

Witness Name: SAMANTHA SHALLOW

Statement No: WITN0080001

Dated: 30 October 2025

THE NOTTINGHAM INQUIRY

FIRST WITNESS STATEMENT OF SAMANTHA SHALLOW

I, SAMANTHA SHALLOW, will say as follows: -

INTRODUCTION

1. I am Deputy Chief Crown Prosecutor for the Crown Prosecution Service (CPS) in the East Midlands. During the time period set out in paragraph 7 of the Nottingham Inquiry (the "Inquiry") Terms of Reference I was Senior District Crown Prosecutor (SDCP), Head of the East Midlands Complex Casework Unit (CCU) for CPS.
2. This witness statement is made to assist the Inquiry with the matters set out in the Rule 9 Request dated 4 August 2025 (the "Request").

BACKGROUND

3. I have been asked to set out my career background and any relevant education and training.
4. I hold a law degree, LLB (Hons) and post-graduate certificate in Legal Practice. I qualified as a Solicitor in 1997.
5. I worked as a criminal defence solicitor from 1997 until June 2002 when I joined CPS in Nottingham as a Senior Crown Prosecutor. I have since held the following positions within CPS:

- a. 2002-2004 Senior Crown Prosecutor, Magistrates' Court
 - b. 2004 – 2008 Senior Crown Prosecutor and then Crown Advocate, Crown Court
 - c. 2008 - 2014 Crown Advocate, East Midlands Complex Casework Unit,
 - d. 2014 - 2016, Specialist Prosecutor and legal Manager, International Division,
 - e. 2016 – 2018 Senior District Crown Prosecutor (**SDCP**), Unit Head, Specialist Fraud Division,
 - f. 2018 – 2022 (Seconded to the Home office), Head of the UK Desk, Eurojust, The Hague.
 - g. 2022 – 2024 SDCP, Head of the East Midlands CCU,
 - h. 2024 – Current Deputy Chief Crown Prosecutor (Crown Court, CCU and Crown Advocacy), CPS East Midlands.
6. I have been working in criminal law since 1997 and moved into prosecuting Crown Court cases in 2004 where I dealt with firearms related homicides and then subsequently with homicides carried out by children. As a lawyer in the CCU between 2008 – 2014 I dealt with a range of novel and complex work including the first child sexual exploitation case nationally with 20 victims. I was the reviewing lawyer in two multiple victim homicides. Both cases had a number of defendants and each had their own legal complexities and bereaved family sensitivities. I was responsible for the decision making and bereaved family engagement in both.
7. As a legal manager since 2014 I have continued to be responsible for large and complex cases including handling the UK's international engagement in a multiple fatality case set in the context of the facilitation of illegal migration. As SDCP of the CCU I had oversight and responsibility for all work on the Unit. This has included multiple victim homicides cases.
8. As DCCP I am responsible for all Crown Court work across the five East Midlands counties, except for rape and sexual offences. This includes all homicides and road traffic fatalities. I have had responsibility for countless cases where a mental health defence, partial defence or fitness to plead is in issue.

Charging decision

9. Homicides which occur in the East Midlands will be prosecuted by the East Midlands Crown Court team (CC) or CCU save for any that meet the criteria to be dealt with on a Central Casework Division e.g. terrorism or deaths in custody. Of those dealt with in the East Midlands, the default position is that they are dealt with on the CC team unless the criteria for referral to the CCU applies [WITN0080002]. In this case it was immediately apparent that the CCU criteria was met under two limbs: this was a homicide involving more than 2 victims and was already attracting major media interest.
10. On 13 June 2023 I was in communication with Detective Superintendent Leigh Sanders, Head of Major Crime at the East Midlands Special Operations Unit (EMSOU MC). That is a regional unit with a hub in each of the five East Midlands Police Forces with responsibility for all murder investigations.
11. The purpose of my communication with DSI Sanders was to establish if the case was terror-related in order that the appropriate part of CPS was engaged from the outset. Specifically, given this was a spree attack on strangers, whether it needed to be handled by the CCU or by CPS Counter-Terrorism Division. Thereafter, I wanted to establish a timeline so that arrangements could be made to allocate a lawyer and work towards a charging decision.
12. Having been advised that the case was not, at that early stage, considered to be terror related, I made the decision to allocate CCU Specialist Prosecutor, Alan Murphy to the case and for Alan and I to attend a briefing with Nottinghamshire Police Major Crime the following morning. The purpose of my attendance was to seek further reassurance on the terrorism point, to understand the nature of the offences and strength of evidence and then to conclude the timetable for charging.
13. I did then attend a briefing at Radford Road Police Station on the morning of 14 June 2023. During that briefing I was sufficiently assured that it was not terror related and therefore concluded that the case would be handled by the CCU.

14. The rest of the briefing focussed on explaining the evidential picture, what more was likely to be achieved in the next 24-48 hours and when the police were likely to come to CPS for a charging decision. Even at that stage, a substantial amount of evidence had been obtained and the police were able to play the first iteration of the video compilation which was crucial to the case. I discussed the evidence and potential charges with the reviewing lawyer Alan Murphy and concluded that subject to anything Valdo Calocane (VC) said in interview or further evidence coming to light, there appeared that there would, in due course, be sufficient evidence to charge VC on the "threshold test" (TT) with the murders of Grace O'Malley-Kumar, Barnaby Webber and Ian Coates and the attempted murders of Wayne Birkett, Marcin Grabonski and Sharon Miller.
15. CPS have authority to make decisions under the TT in accordance with The Code for Crown Prosecutors (the Code) [WITN0080003]. The Code [WITN0080003] is issued by the Director of Public Prosecutions under section 10 of the Prosecution of Offences Act 1985 and is the standard by which all prosecutions are started or guilty pleas accepted.
16. Ordinarily, prosecutors must only start or continue a prosecution when the case has passed both stages of the Full Code Test, namely the evidential test and the public interest test. Importantly for these purposes, the evidential part of the Full Code Test should be applied a) when all outstanding reasonable lines of inquiry have been pursued; or b) prior to the investigation being completed, if the prosecutor is satisfied that any further evidence or material is unlikely to affect the application of the Full Code Test, whether in favour of or against a prosecution.
17. In limited circumstances, where the Full Code Test is not met, the TT may be applied to charge a suspect. The seriousness or circumstances of the case must justify the making of an immediate charging decision, and there must be substantial grounds to object to bail. That was the position here. The TT allows a lower evidential standard to be applied at that early stage, namely that "There are reasonable grounds to suspect that the person to be charged has committed the offence". The five limbs which must be satisfied are set out at section 5 of the Code [WITN0080003].

