The dates of two principal conferences that I attended are listed in the HMCPSI Report (HMCP0000625, see the Chronology in para 4 and more particularly paras 9.46 and 10.70).

- i. On 24th November 2023 I attended a conference via Teams at which the parents of Barnaby and Grace were present: see HMCP0000625 p28, p74 and p80; the notes of that meeting are contained in CPSE0000196. This meeting lasted almost 2 hours. I explained the legal test for the partial defence of diminished responsibility and the findings of the two forensic consultant psychiatrists. I explained that the pleas to manslaughter would be accepted and how I anticipated opening the case to the court, including the two potential sentences available.

- ii. On 15th January 2024 I attended a conference via Teams at which the parents of Barnaby and Grace were present: see HMCP0000625 p33; the notes of that meeting are contained in CPSE0000212. I explained various matters, including that I had seen documents detailing the concerns of the families which had been emailed to me directly over the preceding weekend by Dr Sanjoy Kumar, Grace's father, but that the decision to accept the pleas was now final. I explained again the sentencing process and gave permission for the families to see the Opening Note that I had drafted (CPSE0000475) – this document covered all factual and legal matters that were pertinent to the sentencing process and ran to 46 pages. I had first circulated a draft of

this Opening to the CPS and Police on 23rd November 2023 seeking any amendments/corrections (CPSE0001068). I also explained the sentencing process, including the sensitivities surrounding the playing of CCTV images in court, as well as the importance of the provision of Victim Personal Statements.

42. On 28th November 2023 I attended the Pre Trial preparation hearing (PTPH) in Nottingham. Both before and after the hearing I had a conference with Grace's parents as well as Ian's partner and sons during which I explained the purpose of obtaining the second Crown forensic psychiatric report. See HMCPSPSI Report (HMCP0000625 Chronology page 29, HMCP0000625 p80-81 and CPSE 0000199).

43. During the two days of the sentencing hearing, I made it clear to everyone present that I was available to discuss matters with any/all survivors and/or bereaved family members. Some asked to meet and this was duly accommodated, others declined and left court without speaking to me. See HMCPSPSI Report (HMCP0000625 Para 10.92) The post sentence conference with members of Mr Birkett's family is recorded in CPSE0000216.

44. On page 5 of the HMSPSI interview with me (HMCP0000576), I am recorded as stating that, *"I found Dr Kumar's attitude towards his fellow professionals surprising - it felt like he was not willing to confront me about anything directly but was looking for easier targets ..."*. Thereafter I am recorded as saying that,

“I had pointed out to him that he was not a forensic psychiatrist and should not be putting his opinion above that of the experts”.

45. These statements were made to assist the Inspectorate when considering the approach that had been taken by Dr Kumar to the evidence and the experts in this case. GRO-E

GRO-E

GRO-E

GRO-E In conference, Dr Kumar had pressed upon me his own medical experience and explained the role of a Forensic Medical Examiner (FME) at Police Stations (usually a general practitioner, such as himself), something with which I am extremely familiar. He was forthcoming in writing and orally with his critique of alleged failings in the assessments of Calocane whilst in Police custody and he also sought to undermine the work done by and the findings of the highly experienced forensic psychiatrists. This approach is to be found in his email to the CPS dated 27th November 2023 (HMCP0000352).

46. Further to this approach, on 13th January 2024 Dr Kumar emailed me directly with two documents, both of which he stated he had already sent to the CPS. I attach a copy of the email with the attachments (CPSE0009935, CPSE0009936, CPSE0009937). I acknowledged receipt of these documents in the conference on 15th January (CPSE0000212).

47. These documents collectively help to explain my comments to the HMCPSI, demonstrating what to me was a surprising willingness on the part of Dr Kumar

to seek to undermine the workings and conclusions of the highly qualified, exceptionally experienced and peer-respected forensic psychiatrists in favour of his own analysis as a general practitioner.

48. Despite that, he did not challenge me seriously in conference when I explained that I was satisfied that the acceptance of the pleas was based on a proper analysis of the factual and medical materials by the forensic experts and a careful consideration of the legal position by the lawyers.

49. On page 5 of the HMCP SI interview with me (HMCP0000576), I am recorded as stating that, *"I do wonder about the involvement of Julian Hendy – he was not helping the situation and was amplifying their grievances"*.

