

IN THE CENTRAL CRIMINAL COURT, OLD BAILEY

THE QUEEN v DANIEL M'NAUGHTON

Case No 20-6-1843

On behalf of : The defendant

On the instructions of : Monteith and Company,
15, Cheapside,
London EC1

Their reference : SM/BR

Subject matter : Psychiatric evaluation of the defendant

Alleged offence : Murder of Edward Drummond against the peace
of our Sovereign lady the Queen, Her Crown
and Dignity, contrary to common law

Date of report : 18th May 2004

Report reference number : KJBR/EML/1843

Date of examination : 18th February 1843

Place of examination : Newgate Prison, London

Consent : Written

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¹ This report is based on the model forms of expert's report prepared by the Judicial Committee of the Academy of Experts and by the Expert Witness Institute.

1. THE WRITER

2. I am Keith John Barkclay Rix, a registered medical practitioner approved under section 12 of the Mental Health Act 1983 and registered with the General Medical Council as a specialist in general psychiatry and forensic psychiatry according to the provisions of Schedule 2 of the European Specialist Medical Qualifications Order 1995. Full details of my qualifications and experience entitling me to give expert opinion evidence are in **Appendix 1**.

3. Conflicts of interest

4. The defendant is not known to me professionally or personally. I do not know any of the parties involved which is not surprising as I was not born until more than a hundred years after the alleged offence. There are no conflicts of interest in respect to any of the identified parties but for the avoidance of doubt I am not a member of the Conservative Party. I have no other interest which might cause a conflict based upon the nature of the case.

5. SUMMARY OF THE CASE AND INSTRUCTIONS

6. My instructing solicitors act for Daniel M'Naughton, the defendant, who was indicted that on 20th January 1843, at the parish of St. Martin's in the Fields,

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Middlesex, he murdered Mr. Edward Drummond, the private secretary of Sir Robert Peel, the Prime Minister. Mr. Drummond was on terms of intimacy and friendship with the Prime Minister and occupied apartments in the official residence of the Prime Minister. He was in the constant habit of passing from those rooms to the Prime Minister's private residence in Whitehall Gardens. There is evidence that the defendant had been seen loitering about these spots for many days and watching the persons who went in and out of the public offices and the houses in Whitehall Gardens.

7. On Friday 20th January 1843 Mr. Drummond left his apartments in Downing Street and went to the Treasury and thence to the Admiralty, from there he visited his bank in Charing Cross and on his return, near the 'Salopian' coffee house, it is alleged that the defendant came behind him and discharged a pistol almost close to him. After discharging it, he drew another from his breast, presented it to Mr. Drummond and was in the act of firing it when a policeman restrained him. Although Mr. Drummond managed to walk back to his bank, he died from his injuries on 25th January 1843.

8. It is further the case for the Crown that from the facts of the case, from the threats used by the defendant before he committed his crime, and his declaration afterwards, that it was not the life of Mr. Drummond that he sought. It was the life of Sir Robert Peel that he desired to take, and it was his life that he believed he was

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destroying when he discharged the fatal pistol against the person of Mr. Drummond.

9. I have included a brief chronology as **Appendix 3**.

10.SUMMARY OF CONCLUSIONS

11.In my opinion the defendant is suffering from schizophrenia or a related illness.

12.The defendant does not have a defence of insanity.

13.There is a medical basis for a defence of ‘diminished responsibility’.

14.I conclude that on balance the defendant is not feigning mental illness.

15.ISSUES TO BE ADDRESSED

16.I have been asked: (a) whether or not the defendant was insane according to the M’Naughton Rules; (b) whether or not the defendant has a defence of ‘diminished responsibility’; and (c) whether or not the defendant could have been feigning his delusions.

17. INVESTIGATION OF FACTS AND ASSUMED FACTS¹

18. Basis of report

19. I have not personally interviewed and examined the defendant but this would have been difficult as the alleged offence occurred 170 years ago. This report is based entirely on the documents provided.

