

Witness Name: **ANDREW JOHN BAXTER**

Statement No: WITN0152001

Dated: 5 November 2025

THE NOTTINGHAM INQUIRY

FIRST WITNESS STATEMENT OF ANDREW JOHN BAXTER

I, **ANDREW JOHN BAXTER** will say as follows: -

INTRODUCTION

1. I am a retired Deputy Chief Crown Prosecutor ("**DCCP**"). I retired from the Crown Prosecution Service ("**CPS**") on 6 March 2025 through ill health following an illness that caused me to be unable to return to work from 15 September 2024.
2. This witness statement is made to assist the Nottingham Inquiry (the "**Inquiry**") with the matters set out in the Rule 9 Request dated 18 September 2025 (the "**Request**").

BACKGROUND

3. I qualified as a solicitor in 1991. Upon qualification, I practised as a defence solicitor for 2 years before I joined the CPS in 1993. I have extensive experience working as a prosecutor, having worked for the CPS in a variety of roles. I also have Higher Rights of Audience in the Crown Court (Criminal Proceedings).

4. I have worked in a number of different senior leadership roles within the CPS. I have led Crown Court teams across more than 30 different Crown Courts in England, in Norfolk, Suffolk, Essex, Cambridgeshire, London, Avon and Somerset, Gloucestershire, and Devon and Cornwall. From 2017 onwards, I was involved in the leadership of the teams covering work in Nottinghamshire, Derbyshire, Leicestershire, Lincolnshire and Northamptonshire. I was a Chief Crown Prosecutor for Norfolk in 2009 before the CPS regionalised and have worked in the above roles as a DCCP thereafter.
5. Prior to my illness, I was employed as a DCCP in the East Midlands Area, specialising in Crown Court work. My duties involved the supervision and oversight of all of the Crown Court work across the area and additionally supervision of the Complex Casework Unit. I directly line managed the Head of the Complex Casework Unit and the Head of the Crown Court Unit. I was managed by the Chief Crown Prosecutor.
6. The CPS is hierarchical in structure. In this case, the reviewing lawyer (Alan Murphy) had a line manager (Sheryl Monk). That line manager reported to the Complex Casework Unit Head (Samantha Shallow), who reported to me, and I reported to the Chief Crown Prosecutor (initially Suzanne Llewellyn until Janine McKinney returned to work), who reported to the Director of Legal Services. As a senior leader, I worked alongside other managers offering support and guidance, being copied into various items of correspondence and contributing my thinking in a variety of issues, as set out below. I spoke directly with lawyers about their casework, held more formal case management conversations and panels, and provided support and guidance.

CHARGING DECISION

7. I first became involved in this case on 14 June 2023, when I received an email from Samantha Shallow informing me and Suzanne Llewellyn (Chief Crown Prosecutor), that she had attended a briefing at the police station in relation to the arrest and detention of Valdo Calocane and that she had selected Alan

Murphy to be the reviewing lawyer. [CPSE0007224]. As noted above, I was Samantha Shallow's line manager. I replied to Ms Shallow's email and confirmed that I was content for Mr Murphy to be allocated the case. Mr Murphy was a Specialist Prosecutor whom I knew to be extremely capable and able and who had the relevant experience to deal with this matter. I was familiar with his caseload and work.

8. I am asked to comment upon my involvement in the charging decision in this case. The charging advice was written by Alan Murphy. At 13:41 hours on 16 June 2023, he sent a draft of his advice to me and Suzanne Llewellyn noting that he was still awaiting CCTV and scenes of crime evidence [CPSE0002435]. This draft was sent in response to an email from Suzanne Llewellyn who had asked Mr Murphy whether he intended to charge any offences other than murder and attempted murder. I responded to Mr Murphy's draft to confirm that I had noted his decision and I offered my assistance, should he need anything from me at any stage [CPSE0004690]. Mr Murphy did not need a great deal of support in his decision-making, but I was obviously there for him, should he require my input. When I read his draft advice, I agreed with the content and I did not suggest any amendments.

POLICE INVESTIGATION

9. I have been asked if I have any concerns about the investigation carried out by the police in this case. I do not have any such concerns. Upon reading the first psychiatric report [CPSE0000003], I learned that the defendant had graduated in mechanical engineering from the University of Nottingham and was undertaking a Masters degree. I subsequently queried whether any information had been obtained from the university about his performance and participation in seminars and generally on the course and university activities [CPSE0001811]. Alan Murphy responded to my query to confirm that the police had obtained material from the university which showed that they were in close contact with mental health services and had concerns about the defendant's presentation and behaviour. The police had also obtained evidence from students he had lived with during his studies, who described his unusual

behaviour. In addition, Mr Murphy confirmed that he had made a written request to the police regarding further material to be obtained from the university [CPSE0001811]. At a conference with counsel and the Senior Investigating Officer on 23 November 2023 [CPSE0000194], I was informed that further statements had been obtained from the defendant's university tutors and the entirety of the defendant's university health records had been obtained. It was noted that mental health issues had first been recorded during lockdown, after which the defendant failed his exams and was required to re-sit the year. I was satisfied that this line of enquiry had been completed and that the reviewing lawyer had the requisite material he required to assist him in his decision-making.