50. Mr Julian Hendy established the Hundred Families Charity, which supports and advocates for families after mental health homicides.

51. Prior to the conference on 24th November 2023, a number of concerns were raised regarding Mr Hendy's possible attendance which I shared (see email correspondence in HMCP0000305). Nonetheless, he attended the first conference upon the insistence of the relevant families (see email correspondence HMCP0000311).

52. Samantha Shallow circulated an Agenda to ensure that the forthcoming conference was as constructive and informative as possible (HMCP0000324).

53. During that conference it was disappointing that in his role as a “supporter” to the families, he did not seek to allay their concerns after I had carefully explained matters but sought to raise the possibility of drug related paranoid schizophrenia (CPSE0000196 p5) and for the disclosure to the families of materials which were not ones that we could or would provide, most notably the psychiatric reports (CPSE0000196 p13), as an apparent echo to Dr Kumar’s scepticism about the expertise/competence of the instructed psychiatrists (CPSE0000196 p11). This did not reassure the families but appeared to add to their distress and provided an apparent platform to support their grievances relating to the conduct of the Police during Calocane’s initial detention and the workings of the forensic psychiatrists, which grievances continued thereafter.

54. I became aware that some of the bereaved families wished for further clarity in relation to the concept of diminished responsibility. I was not asked to provide any written material in this regard – I was not surprised since those instructing me were entirely capable of addressing this without my input. I had also explained this clearly in the first conference and did so again in the second conference (referenced above, CPSE0000196, CPSE0000212).

55. My working relationship with the CPS lawyers was open and clear at all times – I have already dealt with my initial assessment of their suitability for assignment to this case and their diligence in all matters thereafter. I had no concerns relating to their communication with survivors and bereaved families; I was asked to conduct conferences with bereaved families, which I did

(referenced above) during which no complaints were made about any failings relating to communication.

56. I did not work directly with the family liaison officers (FLOs) – this is the function of the supervising police officers and/or the CPS. However, when I was made aware of concerns raised by the FLOs (in relation to the definition of diminished responsibility) I understood that the CPS lawyers dealt with this appropriately.

57. As far as I was aware, all bereaved family groups were offered the same level of support by the prosecution. However, I note the conclusions contained in the HMCPSP Report (HMCP0000625) in Chapters 9 & 10 and that some shortcomings are asserted to have occurred. I was not aware of these asserted shortcomings at the time. No such shortcomings were ever raised with me by any survivors/bereaved family members.

58. I have considered whether my conduct and decision-making complied with the applicable guidelines and good practice set out earlier in this statement. I am satisfied that it did.

59. My communications with the bereaved families were almost exclusively in conference, as is usual practice. However, I also received the direct email communication from Dr Kumar (referenced above, CPSE0009935, CPSE0009936, CPSE0009937). None of these presented me with any particular issues.

60. I received many requests from the media for a personal interview or commentary and/or communication with the bereaved family members. Insofar as I was asked for any personal interview or comment, I made none. Insofar as I was asked to facilitate communication with any bereaved family member, I passed on such requests to the CPS/Police in accordance with usual practice. None of these communications presented me with any particular issues.

Expert Evidence

61. Professor Nigel Blackwood was retained by the CPS at the start of the case to ensure that if issues arose in respect of Calocane's mental health, we had secured the services of one of the leading professionals in this field. Professor Blackwood is the professor of forensic psychiatry at King's College London and a consultant forensic psychiatrist with the South London and Maudsley NHS Trust. He has a formidable reputation for detailed assessments of those suspected of having mental health issues and also for a fiercely independent approach to such assessments, refusing to accept the conclusions of colleagues with whom he disagrees. He was the ideal person to have retained in this case.

62. He produced a Report dated 20th November 2023 covering 27 pages of detailed material (CPSE0000011). He addressed all the relevant issues: he analysed a vast amount of evidence relating to Calocane's background; the evidence pertaining to the indicted events; the law relating to mental health and his assessment of Calocane's mental health issues.

63. It was, as I had expected, a comprehensive and impressive Report and I had no concerns relating to its accuracy or the conclusions.