18. Over the course of the next few days, until the charging decision was made on Friday 16 June 2023, I maintained communication with the police, reviewing lawyer, DCCP Andrew Baxter and CCP Suzanne Llewellyn about the charges. Although we had identified external counsel during this period, they were not instructed to provide advice pre-charge and I did not discuss the charging decision with them. It would be unusual to seek pre-charge advice from external counsel on a TT charging decision and, in this case, it was not required.

19. In terms of division of responsibility, all cases in the CCU are allocated to a lawyer who will be responsible for legal decisions, supported by their legal manager, District Crown Prosecutor (DCP). The Head of the East Midlands CCU (SDCP) has oversight and responsibility for all cases on the Unit, supported by the DCP. The level of involvement of the SDCP and DCP in each case will vary depending on the complexities and sensitivities. In this case the number of victims and the public nature of the attack meant that it was a highly sensitive case. As SDCP, I maintained close oversight of the legal decision-making, had responsibility for internal communication with senior colleagues, media handling and as the case developed our bereaved family engagement.

Police Investigation

20. The conduct of the investigation into the offences committed by VC, including decisions made regarding samples and assessments whilst in police custody, is a matter for Nottinghamshire Police. That said, if the CPS had concerns that reasonable lines of enquiry were missed which impacted on the evidence and our ability to complete a Full Code Test review, then this would be addressed within that review. No such concerns arose then and I don't have any now.

21. I am aware that some of the bereaved families were concerned about the lack of toxicology tests carried out and psychiatric assessment whilst in custody.

22. Whilst in custody, VC was seen by a Health Care Practitioner as is usual practice and he was ultimately deemed fit to be detained and interviewed. That is all that was required at that stage in order to progress the investigation. Being fit to be detained and interviewed is not the same as an assessment of diminished responsibility. The relevant guidance can be found at page 84 of the Police and Criminal Evidence Act Code of Practice, Code C [WITN0080004]. An assessment for diminished responsibility would not take place at that stage as it is for the defendant to establish the defence on the balance of probabilities.

23. There is nothing about the investigation which is out of step with normal practice or where something ought to have been done differently. Overall, this was a thorough investigation and a detailed and meticulous file was built by the police and CPS team. This enabled us to prove to the criminal standard that VC was responsible for the offences and be ready to address any defence raised.

Communication with the Survivors and Bereaved Families

24. The CPS offers an enhanced service to bereaved families, as set out in the Bereaved Families guidance [WITN0080005]. The commitments of the Bereaved Family Scheme (BFS) are incorporated in the Code of Practice for Victims of Crime (Victims' Code) [WITN0080006] in accordance with section 32 of the Domestic Violence, Crime and Victims Act 2004.

25. The cornerstone of this enhanced service is that we will offer to meet bereaved families at key stages of the Criminal Justice System process, commencing with an explanation of the charging decision through to supporting bereaved families where cases progress to the Court of Appeal. Whilst there are important points at which CPS would like to meet with all families, the timing, location and other details for any meeting are not proscribed to allow for all circumstances. Ultimately, we will be guided by the needs of individual families about when they want to meet or if they want to meet at all.

26. This service does not sit in isolation. Once a charging decision has been made, there will be a timetable set by the court which CPS must strive to meet. Where the defendant is in custody, as here, that will also mean that we are operating within the statutory Custody Time Limit regime in accordance with section 22 Prosecution of Offences Act 1985. That requires CPS to demonstrate we have acted with all due diligence and expedition in progressing the case and meeting any directions set by the Judge. We must do that alongside our responsibilities under the Victims' Code **[WITN0080006]**.

27. A chronology of CPS engagement, including my own, with both the bereaved families and survivors is set out at my document **[CPSE0001024]** and in the chronology of the HMCPSI report **[HMCP0000625]**.

28. Each of the letters written to the bereaved are included here:

16.06.23:

Letter to Dr Kumar and Dr O'Malley-Kumar **[CPSE0000002]**

Letter to Mr & Mrs Webber **[CPSE0000191]**

Letter to Ms Newton **[CPSE0000193]**

Letter to Mr James Coates **[CPSE0000195]**

18.12.23:

Letter to Dr Kumar and Dr O'Malley-Kumar **[CPSE0000200]**

Letter to Mr & Mrs Webber **[CPSE0000207]**

Letter to Ms Newton **[CPSE0000211]**

Letter to Mr James Coates **[CPSE0000209]**

29.01.24:

Letter to Dr Kumar and Dr O'Malley-Kumar **[CPSE0000215]**

Letter to Mr & Mrs Webber **[CPSE0000218]**

Letter to Ms Newton **[CPSE0000219]**

Letter to Mr James Coates **[CPSE0000217]**

05.02.24

Letter to Dr Kumar and Dr O'Malley-Kumar [WITN0080007]

Letter to Mr & Mrs Webber [WITN0080008]

Letter to Ms Newton [WITN0080009]

Letter to Mr James Coates [WITN0080010]

29. In accordance with the enhanced service to bereaved families as set out in the Victims' Code [WITN0080006], there was an ongoing offer to the bereaved families to meet with CPS both through our letters and through the police Family Liaison Officers (FLOs). Any and all requests to meet were fulfilled. Whilst the enhanced service did not apply to the survivors, the same offer to meet CPS was afforded to them through their FLOs. I and my team were mindful of not adding to the burden of any of the bereaved families or of the survivors by pressing to meet when they were not ready.