20. Documents

21. The documents made available or obtained are listed in **Appendix 2**.

22. The parties involved

Edward Drummond - the deceased, private secretary to Sir Robert Peel
Daniel M'Naughton - the defendant
Sir Robert Peel - the Prime Minister

¹ It is possible that some of the facts and assumed facts in this report are not true but this may be for the Court to decide. I have ended this report with the same declaration of truth as a witness statement made according to the provisions of the Criminal Justice Act 1967, the Magistrates' Courts Act 1980 and the Magistrates' Courts Rules 1981. Insofar as I have stated that the contents of this report are true, this must be taken to mean that it is true that the facts and assumed facts are as stated and not that each and every fact or assumed fact is in itself true.

23. Medical terms and explanations

24. I have indicated any medical or related terms in **bold type**. I have defined these terms and included them in a glossary in **Appendix 4**.

25. CHONOLOGY

26. Background history as given by the defendant

27. The defendant was born in Glasgow in 1813. His father was a wood turner. The defendant was his apprentice for four and a half years, living in his father's house at this time, and then he worked for him as a journeyman for three years but living away from home in lodgings at this time.

28. Then the defendant set up business on his own in 1835 as he was dissatisfied that his father would not let him have a share in his business. This was because his father wanted to provide for the defendant's younger siblings.

29. By the time he left the business in 1840 the defendant had saved a considerable amount of money. It had been a prosperous and thriving business. In July 1842 he responded to an advertisement in a London newspaper, *The Spectator*. It was for a partnership "in a very genteel business in London" and with a view to succeeding

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to the whole business. Any gentleman having £1,000 was invited to apply. The defendant did not have the exact amount of money specified but wrote in response to say that he had been engaged in business on his own account for a few years, was under 30 years of age and was very active and of sober habits.

30. The defendant had first come to London in July 1841 and stayed in lodgings with a Mrs. Dutton. Before doing so he opened a deposit account with the Bank of Scotland and then shifted it to the London Joint Stock Bank.

31. In his spare time in Glasgow the defendant attended lectures on natural philosophy¹ at the Glasgow Mechanics' Institution. He took an active part in various alterations which were made to the rules of the Institution and also in the arrangement of the rooms and conveniences of the building. He was in the habit of getting books from the library; he was known to all the persons who frequented that institution and he attended lectures on anatomy, including attending the dissecting room every day.

32. At the time of the alleged offence the defendant was lodging at 7 Poplar Row, Newington, with Mrs. Dutton again. He had returned to London again in July 1842.

¹ In Scotland physics is still known as natural philosophy.

33. Personality

34. The defendant has been described by a number of the witnesses in such terms as sullen, gloomy, reserved and unsocial and MRS. DUTTON, with whom he lodged in London, said that he was not in the habit of looking people in the face. However, it is not clear if these were his characteristics before he became ill (i.e. his premorbid personality) or the early signs of the illness.

35. Medical history as given by the defendant

36. The defendant referred to the persecution and referred to “grinding of the mind”. He was asked if he had availed himself of medical advice and said that physicians could be of no service to him. He said that if he took a ton of drugs it would be of no service to him. The defendant had spoken of people watching him in Glasgow, pointing to him and speaking of him, saying that he was a murderer and the worst of characters. In Edinburgh he had seen a man on horseback watching him and another had nodded to him and said: “That’s he.” He was critical of Sheriff Bell for not having put an end to the persecution and said that if he had had a pistol in his possession he would have shot him dead. He said that Sheriff Bell, Sheriff Alison and Sir Robert Peel could have put a stop to the system of persecution if they had wanted to do so. He referred to seeing a man with a bundle of straw under his arm and he knew well enough what that meant as everything was done by signs: the

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straw denoted that he should lie upon straw in an asylum. He had seen paragraphs in *The Times* newspaper containing allusions directed at him and he complained that there had been articles in the *Glasgow Herald* which were beastly and atrocious and insinuated things which were untrue and insufferable of him. On one or two occasions pernicious things had been put in his food.

37.Previous convictions

38.I understand that the defendant has no previous convictions.

