

IN THE CROWN COURT AT BORCHESTER

CASE NO: 41AB12345678

BETWEEN

REX

-V-

DANIEL MACNAUGHTAN

INSTRUCTIONS

1. **The defendant is charged as follows:** Count 1: Murder of Ludovic Dementia
2. Particulars of the offence: On 05.07.25 at St Jude's Hospital, Daneil McNaughten murdered Ludovic Dementia.
3. Daniel McNaughten has a long history of mental illness with a diagnosis of paranoid schizophrenia. He has had several admissions to psychiatric hospitals often under the Mental Health Act 1983. In the community he has often defaulted from services and has not complied with depot anti-psychotic medication.
4. He was admitted to St Jude's Hospital on 25.04.2025 under section 2 of the Mental Health Act 1983.
5. On 05.07.25 he was in the dining room of Shelley Ward. There he assaulted Ludovic Dementia with a hammer causing him serious head injuries culminating to his death.

6. The expert is instructed to assess the Defendant's fitness to plead and stand trial under the Pritchard criteria, whether he is capable of:
 - i. Understanding the charge
 - ii. Deciding whether to plead guilty or not
 - iii. Exercising his right to challenge jurors
 - iv. Instructing solicitors and counsel
 - v. Following the course of the proceedings
 - vi. Giving evidence in his own defence

7. The expert is also instructed to assess if the full defence of insanity is available to him as follows:
 - i) At the time of the offence, did the Defendant labour under such a defect of reason from a disease of the mind
 - ii) as to not know the nature and quality of the act he was doing
 - iii) or he did not know what he was doing was wrong

8. The expert should also assess if there is evidence upon which the jury could convict the Defendant of diminished responsibility manslaughter:

At the time of the offence was the Defendant suffering from an abnormality of mental functioning which -

- (i) (a) arose from a recognised medical condition,
(b) substantially impaired his ability to do one or more of these things
 - (i) to understand the nature of D's conduct;
 - (ii) to form a rational judgment;
 - (iii) to exercise self-control.

- (ii) provides an explanation for his acts or omissions in being a party to the killing as a cause, or a significant contributory factor in causing, him to carry out that conduct.
9. In the event that the Defendant is convicted of murder, briefly identify such medical evidence as may assist the court as to his culpability.
10. In the event that the Defendant is convicted of diminished responsibility manslaughter, briefly identify such evidence as may assist the court as to his retained responsibility.
11. The expert should be provided with the following:
- i) Indictment
 - ii) Prosecution witness statements:
 - a) Cagney
 - b) Shelterton
 - c) Nightingale
 - d) Dixon
 - e) Plod
 - iii) Previous convictions
 - iv) Medical records
12. There is no need to provide a copy of the Record of Interview as it was a 'No Comment' interview.

Philippa Hardwicke,
Hardwicke Chambers,
1 Lady Hale Gate,
Gray's Inn.

9th July 2025

INDICTMENT

CASE NO: 41AB12345678

IN THE CROWN COURT AT BORCHESTER

THE KING

- v -

DANIEL MACNAUGHTAN

Daniel MacNaughtan is charged as follows:

COUNT 1

STATEMENT OF OFFENCE

Murder, contrary to common law.

PARTICULARS OF OFFENCE

Daniel MacNaughtan, on the 5th day of July, 2025, murdered Ludovic Dementia.

MG4 Charges	
Casefile Reference	41/AB/12345678
Custody Reference	41E1/123/25
Custody Station	Sunhill Custody
OIC	PC Dixon
Interpreter involved?	No
Interpreter Name/Language Translated	
First Language	English
First Arrest Date	05/07/2025 at 20.41

Defendant Name	Daniel McNaughten
Defendant Date of Birth	29/07/1993
DYO or PPO?	'n/a'
Defendant self-defined Ethnicity	White British
Defendant Address	The Wanders Inn 23 Longsdale Road, AB13 8JL

Charges

You are Charged with the Offence(s) shown below. You do not have to say anything, but it may harm your defence if you do not mention now something, which you later rely on in Court. Anything you do say may be given in evidence.

Charge	CCCJS Offence Code
On 05.07.25 at 19.35 on Shelley Ward at St Jude's Hospital murdered Ludovic Dementia	COML025A

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)

STATEMENT OF SERGEANT GEORGE DIXON

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of pages) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am Sergeant 1212 George Dixon. I am employed as a custody sergeant by the Royal Sunhill Constabulary and based in the Custody Suite, Sunhill Police Station.