30. Other meetings at Court took place when I was not present but other members of the CPS team were and they are set out in the chronologies [CPSE0001024] and [HMCP0000625]. I was at the following meetings:

- a. 24.11.23 with Mr and Mrs Webber, Dr O'Malley-Kumar and Dr Kumar by Teams [CPSE0000196].
- b. 28.11.23 (either side of the PTPH at Nottingham Crown Court) with Dr O'Malley-Kumar, Dr Kumar, Miss Newton, Mr D Coates, Mr J Coates and Mr L Coates [CPSE0000199].
- c. 07.12.23 with Mr and Mrs Webber, Dr O'Malley-Kumar and Dr Kumar in person in Bristol [CPSE0000201] and [HMCP0000411].
- d. 15.01.24 with Mr and Mrs Webber, Dr O'Malley-Kumar and Dr Kumar by Teams [CPSE0000212].

31. Following the meeting on 24 November 2023 and until the sentencing hearing in January 2024, Mr and Mrs Webber and Dr Kumar and Dr O'Malley-Kumar raised a series of concerns about the way in which the investigation and prosecution had been conducted. The prosecution team felt the enormity of their loss and therefore endeavoured to provide them with reassurance that the case was being handled

in accordance with the law. We did this in a number of ways, including: obtaining a fourth psychiatric report despite the fact that legally it wasn't required (ordinarily only two or three reports would be obtained), taking them through the psychiatric evidence in detail to address their concerns, answering questions about toxicology and drug use, and asking the two prosecution experts whether they needed to interview witnesses in order to form a proper assessment of the defendant's psychiatric state on the day of the offences. It became apparent to me that notwithstanding the reassurance we sought to provide, the families were not able to accept that this case involved anything other than murder. I was told by Mrs Webber in terms during the meeting on 7 December 2023 that there would be consequences if CPS were to accept these pleas. She went on to say that the media were waiting in the wings and whilst her manager was dealing with them now, once she is able to, she would be speaking to them, and it will be catastrophic for CPS in terms of bad publicity [CPSE0000201].

32. Ultimately, the parents of Grace O'Malley-Kumar and Barnaby Webber did not want CPS to accept the plea to manslaughter. I of course have enormous sympathy for their position. CPS decision-making must however be independent of external influence and we have a statutory obligation to act in accordance with the Code [WITN0080003]. Having carefully considered the Code [WITN0080003] and all of the evidence in the case, we made the only decision that was available to us in the circumstances. Whilst communication continued throughout December and into January, it remained clear that they were very unhappy with the decision to accept the pleas.

33. Between 23-25 January 2024 the sentencing hearing took place at Nottingham Crown Court. Offers were available throughout to meet with the families and survivors. Meetings took place with Mr Wayne Birkett, one of the three surviving victims and both parts of the family of Mr Coates prior to the hearing on 23 January. A further meeting was held with Mr Birkett following the conclusion of the sentence. Mr and Mrs Webber, Dr Kumar and Dr O'Malley-Kumar declined meetings throughout and by the conclusion of the sentencing all communication with them and with Mr Ian Coates' sons had broken down to such an extent that they were no longer even speaking to the FLOs.

34. The BFS **[WITN0080005]** does not determine who within the prosecution team should meet with a bereaved family. That is a question for the lawyer and their legal managers in each case. I have been asked to expand on my comment in **HMCP0000587** (note of meeting with HMCPSP 13 February 2024) that "it [be]came more apparent I needed to be involved when looking at engagement with the families. My decision was, I would take the lead in working with the families". That sentence goes on to say, it "left AM free to deal with the legal decision making". I wanted the reviewing lawyer's focus to be on the evidence and legal decision making and it was for me to ensure that he had the time and space to do so. He had to work within the deadlines and directions set by Mr Justice Turner which included ensuring that we had acted with all due diligence and expedition to safeguard the Custody Time Limit. I wanted to be sure that the engagement with the bereaved and survivors could also be prioritised, and we could respond quickly if meetings were required. This could however be time intensive and so I decided that I would take the lead for that future engagement.

35. I am not aware of CPS providing wording to the police on diminished responsibility.

36. Until we received the defendant's first psychiatric report on 02 October 2023, it would have been premature to discuss diminished responsibility. It was not just because we were waiting to see whether the defence expert considered that the partial defence was available to VC, but because we also needed to know whether issues would be raised as to insanity and/or fitness to plead and stand trial. All of those are difficult legal concepts and until we have narrowed down which, if any, apply in any case we would not start to explain any of them.

37. On the same day the defence psychiatric report was received, it was sent to the police with a request by the reviewing lawyer to let the FLOs know so they could inform the bereaved families **[CPSE0001726]**. Again, at that stage we needed to have a second medical opinion and again the same day, Dr Blackwood was instructed to provide that **[CPSE0004148]** and **[CPSE0000153]**. We would not start to form any conclusion until we had two expert reports, but the families were aware that reports were being obtained and we wanted them to be kept informed.

On the same day we were informed by the FLOs for Mr & Mrs Webber and Dr Kumar and Dr O'Malley-Kumar that they were not yet ready to meet with CPS or to hear any information about what happened on 13 June 2023 [CPSE0003223].

38. In November, both Mr & Mrs Webber and Dr Kumar and Dr O'Malley-Kumar asked to meet with CPS to explain the concept of diminished responsibility. This was expected to be shortly after we received our psychiatric report and so I felt we would be in a good position to explain diminished responsibility and our legal decision at that time. That is what happened. The notes of the meeting on 24 November 2023 can be found at CPSE0000196. I am satisfied that diminished responsibility was explained in clear terms by Karim Khalil KC and that there was time within that meeting for any questions to be asked of us. It was apparent in that meeting that we were not seeking views and this was a legal decision for CPS in consultation with counsel.