39.Defendant's account of the alleged offence

40.The defendant was asked more than once if he knew it was Sir Robert Peel he shot at. The defendant hesitated and paused and at length said that he was not sure whether it was Sir Robert Peel or not. The defendant said that the person at whom he fired had given him a scowling look as he passed. At that moment all the feelings of the months and years rushed into his mind and he thought that he could only obtain peace by shooting him. He went on to say that he imagined that the person at whom he fired at Charing Cross was "one of the crew - a part of the system that was destroying his health" and "every feeling of suffering which he had endured for months and years rose up at once on his mind, and that he conceived that he should gain peace by killing him."

41. Evidence of witnesses concerning the alleged offence and its background

42. DANIEL M'NAUGHTON, the defendant's father, a turner residing in Glasgow, says that about two years previously the defendant had called at his house and begged him to speak to the authorities in town to have a stop put on them. He wanted his father to speak to Mr. Sheriff Alison. He said that he was being persecuted and followed day and night by spies. Although they never spoke to him they laughed at him and shook their fists in his face and those who had sticks shook them at him. He said that one of them threw straws in his face. This he thought meant that he was to be reduced to a state of beggary. Later he wanted his father to make representations to Mr. Sheriff Bell. His father never saw any of the civil authorities because he realised that he was "labouring under some extraordinary **delusion**, and therefore considered it quite unnecessary." He said that he did not consult any medical gentleman because he thought that the delusions would eventually pass away.

43. A Glasgow printer, WILLIAM GILCHRIST, with whom the defendant lodged in the Gorbals, sleeping in the same bed, said that the defendant frequently used to get up in the night and walk about the room uttering incoherent sentences and making use of ejaculations such as "By Jove" and "My God." He knew him on occasions to burst out into immoderate fits of laughter without any cause whatsoever. At other

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times he would moan. He said that the defendant had told him about a visit to the House of Commons and the defendant's statement that he was highly delighted at having heard Sir Robert Peel. He was asked if he had heard the defendant speak disrespectfully of Sir Robert Peel and he said that he had not. He said that he had never heard the defendant speak of Sir Robert Peel's political character nor heard him make use of any threat towards him. The last time he saw him was in July 1842. His conversation was not so connected as formerly.

44. JOHN HUGHES is a tailor and it was in his house that the defendant and William Gilchrist had lodged. He confirmed the evidence of William Gilchrist and said that in consequence of the defendant's strange manner he asked him to leave.

45. HENRY C. BELL, one of the sheriffs depute of the county of Lanark, said that the defendant had been to see him and complained about being harassed to death by a system of persecution. He said that the defendant gave a long, rambling, unintelligible statement from which it appeared that he believed that he was constantly beset by spies and considered that his life and property were in danger. It was the sheriff's conclusion that he was labouring under some extraordinary delusion.

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46. Similar evidence has been given by ALEXANDER JOHNSTON, M.P., whom the defendant had consulted. The defendant had told him that he was also being attacked through the newspapers.

47. SIR JAMES CAMPBELL, the Lord Provost of Glasgow, says that the defendant had been to complain to him as well. He told him that he was compelled to sleep in the fields in the suburbs of the town to evade his persecutors.

48. HUGH WILSON, the Commissioner of Police for Glasgow, says that the defendant had told him that he thought that the persecution proceeded from the priests at the Catholic chapel in Clyde Street, who were assisted by a parcel of Jesuits. Two or three days later he returned and said that the Tories had joined the Catholics. He mentioned how when he had fled to France, as soon as he landed at Boulogne, he had seen one of the spies peep from behind the watch-box on the Custom House Quay.

49. There is evidence from ALEXANDER MARTIN, a gunmaker of Paisley, which indicates that in July 1842 the defendant went to the shop of a gunsmith in the neighbourhood of Glasgow where he bought the pistols used in the alleged offence along with a flask, powder and balls. The same month he travelled to London.