64. By the time that Dr Latham was instructed, we had already received psychiatric reports from Dr McSweeney (dated 25th August 2023, CPSE0000003), Dr Shaffiullha (19th November 2023, CPSE0000013) and Professor Blackwood (20th November 2023, CPSE0000011). All three agreed that Calocane suffered from paranoid schizophrenia. All three agreed that diminished responsibility was available as a partial defence to murder. Dr Shaffiullha considered that insanity was also an available defence.

65. The members of the prosecution legal team collectively rejected the suggestion of the defence of insanity – had this been pursued by the defence we would have contested it.

66. Ordinarily the availability of two, let alone three such closely aligned reports from suitably qualified and respected forensic psychiatrists would have been sufficient to satisfy the Crown that the partial defence of diminished responsibility could not be sensibly or seriously contested. This was our position in this case – see the email from Alan Murphy dated 24th November (CPSE0000392). In these circumstances, it was entirely proper to accept pleas to manslaughter rather than murder.

67. However, members of the bereaved families remained very vocal in their opposition to the acceptance of such pleas. We were cognisant of the extremely sensitive nature of this case and of their closely articulated criticisms of the work of the forensic consultants (referenced in conferences and emails above).

68. Such criticisms were encapsulated by assertions that the work undertaken by the previous forensic psychiatrists was inadequate and/or failed to place any/sufficient weight upon a number of factual matters - see the email from Dr Kumar dated 27th November 2023 (HMCP0000352).

69. In these circumstances we took the unusual decision to commission a fourth report from a forensic psychiatrist, Dr Latham.

70. The purpose of instructing him was to provide us with a peer review of the work previously undertaken by the forensic psychiatrists: namely to ensure that an independent expert was given the opportunity to consider the existing reports and to comment upon whether there were relevant criticisms to be made of that work and particularly whether any/all of the families' criticisms of the work of those experts were well founded and/or worthy of further investigation.

71. Dr Latham was chosen because he too is an expert with an excellent reputation and one who would not be afraid to be critical of colleagues if he considered this to be appropriate: Peter Ratliff had so advised by an email dated 16th November (CPSE0009858).

72. This decision was communicated to the bereaved families by the Police email dated 27th November 2023 (HMCP0000352). This elicited a lengthy enumerated critique of the Police conduct during Calocane's initial detention and the subsequent report of Dr Blackwood (referenced above, HMCP0000352).

73. Calocane entered his pleas on 28th November 2023. Further to earlier email correspondence with the court and defence counsel, Mr Joyce KC, I addressed Mr Justice Turner in respect of our instruction of a further expert before making a final decision on whether to accept the pleas (HMCP0000590, p7 onwards). Mr Joyce made critical observations of our approach and demanded to see the letter of instruction before deciding whether he would agree to the requested adjournment (p8-10). In the event, Mr Justice Turner was sympathetic to our approach (p10) and we were given permission to await the report of Dr Latham.

74. At the time Dr Latham was instructed, I was of the opinion that there was no purpose to be served by asking him to interview Calocane – I remain of this opinion:

- i. I am aware from my experience in cases involving paranoid schizophrenics that information obtained from interviewing them can be notoriously inaccurate and requires close comparison to independently available material.

- ii. There was plenty of material already available in the other three forensic reports relating to information gleaned from interviewing Calocane.
- iii. Dr Latham's experience is such that he would have said if he concluded that he should interview Calocane.
- iv. In my interview with HMCPSI (HMCP0000576) on p2 I am recorded as saying that, *"asking Dr L [Latham] to interview D [Valdo Calocane] even further down the line would not have satisfied the families"*. The reason for this statement is to be found in the notes of the preceding sentence; *"a key criticism they had was that none of the psychiatrists had interviewed D near the time of the incident"*. I stand by both these statements:
 - i. It was now 5 months since the indicted offences.
 - ii. A central criticism by the bereaved families of the psychiatric reports, including the report of Dr Blackwood (who interviewed Calocane on 14th November 2023, (CPSE0000011) was that they were not able to assess Calocane's state of mind on the relevant day because they had not interviewed Calocane on that day - see para 3 of the email from Dr Kumar dated 27th November 2023 (HMCP0000352).

iii. On 28th November I explained the purpose of instructing Dr Latham's to those who attended the conference after the PTPH at Nottingham Crown Court (CPSE0000199).

