

<p>1 Tuesday, 27 July 2021</p> <p>2 (10.00 am)</p> <p>3 (Proceedings delayed)</p> <p>4 (10.25 am)</p> <p>5 THE CHAIRMAN: Good morning, everybody.</p> <p>6 MS BLACKWELL: Good morning, sir.</p> <p>7 This morning we have the evidence of</p> <p>8 Khaldoun Kabbani, Dr Charlotte Randall and Adam Brooks,</p> <p>9 all of whom are in the witness box but sitting</p> <p>10 separately. As you can see, sir.</p> <p>11 THE CHAIRMAN: Thank you.</p> <p>12 MS BLACKWELL: I am going to ask that they be sworn.</p> <p>13 THE CHAIRMAN: Certainly.</p> <p>14 MR ADAM BROOKS (affirmed)</p> <p>15 DR CHARLOTTE RANDALL (sworn)</p> <p>16 MR KHALDOUN KABBANI (sworn)</p> <p>17 Questions by MS BLACKWELL</p> <p>18 THE CHAIRMAN: Do we have Ms Kaufmann or Ms Murphy today?</p> <p>19 MS BLACKWELL: I think it is both.</p> <p>20 MS KAUFMANN: Sir, you have Ms Kaufmann.</p> <p>21 THE CHAIRMAN: Good morning.</p> <p>22 MS KAUFMANN: Good morning, sir.</p> <p>23 THE CHAIRMAN: Thank you.</p> <p>24 MS BLACKWELL: Thank you.</p> <p>25 I am going to move to introduce the witnesses, sir,</p> <p style="text-align: center;">Page 1</p>	<p>1 if I may.</p> <p>2 THE CHAIRMAN: Thank you, yes.</p> <p>3 MS BLACKWELL: Dr Randall, you hold the degree of bachelor</p> <p>4 of science in biomedical sciences, bachelor of medicine</p> <p>5 and bachelor of surgery.</p> <p>6 DR RANDALL: Yes.</p> <p>7 Q. In 2009 you gained the diploma of forensic medical</p> <p>8 sciences from the Society of Apothecaries in London, and</p> <p>9 you are a fellow of the Royal College of Pathologists.</p> <p>10 In 2015 you obtained the diploma in medical</p> <p>11 jurisprudence in pathology?</p> <p>12 DR RANDALL: Yes.</p> <p>13 Q. Following your foundation training in medicine, surgery</p> <p>14 and acute medicine you spent four years in clinical</p> <p>15 medicine, including core medical training?</p> <p>16 DR RANDALL: Yes.</p> <p>17 Q. You then spent three and a half years training in</p> <p>18 general histopathology in the south-west of England and</p> <p>19 that was followed by three years sub-specialist training</p> <p>20 in forensic pathology at the state pathologists</p> <p>21 department in Belfast, Northern Ireland?</p> <p>22 DR RANDALL: Yes.</p> <p>23 Q. Under the supervision of four consultant forensic</p> <p>24 pathologists, and you were accepted onto the Home Office</p> <p>25 register in November 2015, when you became an associate</p> <p style="text-align: center;">Page 2</p>
<p>1 of the Forensic Pathology Services, and you are also</p> <p>2 a member of the British Association in Forensic</p> <p>3 Medicine?</p> <p>4 DR RANDALL: Yes.</p> <p>5 Q. Thank you.</p> <p>6 Mr Kabbani, you are a forensic consultant,</p> <p>7 a practising senior expert specialising in ballistic</p> <p>8 crime scenes and associated forensic disciplines?</p> <p>9 MR KABBANI: Yes.</p> <p>10 Q. You are a member of the Association of Firearms and Tool</p> <p>11 Marks Examiners and the Chartered Forensic Science</p> <p>12 Society?</p> <p>13 MR KABBANI: Yes.</p> <p>14 Q. You have an LLB bachelor degree in law and a masters</p> <p>15 degree in forensic science?</p> <p>16 MR KABBANI: Yes.</p> <p>17 Q. You have 29 hands-on years' experience with the use,</p> <p>18 functioning and characteristics of a variety of weapons?</p> <p>19 MR KABBANI: Yes.</p> <p>20 Q. You have been employed as a forensic scientist since</p> <p>21 2007?</p> <p>22 MR KABBANI: Yes.</p> <p>23 Q. During this period you have worked on numerous national</p> <p>24 and international firearms cases, that have included the</p> <p>25 reconstruction and interpretation of shooting scenes and</p> <p style="text-align: center;">Page 3</p>	<p>1 gunshot wounds?</p> <p>2 MR KABBANI: Yes.</p> <p>3 Q. You were employed as a consultant for the United Nations</p> <p>4 Office on drugs and crimes in Palestine, including</p> <p>5 development and delivery of training on forensic</p> <p>6 firearms analysis and mentoring the training of</p> <p>7 trainers?</p> <p>8 MR KABBANI: Yes.</p> <p>9 Q. The consultancy included meeting with senior Turkish and</p> <p>10 Palestinian officials and the head of the Palestinian</p> <p>11 crime laboratory to assist in giving ideas for future</p> <p>12 cooperation between the Palestinian civil police</p> <p>13 forensic science laboratory and the Turkish forensic</p> <p>14 laboratory?</p> <p>15 MR KABBANI: Yes.</p> <p>16 Q. You designed and delivered a shooting reconstruction</p> <p>17 course for the Palestinian Police Authority through the</p> <p>18 USA Bureau of International Narcotics and Law</p> <p>19 Enforcement Affairs?</p> <p>20 MR KABBANI: Yes.</p> <p>21 Q. That consultancy also included activities relating to</p> <p>22 method and validation, standardisation of the forensic</p> <p>23 firearms procedures and working instructions and health</p> <p>24 and safety?</p> <p>25 MR KABBANI: Yes.</p> <p style="text-align: center;">Page 4</p>