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50. JOHN GORDON said that he had known the defendant for six years. He had never seen anything particular about his conduct. When he met the defendant in London in November 1842 the defendant told him that he was in search of employment. When they walked past Sir Robert Peel's house the defendant said: "Damn him, sink him". When they passed the Treasury he said: "Look across the street, there is where all the treasure and worth of the world is".

51. BENJAMIN WESTON, an office porter, witnessed the shooting and said that the defendant had drawn his pistol "very deliberately, but at the same time very quickly a very cool, deliberate act".

52. There is evidence from JAMES SILVER, a police constable, who also witnessed the shooting and restrained the defendant. His evidence is that on the way to the police station "he either said 'he' or 'she' (he could not recollect) shall not break my peace of mind any longer."

53. There is also evidence from a police inspector, JOHN TIERNEY, who had custody of the defendant after his arrest. The defendant spoke about being the object of persecution by the Tories and Inspector Tierney said to him: "I suppose you are aware who the gentleman is you shot at?" The defendant replied: "It is Sir Robert Peel, is it not?" There is no evidence that he intended to shoot Sir Robert Peel save that of this police inspector.

54. When the defendant appeared before Bow Street Police Court he made the following statement to the magistrate:

55. "The Tories in my native city have compelled me to do this. They follow and persecute me wherever I go, and have entirely destroyed my peace of mind. They followed me to France, into Scotland, and all over England; in fact; they follow me wherever I go. I can get no rest for them night or day. I cannot sleep at night in consequence of the course they pursue towards me. I believe they have driven me into a consumption. I am sure I shall never be the man I formerly was. I used to have good health and strength, but I have not now. They have accused me of crimes of which I am not guilty; they do everything in their power to harass and persecute me; in fact, they wish to murder me. It can be proved by evidence; that's all I have to say."

56. Psychiatric examination

57. No record of the examination of the defendant exists¹.

1. Dr. E.T. Monro was requested by friends of the defendant to visit him in Newgate and did so on 18th February 1843. He was accompanied by Sir Alexander Morison, Mr. McClure and other professional gentlemen. They met Dr. Sutherland, Jnr., and Dr. Bright who had been instructed by the Crown. They all asked questions in turn but no note of the examination was made. Dr. Monro saw the defendant again in the company of Dr. Hutcheson and Dr. Crawford.

58.OPINION

59.Diagnosis

60.In my opinion the defendant is suffering from a mental illness within the meaning of the Mental Health Act 1983. It is probable that the mental illness is **schizophrenia** or an illness so like schizophrenia that it makes no difference exactly what it is called. I make this diagnosis because the defendant has a history of the following: (a) persecutory delusions, (b) **delusions of reference**, (c) what were probably auditory **hallucinations** in that he heard people referring to him in the third person, (d) what were probably gustatory hallucinations insofar as he thought that something had been put in his food, (e) inappropriate **affect** and what is probably schizophrenic **thought disorder** (as evidenced by his disconnected and incoherent speech). There seems to have been a history of personality change, in particular a tendency to social withdrawal, which is consistent with this diagnosis and it is also relevant that his illness has begun in relative youth which is when schizophrenia usually has its onset.

61.Although delusions can occur in severe depressive illness there is little or nothing to suggest this diagnosis. I cannot rule out a physical cause for his mental illness on the information available but if there is such a cause it must be an obscure one in

view of the fact that it has not been detected by any of the distinguished medical and surgical gentlemen who have examined the defendant.

62. Insanity

63. According to the M'Naughton Rules "to establish a defence on the ground of insanity, it must be clearly proved, that at the time of the committing of the act, the party accused was labouring under such a defect of reason, from disease of the mind, as not to know the nature and quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong."

64. It is more probable than not that the defendant was suffering from a disease of the mind at the material time. There is a clear history of delusions prior to the alleged offence, there has been evidence of delusions when he has been medically examined since the alleged offence and his account of the alleged offence suggests that he was deluded at the time.