39. The two parts of the Coates family had not asked to meet with us but we arranged with the police that they would be informed by the FLOs of the partial defence at the same time [CPSE0001024]. It may have been helpful for the FLOs to have specific wording to support that discussion. We did however meet with them at court on 28 November 2023 and an explanation was provided at that time. There was also an offer to meet separately, away from court to provide a fuller explanation. That offer was not taken up. A detailed letter setting out the acceptance of pleas was sent to all bereaved families on 18 December 2023 with a further offer to meet [CPSE0000200] [CPSE0000207] [CPSE0000211] and [CPSE0000209].

40. In all cases where there is a bereaved family, CPS rely upon Family Liaison Officers (FLOs) to be the conduit between the bereaved family and CPS as is required under the Victim's Code [WITN0080006]. This is important from a practical perspective because the FLOs develop trusted relationships with a bereaved family which enables them to communicate difficult information and prepare them for significant meetings. It also enables CPS to know when and how families are ready to meet. The relationship between CPS and the FLOs in the prosecution of VC

was no different than usual, save that the FLOs in this case had more direct contact with the prosecution team than would be needed or required in most cases. Each case is different and that was appropriate here.

41. I am aware through the HMCP SI report [HMCP0000625] that there is criticism of the flow of information between FLOs and CPS and in reverse back to families. I do not know if the HMCP SI report had access to all police material relating to FLO engagement and I do not think they spoke to the FLOs directly. I don't level any criticism on HMCP SI for that because it was a CPS inspection but equally, I don't think it is fair for me to comment on that aspect because it seems to me that not all information was considered in reaching that conclusion. My view of the FLOs is that they were extremely professional and did a good job in very difficult and harrowing circumstances. Their support for the families was invaluable to the prosecution team.

42. Each of the four bereaved family groups were offered the same level of support by the CPS. As set out at paragraph 28 the offer to meet each bereaved family was made in writing at key stages and through the FLOs, throughout the case. There will be cases when bereaved families do not want to meet with CPS or they only want to meet CPS whilst at court for hearings. In this case for example, CPS and counsel met with both parts of the Coates family at each court hearing. The initial letters to each bereaved family group [CPSE0000002], [CPSE0000191], [CPSE0000193] and [CPSE0000195] made an open-ended offer to meet and when none was requested, the FLOs reminded the families of this right. When both parts of the Coates family were advised of the acceptance of pleas to diminished responsibility on 24 November 2023 the FLOs again let them know they could meet with CPS and counsel [CPSE0001024]. Both parts of the Coates family then met with CPS at court, both before and after the hearing on 28 November 2023 when it was again made clear that separate meetings could be held with CPS away from court. None was requested. In my experience that is not unusual, and we have to be respectful of bereaved families' wishes. What that meant here was that different support was provided by CPS to different bereaved family groups. The offer of support was however the same and the differences in support provided respected the decisions of the different family groups.

43. When the final decision to accept pleas to manslaughter on the grounds of diminished responsibility was made, a letter was written to all four bereaved family groups on 18 December 2023. Again, the offer to meet was made and no meetings were requested **[CPSE0000200]**, **[CPSE0000207]**, **[CPSE0000211]** and **[CPSE0000209]**.
44. I do consider that my conduct and decision-making and that of CPS East Midlands complied with applicable guidelines and good practice. That is consistent with the conclusions of HMCPSI.
45. Ensuring that we are engaged but not intruding is a difficult balance to strike and I note that within their meetings with HMCPSI, the families do not feel that this balance was achieved **[HMCP0000625]**. I have reflected, for example on whether it would have been appropriate, to invite the Coates family to the bereaved family meeting which was held with Mr and Mrs Webber, Dr O'Malley-Kumar and Dr Kumar on 24 November 2023. I do not. At that stage they did not know each other and had not raised any requests to meet together. It would have been inappropriate to ask any of those three bereaved family groups to do so at that time. It is important that we respect the privacy of each bereaved person.
46. I do however respect the ethos that each family group should be provided with the same information at the same time and we did seek to achieve that here. Those who wanted to meet with CPS received that information from us in a meeting and those that did not, received it from their FLOs. I do understand however, that Darren, James and Lee Coates now feel that a meeting with CPS may have enabled them to better understand the acceptance of manslaughter pleas. I understood that they did not wish to meet with us (outside the meetings that took place at each court hearing) and we had to respect that. When the final decision to accept pleas was made, all families received a letter explaining that decision in detail with a further offer to meet prior to the court hearing **[CPSE0000200]**, **[CPSE0000207]**, **[CPSE0000211]** and **[CPSE0000209]**. Again, we did not receive a request to meet any member of Ian Coates' family. Had we received such a request we would have arranged that.

47. I did not experience any other issues with respect to the handling of communications relevant to the terms of reference.

Expert Evidence

48. I was certainly aware by the time the charging decision was made on 16 June 23, if not before, that VC had a history of psychiatric illness. That coupled with the nature of the offences (the manner and brutality of the attack on strangers) gave rise to the likelihood that the defence would explore a medical defence, partial defence or question of fitness. We could not know which, if any, of those issues would be relevant until the defence served a medical report or defence statement. Until then, and to ensure that we were properly prepared for that eventuality, we retained Dr Nigel Blackwood immediately after charge. Dr Blackwood is the Professor of Forensic Psychiatry at Kings College London, where he leads the Forensic Research Group and the Forensic Mental Health MSc programme. We retained him due to his extensive experience including in cases with mentally disordered defendants or where a medical defence or partial defence is asserted. This includes multiple occasions when such an assertion has been challenged based on the expertise of Dr Blackwood.