COMMUNICATION WITH SURVIVORS AND BEREAVED FAMILIES

10. My involvement with the bereaved families was very limited in this case. On 20 June 2023, I met the family members of Mr Coates at the Preliminary Hearing at Nottingham Crown Court with other members of the prosecution team. The meeting was quite brief and was limited to giving condolences and explaining what happened at the hearing. During the hearing, defence counsel informed the Judge that psychiatric reports were "in train" [CPSE0000221] and therefore, after the hearing, Mr Coates' family members were informed that the case was likely to centre on medical evidence. [CPSE0000186].

11. After this hearing, I had no contact with any of the survivors or the bereaved families. This was handled by others in the prosecution team. My decision to attend the first hearing was out of respect for the families and to demonstrate that a senior leader from the organisation was present and supporting the prosecution team. I was the most senior leader within the CPS available to attend court on that occasion.

12. My only other input in terms of communication with the bereaved families and the survivors was an email I sent on 27 November 2023 regarding the victims of the attempted murder counts [CPSE0003998]. Strictly speaking, the CPS Bereaved Family Scheme [WITN0080005] does not apply to victims of

attempted murder (because there has not been a death in those cases). I considered however that those victims should be offered the same level of support and engagement by the CPS as the families of the deceased.

13. Given my limited involvement in engaging with the survivors and bereaved families, I do not consider that I am able to comment any further on this topic.

EXPERT EVIDENCE

Dr Blackwood

14. I am asked to set out my involvement in the instruction of Dr Blackwood. Alan Murphy retained Dr Blackwood at an early stage in proceedings. I had not previously worked with Dr Blackwood or dealt with him. I was aware that he had recently been instructed by Mr Murphy in another recent multiple homicide matter and that Mr Murphy was therefore familiar with his work. In order to satisfy myself that he was a suitable expert, I had a discussion with Alan Murphy about his experience of Dr Blackwood and I also did some research to see what other cases Dr Blackwood had been instructed in. I noted that he had been instructed in other high-profile cases, including R v Chail, a case involving a defendant who was arrested in the grounds of Windsor Castle carrying a crossbow. [CPSE0003722]. Having conducted this research and following my discussion with Mr Murphy, I was satisfied that Dr Blackwood was more than capable of dealing with this matter. I provided Mr Murphy with a copy of the case report in Chail for ease of reference as in addition to Dr Blackwood being involved in it, it also touched upon sentencing approaches relevant to these proceedings.

15. The instructions to Dr Blackwood were drafted by Mr Murphy on 4 October 2023. I reviewed the draft the same day, to ensure that the instructions were comprehensive. I was satisfied that they were. [CPSE0008370].

16. I read Dr Blackwood's report shortly after it was received and subsequently emailed Mr Murphy with a few queries [CPSE0001811]. As discussed above, I noted that the defendant was studying mechanical engineering. I wanted to gain a greater understanding of how his diagnosis fitted with the evidence obtained during the investigation about his presentation at university. As set out above, further information was provided by the police to satisfy my concerns. In my opinion, the report did adequately address the relevant issues in the case.

Dr Latham

17. On 27 November 2023, a meeting took place between Alan Murphy, Samantha Shallow, Michelle Mannion, Janine McKinney and myself to discuss the case and to consider whether pleas should be accepted to manslaughter at the hearing the following day [CPSE0000405]. It was noted that the bereaved families had concerns about pleas being accepted and a discussion therefore took place about options that could be taken to provide reassurance to them that the correct procedures and processes were being followed. It was ultimately agreed that the CPS would instruct Dr Latham to review the three psychiatric reports that had been obtained by the prosecution and defence teams. The reason this course was chosen, rather than a further full psychiatric assessment was because the families had raised concerns that the three psychiatrists were influenced by the defendant's presentation some months later whilst in custody, rather than how he presented on the day of the offence. If Dr Latham examined the defendant, he would therefore face the same criticism.

18. Later that day, it was confirmed by email that Dr Latham was to be instructed to review the existing reports and to independently consider the evidence to determine if the conclusions of the other experts were justified [CPSE0002876]. I was not personally involved in any discussions with the bereaved families about the psychiatric evidence. I was only present in the internal meetings described above, at which it was discussed. I was also not involved in drafting the instructions to Dr Latham. I believe this was dealt with by Mr Murphy.