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<p>1 Q. Thank you.</p> <p>2 Finally, Mr Brooks, you are a full-time consultant</p> <p>3 surgeon in the NHS and you specialise in the management</p> <p>4 of torso trauma and hepatobiliary surgery, you are</p> <p>5 employed at Nottingham University Hospitals NHS trust</p> <p>6 and you are the director of the East Midlands Major</p> <p>7 Trauma Centre at the Queen's Medical Centre campus,</p> <p>8 which is the largest major trauma centre in the UK.</p> <p>9 You trained in the management of trauma in South</p> <p>10 Africa, Australia and the US and you have significant</p> <p>11 military surgical experience from deployments with the</p> <p>12 British Army in Iraq and Afghanistan. The East Midlands</p> <p>13 Major Trauma Centre manages in excess of 2,000 severely</p> <p>14 injured major trauma patients a year and you are on call</p> <p>15 for major trauma surgery a regular basis. You have</p> <p>16 edited 10 textbooks in the field of major trauma,</p> <p>17 emergency surgery and surgical critical care, including</p> <p>18 ballistics trauma. Your research portfolio includes</p> <p>19 in excess of 50 published scientific papers and</p> <p>20 extracts, again mostly in the field of torso trauma.</p> <p>21 You have more than 10 years' experience as a medical</p> <p>22 legal expert and have experience in case conferences and</p> <p>23 providing expert evidence to the court.</p> <p>24 THE CHAIRMAN: Mr Brooks, I know you are nodding in</p> <p>25 agreement, but I only know that because I can see you.</p> <p style="text-align: center;">Page 5</p>	<p>1 If you would be kind enough to answer even if it is</p> <p>2 only a yes or a no, thank you very much.</p> <p>3 MS BLACKWELL: Sir, although Stephen Harrington is not</p> <p>4 present and his statement will be read into the record,</p> <p>5 he, as you know, sir, was also present during some of</p> <p>6 the reconstruction which took place in relation to this</p> <p>7 case. He is a blood spatter analyst and an expert who</p> <p>8 is the associate director of operations at the Forensic</p> <p>9 Science Service.</p> <p>10 THE CHAIRMAN: Thank you very much indeed.</p> <p>11 MS BLACKWELL: Thank you.</p> <p>12 I am going to turn to you first, please, Dr Randall,</p> <p>13 to deal with your evidence in terms of the pathology and</p> <p>14 post mortem in this case.</p> <p>15 DR RANDALL: Yes.</p> <p>16 THE CHAIRMAN: Can I assume for the purpose of this part of</p> <p>17 the evidence that only those members of Mr Baker's</p> <p>18 family who wish to hear this evidence are doing so and</p> <p>19 the arrangements have been made for them to return at</p> <p>20 another stage in the evidence, should they wish to do</p> <p>21 so?</p> <p>22 MS BLACKWELL: That's right.</p> <p>23 THE CHAIRMAN: Thank you.</p> <p>24 MS BLACKWELL: Dr Randall, at the request of Her Majesty's</p> <p>25 coroner, did you perform a post mortem examination upon</p> <p style="text-align: center;">Page 6</p>
<p>1 Jermaine Baker at Haringey Public Mortuary on</p> <p>2 12 December 2015, between the hours of 11.10 and 15.25.</p> <p>3 DR RANDALL: Yes, I did.</p> <p>4 MS BLACKWELL: Sir, I am going to take Dr Randall to her</p> <p>5 witness statement, which lies behind tab 2 in our</p> <p>6 bundle?</p> <p>7 THE CHAIRMAN: Thank you.</p> <p>8 MS BLACKWELL: I am going to begin at page 3 of 12.</p> <p>9 THE CHAIRMAN: Yes.</p> <p>10 MS BLACKWELL: Just to confirm through you, please,</p> <p>11 Dr Randall, that those present during the course of the</p> <p>12 post mortem were: Elizabeth Parson, an IPCC</p> <p>13 investigator; a crime scene manager, Jason Weetman;</p> <p>14 another police officer; two photographers; Mr Kabbani</p> <p>15 was present; together with a mortuary assistant; and the</p> <p>16 coroner's officer.</p> <p>17 DR RANDALL: Yes.</p> <p>18 Q. Was Mr Baker's body identified to you by Jason Weetman?</p> <p>19 DR RANDALL: Yes.</p> <p>20 Q. Thank you.</p> <p>21 Turning to page 4, please, were you given the</p> <p>22 following information before the post mortem began, that</p> <p>23 at approximately 9.00 am on 11 December 2015, it was</p> <p>24 reported that as part of a planned operation, armed</p> <p>25 police officers approached a stationary black Audi A6</p> <p style="text-align: center;">Page 7</p>	<p>1 vehicle in Bracknell Close, north London and two males</p> <p>2 were arrested from within the vehicle.</p> <p>3 During that incident, Jermaine Baker was shot by</p> <p>4 a police officer and he was believed to have been</p> <p>5 sitting in the front passenger seat of the vehicle at</p> <p>6 the time.</p> <p>7 It was believed that only one shot was fired.</p> <p>8 Mr Baker was removed from the car, which was parked on</p> <p>9 a hardstanding and placed on his back in the road and</p> <p>10 given medical assistance.</p> <p>11 The paramedic and HEMS were contacted, and arrived</p> <p>12 at the scene, and it was understood that they had</p> <p>13 performed a clamshell thoracotomy, however the attempts</p> <p>14 were unsuccessful and life was pronounced extinct at the</p> <p>15 scene at 09.39 hours?</p> <p>16 DR RANDALL: Yes.</p> <p>17 Q. You were also told on examination of the car there</p> <p>18 appeared to be bloodstaining to the passenger seat and</p> <p>19 inside the front passenger door. A firearm was found in</p> <p>20 the rear passenger footwell behind the driver's seat and</p> <p>21 a damaged wristwatch, believed to be in two pieces, was</p> <p>22 also found on the floor by the front passenger door.</p> <p>23 The deceased's clothing was removed at the scene,</p> <p>24 including a pair of gloves, and his face, hair and hands</p> <p>25 were swabbed prior to the post mortem for any gunshot</p> <p style="text-align: center;">Page 8</p>

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<p>1 residue.</p> <p>2 DR RANDALL: Yes.</p> <p>3 Q. Could you begin, please, Dr Randall, by taking us</p> <p>4 through the radiology that was noted during the X-ray</p> <p>5 examination?</p> <p>6 DR RANDALL: Yes, so this is done at the start, so an X-ray</p> <p>7 was performed of the chest and neck region, which</p> <p>8 revealed a foreign object, possibly a bullet, above the</p> <p>9 mid third of the right clavicle, that is the collarbone.</p> <p>10 Q. Yes.</p> <p>11 DR RANDALL: And that there was also surrounded by a few</p> <p>12 small radiopaque fragments.</p> <p>13 Q. What are they?</p> <p>14 DR RANDALL: Radiopaque means that they show up brightly as</p> <p>15 metal objects.</p> <p>16 Q. Yes.</p> <p>17 DR RANDALL: And a few small further fragments were also</p> <p>18 noted on the right side of the lower neck, no fractures</p> <p>19 to -- so no bony injury noted.</p> <p>20 Q. Right, thank you.</p> <p>21 DR RANDALL: The X-ray was then also performed to the left</p> <p>22 wrist, which showed a large number of minute foreign</p> <p>23 material particles but no bullet or bony injuries.</p> <p>24 Q. Thank you.</p> <p>25 Did you then proceed to perform an external</p> <p style="text-align: center;">Page 9</p>	<p>1 examination?</p> <p>2 DR RANDALL: Yes.</p> <p>3 Q. Could you take us through that, please?</p> <p>4 DR RANDALL: So the body is received inside a white body</p> <p>5 sheet, which had been secured at both ends and there was</p> <p>6 marking saying the deceased's name and location and that</p> <p>7 had been signed by the crime scene manager and dated.</p> <p>8 The head and hands had been bagged and taped closed.</p> <p>9 Q. Why is that done?</p> <p>10 DR RANDALL: That is to secure forensic evidence.</p> <p>11 Q. Thank you.</p> <p>12 DR RANDALL: My observation was the body was that of a young</p> <p>13 light-skinned male weighing 61.1 kilograms, that is nine</p> <p>14 stone, nine pounds, including the bags and the sheets,</p> <p>15 the body measured 174-centimetres in length, which is</p> <p>16 five foot eight and a half inches. Rigor mortis was</p> <p>17 present, hypostasis was faint pink and stained to the</p> <p>18 back of the body.</p> <p>19 Q. What is that?</p> <p>20 DR RANDALL: That is the blood pooling, with gravity after</p> <p>21 death and there is no evidence of putrefaction, that is</p> <p>22 decomposition.</p> <p>23 The hair was short and black in colour and shaved.</p> <p>24 Lower part of the face bore a black bear, which measured</p> <p>25 up to 1 centimetre in length and there was some patchy</p> <p style="text-align: center;">Page 10</p>
<p>1 bloodstaining of both cheeks and nostrils:</p> <p>2 The eyes were brown in colour, natural, and there</p> <p>3 were no petechial haemorrhages, pinpoint haemorrhages</p> <p>4 within the linings of the eyes or arcus senilis.</p> <p>5 Q. What is that?</p> <p>6 DR RANDALL: That is an old age or finding around the iris,</p> <p>7 the coloured part of the eye, which may indicate</p> <p>8 a raised cholesterol level.</p> <p>9 Q. Was there anything else noted during the course of the</p> <p>10 external examination?</p> <p>11 DR RANDALL: The injuries will follow, but those were just</p> <p>12 the general observations.</p> <p>13 Q. Yes, can I take you then immediately to the head and</p> <p>14 neck injuries that were noted?</p> <p>15 DR RANDALL: Yes.</p> <p>16 An elliptical gunshot entrance wound measuring two</p> <p>17 by 3.8 centimetres wide at the front of the lower part</p> <p>18 of the neck. Centred in the midline directly above the</p> <p>19 suprasternal notch.</p> <p>20 Q. Where is the suprasternal notch?</p> <p>21 DR RANDALL: It's the dip just at the base of neck, where</p> <p>22 your neck joins your chest if you like.</p> <p>23 Q. Yes.</p> <p>24 DR RANDALL: There was a skin tag measuring 0.3 by</p> <p>25 1.2 centimetres at the 2 o'clock margin, so that's</p> <p style="text-align: center;">Page 11</p>	<p>1 looking at the wound as if it is a clockface.</p> <p>2 Q. Yes?</p> <p>3 DR RANDALL: Its edges were ragged, and there was a rim of</p> <p>4 abrasion, which is grazing, measuring up to</p> <p>5 0.4 centimetres at its inferior, that is the lower</p> <p>6 margin, and the right-hand margin.</p> <p>7 Q. Thank you.</p> <p>8 DR RANDALL: The red abrasion was slightly greater in the</p> <p>9 4 o'clock position, measuring 1.7 by 0.9 centimetres.</p> <p>10 There was shelving at the left-hand margin and the</p> <p>11 right-hand margin was undercut.</p> <p>12 Q. What does that mean?</p> <p>13 DR RANDALL: So if a wound say with a gunshot goes in</p> <p>14 directly say at 90 degrees to the skin, both the edges</p> <p>15 are parallel.</p> <p>16 If it goes in on an angle, one end will show more</p> <p>17 soft tissue, which is the shelved margin and the other</p> <p>18 being undercut, and it indicates that the entry is on</p> <p>19 an angle.</p> <p>20 Q. Thank you.</p> <p>21 DR RANDALL: Surrounding the entrance wound was an area of</p> <p>22 pinkish discolouration, measuring 5.3 by</p> <p>23 7.7 centimetres.</p> <p>24 The wound was centred 139 centimetres above the</p> <p>25 unshod heel.</p> <p style="text-align: center;">Page 12</p>