49. On 02 October 2023 the defence served the psychiatric report from Dr McSweeney dated 24 August 2023 [CPSE0000003]. The report opined that VC was fit to plead and stand trial, he was not insane but the partial defence of diminished responsibility should be available to him (paras 16.23- 16.31) as his "abnormality of mental functioning significantly contributed to him perpetrating the alleged offences. That is to say that, in my view, had he not been labouring under symptoms of acute psychosis, which resulted in his interpretation of reality being grossly distorted, he would not have perpetrated the acts."

50. Dr Blackwood was formally instructed on 04 October 2023. Dr Blackwood's letter of instruction is set out here: CPSE0000153. It includes details of the evidence and other material made available to him. It also sets out the issues upon which we sought his expert opinion. This included matters relevant to the time of the offending which appeared to the reviewing lawyer and myself as non-experts, to

be incongruous with VC having an inability to exercise self-control or rational judgement namely, the call to his brother and his behaviour at Seely Hurst House.

51. These instructions were drafted by the reviewing lawyer, Alan Murphy. I discussed the contents with him and agreed the final letter. The DCCP, Andrew Baxter also approved the instructions. I do not recall discussing the specifics of the instructions with anyone else in CPS or with counsel.

52. I was satisfied that Dr Blackwood's report of 20 November 2023 [CPSE0001101] addressed the matters set out in the instructions. Within it, he provides an extensive review of VC's history, interspersing independent accounts and contemporaneous records with VC's interview. He concluded that all of the material reviewed, is consistent with a four-year history of a major mental disorder, namely paranoid schizophrenia.

53. Within his analysis he answers the five questions we had posed namely:

- Does the defendant have any diagnosable medical condition? If so, what is the prognosis? Is it treatable and if so, how?
- Is the defendant fit to plead and/or stand trial?
- Was the defendant capable of forming the requisite intent for the offences at the time of the separate incidents?
- In your opinion is a possible defence of loss of control/diminished responsibility available to the defendant in respect of the three counts of murder? (as opined in defence report)?
- If a finding is made by the court (of guilt, or that the defendant did the acts in question), what would your recommendation be as to disposal?

54. He also addressed the incongruous behaviour identified in our letter and referred to at para 50 above. He opines, consistent with Dr McSweeney, that the behaviour is not in fact inconsistent and that, despite the psychosis, VC was able to maintain some rational thought.

55. Dr Blackwood too concludes that there was an abnormality of mental functioning on 13th June when VC committed the offences. At paragraph 27 he specifically

deals with the potential for fabrication but given the consistency across all sources of material and the views of the three psychiatrists who interviewed the defendant, he considers this to be unlikely [CPSE0001101]. There was no proper basis upon which we could challenge this evidence or ask a jury to reject it.

56. The first two psychiatric reports were discussed in conference with leading counsel, Karim Khalil KC and junior counsel, Peter Ratliff, on 23 November 2023 [CPSE0000194]. At the time of the conference a second defence report [CPSE0000013] was imminent and it had been served by the time that all three reports were subject to a full review by Alan Murphy on 24 November 2023 [CPSE0002704]. That review was endorsed by leading prosecution counsel in their abbreviated advice of 27 November [CPSE0001289]. It is also expanded upon later by Counsel in their full advice on acceptability of pleas based on the four psychiatric reports (see further below).

57. I am satisfied that Alan Murphy's review of 24 November 2023 [CPSE0002704] properly analyses the three reports and the conclusions he reaches are set out at paragraphs 3.4 – 3.7:

“3.4 The expert opinion is clear and is plainly supported by the evidence obtained which is extraneous to the defendant and contemporaneous with events going back to May 2020 if not earlier. This expert opinion, certainly in the cases of Dr McSweeney and Dr Blackwood, comes from witnesses who are genuinely expert in their field and in respect of whom, insofar as this aspect of the case is concerned, there is no basis for challenging their conclusions.

3.5 Were we not to accept the guilty pleas anticipated, there would as far as I can see be absolutely no basis upon which we could invite a jury to reject the psychiatric evidence and convict of murder. Indeed, the murder counts in my view would not survive a half-time submission.

3.6 In those circumstances I am of the view that the evidence, when considered in the round, should lead the Crown to accept guilty pleas to manslaughter on the grounds of diminished responsibility when offered in respect of the counts of murder.

3.7 This matter has been discussed in conference with leading and junior counsel, the Deputy Chief Crown Prosecutor and the Head of the Complex Casework Unit. All are in agreement with this decision.”

Dr Latham

58. Following the bereaved family meeting which took place on 24 November 2023, Dr Kumar contacted the SIO, DSI Leigh Sanders to discuss concerns that he and Dr O'Malley-Kumar had with the psychiatric evidence. I spoke with DSI Sanders on the evening of Friday November 24 and that discussion is properly summarised in his follow up email to me at 8:49pm [CPSE0007625]. Dr Kumar's essential concerns were that there was a lack of focus on the presentation and actions of VC on 13 June 2023, insufficient attention to the deterioration of his condition whilst incarcerated and that this led to the psychiatrists constructing a false narrative of events.

59. I was satisfied that the psychiatric evidence as analysed in the 24 November 2023 review [CPSE0002704], properly dealt with all the issues raised and the approach taken by Dr Blackwood in particular. However, I wanted to look at what additional reassurance we could provide to Dr Kumar and Dr O'Malley-Kumar. The decision to accept pleas is a matter for CPS in accordance with the Code [WITN0080003] but I did not want the criminal justice process itself to cause any of the bereaved further unnecessary distress.

60. As part of that assurance, I tasked Alan Murphy with re-reviewing the psychiatric reports with renewed focus on whether they had access to the material relating to VCs behaviour in and around the offences, his demeanour in custody and whether they had specifically addressed themselves to the question of his mental state on the day of the offences and not in the time since he had been in custody.