On 5th July 2025 I was on duty and at 20.28 hrs WPC 999 CAGNEY and PC 666 PLOD brought a detainee who they identified as DANIEL MACNAUGHTAN (dob 29.7.93). They informed me that he had been arrested on a charge of murder at St. Jude's Hospital, Sunhill.

I have been asked to make this statement setting out what MACNAUGHTAN said when I told him that I was authorizing his detention. He said:

'Can I just say that my defence is one of insanity. I felt this force come up through the floor, up my legs and into my arm and I didn't want to hit him but I just couldn't resist the force.'

I recorded this in his custody record of which I attach the relevant page as an exhibit (GF/1).

Signed:*George Dixon*..... (witness)

Date:10th July 2025.....

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF Shelley Shelterton

Age of witness (if over 18, enter “over 18”): Over 18

This statement (consisting of 1 pages) **is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.**

I am Shelley Shelterton. I am the manager of Benevolent House which is a hostel for the homeless.

I have asked about a current resident, JOE PUBLIC, and two former residents, DANIEL MACNAUGHTAN and LUDOVIC DEMENTIA.

JOE PUBLIC has been resident since 12th February 2025 and he remains resident. However, it is believed that he has been, and continues to be, responsible for the theft of kitchen supplies, such as tea, coffee, milk and sugar belonging to other residents. Nothing has ever been proved but such is his reputation that when anyone new arrives, the other residents warn them about JOE.

LUDOVIC DEMENTIA was resident from 5th January 2025 to 16th March 2025. He was not in any trouble and he got on well with staff and other residents.

DANIEL MACNAUGHTAN was resident from 1st to 25th April 2025. He was always accusing other residents and staff of things that did not really make sense. He was convinced that I was reading his thoughts and then sending them to some transmitter. I could not persuade him otherwise and so I used to try to avoid getting into conversation with him. The other residents complained so much about him that on 24th April 2025 my deputy called his general practitioner and on 25th April 2025 he was sectioned and taken to St Jude’s Hospital.

Signed: *Shelley Shelterton* (witness)

Date:9th July 2025.....

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF FLORENCE NIGHTINGALE

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 pages) **is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.**

I am Florence Nightingale. I am employed as a charge nurse by St Jude's Hospital, Sunhill. I work on Shelley Ward.

On 5th July 2025 I was standing by the entrance to the ward talking to DR BATTY, the ward doctor. At about 7.35 pm we were suddenly aware of a commotion. There are two patients on the ward called LUDOVIC (LUDO) DEMENTIA and DANIEL MACNAUGHTAN.

I saw DANIEL (DANNY) MACNAUGHTAN kneeling over LUDOVIC DEMENTIA. DANNY had a hammer in his hand. I heard DANNY say 'You deserved that, you bastard. That's what you get for thieving my coffee jar at Benevolent House.' Then LUDO lifted his head and said, 'It wasn't me, honest. It was JOE PUBLIC. I've been framed.' LUDO's head then dropped. I told DANNY to put the hammer down. DANNY then said, 'I didn't mean it, Sister. It was the voices. They said he was the anti-Christ.'

DR BATTY went to see to LUDO and he asked DANNY to sit at the dining table. I phoned switchboard and asked them to call the police and alert the night manager. I then ushered the other patients to the adjacent ward.

Signed:*Florence Nightingale.* (witness)

Date:12th July 2025.....

STATEMENT OF WITNESS

(Criminal Procedure Rules, r. 16.2;
Criminal Justice Act 1967, s. 9)

STATEMENT OF PC PERCIVAL PLOD

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am PC 666 Percival Plod of the Royal Sunhill Constabulary. On 5th July 2025 I was crewed with WPC Cagney of the Royal Sunhill Constabulary. In response to a 999 call about a possibly fatal attack on a patient at Shelley Ward, St. Jude's Hospital, Sunhill, we attended there arriving at about 20.00 hrs.

When we arrived on the ward three people were sitting at the table and there was a body lying on the floor. WPC Cagney went and spoke to one of them, a woman who identified herself as SISTER NIGHTINGALE. I attended a person lying on the floor who was identified to me as, LUDOVIC DEMENTIA. He showed no signs of life. I was joined by DR BATTY who introduced himself as the ward doctor and confirmed that he had certified death at 19.35 hours.

In the meantime, WPC Cagney had cautioned MACNAUGHTAN and handcuffed him. We escorted him to a waiting police van and we transported him to the Custody Suite, Sunhill Police Station, arriving there at 20.30 hours.