75. Bearing in mind the above, I was and remain satisfied that the concerns raised by the bereaved families were properly considered when instructing Dr Latham.

76. Furthermore, Alan Murphy ensured that Dr Kumar's email dated 27th November 2023 criticising the work and conclusions of the previously instructed forensic psychiatrists was forwarded in unredacted form to Dr Latham for his consideration (CPSE0001972).

77. Dr Latham produced his report on 12th December 2023 (CPSE0000017). It covered 30 pages. It included all relevant matters, including his instructions; the list of materials considered; a summary of his opinion; a recitation of the facts of the indicted offences; a review of over 1000 pages of medical records; commentary upon whether he should interview other people, including Calocane's brother; his assessment of the work of the previous psychiatrists; his assessment of the availability of the partial defence of diminished responsibility.

78. In these circumstances I was entirely satisfied that he had adequately addressed all the relevant issues in the case.

Acceptance of Pleas

79. Prosecuting Counsel is bound to consider the Attorney General's Guidelines – The Acceptance of Pleas and the Prosecutor's Role in Sentencing Exercise: (WITN0068006) and The Criminal Practice Directions 2023: (WITN0068004). This was done.

80. These guidelines are comprehensive and clear, correctly identifying the matters that should be considered before pleas are accepted. I do not consider that any special or particular revisions are required.

81. On Friday 24th November, Peter Ratliff and I received an email from Alan Murphy attaching his lengthy advice in relation to the acceptance of pleas and requesting that we *"draft a short advice on the position yourselves. It need not be very long at all but it would be helpful to have this by Monday"*. (CPSE0000639).

82. As requested, we emailed a short Advice, dated 27th November (CPSE0001289). In this we confirmed that the anticipated pleas should be accepted, together with short reasons.

83. In paragraph 10 we stated that, *"We have considered the detailed 'Review as to the acceptability of pleas to manslaughter on the grounds of diminished responsibility' by Specialist Prosecutor Alan Murphy, dated 24 November 2023"*.

84. In paragraph 9, we stated that our Advice was necessarily short due to the restrictions of time but that we would provide a lengthier advice if it was required.

85. Paragraph 10 was included to alert all readers of our short Advice to the fact that we were aware that there was a more comprehensive document available on the same topic, that we had read it and we agreed with it.

86. Despite the shortness of the timescale available to us, I had no concerns that the correctness of the advice was compromised.

87. I note that our Advice was promptly forwarded by Alan Murphy to Andrew Baxter, East Midlands Deputy Chief Crown Prosecutor. Andrew Baxter emailed by return that, *"It essentially reads there is not enough time to do a proper advice", unlike the Advice prepared by Alan Murphy*" (CPSE0003998). I did not receive a copy of this internal CPS email.

88. If it is suggested that the Advice prepared by Peter and me in relation to the acceptance of pleas was rushed, this would not be correct:

- i. Consideration of the proper pleas had been under active consideration from the outset of the case.

- ii. It was re-considered by me upon the receipt of each and every document provided, in particular of course the forensic psychiatric reports.
- iii. It had been the subject of regular discussion as revealed in the email correspondence and conference notes already referenced above.

89. The initial written Advice relating to the acceptance of pleas was only short for two reasons:

- i. The email request (above) that it, "*need not be very long at all*".
- ii. The timescale over which it was requested.

90. As stated above, I did not receive a copy of the internal CPS email above (CPSE0003998) referring to the initial Advice but did subsequently receive a request for a further Advice.

91. A much more detailed written Advice dated December 15th was provided by me and Peter Ratliff relating to the acceptance of pleas (CPSE0000034) and sent by email dated December 16th (CPSE0001055).

92. In the email chain CPSE0001055, Michelle Manion, the Deputy Head of the Complex Case Unit East Midlands CPS described the Advice as "*clear and comprehensive*". I stand by the contents of that Advice.

93. I have been asked to consider part of the contents of Dr Mirvis' report dated 14th January (CPSE0000484) which was provided for sentencing. In paragraph 9.8 he stated that Calocane told him that, *"The only illicit substance he has ever tried was cannabis once when he was 28. This made him believe that his arm had been cut and that he thought he was going to lose it and die."* This contrasted with Calocane's assertions in other psychiatric reports that he had not used illicit substances, and/or that there was no evidence of his use thereof.