<p>1 The track passed from left to right, that is the 2 deceased's left to right. Front to back, and almost 3 horizontally. It had lacerated, that means torn, the 4 medial edge of the left sternocleidomastoid muscle, 5 passed through the right sternohyoid muscle and between 6 the right external jugular vein and the right carotid 7 artery, both of which were lacerated. 8 It had also macerated the right lobe of the thyroid 9 gland. 10 It then continued backwards, passing through muscle, 11 and had caused slight roughening to the inner edge of 12 the superior part of the right scapular, and that is the 13 shoulder blade. 14 Q. Yes, thank you. 15 DR RANDALL: A silver and copper coloured bullet, measuring 16 1 by 1.4 centimetres was retrieved from directly below 17 the skin on the back of the right shoulder. 18 Q. Did that receive exhibit reference CVLR4? 19 DR RANDALL: Yes. 20 Q. Thank you. 21 DR RANDALL: Three black metal fragments, the largest 22 measuring 1.2 centimetres in diameter, were retrieved 23 from the gunshot entrance at the front of the neck. 24 Q. Did those black metal fragments receive the exhibit 25 reference CVLR5?</p> <p style="text-align: center;">Page 13</p>	<p>1 DR RANDALL: Yes. 2 Q. Thank you. 3 Did you see an abrasion on the back? 4 DR RANDALL: Yes. 5 Q. Can you describe that, please? 6 DR RANDALL: So on the back was an almost circular red based 7 abrasion, measuring 1.5 by 0.7 centimetres -- 8 Q. Yes. 9 DR RANDALL: -- on the upper part of the back on the right 10 side. This was centred 4.5 centimetres below the 11 prominence of C7, which is the bony part of your spine, 12 at the lowest vertebrae on the neck which you can feel 13 if you drop your neck forward. 14 It is 4.5 centimetres below that reference point and 15 11.5 centimetres to the right of the midline, which is 16 the middle of the body. 17 Q. Yes. 18 DR RANDALL: Centred 138 centimetres above the unshod heel. 19 Within the centre of the circular red abrasion was 20 a circular defect in the skin measuring 0.1 centimetres. 21 Through this, a shiny metal coloured object could be 22 seen and that was the bullet -- 23 Q. That -- 24 DR RANDALL: -- that we have just recovered at CVLR4. 25 Q. Yes?</p> <p style="text-align: center;">Page 14</p>
<p>1 DR RANDALL: The features were consistent with a shored exit 2 wound. 3 Q. What does that mean? 4 DR RANDALL: It means that the bullet has attempted to come 5 through the skin but has not been able to, because the 6 skin has been supported, shored, by an object, so it 7 is -- almost if you like tried to come through but then 8 not had enough energy to get through and has remained 9 underneath the skin. 10 Q. Thank you. 11 Did you then examine the left upper limb? 12 DR RANDALL: Yes. 13 Q. What did you find, please? 14 DR RANDALL: There is a gunshot wound on the anterior aspect 15 of the wrist, that is the front of the wrist. Composed 16 of a V-shaped laceration over an area 4.5 by 17 6.5 centimetres wide. A row of up to six purple bruises 18 over an area 0.8 by 4 centimetres were noted along the 19 inferior margin, that is the lower margin, so towards 20 the fingers, each purple bruise measured 0.8 by 21 0.2 centimetres and was separated by 0.4 centimetres of 22 uninjured skin. 23 Superimposed on three of these bruises were fine 24 vertical linear abrasions, the largest 0.4 centimetres 25 in length.</p> <p style="text-align: center;">Page 15</p>	<p>1 At its superior margin, there were two skin tags 2 measuring 2 by 1.5 and 3.5 by 1 centimetres. 3 With its edges opposed, that means with the edges of 4 the wound pushed together, there was a probable gunshot 5 entrance wound at the medial edge, that's the inner edge 6 of the wrist, so the finger side, if you like. With 7 a rim of abrasion up to 0.2 centimetres. Whereas at 8 the lateral border, there appeared -- that is the outer 9 side, the thumb edge of the wrist, more stellate, 10 star-shaped, consistent with an exit wound. The track 11 passed from right to left, that is the deceased's right 12 to left. 13 Q. Yes. 14 DR RANDALL: Passed through muscle of the lower forearm and 15 wrist and had severed several tendons. It had also 16 completely transected the left radial artery. 17 Q. Did you find a series of other recent injuries on the 18 right upper limb and the back that consisted mainly of 19 bruising and abrasions? 20 DR RANDALL: Yes. 21 Q. Were there some scars on the body indicating older 22 injuries? 23 DR RANDALL: Yes. 24 Q. You also noted on your report the signs of medical 25 intervention?</p> <p style="text-align: center;">Page 16</p>