Signed: *Percy Plod...* (witness)

Date:7th July 2025.....

STATEMENT OF WITNESS

*(Criminal Procedure Rules, r. 27.2;
Criminal Justice Act 1967, s. 9)*

STATEMENT OF WPC CHRISTINE CAGNEY

Age of witness (if over 18, enter "over 18"): Over 18

This statement (consisting of 1 page) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

I am WPC 999 Christine Cagney of the Royal Sunhill Constabulary. On 5th July 2025 I was crewed with P.C. 666 Plod of the Royal Sunhill Constabulary. In response to a 999 call about a possibly fatal attack on a patient at Shelley Ward, St. Jude's Hospital, Sunhill, we attended there arriving at about 20.00 hrs.

When we arrived on the ward three people were sitting at the table and there was a body lying on the floor. SISTER NIGHTINGALE introduced herself and said that DANIEL (DANNY) MACNAUGHTAN had hit another patient, LUDOVIC DEMENTIA, with a hammer. She pointed first to one of the males at the table indicating that he was DANNY MACNAUGHTAN and then she pointed to the patient on the floor who she identified as LUDOVIC DEMENTIA. I noticed that DANNY MACNAUGHTAN was mumbling or talking to himself. The other male was DR BATTY and he went with PC Plod to examine the body.

DR BATTY confirmed that he had certified death at 19.35 hours.

I cautioned DANNY MACNAUGHTAN. I asked him if he understood. He responded, 'Yes, but it wasn't me who did it. I was having a passivity experience. It was the beams from the big transmitter at Alexandra Palace that made me do it. I'll get diminished responsibility, won't I, officer?'

I then handcuffed DANNY MACNAUGHTAN and we escorted him to a waiting police van and we transported him to the Custody Suite, Sunhill Police Station, arriving there at 20.30 hours.

Signed:Christine Cagney..... (witness)

Date:7th July 2025.....

Expert psychiatric report

PC Robin Banks pc.robin.banks@RSC.com

08/07/2025

To: Dr [you] you@gmail.com

Cc Gavel Stone gavel.stone@cps.gov.uk

Dear [You]

I have been asked by Gavel Stone, the CPS case worker, who is working on the case of Ludovic Dementia who was murdered by Daniel MacNaughtan at St Jude's Hospital, Sunhill, on 5 July 2025, to get a psychiatric report for the CPS.

Daniel MacNaughtan has been remanded to HMP Borchester. Would you be able to assess him quite soon and prepare a psychiatric report? It is needed for a pre-trial hearing which will be listed soon.

Fees and expenses will be at the standard rate as set out in <https://www.cps.gov.uk/publication/witness-expenses-and-allowances>

Yours sincerely,

Robin Banks

Expert psychiatric report

[You] you@gmail.com 09/07/2025

To: PC Robin Banks pc.robin.banks@RSC.com

Cc Gavel Stone gavel.stone@cps.gov.uk

Dear PC Banks,

I can accept instructions in this case.

I can see him at HMP Borchester on the afternoon of 26 July 2025 if the prison can accommodate my visit.

Yours sincerely,

[your name]

Expert psychiatric report

Gavel Stone gavel.stone@cps.gov.uk

10/07/2025

To: Dr [you] you@gmail.com

Cc PC Robin Banks pc.robin.banks@RSC.com



Advice

Dear [You]

You are instructed by the Cown Prosecution Service to prepare a psychiatric report on Daniel MacNaughtan (29.7.93) who has been remanded to HMP Borchester. I understand that you can assess him there on 26 July 2025.

Please note that there is some urgency as a Pre-Trial Review is being arranged so as to take place before the Summer Vacation.

The CPS has instructed Counsel, Mr Thomas Coke KC and Miss Philippa Hardwicke. I enclose Miss Hardwicke's Advice and to which are attached the documents that she has listed. They include MacNaughtan's general practitioner records. His solicitors are obtaining his psychiatric records and they anticipate sending me copies in the next day or two and upon their receipt I will forward them to you.

Yours sincerely.

Gavel Stone

CPS Case Worker

Phone Message

30.7.25

From: Dee Cision

To: [You]

PC Banks phoned chasing your report. He has Mr Coke KC breathing down his collar. There is a Pre-Trial Review next week and he needs your report by 2 August. I told him I thought you were waiting for some records.