61. Alan Murphy completed that review over that weekend [CPSE0007616] and concluded:

“3.1 All three psychiatrists specifically state that they have been asked to opine on the defendant’s mental state at the time of the offences. All three do so and, presumably, given that they are fully qualified expert witnesses, are happy that they have had sufficient material to carry out that task.

3.2 It would seem only Dr McSweeney and Dr Blackwood have specifically looked at the evidence in the case. Dr Shaffiullah appears to have relied on the police case summary. The evidential material included police custody mental health assessments and the custody record.

3.3 Dr Blackwood in particular makes specific reference to events contemporaneous to the attacks in his report. This includes reference to the custody record and the police station interviews. It also includes reference to discrete behaviours of the defendant during the course of the attacks as seen on the CCTV.

3.4 There is nothing in any of the reports as I read them to suggest that the authors have come to an assessment of the defendant on the date of interview and then “backdated” it to the date of the offence with the potential erroneous inclusion of a deterioration in his mental health that occurred in custody after the date of the offences. Indeed, Dr Shaffiullah seems to suggest the defendant’s state has improved a little in hospital and Dr McSweeney notes no particular concerns in July, save for the defendant’s inability to appreciate his illness.

3.5 All three psychiatrists cite from the extensive psychiatric and medical records that pre-date the offending and all three seem to me to distinguish the defendant’s mental state at the time of their respective examinations from his mental state at the time of the offences. They all arrive at their conclusions based very much on the pre-existing evidence of mental health problems as contained in the extensive medical records supplemented by the other contemporaneous supporting material.”

62. The psychiatric evidence was sufficient for us to proceed to accept pleas in accordance with the earlier review, and Dr McSweeney [CPSE000003] and Dr Blackwood's [CPSE0001101] reports specifically addressed the issues raised by Dr Kumar. Notwithstanding that, I wanted to address the concerns raised for the reasons already expressed.

63. Some considerable time was then spent by CPS and Counsel over that weekend and into Monday 27th November trying to identify a way to do that which could properly balance our responsibilities to the Court and our responsibilities to the bereaved, appreciating the extremely traumatic circumstances of this case and the need to provide reassurance to them. The conclusion arrived at was to instruct a fourth expert, Dr Latham, to focus specifically on the defendant's presentation at the time of the index offences and, as part of that, to review the three existing reports to ensure this had been properly dealt with. He was specifically asked not to see the defendant so that he could not be seen to be unduly influenced by his current presentation, which was one of the primary concerns raised.

64. Dr Latham was instructed to do the following [CPSE0000016]:

1. Review the three psychiatric reports prepared in this case;
2. Review the available evidence in the case (as set out in the schedule below) or as much of it as you in your expert opinion feel is appropriate, with particular regard to the evidence of the defendant's presentation on 12-13 June 2023;
3. Provide an expert opinion on whether the conclusions reached by the psychiatrists on the issue of diminished responsibility have been properly reached by them;
4. (If you are able to in the absence of your own interview with the defendant) provide an expert opinion on whether, at the time of the offences, the defendant's mental health was such that he has available to him the partial defence of diminished responsibility.

65. Dr Latham's report is both a peer review and expert opinion. The peer review was to establish the extent to which the previous reports focussed on the defendant's state of mind at the time of the offences. In doing so Dr Latham reviewed all the material. He did however also provide a fourth expert opinion. Doing this without seeing VC meant that we could ensure that Dr Kumar's concerns about the amount of attention being paid to VC's current presentation were not a factor. Had he interviewed VC, the concerns about the previous reports would have simply been repeated. Instead, he was explicitly tasked to focus on the events of 12-13th June 2023, VCs presentation during that period and his history relevant to that.
66. On 27 November 2023, following the instruction of Dr Latham, the SIO was updated and confirmed that the details I provided to him would be passed to the FLOs to update all families [CPSE0001636]. A discussion took place with the family members present at the PTPH at Nottingham Crown Court on 28 November 2023 about the instructions [CPSE0000199]. On 30 November 2023 a form of words was agreed with DSI Leigh Sanders to go to all families [CPSE0000913]. All psychiatric instructions were discussed at length in the meeting in Bristol on 7 December 2023 with Mr and Mrs Webber, Dr O'Malley-Kumar and Dr Kumar [CPSE0000201] and [HMCP0000411].
67. During that meeting they also made their views clear that the psychiatrists ought to have interviewed the witnesses who were in contact with the defendant at the time of the offences and his family. They considered this a significant failing. I explained that in my experience this was not the proper approach. I was asked to instruct Dr Blackwood and Dr Latham to do this and I declined to do that. Again, in order to try to offer that reassurance around the process I agreed to ask both Dr Blackwood and Dr Latham about interviewing witnesses generally and whether they needed to interview any of the witnesses in this case directly in order to provide their opinions. They both said no and provided reasons for the same. Dr Blackwood in his email [CPSE0000166] and Dr Latham at para 24 of his report [CPSE0003326].

68. The duty of an expert witness is to help the court to achieve the overriding objective by giving opinion which is objective and unbiased, in relation to matters within their expertise. This is a duty that is owed to the court and overrides any obligation to the party from whom the expert is receiving instructions - see Criminal Procedure Rules 2020 Part 19. (CrimPR 19).
69. The instructions to Dr Latham were drafted by Alan Murphy based on the communication from me in email [CPSE0007625], our liaison with counsel over that weekend and the meeting with DCCP and CCP on Monday 27 November 2023 [CPSE0000405]. I approved the instructions.
70. As set out above, the concerns raised by Dr Kumar were the foundation for the instruction of Dr Latham. Obtaining a fourth expert medical opinion when the first three experts (for both prosecution and defence) are completely aligned is highly unusual. It was also not required for CPS to meet our obligations on acceptance of pleas. It was only carried out to try to offer reassurance to the bereaved that whilst it was not the outcome they had hoped for, it was medically and legally the right one.
71. The evidence provided to Dr Latham is set out in the letter of instruction: [CPSE0000016].
72. Dr Latham's report [CPSE0003326] addresses all the issues we asked him to in our letter of instruction. His analysis at paragraphs 19 onwards enables a clear understanding of the methodology which has to be applied by psychiatrists being asked to effectively make a retrospective diagnosis. This is considered in detail in Alan Murphy's updated review of 17 December 2023 on acceptance of pleas [CPSE0000012] with which I am in agreement.