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<p>1 DR RANDALL: Yes.</p> <p>2 Q. And A series of tattoos on Mr Baker's body?</p> <p>3 DR RANDALL: Yes.</p> <p>4 Q. Then you proceeded to perform an internal examination?</p> <p>5 DR RANDALL: Yes.</p> <p>6 Q. In terms of that internal examination, was there</p> <p>7 anything that you noted that was subsequently related to</p> <p>8 the cause of death?</p> <p>9 DR RANDALL: Other than the gunshot wound, no.</p> <p>10 Q. Thank you.</p> <p>11 I am going to take you now to page 10 of your</p> <p>12 report. The post mortem examination was terminated at</p> <p>13 15.25 hours. Did you at that point hand a series of</p> <p>14 exhibits over to Jason Weetman, the crime scene manager?</p> <p>15 DR RANDALL: Yes.</p> <p>16 Q. Some of those were subsequently sent for toxicological</p> <p>17 examination?</p> <p>18 DR RANDALL: Yes.</p> <p>19 Q. I would like to take you now, please, to your commentary</p> <p>20 and invite you to read into the record what you</p> <p>21 concluded.</p> <p>22 DR RANDALL: Yes.</p> <p>23 My commentary reads as follows:</p> <p>24 "Death was due to a gunshot wound to the neck.</p> <p>25 A bullet entrance wound was noted at the front of the</p> <p style="text-align: center;">Page 17</p>	<p>1 lower neck. From here the track had passed backwards</p> <p>2 and from left to right. A bullet was found lodged</p> <p>3 directly underneath the skin of the right shoulder from</p> <p>4 where it was recovered. The bullet track had torn the</p> <p>5 major blood vessels on this side of the neck and would</p> <p>6 have resulted in a significant amount of blood loss.</p> <p>7 "This on its own is a significant life-threatening</p> <p>8 injury and would have led fairly rapidly to</p> <p>9 unconsciousness followed by his death.</p> <p>10 "A second gunshot wound was noted on the front of</p> <p>11 the left wrist, and its appearance suggested that</p> <p>12 a bullet had glanced across the front of the lower arm</p> <p>13 causing superficial damage to the muscles and tendons in</p> <p>14 this region. Furthermore, the bullet track had also</p> <p>15 torn the artery of the wrist and this would have bled</p> <p>16 heavily without prompt medical intervention. It would</p> <p>17 have therefore contributed to the blood loss from his</p> <p>18 neck injury and ultimately his death.</p> <p>19 "It is highly likely that these two wounds represent</p> <p>20 the path of one bullet, however the possibility that</p> <p>21 more than one bullet was fired cannot be completely</p> <p>22 excluded, both bullet wounds taken in context would</p> <p>23 indicate that the deceased's left arm was raised at the</p> <p>24 time that he was fatally injured."</p> <p>25 THE CHAIRMAN: Pausing there for a moment. This is, is it</p> <p style="text-align: center;">Page 18</p>
<p>1 not, a classic example that one cannot consider or gain</p> <p>2 support for a particular scientific opinion in isolation</p> <p>3 from the primary facts, because we all know in this case</p> <p>4 that there was only one gunshot fired. Although, as you</p> <p>5 have indicated, it remains a scientific possibility in</p> <p>6 isolation from the evidence that there were two.</p> <p>7 DR RANDALL: Yes, this just purely takes into consideration</p> <p>8 this information on its own without all of the</p> <p>9 circumstantial evidence, yes.</p> <p>10 THE CHAIRMAN: Thank you very much.</p> <p>11 It happens all time when one is receiving opinions</p> <p>12 from experts such as all three of you, if ever there was</p> <p>13 an example, a clear example, to an outsider who is not</p> <p>14 as familiar with these concepts as we are, then I think</p> <p>15 probably this is as good as one will ever get.</p> <p>16 DR RANDALL: Yes.</p> <p>17 MS BLACKWELL: Thank you, sir.</p> <p>18 Could I invite you to take up your commentary at</p> <p>19 paragraph 5, please.</p> <p>20 DR RANDALL: "The appearance of the entry wound on the skin</p> <p>21 of the neck was atypical in shape and size and would</p> <p>22 indicate that the bullet had come into contact with</p> <p>23 an object or objects before entering the body.</p> <p>24 "The circumstances suggest that a broken wristwatch</p> <p>25 was found on the floor near the passenger side of the</p> <p style="text-align: center;">Page 19</p>	<p>1 door. Indeed the post mortem examination revealed</p> <p>2 a patterned bruise on the skin of the left wrist next to</p> <p>3 this gunshot wound.</p> <p>4 "The features of this bruise were in keeping with</p> <p>5 the deceased wearing a wristwatch at the time of his</p> <p>6 death and suggest that the bullet struck this before</p> <p>7 entering his body.</p> <p>8 "It is not possible however to say whether the</p> <p>9 deceased was in a seated or standing position at the</p> <p>10 time that he was shot. The presence of a circular graze</p> <p>11 on the skin of the back of the right shoulder directly</p> <p>12 underlying where the bullet was retrieved would indicate</p> <p>13 that the body was supported by a firm object, such as</p> <p>14 a chair. However, this type of exit wound can occur</p> <p>15 when the body is supported by any hardened surface or</p> <p>16 even tight-fitting clothing."</p> <p>17 Q. Just pausing there, again, you were providing your</p> <p>18 commentary here in the absence of knowledge of the</p> <p>19 supporting evidence?</p> <p>20 DR RANDALL: Yes.</p> <p>21 Q. Thank you.</p> <p>22 DR RANDALL: "There were no marks or residues on the skin of</p> <p>23 either the wrist or neck to indicate the range of fire.</p> <p>24 "Apart from the bullet wound to the neck and wrist,</p> <p>25 there were no other serious marks of violence.</p> <p style="text-align: center;">Page 20</p>

<p>1 An abrasion and a few bruises were noted on the right 2 arm, however these were trivial injuries. There was no 3 evidence of pre-existing significant natural disease." 4 Q. Yes. 5 DR RANDALL: "Toxicological analyses of samples taken at 6 autopsies revealed the presence of alcohol, its 7 concentration, 66 milligrams per 100 millilitres in the 8 bloodstream was less than the current legal limit for 9 driving and as such would not have produced 10 a significant degree of intoxication. 11 "A further sample of blood was found to contain the 12 presence of a number of drugs, these included cannabis 13 and cocaine, the levels of both indicated recent usage." 14 Q. Thank you. 15 What did you give as the cause of death? 16 DR RANDALL: I gave as cause of death, 1A gunshot wound to 17 the neck. 18 Q. Thank you, Dr Randall. 19 Mr Kabbani, I am now going to turn to you. As we 20 have heard, you were present during the course of the 21 post mortem? 22 MR KABBANI: That's correct. 23 Q. That was not your first involvement in this case, was 24 it? 25 MR KABBANI: No.</p> <p style="text-align: center;">Page 21</p>	<p>1 Q. Because the previous day, and a short time after the 2 shooting had taken place, were you asked by the IPCC as 3 they then were to attend the scene and perform 4 an examination there? 5 MR KABBANI: That's correct, yes. 6 Q. Thank you. 7 Sir, if I could invite you look into our bundle 8 of documents for this witness, the main statement lies 9 behind our tab 5 and I am going to take him straight to 10 that. 11 THE CHAIRMAN: Thank you. 12 MS BLACKWELL: When you arrived at the scene, Mr Kabbani, 13 did you receive an initial briefing from the crime scene 14 manager of whom we have already heard, Jason Weetman? 15 MR KABBANI: That's correct. 16 Q. He told you the circumstances as he knew them to be, 17 surrounding the incident? 18 MR KABBANI: Yes. 19 Q. I am going to take you straight to page 2 of your 20 statement, please. Could you tell us, what you saw when 21 you arrived at and began to examine the scene at 22 Bracknell Close? 23 MR KABBANI: The deceased was inside the scene tent, in 24 front of a black Audi, the suspect's vehicle. 25 Q. Yes.</p> <p style="text-align: center;">Page 22</p>
<p>1 MR KABBANI: Registration number is KM13 YPT. 2 Q. Yes, and was there another vehicle parked close to the 3 BMW -- sorry, to the Audi, was that a silver BMW? 4 MR KABBANI: That is correct, yes. 5 Q. Thank you. 6 What was the first matter that you dealt with? 7 MR KABBANI: Basically I was asked to make the weapon safe 8 inside the suspect's car. 9 Q. Right, and had you been told that there was a weapon in 10 the back of the vehicle? 11 MR KABBANI: I was told, yes and this is a priority for us 12 because we need to make this weapon safe, basically. 13 Q. Thank you. 14 Just to confirm, at the time that you performed your 15 examination, were you fully gowned and double gloved? 16 MR KABBANI: That's correct. 17 Q. Is that usual practice in performing an examination of 18 this type? 19 MR KABBANI: Whenever we are performing an examination where 20 we need to be aware of other evidence such as GSR and 21 DNA, then, yes, we need to be fully gowned. 22 Q. Can you explain to us what GSR and DNA are? 23 MR KABBANI: GSR is gunshot residues and DNA is DNA 24 basically, lifting and -- so trace evidence. 25 Q. So it is important there is no cross contamination and</p> <p style="text-align: center;">Page 23</p>	<p>1 that the scene is preserved for any subsequent analysis? 2 MR KABBANI: That's correct. 3 Q. As you have described? 4 MR KABBANI: In a general situation these examinations 5 should be before mine. However, because there is 6 a presence of a weapon inside the car, then safety would 7 be paramount. But then again we need to do all the 8 examination, whilst preserving all these trace evidence 9 as much as we can. 10 Q. Thank you. 11 Did you open the back door of the vehicle and did 12 you there see a weapon that looked to you like an Uzi 13 sub-machine gun? 14 MR KABBANI: That is correct. 15 Q. Thank you. 16 I am going to ask that we look at a photograph of 17 the weapon in situ. Mr Coates, it is at MPS3539, 18 please. 19 That shows the part of the vehicle behind the 20 driver's seat and we can see a weapon that looks as if 21 it is lying on top of a black and tan coloured holdall, 22 is that where the weapon was when you first saw it? 23 MR KABBANI: That's correct. 24 Q. Thank you. 25 Could we also look at the same weapon but it has</p> <p style="text-align: center;">Page 24</p>