94. I considered this short anomaly at the time but regarded it as being of no consequence: as I have stated already, the reports by paranoid schizophrenics can be notoriously unreliable. Furthermore, Dr Mirvis considered the potential importance of this account for himself within the same report in paragraph 10.1 in which he stated as follows:

"OPINION

10.1 Diagnosis

Mr Calocane has a diagnosis of treatment resistant schizophrenia'. Psychotic symptoms developed in 2019 and he was first detained under s 2 of the Mental Health Act (MHA) in 2020. The use of substances does not appear to be a complicating factor."

95. In these circumstances I did not consider that there was any need to raise this matter with Mr Mirvis or any other expert.

96. Furthermore, his was not the only report that was provided for the purpose of sentencing.

HMCPSP Review (HMCP0000625)

97. In my view, the HMCPSP Review and resulting Report (HMCP0000625) was carried out in a proper manner: I believe that it is reasonably accurately and adequately set out the history of the case and the basis of CPS decision-making.

98. However, I was not privy to internal CPS conferences/meetings; I am not privy to the totality of the CPS internal email chains, nor the totality of the notes of internal CPS discussions, so I am unable to confirm whether the CPS has additional materials that would shed further light on the contents of that Review.

99. In these circumstances, I leave it to the CPS to consider this issue more fully.

2022/2023 incidents

100. I have been asked to consider 3 reports relating to allegations of historical conduct by Calocane.

- i. 26th April 2022 (NGPF0000004)
- ii. 28th July 2022 (NGPF0000003)
- iii. 5th May 2023 (LEPF0000004)

101. I shall deal with each report in turn.

102. 26th April 2022 (NGPF0000004): I was made aware of this incident in an email dated 20th November 2023 (CPSE0002117) containing an Unused Material Schedule dated 20th November (CPSE0007486) which referenced it on pages 30, 45 & 80, including the accompanying Medical and Police Incident Report (CPSE0000022), which referenced the incident on page 4. This was followed by more detailed information within a further email on 22nd December 2023 (CPSE0001728) as item 1 in the Unused Material Schedule dated 20th December 2023 (CPSE0001729). I note the lengthy comments on p4-6 of the report:

“PS2581 - rang the caller. I am not convinced this amounts to stalking. Suspect has bumped into caller walking to gym which could be coincidental. He states suspect followed him part way home from the gym but caller turned off and lost him. Caller has spoken with the male and accepted Facebook contact so cannot claim the suspect knows contact is unwanted. Low risk - if suspect wanted to follow caller home, he doubtless could have. Caller unsure how he wishes to progress, will have a think between now and when MIT officer contacts him to discuss.

PC1053 BEARDSMORE RRPS MIT to deal. I have phoned the caller and spoken to him about his report. He describes the male trying to be his friend despite the fact he did assault him previously. NFA was taken re the assault so

there is no intimidation because of that. The caller does not describe any offences in relation to the male's actions but he is wary of him. I have offered advice on how to handle the circumstances should there be any further contact. The caller requests the matter to be logged only and him not be spoken to. I have advised that he contact us should any offences be committed and he requires our assistance. No Niche Number allocated. Incident can be closed."

103. No further Police action was taken at the time of this event; I regarded the fuller assessments to be carefully considered and sensible; neither the initial information nor the additional material affected my conduct of the case and there was no reason for them to do so.

104. 28th July 2022 (NGPF0000003): I was aware of this incident in the same email dated 20th November 2023 (CPSE0002117) containing the Unused Material Schedule dated 20th November (CPSE0007486) which referenced it on pages 30, 45 & 80, including the accompanying Medical and Police Incident Report (CPSE0000022), which referenced the incident immediately after the earlier incident on page 4. This was followed by more detailed information within a further email on 22nd December 2023 (CPSE0001728) as item 1 in the Unused Material Schedule dated 20th December 2023 (CPSE0001729).