Acceptance of pleas

73. The preceding paragraphs provide extensive detail regarding the process which led to the acceptance of pleas. The served evidential case established that VC was responsible for the three murders and the three attempted murders. The only question was whether the defence had sufficiently established the partial defence of diminished responsibility to the murder offences. The reviews conducted by Alan Murphy and the advice provided by Counsel as to acceptability of pleas (CPSE0000034) clearly articulate the reasons why such a defence has been established and the lack of any proper basis to challenge the same. I am in agreement with those. The letters to the bereaved families were sent out in advance of the court hearing and they fully explain the reasons for that decision [CPSE0000200], [CPSE0000211] and [CPSE0000209].

74. The Code [WITN0080003] at paragraph 9 sets out the responsibilities of the CPS in considering whether to accept pleas and differentiates between the evidential and public interest decisions. Paragraph 9.5 says "in considering whether the pleas offered are acceptable, prosecutors should ensure that the interests and, where possible, the views of the victim, or in appropriate cases the views of the victim's family, are taken into account when deciding whether it is in the public interest to accept the plea. However, the decision rests with the prosecutor."

75. The decision in this case was an evidential one, rather than a public interest one and therefore it is a decision which rests entirely with the prosecution – it being a question of law to be determined with reference to the evidence. In each case where an evidential review takes place the relevant law and legal guidance in respect of that offence or offences must also be followed. I am satisfied that this happened here.

76. The policies, guidance and standards applied therefore were and continue to be sufficient and appropriate.

HMCPST Review

77. HMCPST had access to all case material and the benefit of interviews with some of the bereaved, CPS staff and leading and junior counsel. Its report [HMCP0000625] accurately and adequately sets out the history of the case and the basis of the CPS decision-making.

Lessons Learned

78. The HMCPST report [HMCP0000625] only had one recommendation arising out of the in depth analysis of CPS handling of the case which can be found at page 9 of the report, namely "by October 2024 the Crown Prosecution Service must undertake a review of all guidance relating to victims' engagement to ensure that all staff are aware when the use of the terms "consult" or consultation" is appropriate."

79. That review of CPS published guidance, completed in October 2024, identified that there were eight places that we used these terms when referring to engagement with victims or bereaved families around the legal decision-making in a case. We acknowledged that doing so has potentially contributed to a misunderstanding of our obligations. In each of those there was a better word than 'consult' which could be used to explain our engagement practices or obligations to victims. Changes have therefore been made.

80. The changes make it clear that when making a decision on evidential grounds, there is no obligation to seek the views of the victim or bereaved family. There is an obligation to inform them of the decision and explain that decision. The Code for Crown Prosecutors [WITN0080003] only sets an expectation that we seek their views when making a decision on *public interest* grounds.

81. We have therefore developed alternative wording and following guidance has been updated:

- Speaking to Witnesses at Court [CPSE0010220]
- Victim Communication and Liaison (VCL) Scheme [CPSE0010217]
- Homicide: Murder, manslaughter, infanticide and causing or allowing the death or serious injury of a child or vulnerable adult [CPSE0010222]
- Rape counts, linked to murder, left to lie on file [CPSE0010223]
- Road Traffic - Fatal Offences and Bad Driving [CPSE0010219]
- Termination of Proceedings (Including Discontinuance) [CPSE0010221]
- Mental Health: Suspects and Defendants [CPSE0010218]

82. The changes to the guidance recognise that for our service to victims and bereaved families our language must be clear and straightforward. Whilst that is important, in my experience, whether or not the word consult has been used, CPS case teams were already clear in meetings with the bereaved and victims that evidential decisions must be made by CPS. That hasn't changed. That is also reflected in the bereaved family meetings that took place in this case.

83. I don't consider that there are any other structural issues within CPS which need to be re-reviewed following this case.

84. Looking back, I don't consider there was anything I or CPS could or should have done differently in relation to our decision-making and conduct in the case. Save for that one recommendation, the HMCPSI report [HMCP0000625] did not identify any steps that could or should be taken to improve communication with and treatment of bereaved families and survivors in the future. I agree with that analysis.

Statement of Truth

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

Signed:

GRO-B

Dated:

30 October 2025.

INDEX TO FIRST WITNESS STATEMENT OF SAMANTHA SHALLOW

	URN	Document description
1	WITN0080002	CPS Referrals, approvals and notifications policy
2	WITN0080003	The Code for Crown Prosecutors
3	WITN0080004	PACE Code C
4	WITN0080005	Bereaved Families Guidance – CPS Service to Bereaved Families in Homicide Cases
5	WITN0080006	The Code of Practice for Victims of Crime (the Victims' Code)
6	CPSE0001024	Report dated 29/01/2024, compiled by Janine McKinney (CPS), re Chronology of engagement with bereaved families - Op Hendrix
7	HMCP0000625	Report dated March 2024 compiled by HMCPSI re: An inspection of Crown Prosecution Service actions in the Valdo Calocane case - The events in Nottingham on 13 June 2023
8	CPSE0000002	Letter from Suzanne Llewellyn to Dr Sanjoy re: describing the role of the CPS in the current criminal proceedings
9	CPSE0000191	Letter from Suzanne Llewellyn to Mr and Mrs Webber re: CPS update/plan of action re: criminal investigation and court proceedings
10	CPSE0000193	Letter from Suzanne Llewellyn to Elaine Newton re: CPS update/plan of action re: criminal investigation and court proceedings
11	CPSE0000195	Letter from Suzanne Llewellyn to James Coates, Lee Coates and Darren Coates Re: explaining the court process in the case of Valdo Calocane
12	CPSE0000200	Letter from Janine McKinney, CPS to Dr Sanjoy Kumar MBE and Dr Sinead O'Malley-Kumar, re: CPS's reasoning behind their decision