6 (Pages 21 to 24)

<p>1 been removed from the scene placed in a box. It is 2 MPS3533, please, Mr Coates. 3 There we are. Is that the weapon once it had been 4 removed from the scene? 5 MR KABBANI: That's correct. 6 Q. Thank you. 7 Although it looked to you like an Uzi sub-machine 8 gun, on closer inspection was it revealed to you that it 9 was in fact a Taiwanese 4.5-millimetre steel BB air 10 weapon firing pistol? 11 MR KABBANI: That's correct. 12 Q. Does that sort of pistol used compressed CO2 gas as 13 a propellant? 14 MR KABBANI: Yes. 15 Q. You confirmed that it was constructed to be in the style 16 of an Uzi sub-machine gun. Did you confirm that the 17 selector switch was on safe mode and there were no 18 pellets inside the weapon? 19 MR KABBANI: That's correct, yes. 20 Q. Did you then declare the airgun to be safe at the scene? 21 MR KABBANI: Yes. 22 Q. Thank you. 23 We can take that down, please. 24 Did you also see a watch with the strap missing to 25 be on the ground between the suspects' car and the</p> <p style="text-align: center;">Page 25</p>	<p>1 silver BMW car? 2 MR KABBANI: Yes. 3 Q. I am going to ask, Mr Coates, that we play a short 4 portion of a video that was taken at the scene to 5 identify the watch face that you saw sitting in the 6 place that I have just described. 7 8 There we are. I think that is a still in fact -- 9 (10.59 am) 10 (Video footage was played to the hearing) 11 (10.59 am) 12 MS BLACKWELL: I am told there is another portion of the 13 watch strap, if we can carry on playing it, thank you -- 14 there we are. 15 Thank you very much. 16 It may be convenient at this time also, sir, to 17 provide some photographs of the other parts of the watch 18 strap that were found inside the vehicle, although these 19 are not mentioned by Mr Kabbani in his statement at this 20 time. 21 Could we put up, please, IPCC694, IPC696 and IPC703. 22 That is in the passenger footwell. 23 Thank you. 24 Did you also find as part of your examination, 25 Mr Kabbani, a 223 REM 5.6-millimetre calibre fired</p> <p style="text-align: center;">Page 26</p>
<p>1 cartridge case, which was found in the vicinity of the 2 rear nearside wheel of the Audi vehicle? 3 MR KABBANI: That's correct. 4 Q. Thank you. 5 As you have indicated, only a cursory car and 6 surrounding scene examination was made by you, because 7 of the need to preserve the scene for further forensic 8 examination. 9 MR KABBANI: Yes. 10 Q. As we have already established, you following that 11 examination, the following day attended at the post 12 mortem and you note at page 3 of your report the post 13 mortem examination and the results that were undertaken 14 there. 15 At the top of page 4 in your report, do you confirm 16 that from records to which you have had access, on 17 19 January 2016 a series of items were received at the 18 KFS laboratory from the Metropolitan Police Service and 19 the IPCC, and do you list the series of items that were 20 received on that date? 21 MR KABBANI: Yes, that's correct. 22 Q. Of note for your subsequent analysis, we see on page 5 23 the following exhibits, RAC14, which is the Casio watch 24 face that we have just seen, and RAC15, which is the 25 silver portion of a watch strap.</p> <p style="text-align: center;">Page 27</p>	<p>1 Did you also confirm in your report that the 2 following items were collected from the Empress State 3 Building: RAC10, which is the black Nike man bag; AAB1, 4 which was the SIG firearm; AAB2, the SIG firearm 5 magazine; AAB3, a single round of ammunition; and CVLR4, 6 the bullet removed from Mr Baker during the course of 7 post mortem? 8 MR KABBANI: That's correct. 9 Q. Thank you. 10 At page 6 of your report, you also confirm that the 11 following were submitted from KFS Coventry on 12 9 February 2016, and they are JLK7, JLK8, JLK10 and 13 JLK12, which are the portions of the metal watch strap 14 that we have just seen set out in the series of 15 photographs taken from inside the vehicle. 16 MR KABBANI: JLK11, JLK11? 17 Q. Yes. 18 MR KABBANI: That's correct, yes. 19 Q. Thank you. 20 You confirm at page 6 of your report that you have 21 examined the items that you received and there is a full 22 record of the work undertaken made in notes and it is 23 available for inspection if necessary at the laboratory? 24 MR KABBANI: That's correct. 25 Q. The purpose of your examination was five fold.</p> <p style="text-align: center;">Page 28</p>

7 (Pages 25 to 28)