DC

MACNAUGHTAN, Daniel (Mr) Date of Birth **29-JUL-1993 (31y)** Sex **MALE**

Report Path: Local Record

Benevolent House, Fore Sreet, Sunhill SU1 2LY

NHS Number: 123 456 7890

Usual GP: ELLINGHAM, Martin (Dr)

GP Practice Code: Y12345

 **SUMMARY** (Overview of current health status)


- Active Problems: Paranoid schizophrenia
 - Obesity
 - Hypertension
- Past Problems: Schizoaffective disorder
 - Paralytic ileus
 - Depressed
 - Anxiety states
- Allergies: Penicillin (Severe)
- Current Medications: Risperidone 12 mg Ramipril 5 mg

 **ALLERGIES & ADVERSE REACTIONS**

Substance	Severity	Manifestation	Recorded Date	Source
Penicillin	Severe	Anaphylaxis	14-May-2021	Dr. S. Smith (GP)
Clozapine	Severe	Paralytic ileus	12-Jun-2014	Dr. J. Jones (GP)

 **CURRENT MEDICATIONS**

Drug Name	Dosage	Frequency	Type	Last Issued
Risperidone	6 mg	Two daily	Repeat	1-Apr-2025
Ramipril	5mg	Once daily	Repeat	1-Apr-2025

 LAST 3 ENCOUNTERS

Date	Type	Practitioner	Notes/Reason
24-Apr-2025	Telephone	Ben House	'Psychotic' needs MHA assess
25-Apr-2025	Telephone	O Hill, AMHP	Admitted St J, s2 MHA.
03-May-2025	Admission summary	Dr A Duncan, St J	Relapse of schizophrenia

LIST OF CRIMINAL CONVICTIONS

Daniel MacNaughtan

(aka Daniel McNaughtan, Daniel McNaughton, Daniel M'Naghten)

Date of Birth 29 July 1993

- **Assault occasioning actual bodily harm** (Contrary to Section 47 of the Offences Against the Person Act 1861):
 - Conviction Date: 1 March 2015
 - Court: Causton Magistrates' Court
 - Sentence: £50 fine
 - Assaulted a neighbour
- **Threatening behaviour** (Contrary to section 4 of the Public Order Act 1986):
 - Conviction Date: 23 October 2016
 - Court: Causton Magistrates' Court
 - Sentence: Conditional discharge (12 months)
 - Threatening behaviour towards care worker
- **Common Assault** (Contrary to section 39 of the Criminal Justice Act 1988):
 - Conviction Date: 15 November 2018
 - Court: Causton Magistrates' Court
 - Sentence: 12-month Community Order, 80 hours of unpaid work.
 - Assaulted brother
- **Possession of an offensive weapon in public** (Contrary to section 1 of the Crime Act 1953, section 139 of the Criminal Justice Act 1988):
 - Conviction Date: 11 March 2019
 - Court: Causton Magistrates' Court
 - Sentence: 14 days imprisonment, suspended for 6 months
 - Opened tin can with a jagged edge
- **Assault occasioning actual bodily harm** (Contrary to Section 47 of the Offences Against the Person Act 1861):
 - Conviction Date: 17 July 2020

- Court: Causton Crown Court
- Sentence: Hospital order, section 37, Mental Health Act 1983
- Assaulted fellow resident at The Wander Inn
- **Affray** (Contrary to section 3 of the Public Order Act 1986):
 - Conviction Date: 17 July 2020
 - Court: Causton Crown Court
 - Sentence: Hospital order, section 37, Mental Health Act 1983
 - Caused disturbance at The Wander Inn
- **Causing grievous bodily harm** (Contrary to section 20 of the Offences Against the Person Act 1861):
 - Conviction Date: 21 October 2023
 - Court: Causton Crown Court
 - Sentence: Hospital order, section 37, Mental Health Act 1983
 - Fight with fellow resident at The Drifters' Retreat

Daniel MacNaughtan dob 29.07.93

Intros. Says I've spelled name wrong. Says knows about the McN who killed Edward Drummond. Says I've used the same spelling as his name in Bethlem records but that wasn't actually correct. 'Shrinks get things wrong.'

Asks to see my ID. Asks what I think to the new HMP B. Asks if I ever went to the old one on Ambridge Road.

Explanation/consent. Interrupts. Been waiting 15 minutes already. How long will it take? Says family visit booked 3.45 pm.

Qs? Says not going to talk about what happened at hospital. Sol advice. Sol getting top Harley Street 'shrink' next week. Going to explain to him first. I could come again. 'He's much more experienced than you.'

Asks about consent/med recs. Says he's already signed for that. Wants me to repeat what I said about DPA and GDPR.