13	CPSE0000207	Letter from Janine McKinney, CPS to Mr and Mrs Webber, re: CPS's reasoning behind decision
14	CPSE0000211	Letter from Janine McKinney, CPS to Ms Elaine Newton, re: CPS's reasoning behind decision
15	CPSE0000209	Letter from Janine McKinney, CPS to James Coates, Lee Coates, and Darren Coates, re: CPS's reasoning behind decision
16	CPSE0000215	Letter from Janine McKinney to Dr Sanjoy Kumar and Dr Sinead O-Malley-Kumar re offer to meet with Dr Sanjoy Kumar and Dr O'Malley Kumar along with the Director of Legal Services, Greg McGill and Head of Complex Casework, Samantha Shallow, on 07/02/2024
17	CPSE0000218	Letter from Janine McKinney to Mr and Mrs Webber re: Offer to meet with Janine McKinney, Greg McGill and Samantha Shallow from the CPS
18	CPSE0000219	Letter from Janine McKinney to Ms Elaine Newton re: Offer to meet with Janine McKinney, Greg McGill and Samantha Shallow from the CPS
19	CPSE0000217	Letter from Janine McKinney to James Coates re: Offer to meet with Janine McKinney, Greg McGill and Samantha Shallow from the CPS
20	WITN0080007	Letter to Dr Kumar and Dr O'Malley-Kumar 05.02.24
21	WITN0080008	Letter to Mr & Mrs Webber 05.02.24
22	WITN0080009	Letter to Elaine Newton 05.02.24
23	WITN0080010	Letter to James Coates, Lee Coates and Darren Coates 05.02.24
24	CPSE0000196	Minute of Meeting re dated Op Hendrix conference with family, dated 24/11/2023
25	CPSE0000199	Conference Note by East Midlands Complex Casework Unit re Op Hendrix (Calocane) in

		person including Grace and Ian's family members.
26	CPSE0000201	Minute of Meetings by East Midlands Complex Casework unit re: Bereaved family meeting Op Hendrix (Calocane) in person, including Grace and Barnaby's family members.
27	HMCP0000411	Minute of Meeting re: Avon and Somerset HQ, dated 07/12/2023
28	CPSE0000212	Minute of Meeting re Op Hendrix, dated 15/01/2024
29	HMCP0000587	Record of Interview for Op Hendrix/R-v-Calocane – Review meeting, dated 13/02/2034
30	CPSE0001726	Email from Alan Murphy to Adam Cooper and Alan Murphy, re: Op Hendrix - defence psychiatric report
31	CPSE0004148	Email from Alan Murphy to Nigel Blackwood and Alan Murphy, re: External Email - Re: Op Hendrix - Instruction Letter
32	CPSE0000153	Letter from A. Murphy to Dr Nigel Blackwood re: DEFENDANT(S): Valdo CALOCANE aka Adam MENDES, URN: 31CF0944023, COURT AND HEARING DATE: Nottingham Crown Court 31st October, 2023 (likely to be varied to w/c 27 November 2023)
33	CPSE0003223	Email from Fiona McVey to Alan Murphy, Gina Farrell, Gemma Piggott and another re: Operation Hendrix - PTPH 31/10/2023
34	CPSE0000003	Expert report from Dr Leo McSweeney, Consultant Forensic Psychiatrist re VC
35	CPSE0001101	Expert report from Nigel Blackwood, Professor of Forensic Psychiatry, Re: Valdo Calocane aka Adam Mendes
36	CPSE0000194	Minutes of Meeting re: East Midlands CCU Conference 23/11/2023, Operation Hendrix

37	CPSE0000013	Expert report from Dr Mohammed Shaffulha, Consultant Psychiatrist, re Independent psychiatric assessment of VC
38	CPSE0002704	Report by Alan Murphy, re: Review as to the acceptability of pleas to manslaughter on the grounds of diminished responsibility
39	CPSE0001289	Advice on Acceptability of Pleas dated 27/11/2023 by Karim S. Khalil KC, Drystone Chambers and Peter Ratliff, 6KBW College Hill
40	CPSE0007625	Email from Michelle Mannion [CPS] to Samantha Shallow [CPS], Alan Murphy [CPS], Andrew Baxter [CPS] and others Re: URGENT - Op Hendrix
41	CPSE0007616	Expert Report from Alan Murphy, re: Review at to the material considered by the psychiatrists, East Midland Complex Casework Unit
42	CPSE0000016	Letter from A. Murphy, CPS to Dr Richard Latham, Consultant Forensic Psychiatrist, Re: Court and Hearing Date: Nottingham Crown Court 28 November 2023
43	CPSE0001636	Email from Leigh Sander to Samantha Shallow, re: Op Hendrix
44	CPSE0000913	Email from Leigh Sanders to Samantha Shallow, re: FORM OF WORDS
45	CPSE0000166	Email from Nigel Blackwood to Alan Murphy and Kessie Pochin, re: External Email - Re: R v Calocane / Mendes
46	CPSE0003326	Expert Report from Dr Richard Latham MBBS MRCPsych LLM, Consultant Forensic Psychiatrist re: PSYCHIATRIC REPORT of Valdo Calocane aka Adam Mendes
47	CPSE0000405	Minutes of Meeting regarding the BFM, the bereaved families and Valdo Calocane's plea

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50	CPSE0010220	Speaking to Witnesses at Court
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