<p>1 (1) to examine the deceased's clothing for evidence 2 of bullet damage and estimate the firing distance. 3 (2) to describe the rifle, its operation and its 4 mechanical condition. 5 (3) to determine insofar as possible whether or not 6 there was any connection between the fired items and the 7 rifle. 8 (4) to determine as far as possible the sequence of 9 events. 10 (5) to make any other comments deemed appropriate? 11 MR KABBANI: Yes. 12 Q. In terms of the rifle and ammunition and magazine, did 13 you confirm that they were an American SIG Sauer model 14 MCX.223 REM 5 by 5.6 x 45 millimetre self-loading 15 tactical rifle, you provide the serial mark and you say 16 there was one magazine suitable for use with the rifle? 17 MR KABBANI: Correct. 18 Q. The magazine was received, it was loaded with 28 .223 19 calibre rifle cartridges, each loaded with 20 a semi-jacketed soft-point bullet designed to expand on 21 impact? 22 MR KABBANI: That's correct. 23 Q. One such firing cartridge had been dismantled and 24 a total of 23 cartridges were fired in AAB1 at the KFS 25 firing range?</p> <p style="text-align: center;">Page 29</p>	<p>1 MR KABBANI: Yes. 2 Q. The use by the police of ammunition loaded with 3 soft-point expanding bullets in your opinion is to 4 minimise the risk of a bullet passing through the 5 intended target and striking an individual behind that 6 target? 7 MR KABBANI: That's correct. 8 Q. Did you find that the rifle was in working order and 9 functioned normally during the test firing, using the 10 magazine supplied and submitted to the laboratory 11 ammunition? 12 MR KABBANI: That's correct. 13 Q. Thank you. 14 You then proceed to set out the normal method of 15 operation of the rifle, which includes the following (a) 16 the insertion of a loaded magazine containing up to 30 17 cartridges firmly into the magazine, well located 18 forward of the pistol grip; (b) with either hand fully 19 retract and release the charging handle which is 20 connected to the bolt, this cocks the weapon on its 21 rearwards stroke and also compresses the recoil spring, 22 which then forces the bolt forwards, transferring the 23 first cartridge from the top of the magazine into the 24 chamber on its forward stroke? 25 MR KABBANI: Yes.</p> <p style="text-align: center;">Page 30</p>
<p>1 Q. (c) to pull the trigger, discharging the cartridge. The 2 weapon then cycles, causing the bolt to retract, 3 extracting the fired cartridge case from the chamber and 4 ejecting it from the gun as it does so. The rearward 5 movement of the bolt also recocks the weapon and again 6 compresses the recoil spring, which once more forces the 7 bolt forwards transferring the next cartridge from the 8 top of the magazine to the chamber ready for the next 9 shot? 10 MR KABBANI: That's correct. 11 Q. And (d) a repeat of step (c) as desired or until the 12 magazine is exhausted, at which point the bolt will lock 13 open to the rear position? 14 MR KABBANI: Yes. 15 Q. The minimum trigger pressure required to discharge the 16 rifle during your tests was approximately seven pounds, 17 two ounces, or 3.2 kilograms, which represented to you 18 a firm trigger pressure. 19 MR KABBANI: Yes. 20 Q. That was considered a normal value for a rifle of this 21 type? 22 MR KABBANI: That's correct. 23 Q. Is the rifle fitted with an ambidextrous safety catch 24 mounted above and slightly behind the trigger, which can 25 be applied or disengaged at any time during the above</p> <p style="text-align: center;">Page 31</p>	<p>1 operating procedure which we have just set out, as long 2 as the weapon is cocked. Was that in normal working 3 order? 4 MR KABBANI: Yes. 5 Q. Thank you. 6 During the course of your tests, you were unable to 7 discharge the rifle other than by applying pressure to 8 the trigger in the normal manner when the safety catch 9 was disengaged, and that test included deliberate 10 jarring of the rifle? 11 MR KABBANI: That's correct, yes. 12 Q. Did you also confirm that the rifle was fitted with 13 an Aimpoint Micro T1 red dot sight? 14 MR KABBANI: Yes. 15 Q. Was the rifle also fitted with a tactical foregrip and 16 a rail-mounted TLR-2 HLG tactical light with a laser 17 pointer? 18 MR KABBANI: That's correct, yes. 19 Q. Did you perform a series of target tests, which were 20 conducted using the rifle and its associated ammunition 21 at 9, 7.5, and 2 metres, using the sight and the laser 22 pointer? 23 MR KABBANI: Yes. 24 Q. And the rifle produced a tight grouping of shots. 25 MR KABBANI: Yes.</p> <p style="text-align: center;">Page 32</p>



<p>1 Q. However, at those distances, both aiming aids were not 2 on sight with the muzzle of the rifle, and did you 3 conclude that that could have been as a consequence of 4 handling and transporting the rifle after the shooting 5 incident, or that the rifle was sighted in at a distance 6 greater than the above distances that you set out in 7 your report? 8 MR KABBANI: That's correct, yes. 9 Q. And that the sight in issue is minimal at close range? 10 MR KABBANI: Yes. 11 Q. Thank you. 12 Did you also confirm that the cartridge was a .223 13 bulleted rifle cartridge, loaded as we have established 14 with a semi-jacketed soft point and did it bore a light 15 firing pin strike typical of that scene when a cartridge 16 of this type is self loaded into the chamber of a rifle 17 immediately after a round is fired? 18 MR KABBANI: That's correct. 19 Q. If the mark was related to the incident, the cartridge 20 would therefore have been the next to have been fired 21 after the cartridge discharged by officer W80? 22 MR KABBANI: Yes. 23 Q. Thank you. 24 The fired cartridge case you discovered was one 25 fired .223 calibre cartridge case bearing the head stamp</p> <p style="text-align: center;">Page 33</p>	<p>1 FC, referring to Federal Cartridges, and the fired 2 bullet was a fired normally expanded and impact damaged 3 .233 bullet? 4 MR KABBANI: Yes .223, yes. 5 Q. Did you then, after a detailed microscopic examination, 6 become satisfied that the cartridge case was discharged 7 by the rifle AAB1? 8 MR KABBANI: That's correct, yes. 9 Q. And that the bullet bore the same general rifling 10 characteristics being consistent with bullets test fired 11 from the tactical rifle AAB1. 12 However, due to the nature of the rifling marks, it 13 was not possible to conclusively by this examination 14 associate the bullet and the test-fired bullets? 15 MR KABBANI: That's correct. 16 Q. However taking those findings and the circumstances that 17 you know of the shooting into account, you have formed 18 the opinion that there is nothing to indicate the use of 19 more than one weapon? 20 MR KABBANI: That's correct. 21 Q. That is consistent with the evidence that the inquiry 22 has heard. 23 In terms of the watch and the watch strap, did you 24 confirm that they comprised the body of a Casio watch 25 model 593 and pieces of what was left of the watch's</p> <p style="text-align: center;">Page 34</p>
<p>1 metal strap? 2 MR KABBANI: Yes. 3 Q. The watch was missing its pins and one or more links 4 from the strap? 5 MR KABBANI: Yes. 6 Q. Did the examination that you performed indicate that the 7 watch, when worn, was subject to a force that had 8 snapped the strap from the lugholes? 9 MR KABBANI: That's correct, yes. 10 Q. In your opinion, was the breaking of the watch parts 11 consistent with the expansion of the wrist as 12 a consequence of the temporary cavity created by the 13 passing of a high velocity round, such as a bullet 14 recovered from the deceased, through the wrist? 15 MR KABBANI: Yes. 16 Q. Furthermore, did you note that the missing strap links, 17 in addition to the deformation of one piece of strap 18 adjacent to the exit wound, and the damage on the side 19 of the bullet's jacket, could be a result of the bullet 20 striking the watch's inner strap when it exited the 21 wrist? 22 MR KABBANI: Yes. 23 Q. Thank you. 24 Did you also consider items of clothing that had 25 been taken from Mr Baker's body?</p> <p style="text-align: center;">Page 35</p>	<p>1 MR KABBANI: Yes. 2 Q. Did you examine the outer sweatshirt, which I think we 3 can display a photograph of at IPC317. Can we go to the 4 next page, please. 5 We can see at figure 2 at the top of this page, 6 there is damage to the left sleeve near the cuff of the 7 sweatshirt. 8 MR KABBANI: Yes. 9 Q. Was that one area of damage and was there another area, 10 a second area of damage, noted by you, as an irregular 11 entry wound located on the upper front chest zip and 12 surrounding fabric of the item? 13 MR KABBANI: That's correct, yes. 14 Q. Was that consistent in your opinion with the bullet 15 hitting an intermediate object before striking that 16 area? 17 MR KABBANI: Yes. 18 Q. Was the location of the damage in keeping with the 19 position of the entry on Mr Baker's neck? 20 MR KABBANI: Yes. 21 Q. Thank you. 22 In terms of the damage that we see on this 23 photograph, did you conclude that there was evidence of 24 close-range gunshot effects to be observed around the 25 bullet entry wound to Mr Baker's left sweatshirt cuff?</p> <p style="text-align: center;">Page 36</p>

1 MR KABBANI: That's correct, yes.  
 2 Q. Thank you.  
 3 Did you also examine a black T-shirt and a red  
 4 T-shirt?  
 5 MR KABBANI: Yes.  
 6 Q. I think we can display a photograph of the red T-shirt  
 7 at IPC271, page 2, please.  
 8 Can we go to the next page. Thank you.  
 9 We can see that there is -- it is red, we don't have  
 10 a coloured photograph here, I am afraid, but figure 1,  
 11 we see damage to the front neckline of the T-shirt.  
 12 That is AJW16. When you examined this T-shirt, was it  
 13 cut and the cuts you presumed to have been made to  
 14 facilitate the first aid procedures on Mr Baker?  
 15 MR KABBANI: Yes.  
 16 Q. In your opinion, was the location of the damage at the  
 17 front in keeping with the position of the entry wound on  
 18 Mr Baker's neck?  
 19 MR KABBANI: Correct.  
 20 Q. Thank you.  
 21 Can we go to the next page, please. Where we should  
 22 see an image of the man bag, or part of the man bag.  
 23 In fact let's go to IPC317, please, Mr Coates, and  
 24 page 3 of that document.  
 25 Thank you.