Consent form ✓

Why here? 'Charged murder' 'Not murder, manslaughter'. (?) 'Well, if you're mental, like when I don't take meds, you don't know what you're doing'. 'Then you can get diminished responsibility, then they don't have to give you life'. 'There's one where you can get not guilty even though you did it. Billy Bloggs got that, he's on my ward, he got it for GBH but I don't want that one. You end up in Broadmoor or somewhere like that and the tribunals aren't a push-over like at St Jude's. They have these top judges on them, silks they call them. They hardly ever let people out.'

Reminds me, 1.55.

Med hx. Refuses. All in records. Told it all to the liaison and diversion nurse.

Now? 'Right as rain. Back on meds. All voices gone, none of those silly ideas. Did you hear that, doctor?' Says he's just heard a voice from over my left shoulder, Keir Stamer saying he's going to resign. I turn and look at corner of room. 'That had you fooled. That's all you shrinks are interested in. Do you hear voices? Course I bloody do. I've now spent half an hour listening to your voice.' (laughs +++). Asks me whether Streeting or Rayner should replace Stamer. (Standard blank screen).

Had stopped medication. Can't tolerate se. (?) These drugs are dangerous. Had that one where you have blood tests. Had all the blood tests but still got a bowel blockage. Surgeon said it could have killed me. And they all affect your sex drive. Would you take a drug that affects your sex life? Are you hetero, homo or bi, doctor? I'm hetero. Nurses don't check whether you've swallowed it. Says no proper supervision in OT either. Tells me about what he was making in OT that day and Billy Bloggs talking about his GBH and how he was always getting done for twoccing. Asks if I know what TWOC means. Says lots of shrinks don't. (There morning and afternoon?) ✓ (What time leave?) 'OK, I'll tell you, 4.30 pm, but don't think you can get me to talk about what happened after that. Well, I will tell you about that WPC Cagney who arrested me. Hot stuff. Looking forward to seeing her at next court hearing. Didn't like that PC Plod. Grumpy old sod. Tried to talk to him in the van but he ignored me. Didn't help me to get out. Almost fell over.'

Says he'd noticed my ID said issued 1.4.25. Asks if I'm new to the job.

Prev cons. Refuses. 'Been over them before. Every time I see a new shrink. But that s.20. Charged with attempted murder. Pros said would accept plea to s 18. Sol didn't like it when I refused. Said I'd lose benefit of an early guilty plea. S 18 means you intend it. I didn't intend him any harm. Jury believed me. You'd better write that down.'

Distracted by female officer standing outside. 'I've not seen her before. Can you get the governor to have her transferred to my wing? We could do with a bit of eye candy'.

Mood? Not too bad until I started asking him questions. 'I'll cheer up when I get back on the wing. There's a real joker on my landing. Keeps us all laughing.' App? Food here better than hosp. Looks forward to mealtimes. Says looking forward to the weekend. Get to see a film. Last weekend Spy from Cold. Always wanted to see it. Cell-mate didn't get it, who's side the Russian guy was really on. Had to explain plot to him. Then he got it. Sleep? Can't sleep for the messages being tapped on the heating pips. Catches up easily during lunchtime lockdown.

Cog. Digit span 8F 5R. STM Name & address. Reg ✓ Says almost same as on reception but house number 5 not 10. 3 objects ✓ 5 mins 6/6 3/3.

Serial 7s. Tells me I ought to start at 104 as he's done the others so many times it's not a proper test. ✓ 45 secs.

Famous people: ✓ ✓ Churchill is a dog. 'Haven't you seen the advert, Dr?' Laughs +++. Does know. Asks me if I've got a dog. Says there's a kiosk on sea front where you can get 'dog ice cream' but he prefers mint choc. Tells me they ate dogs during the Siege of Leningrad in WW2. Did I know that Shostakovich composed his 7th Symphony during the siege. (Interrupt him - easily).

Prov. Cooks ✓ Says usually gets asked stitch in time.

Meds? Knock on door. Officer insistent. Was booked 1.30 to 2.30. Already over.

Leaving room, says something to officer, they both laugh, he looks back and waves.

Looks 45—overweight, pale, faded amateur R hand tattoo. Few days growth of beard. Hair matted, greasy, tangled locks. Baggy grey tracksuit bottoms and a stained grey t-shirt, standard-issue trainers. Eye contact only brief. Some prison slang. Slight faecal smell and stale sweat.

1440

Can't see prison med recs. Send consent form to SMO. No, can't talk to healthcare.