105. There is a detailed factual account on p6:

"[Complainant's name] states this is the second time this has occurred, both parties attend the same gym, the previous incident was back in April where

Valdo followed him home from the gym, [Complainant's name] managed to lose him. this incident which occurred two days ago Valdo has followed IP home from the gym to his flat, [Complainant's name] has entered another entrance to his flats to check his mail and has seen Valdo walking past. [Complainant's name] has noticed Valdo walking by the entrance. [Complainant's name] is anxious about using the gym now and going about his usual routine, causing him distress and anxiety. Valdo does not know exactly which flat is his. and did not enter the block of flats."

106. The Officer then sets out the steps that were taken:

"After speaking to a supervisor and getting a second opinion, this incident would suggest this is coincidental. And the offender and IP use the same gym and walk home the same way."

107. The Officer sets out the results of a conversation with the complainant:

I have spoken to [Complainant's name] and he is happy for police to speak to the offender and about the complaint, [Complainant's name] states he is happy with this course of action at this time. Reassurance and advice given".

108. Subsequently, the Officer records that, *"P does not support a prosecution, and just wanted the offender speaking to."*

109. The Officer then reports that, *“After speaking to a supervisor they have advised the circumstances could possibly be purely a coincidence. I have attempted to contact the offender via phone and visited his address twice with no answer. I do not believe using any further police time on this incident, it is not in the public’s best interest. ... victim is not vulnerable ... the IP is not vulnerable whilst not supporting prosecution.”* At the start of the report, it is recorded that, *“victim declines/withdraws support”*.

110. No further Police action was taken at the time of this event; I regarded the fuller assessments to be carefully considered and sensible; neither the initial information nor the additional material affected my conduct of the case.

111. Furthermore, in the Opening Note (CPSE0000475) I reference events in 2022 which signified a deterioration in Calocane’s mental health, including his refusal/failure to engage voluntarily with mental health professionals (particularly in paragraphs 77-81). The above two reports of possible misconduct by Calocane provide little additional material and did not affect my assessment of this case.

112. 5th May 2023 (LEPF0000004): I was made aware of this report by an email dated August 16 (CPSE0001737). I included it in the Opening Note in paragraph 83.

113. By the same email (CPSE0001737), I was made aware of another matter relating to an allegation of previous violence by Calocane towards a

flatmate which I also considered and included in the Opening Note at paragraph 77 (CPSE0000475).

Lessons Learned

114. I have not identified any matters relating to the case preparation that involve any structural issues such as CPS guidelines/policies, although I note the observations made in the HMCP SI report (HMCP0000625) paragraph 1.12.
115. I do not consider that I could or should have done anything differently with regard to my decision-making or conduct in this case.
116. In my experience, communication with and the treatment of bereaved families are generally well attended to by the sympathetic approach of CPS/Police and their vast experience in such cases.
117. In my experience, instructed Counsel are usually also very experienced and attentive to the need to ensure that bereaved families are kept sympathetically informed of legal and factual issues, insofar as this is possible in an adversarial system of criminal justice.
118. Save for the comments observed in the HMCP SI report (HMCP0000625) paragraph 1.12 I am not aware of any additional steps that could or should be taken in the future.

119. Sentencing: many of the representations made by bereaved family members and victims were understandably focused upon the potential sentence, rather than the nomenclature of the offences themselves, i.e. murder or manslaughter.
120. Very strong representations were made that they wished Calocane to be subjected to a prison sentence, rather than “just” a Hospital Order, with or without restrictions.
121. In addition to the long Opening Note relating the factual matters in the case, Peter Ratliff and I drafted a lengthy Sentencing Note dated 15th January 2024 that sought to address the issues that arose with regard to the proper sentencing of Calocane (CPSE0000486): the different sentencing options are set out therein in detail.
122. We argued for the making of a Hybrid Order, which combines a penal element (prison) and a Hospital Order. This was the disposal which we understood all bereaved family members and victims wished to see imposed, because of the penal element – in summary, this regime provides for the hospital treatment of the convicted person for so long as this is deemed necessary but, in the event that he is ever deemed fit for release from a hospital environment, he is then placed into custody to serve the balance of the prison sentence (which would inevitably be a life sentence, subject to a minimum term).