65. Insofar as the defendant came to believe that the only way that he could obtain peace from all of the suffering of the previous months and years was to shoot Mr. Drummond makes it more probable than not that the defect of reasoning, due to his schizophrenia, which led him to believe falsely that he was subject to persecution by the Tories and the Jesuits, also led him to the false belief that he

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would obtain peace from the persecution by shooting Mr. Drummond. In relation to this point it does not matter whether he thought that it was Sir Robert Peel or not.

66. Although it does not appear that the defendant was questioned in depth about what he believed that he was doing, it does not appear that there is evidence which would convince a jury, on balance of probability, that he was unaware of the nature and quality of his action and what evidence there is suggests that he was aware of what he was doing when he shot Mr. Drummond and this is also true if it is the case that he thought that he was shooting Sir Robert Peel.

67. Likewise there is nothing to indicate that the defendant did not know that what he was doing was wrong.

68. I therefore conclude that the defendant does not have a defence of insanity.

69. Diminished responsibility

70. In order to establish a defence of 'diminished responsibility' the defendant has to satisfy the court that he was suffering from an abnormality of mind such that his mental responsibility for his acts or omissions was substantially impaired. These are matters for the jury to decide although they may take into account medical evidence. Further, if the jury finds that the defendant was suffering from an

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abnormality of mind they have to be satisfied that it was due to disease, injury, inherent causes or arrested or retarded development of mind. These are matters about which medical evidence is admissible.

71. I am aware of the legal definition of 'abnormality of mind' and having regard to the clear evidence of serious mental illness in this case I am of the opinion that the defendant has a basis for this defence insofar as he had, at the material time, an abnormality of mind. Schizophrenia, and its related disorders, are widely accepted as mental diseases and in this case I would expect that medical evidence would be unanimous to the effect that the defendant's abnormality of mind was a manifestation of his mental disease.

72. The matter of his responsibility for his actions is more difficult. It is my understanding of the law that this is a matter for the jury to decide and as a psychiatrist I profess no expertise in philosophy which, it seems to me, is one of the disciplines relevant to the understanding of 'responsibility'. However, I am mindful of the usual practice of the courts in admitting medical evidence on this issue, albeit that ultimately it is for the jury to decide the issue. Even if I express no opinion in this report I know that I will be asked my opinion in court and then asked my reasons for it.

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73. My opinion is that the defendant's mental responsibility was impaired and in my opinion that impairment was substantial. I am mindful that he was, and still is, suffering from a severe mental illness which was not of his own making, he appears to have been in a state of steadily growing fear for his safety, albeit an irrational fear, he had no insight into the fact that he was ill, and for which reason he had not sought medical help, and in his deeply distressed state is likely to have reacted without the judgment and thought which he might have applied if he had been in a normal state of mind. These are some of the factors which I would have thought that the jury would consider when deciding the extent to which the defendant should be held responsible for his actions.

74. Therefore, I conclude that there is a medical basis for a defence of 'diminished responsibility'.

75. Feigned delusions

76. It seems quite improbable to me that the defendant's delusions should be feigned. They had been present for months indeed years before the alleged offence when there is no sensible reason for the defendant feigning mental illness. The delusions he has reported are typical of those which occur in schizophrenia and related illnesses and, although, it is possible that he might have read sufficient about diseases of the mind in the library to which he had access at the Glasgow

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Mechanics' Institution, his account has a sophistication which I would not credit to him, having regard to his background, and again there is the question of why he should go to such lengths to present himself as mentally ill. In addition, to seemingly uninterested observers, he has displayed what are probably objective manifestations of schizophrenia and its prodromal decline, specifically social withdrawal, inappropriate affect and thought disorder.

77. I therefore conclude that on balance the defendant is not feigning mental illness.

However, I do acknowledge that ultimately the genuineness of the defendant is a matter for the learned judge and jury.