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1 wound on to Mr Baker?  
 2 MR KABBANI: That's correct, yes.  
 3 Q. Thank you.  
 4 The damage on the man bag strap was, in your  
 5 opinion, consistent with the bag being worn on either  
 6 side of the body by Mr Baker --  
 7 MR KABBANI: Yes.  
 8 Q. -- when the shot was fired, with the strap being over  
 9 the head and under the arm?  
 10 MR KABBANI: Yes.  
 11 Q. Thank you.  
 12 Did you also consider the following exhibits, CVLR5  
 13 and KK3, were they debris and did they comprise four  
 14 plastic fragments, that in your opinion appeared to have  
 15 originated from the bullet-damaged plastic zip on the  
 16 sweatshirt?  
 17 MR KABBANI: That's correct.  
 18 Q. Were the fragments recovered at the post mortem from the  
 19 entry wound on Mr Baker's neck and also from the front  
 20 passenger seat of the vehicle in which Mr Baker had been  
 21 sitting?  
 22 MR KABBANI: Correct.  
 23 Q. Could I invite you to provide to us, please, Mr Kabbani,  
 24 your conclusions that you drew from the examinations  
 25 which we have just set out?

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1 We are going to look in a moment at a close-up image  
 2 of the man bag. We can see that on this figure it has  
 3 been positioned on a mannequin. Is this the  
 4 black-coloured Nike brand man bag that you examined in  
 5 laboratory conditions, but I think had perhaps seen  
 6 located close to the vehicle at the scene?  
 7 MR KABBANI: I haven't seen it at the scene --  
 8 Q. You didn't see it at the scene?  
 9 MR KABBANI: -- but, yes, I did examine it at the lab,  
 10 definitely, yes.  
 11 Q. Thank you.  
 12 Could we have a look at IPC340, please.  
 13 There we are. That is not showing the bag at the  
 14 scene. We can provide a photograph, sir, of the bag at  
 15 the scene but we can see that this is a photograph taken  
 16 once it had been removed by the police and we can see  
 17 that it is helpfully placed next to a measure to provide  
 18 some indication of the size of it.  
 19 Thank you. Did you observe that the straps of the  
 20 bag were found to have sustained bullet damage?  
 21 MR KABBANI: Yes.  
 22 Q. Was the location of that damage in your opinion in  
 23 keeping with the position of the entry damage to the  
 24 upper front zip and surrounding fabric of the sweatshirt  
 25 which we have just looked at and with the neck entry

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1 MR KABBANI: Yes:  
 2 "As a result of my attendance, examination and  
 3 evaluation of the post mortem and scene, and my  
 4 examination of the items above, I have made the  
 5 following observations and drawn the following  
 6 conclusions. The above findings are consistent with one  
 7 shot from the rifle AAB/01 being fired towards  
 8 Jermaine Baker with his left wrist raised approximately  
 9 to the level of his neck. The trajectory was front to  
 10 back, left to right, and approximately horizontal with  
 11 respect to the body.  
 12 "The findings are also consistent with the damage to  
 13 Jermaine Baker's left cuff being shot from a close range  
 14 of less than 50 centimetres.  
 15 "The breakage of the watch parts is consistent with  
 16 the expansion of the wrist as a consequence of  
 17 a temporary cavity created by the passage of  
 18 a high-velocity round, such as the bullet recovered from  
 19 the deceased, through the wrist.  
 20 "Furthermore, the missing strap links, in addition  
 21 to the deformation of one piece of strap adjacent to the  
 22 exit wound, and the damage on the side of the bullet  
 23 jacket could be a result of the bullet striking the  
 24 watch's inner strap when it exited the wrist.  
 25 "The damage on the man bag strap is consistent with

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<p>1 the bag being worn on either side of the body of the 2 deceased when the shot was fired. With the strap being 3 over the head and under the arm. 4 "Mechanical evaluation of the rifle demonstrated 5 that it was in normal working order and showed no sign 6 of malfunctioning. Attempts to cause the rifle to fire 7 by jarring were unsuccessful. 8 "I have found nothing to suggest the involvement of 9 a third party, although such possibility cannot be 10 entirely discounted." 11 Q. Thank you very much, Mr Kabbani. 12 I am going to turn to you, please, Mr Brooks. 13 You were instructed by Scott Ingram on behalf of 14 Slater Gordon Solicitors to produce a report considering 15 the death of Mr Baker? 16 MR BROOKS: That is correct. 17 Q. Thank you. 18 You were provided during the course of your 19 instructions with a summary of events which is 20 consistent to that which I have already set out with the 21 other experts? 22 MR BROOKS: That's correct. 23 Q. You were not present at the course of the post mortem 24 because you were not instructed by that date -- 25 MR BROOKS: I was not.</p> <p style="text-align: center;">Page 41</p>	<p>1 Q. -- but you have been provided with the post mortem 2 records confirming as they did to you that the cause of 3 death was a gunshot wound to the neck? 4 MR BROOKS: That's correct. 5 Q. You were also provided with a copy of the IPCC report. 6 During the course of your report -- which, sir, sits 7 behind tab 2 in the relevant bundle -- 8 THE CHAIRMAN: Thank you. 9 MS BLACKWELL: -- you have commented on concerns that you 10 had in relation to some of the conclusions that had been 11 reached during the course of the IPCC report. 12 Could I invite you, please, Mr Brooks, to summarise 13 your concerns and to set out for us your alternative 14 scenario in terms both of the positioning of Mr Baker's 15 hands and also the position of the man bag? 16 MR BROOKS: Of course. 17 Having reviewed the IPC report and the post mortem 18 evidence and post mortem images, my comments are that 19 the IPCC case put forward does not account for either 20 the downwards trajectory nor the acute angle that the 21 round struck the body. The images show there was 22 a tangential/superficial wound to the left wrist. It is 23 my opinion if the hands had been raised in the classic 24 hands-up surrender position, with palms towards the 25 windshield, then the round would on balance have struck</p> <p style="text-align: center;">Page 42</p>
<p>1 the wrist at the less acute angle, penetrating it rather 2 than causing a tangential wound as seen. 3 The assumption has been made that the passage of the 4 round was approximately horizontal, however the 5 suprasternal entry wound is at the level of T1/T2 6 vertebrae and a round was retrieved behind the scapula 7 at approximately the level of T3/T4, ie the trajectory 8 of the round through the body was downwards 9 approximately 5 centimetres over the course of its 10 passage through the body. 11 If the deceased had been sitting in the seat facing 12 directly towards the windscreen, then the round would 13 have struck them more directly when fired from the 14 stated position of W80. That the round struck the 15 deceased at an acute angle, traversing nearly 16 approximately 67 centimetres anterior, front, to 17 posterior, back, suggests there was some rotation of 18 torso away from W80 or, in the alternative, that the 19 position of W80 was different. 20 At the time that W80 made the decision to fire in 21 his statement, W80 states that the deceased was moving 22 his hands towards his chest in a dynamic position. 23 Would you wish me to move to my conclusion? 24 Q. Yes, please, yes. 25 MR BROOKS: My conclusion was the IPCC have put forward</p> <p style="text-align: center;">Page 43</p>	<p>1 a single chain of events, based on a series of 2 multiplying assumptions as the only potential scenario 3 to account for the injuries and their view of the 4 evidence. 5 As a result, the IPCC's case is that "the evidence" 6 is inconsistent with the account given by W80. 7 However, considering the numerous interacting 8 variables, in my opinion, it is fundamentally flawed not 9 to consider alternative plausible scenarios that would 10 be consistent with the injuries and evidence. 11 I have put forward an alternative scenario that 12 would be consistent with the injuries and evidence, and 13 highlighted those assumptions which in my opinion are 14 flawed. 15 The alternate scenario would be consistent with the 16 account given by W80. 17 Q. Thank you. 18 As a result of the provision of your report, you 19 were involved in a reconstruction which I am going to 20 turn to, sir, after our mid-morning break. 21 THE CHAIRMAN: Very well. 22 MS BLACKWELL: Before I do, just to confirm as far as you 23 are concerned, Mr Brooks, that your concern in terms of 24 the way in which the matter was phrased in the IPCC 25 report, was that a single scenario had been adopted and</p> <p style="text-align: center;">Page 44</p>