123. By the time of the sentencing exercise, the forensic psychiatrists expressed the unanimous view that a Hospital Order with restrictions rather than a Hybrid Order provided the public with greater protection in the event that Calocane was ever released from detention. In summary, this was because, upon release from a Hospital Order the convicted person remains subject to the supervision of forensic psychiatrists, whereas upon release from a Hybrid Order he is subject to supervision by the Probation Service. We argued that this was a distinction without a real difference since the Probation Service would inevitably have recourse to a forensic psychiatrist with intimate knowledge of the offender's case, but the Learned Judge decided otherwise.

124. If Parliament aligned the two release regimes, forensic psychiatrists would not be asked which release regime they considered offered the public greater protection and Judges would not be confronted by such considerations, leaving them a clear path to pass the preferred sentence relating to the factual evidence in the case rather than the possible release regime that may or may not ever come into effect many years hence.

125. It is my opinion such a situation would serve to remove, or at least minimise, much of the understandable concern raised by bereaved family members and victims in this case and other cases of a similar nature.

126. Anecdotal experience: by way of anecdotal professional experience, I have noted that the incidents of paranoid schizophrenics who have assaulted members of the public (usually with knives) whilst being supervised in the community appear to have increased since the Covid 19 pandemic. The case

papers that I have read in such matters reveal a breakdown in community medical care which became overwhelmed by circumstances, thus reducing the medical oversight of such patients. Without a very significant increase in the funding of community medical facilities and practitioners we may well continue to see repetitions of such behaviours.

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

Signed:

GRO-B

Karim S. Khalil KC

23rd October 2025.

Dated:

Index to First Witness Statement of Karim Khalil KC

No.	Inquiry URN	Document Description
1.	CPSE0003129	Email from Alan Murphy to Karim Khalil, cc Alan Murphy, Peter Ratliff and others, re: Op Hendrix
2.	CPSE0001821	Email from Alan Murphy to Karim Khalil and Alan Murphy, re: Op Hendrix
3.	WITN0068002	McLeod Opening Note for Sentencing Final
4.	WITN0068003	The Victim's Code
5.	CPSE0009935	Email from Karim Khalil KC to Peter Ratliff, Alan Murphy and Samantha Shallow Re: [CJSM] Sharing concerns
6.	CPSE0009936	Copy of email from Dr Sanjoy Kumar [relative of victim] to Samantha Shallow [CPSE] and Leigh Sanders [Detective Superintendent, Unknown police force] re: Sharing Concerns
7.	CPSE0009937	Copy of email from Dr Sanjoy Kumar [relative of victim] to Samantha Shallow [CPSE] and Leigh Sanders [Detective Superintendent, Unknown police force] re: Sharing Concerns
8.	CPSE0001737	Email from Alan Murphy to Karim Khalil, Peter Ratliff and Alan Murphy, re: Op Hendrix - service of case
9.	CPSE0002697	Email from Alan Murphy to Karim Khalil KC, Peter Ratliff and Chris Grabowski Re: Op Hendrix - Custody record
10.	CPSE0000156	Custody record of Valdo Calocane, dated: 20/06/2023
11.	WITN0068004	Criminal Practice Directions 2023
12.	WITN0068005	Bereaved Families' Scheme
13.	CPSE0001972	Email from Alan Murphy to Karim Khalil KC, Peter Ratliff and Alan Murphy, re: FW: R v Calocane / Mendes
14.	WITN0068006	AG Guidelines on acceptance of pleas
15.	CPSE0002117	Email from Alan Murphy to Karim Khalil KC to Peter Ratliff RE: FW: Timeline and Review of RiO Mental Health Records
16.	CPSE0000022	Report dated 05/05/2023 compiled by unknown author, re: Medical and Police Incident Timeline