**Keith J.B. Rix,
MPhil, MD, FEWI, FRCPsych,
Consultant Forensic Psychiatrist.**

APPENDIX 1

QUALIFICATIONS AND EXPERIENCE

Qualifications

I am a medical graduate of Aberdeen University where I obtained a **Bachelor of Medical Biology (Honours)** degree in neurophysiology in 1972 and qualified **Bachelor of Medicine and Bachelor of Surgery** in 1975. I have obtained higher degrees of **Master of Philosophy** (Edinburgh) and **Doctor of Medicine** (Aberdeen) following study and research in psychiatry. I obtained the **Membership of the Royal College of Psychiatrists** in 1979 and was elected to the **Fellowship** in 1991. I became a **Chartered Biologist** and **Member of the Institute of Biology** in 1985. In 1995 I became a **Member of the Academy of Experts**. In 1997 I became a **Member of the Expert Witness Institute** and in 2002 I was one of the first Members elected **Fellow**.

Clinical training and experience

My general professional training in psychiatry was in Edinburgh from 1976 to 1979 and my higher training was as **Lecturer in Psychiatry** at Manchester University from 1979 to 1983. Between 1983 and 1990 I was **Senior Lecturer and Consultant Psychiatrist** at St. James's University Hospital, Leeds, and also since 1983 **Visiting Consultant Psychiatrist** at H.M. Prison, Leeds. From 1990 to 2000 I was **Consultant Psychiatrist** and then **Consultant Forensic Psychiatrist** in Leeds and responsible for the forensic psychiatry service and the Leeds Magistrates' Courts Mental Health Assessment and Diversion Scheme. I am a subscribing **Member of the Association of Forensic Physicians** and a **Member of the British Academy of Forensic Sciences**. I am now an independent **Consultant Forensic Psychiatrist**, have a medicolegal and clinical practice and undertake locum consultant appointments in general, old age and forensic psychiatry.

Research and publications

I am the author of books on alcohol problems and editor of *A Handbook for Trainee Psychiatrists*. My published research includes studies of drunkenness offenders in a Scottish police court, psychiatric disorder in prison, arsonists, court assessment and diversion schemes and psychiatric reactions to CS exposure. My published case reports concern intent, needle phobia, mental disorder in relation to 'out of court' silence, thyroid gland disorder and attempted murder and an appeal against a section 41 restriction order. I am also the author of 'Fit to be interviewed by the police?' and 'Expert evidence and the courts' for the Royal College of Psychiatrists, a paper 'Working with psychiatric problems in probation', and 'Psychiatric reports in criminal proceedings in England and Wales' published in the journal *Hospital Update*.

APPENDIX 2

DOCUMENTS STUDIED

Indictment

Bow Street Police Court depositions

Prosecution witness statements

APPENDIX 3

CHRONOLOGY

1813	Daniel M'Naughton born
1828	Apprenticed to father as a wood turner
1832	Completed apprenticeship and started working for father
1835	Set up his own business
1840/1841	Sold his business
1841	Visited father and expressed concerns about persecution
July 1841	First visit to London
Early 1842	Expressed concerns to Commissioner of Police, Glasgow
July 1842	Purchased pistols
	Returned to London
November 1842	Walked past Sir Robert Peel's house, said "Damn him, sink him"
20th January 1843	Shot Edward Drummond
25th January 1843	Edward Drummond died
18th February 1843	Examined in Newgate Prison

APPENDIX 4

GLOSSARY

affect - Synonymous with mood, the patient's emotional state. It has a subjective component which takes the form of feelings which each person can describe or recognise in himself (e.g. unhappiness) and an objective component which is the outward manifestation of the feelings (e.g. sad facial expression; dejected posture) (Rix, K.J.B. *A Handbook for Trainee Psychiatrists*, London: Baillière Tindall, 1987).

delusion - A delusion is a false belief held with total conviction and inappropriate to the patient's intelligence, social background and subcultural beliefs (Rix, K.J.B. *op. cit.*).

delusion of reference - A delusion of reference occurs when a normal perception is interpreted with delusional meaning of usually overwhelming personal significance to the patient, i.e. the normal perception refers to the patient.

hallucination - A false perception lacking an adequate basis in external stimuli (Rix, K.J.B. *op. cit.*). Hallucinations can occur in all of the sensory modalities. Auditory hallucinations commonly take the form of 'voices' but sounds of music and machinery can occur. Visual, gustatory (taste), olfactory (smell) and tactile (touch) hallucinations can also occur.