19. I recall reading the report of Dr Latham once it was received but I do not recall being involved in any conversations with colleagues following receipt of his report. By this stage of proceedings, I was working on other murder cases and given that there were many senior managers overseeing this case, including the Chief Crown Prosecutor, I considered that I was able to take a step back and focus on those other cases that required my attention.

ACCEPTANCE OF PLEAS

20. I am asked to set out my involvement in the decision to accept pleas to manslaughter in this case.

21. A conference was held on 23 November 2023. That conference was attended by prosecution counsel, Alan Murphy, Samantha Shallow, Michelle Mannion, the Senior Investigating Officer Leigh Sanders, a number of other police officers involved in the case and myself [CPSE0000194]. It was noted that the two psychiatric reports received (Dr McSweeney [CPSE0000003] and Dr Blackwood [CPSE0000011]) provided clear and compelling evidence to support the partial defence of diminished responsibility and that, subject to anything contrary in the third report, those pleas, if offered, should be accepted. The third report was expected imminently.

22. On the morning of 27 November 2023, prosecution counsel sent an advice to the CPS on the issue of acceptability of pleas. I reviewed the advice and considered that it was not sufficiently detailed [CPSE0003998]. The advice gave the impression that it had merely adopted the written review of the reviewing lawyer and did not really add any value to the question being posed as to the acceptability of pleas. It would not have taken very long to prepare in the format it was submitted. I was looking for a document of greater depth and consideration and for that reason, I commented that it was not sufficient for our purposes and I requested that a further advice be provided. I often in the role of DCCP pushed back on work by counsel which I felt could be improved and where more detail was required. I worked in my role with many sets of Chambers and regularly provided feedback on counsel's written work and oral

advocacy. In this case, I required a more substantial document to satisfy myself that counsel had considered matters very carefully.

23. As noted above, on 27 November 2023, a further internal meeting took place between Alan Murphy, Samantha Shallow, Michelle Mannion, Janine McKinney and me to discuss the case and whether pleas should be accepted to manslaughter at the hearing the following day [CPSE0000405]. It was noted that the bereaved families had concerns about pleas being accepted and a discussion therefore took place about options that could be taken to provide reassurance to them that the correct procedures and processes were being followed. The CPS team ultimately agreed at that meeting that Dr Latham should be instructed to provide an additional report.

24. Following receipt of Dr Latham's report, prosecution counsel drafted a more detailed advice on the issue of acceptance of pleas, dated 15 December 2023. [CPSE0000034]. Although I had taken a step back from supervising this case by this stage, I did read that advice and I was satisfied that it covered all the issues I expected.

25. I do not recall having any further involvement in the decision to accept pleas following the meeting on 27 November 2023, but I can confirm that I agree with the decision made by the CPS team. I believe that the Chief Crown Prosecutor, Janine McKinney was consulted about the ultimate decision to accept pleas. The Director of Legal Services Team were also notified by way of a briefing Note. [CPSE0000617].

HMCPSI REVIEW

26. I was not interviewed by the HMCPSI team as part of its review. I have read the review [HMPC0000625] and feel it accurately and adequately sets out the history of the case and the basis of CPS decision-making. The only minor omission that I identified from the chronology of contact contained within the report is the fact that I attended Nottingham Crown Court for the Preliminary

Hearing. The chronology records that Mr Coates' partner and sons met with the reviewing lawyer and junior counsel. I was also present.

LESSONS LEARNED

27. Having reflected on this case, I consider that the lesson learned by the CPS is that it is important that great care is taken about the language used to describe meetings with bereaved families, particularly concerning the use of the word "consult" or "consultation". The decision to accept the pleas in this case was a legal decision which could only be made by prosecuting lawyers. This was not a decision that could be made by families. The process was not therefore a "consultation", but rather a meeting to explain the legal decision which had been made, based on all of the available evidence. It is important that this is made clear to bereaved families. If the Inquiry would like me to consider and comment upon any particular suggestions or recommendations, I am of course happy to do so.

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: 5 November 2025

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3	CPSE0004690	Email from Andrew Baxter to Alan Murphy and Suzanne Llewellyn, re: Hendrix - Draft MG3A
4	CPSE0000003	Expert report from Dr Leo McSweeney, Consultant Forensic Psychiatrist re VC
5	CPSE0001811	Email from Alan Murphy to Karim Khalil
6	CPSE0000194	Minutes of Meeting re: Op Hendrix Conference, dated 23/11/2023
7	CPSE0000221	Report dated [unknown date] compiled by the Crown Prosecution Service Re: hearings in the case of Valdo Calocane
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