No.	Inquiry URN	Document Description
17.	CPSE0001728	Email from Alan Murphy to Karim Khalil KC, Peter Ratliff and Alan Murphy Re: FW: Op Hendrix - phase 3 disclosure
18.	CPSE0001729	Report dated 20/12/2023 compiled by Anthony Mason re: police schedule of relevant non-sensitive unused material
19.	HMCP0000625	Report dated March 2024 compiled by HMCPSP re: An inspection of Crown Prosecution Service actions in the Valdo Calocane case - The events in Nottingham on 13 June 2023
20.	CPSE0000212	Minute of Meeting re Op Hendrix, dated 15/01/2024
21.	CPSE0000196	Minute of Meeting re dated Op Hendrix conference with family, dated 24/11/2023
22.	CPSE0000475	Prosecution Opening Note - Factual Matters dated 15/01/2024 by Karim S. Khalil KC and Peter Ratliff
23.	CPSE0001068	Email from Alan Murphy [CPS] to Neil Beddoe and Alan Murphy [CPS], re; FW: Calocane Draft Opening
24.	CPSE0000199	Conference Note by East Midlands Complex Casework Unit re Op Hendrix (Calocane) in person including Grace and Ian's family members.
25.	CPSE0000216	Minutes of Meeting re: East Midlands CCU (CPS) Conference 25/01/2024, Operation Hendrix
26.	HMCP0000352	Email from Fiona McVey to Leigh Sanders, Alan Murphy, Samantha Shallow and another, re: Operation Hendrix - EMAIL FROM Dr Sanjoy Kumar
27.	HMCP0000305	Email from Leigh Sanders to Clare Dean, Fiona McVey, Gina Farrell and others, re: Friday Meeting
28.	HMCP0000311	Email from Michelle Mannion to Gina Farrell, Leigh Sanders, Alan Murphy and others, re: RE: The meeting on Friday 24th Nov
29.	HMCP0000324	Email from Samantha Shallow to Karim Khalil KC, Peter Ratliff, Alan Murphy and others, re: Family meeting 24.11.23
30.	CPSE0000011	Medical Report of Professor of Forensic Psychiatry, Nigel Blackwood, King's College London, re: Psychiatric Report on Valdo Calocane
31.	CPSE0000003	Expert report from Dr Leo McSweeney, Consultant Forensic Psychiatrist re VC

No.	Inquiry URN	Document Description
32.	CPSE0000392	Letter from A Murphy to Officer in the Case, Re: Notice of Proposed Discontinuance
33.	CPSE0009858	Email from Peter Ratliff to Alan Murphy, Karim Khalil KC and Peter Ratliff, re: [CJSM] Re: Op Hendrix (Calocane)
34.	HMCP0000590	Transcript of REGINA-v-VALDO CALOCANE hearing on 28/11/2023 at Nottingham Crown Court
35.	CPSE0000017	Expert Report from Dr Richard Latham, Consultant Forensic Psychiatrist, Re: Psychiatric Report of Valdo Calocane aka Adam Mendes
36.	CPSE0000639	Email from Alan Murphy to Peter Ratliff, Karim Khalil, Kessie Pochin and others re: Diminished review and advice
37.	CPSE0001289	Advice on Acceptability of Pleas dated 27/11/2023 by Karim S. Khalil KC, Drystone Chambers and Peter Ratliff, 6KBW College Hill
38.	CPSE0003998	Email from Andrew Baxter to Alan Murphy, Samantha Shallow, Michelle Mannion and others, re: RE: Diminished review and advice
39.	CPSE0000034	Report dated 15/12/2023, compiled by Karim Khalil KC and Peter Ratliff Re: Advice on Acceptability of Pleas re: Rex v Valdo Calocane (aka Adam Mendes)
40.	CPSE0001055	Email from Michelle Mannion to Alan Murphy, Samantha Shallow and Kessie Pochin, re: FW: Calocane - advice on plea
41.	CPSE0000484	Expert Report by Dr Ross Mirvis, Consultant Forensic Psychiatrist, Ashworth Hospital re: Psychiatric Report on Valdo Calocane (aka Adam Mendes)
42.	NGPF0000004	Incident Details, dated 12/05/2022, Nottingham Police.
43.	NGPF0000003	Occurrence details, dated 13/09/2023, Nottingham Police.
44.	LEPF0000004	Occurrence Details, dated 05/05/2023, Leicestershire Police re Assault- ABH/Common
45.	CPSE0007486	Report dated 20/11/2023 compiled by Crown Prosecution Service RE: POLICE SCHEDULE OF RELEVANT NON-SENSITIVE UNUSED MATERIAL R v Valdo Calocane

No.	Inquiry URN	Document Description
46.	CPSE0000486	R v Valdo Calocane, Prosecution Note on Sentence in the Crown Court at Nottingham dated 15/01/2024