schizophrenia - Schizophrenia is a serious mental illness characterised in general by fundamental distortions of thinking and perception and by inappropriate or blunted affect. Thus, typical symptoms include: (a) disorders of the possession of thought, such as the subjective experience of thoughts being withdrawn, inserted or broadcast to others; (b) delusions, for example of being controlled, influenced or persecuted or that unconnected events or circumstances relate to the patient; (c) hallucinations, particularly in the form of voices which give a running commentary on the patient's behaviour, refer to the patient in the third person; (d) persistent grandiose delusions including religious delusions, for example, being able to control the weather or being the Virgin Mary; (e) disorders of the form of thought (thought disorder); (f) catatonic behaviour such as excitement, mutism and stupor; (g) negative symptoms in the form of apathy, poverty of speech, blunting of emotional responses. It can occur as a single episode, as a recurrent disorder or as a chronic, progressive disorder without full recovery between episodes. When chronic there is usually a disintegration of the personality with coarsening and loss of identifying personality characteristics.

thought disorder - This is a term usually employed in relation to disturbances in the process of thinking as found in **schizophrenia (q.v.)**. Such disorder can take a number of forms and there are a number of approaches to their classification. One of the most

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widely accepted identifies the following forms of thought disorder: muddling; snapping-off; fusion or literally melting of thoughts; and derailment. Careful observation and analysis of the patient's speech is necessary to classify as well as recognise these forms of thought disorder.

APPENDIX 5

DECLARATION

I, KEITH JOHN BARKCLAY RIX, DECLARE THAT:

1. I understand that my primary duty in written reports and giving evidence is to give objective, unbiased opinion on matters within my expertise in order to help the Court to achieve its overriding objective. I understand that this duty overrides any obligation to the person from whom I have received instructions or by whom I am paid. I have complied and will continue to comply with that duty.
2. I have no conflict of interest of any kind, other than any which I have disclosed in this report, and I do not consider that any interest which I have disclosed affects my suitability as an expert witness on any issue about which I have expressed an opinion.
3. I have set out in my report what I understand from those instructing me to be the questions in respect of which my opinion as an expert is required.
4. I have endeavoured in my report and in my opinions to be accurate and to have covered all relevant issues concerning the matters stated which I have been asked to address. Absence of any comment in this report does not indicate that I have no opinion on a matter. I may not have been asked to deal with it. All of the matters on which I have expressed an opinion lie within my field of expertise.
5. I have endeavoured to include in my report those matters, of which I have knowledge or of which I have been made aware, that might adversely affect the validity of my opinion.
6. Where, in my view, there is a range of reasonable opinion, I have indicated the extent of that range in the report and given reasons for my own opinion.
7. I have indicated the sources of all information I have used.
8. I have not, without forming an independent view, included or excluded anything which has been suggested to me by others (in particular my instructing lawyers).
9. At the time of signing the report I consider that it is complete and accurate. I will notify those instructing me if, for any reason, I subsequently consider that the report requires any correction or qualification or if between the date of this report and the trial there is any change in circumstances which affect my declarations at (2) above.
10. I understand that:
 - (a) my report, subject to any corrections before swearing as to its correctness, will form the evidence to be given under oath;
 - (b) I may be cross-examined on the report by a cross-examiner assisted by an expert;
 - (c) I am likely to be the subject of public adverse criticism by the judge if the Court concludes that I have not taken reasonable care in trying to meet the standards set out above.
11. This report is provided to those instructing me with the sole purpose of assisting the court in this particular case. It may not be used for any other purpose, nor may it be disclosed to any third party, other than the National Probation Service, without my express written authority.
12. This report has been prepared in accordance with the Rule 33 of the Criminal Procedure Rules.

APPENDIX 5

STATEMENT OF TRUTH

The contents of this report (consisting of x pages signed by me) are 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 anything in it which I know to be false or do not believe to be true.