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<p>1 in your view there are a number of variables that should 2 have been and must be considered in order to even seek 3 to establish the position of Mr Baker and the position 4 of W80 at the time that the shot was fired. 5 MR BROOKS: That's correct? 6 Q. Thank you. 7 Sir, is that a convenient moment for us to take our 8 short break? 9 THE CHAIRMAN: Certainly. Shall we say 11.40? 10 MS BLACKWELL: Yes, thank you. 11 THE CHAIRMAN: Thank you very much. 12 (11.26 am) 13 (A short adjournment) 14 (11.43 am) 15 THE CHAIRMAN: Please sit down. 16 Yes. 17 MS BLACKWELL: Thank you, sir. 18 Mr Kabbani, I am now going to return to you and 19 invite you, together with me, to take us through the 20 reconstruction report. 21 Sir, there is a copy of the reconstruction report 22 sitting behind the relevant tabs for each of these 23 witnesses, so it is entirely your choice which one you 24 want to follow. 25 THE CHAIRMAN: I know. Thank you very much.</p> <p style="text-align: center;">Page 45</p>	<p>1 MS BLACKWELL: The report, to confirm, is prepared and 2 signed jointly by yourself, Mr Kabbani, Dr Randall, 3 Mr Brooks and also Mr Harrington, in relation to whom 4 reference has already been made. 5 THE CHAIRMAN: Yes. 6 MR KABBANI: That's correct. 7 MS BLACKWELL: The joint report covers reconstruction work 8 that was undertaken at the National Police Training 9 Centre in Hendon, London, on 26 May of this year. 10 MR KABBANI: That's correct, yes. 11 MS BLACKWELL: I am moving, sir, immediately to page 4 of 12 the report. 13 THE CHAIRMAN: Thank you. 14 MS BLACKWELL: The incident was reconstructed using the 15 following three factors. 16 First, a similar make of Audi vehicle that Mr Baker 17 was sitting in and BMW saloon vehicle which was similar 18 to the make of car as the one that was parked next to 19 the Audi on the day of the shooting. 20 MR KABBANI: Correct. 21 Q. Second, an actor with similar build to Mr Baker? 22 MR KABBANI: Yes. 23 Q. Third, an authorised firearms officer of similar build 24 and height and well versed in the procedures and 25 positioning that would have been used by officer W80 on</p> <p style="text-align: center;">Page 46</p>
<p>1 the day of the shooting? 2 MR KABBANI: Correct. 3 Q. The reconstruction exercise had three aims. 4 (1) to determine the position and posture of 5 Mr Bake's body at the time that the shot was fired 6 and/or describe the alternate feasible positions? 7 MR KABBANI: Correct. 8 THE CHAIRMAN: This was really addressing the criticisms 9 that Mr Brooks had made -- 10 MS BLACKWELL: Yes. 11 THE CHAIRMAN: -- about what was said, believed by him to be 12 a sort of single focus of the IPCC? 13 MS BLACKWELL: Yes, and to explore the variables. 14 THE CHAIRMAN: Yes. 15 MS BLACKWELL: Yes. 16 Second, to determine the position of Mr Baker's 17 wrist and arms at the time when the shot was fired, 18 and/or describe the alternate feasible positions. 19 MR KABBANI: Yes. 20 Q. (3) to determine the position of the man bag on Mr Baker 21 at the time when the shot was fired and/or describe the 22 alternate feasible positions? 23 MR KABBANI: Correct. 24 MS BLACKWELL: Sir, Mr Harrington did not comment on points 25 (1) and (2) that I have just set out, which dealt with</p> <p style="text-align: center;">Page 47</p>	<p>1 the bullet trajectory and injuries sustained by 2 Mr Baker, because those subjects were considered to be 3 outside of his field of expertise. 4 THE CHAIRMAN: Understood. 5 MS BLACKWELL: Turning to the detail of the reconstruction, 6 the surrogate Audi vehicle, the nearside front seat of 7 the vehicle and the BMW were carefully positioned using 8 data extrapolated by Mr David Railton, who is a higher 9 computer-aided surveyor. 10 MR KABBANI: Correct. 11 Q. That allowed the original positions of the vehicles and 12 the passenger seat to be reproduced. 13 The original man bag and clothing worn by Mr Baker 14 were visually inspected prior to the reconstruction 15 exercise commencing and we are able now to look at four 16 figures, which were photographs taken during the course 17 of the reconstruction to demonstrate the positioning of 18 the vehicles. I am also going to ask us to look at 19 three additional figures that demonstrate the 20 positioning of the front passenger seat. 21 Mr Coates, please could we display INQ27, page 6. 22 Thank you. 23 We can see that on page 6, there are three figures 24 taken from different angles. Are these the positions 25 that were set out showing the Audi vehicle and the BMW</p> <p style="text-align: center;">Page 48</p>

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<p>1 vehicle next to it, based upon the data extrapolated by 2 Mr Railton? 3 MR KABBANI: That's correct. 4 Q. Thank you. Just take a moment to consider those. 5 Thank you, can we turn, please, to the next page, 6 Mr Coates, page 7. We can see that figure 4 depicts the 7 positioning of the cars from a different angle. 8 Figure 5, sitting below, shows us the rake of the 9 front passenger seat and the position that that was in, 10 again using data extrapolated by Mr Railton? 11 MR KABBANI: That's correct, yes. 12 Q. For the sake of completeness, can we turn to page 8. We 13 can look at the positioning of the seat in figure 6 and 14 the positioning of the door, you can just see the 15 headrest of the seat through the angle that the door is 16 opened in figure 7? 17 MR KABBANI: Yes. 18 Q. Thank you, can we take those down, please. 19 Was the police rifle AAB1 held by the authorised 20 firearms officer of a similar build to W80 and was W80's 21 position noted to have been limited by the space between 22 the Audi and the BMW? 23 MR KABBANI: That's correct, yes. 24 Q. Did you confirm, Mr Kabbani, that the exact position or 25 stance of W80 at the time that the shot was fired was</p> <p style="text-align: center;">Page 49</p>	<p>1 unknown? 2 MR KABBANI: Yes. 3 Q. But were you able to assess one of the possible 4 positions that W80 may have been in in front of the 5 opened car door, standing between the Audi and the BMW? 6 MR KABBANI: That's correct. 7 Q. We can see that in figure 8, Mr Coates, if we can put up 8 INQ27 at page 9. 9 We can see figure 8 at the top of the page, showing 10 the authorised firearms officer and indeed the actor 11 playing Mr Baker sitting in the vehicle, we can see 12 sight of him through the windscreen, thank you. 13 Mr Coates, please could we highlight the paragraph 14 below the figure, which is headed, "Agreed points 1 to 15 8". 16 Thank you, were the following factors agreed between 17 the experts, (1) the passenger seat position and rake of 18 the seat back; (2) W80 was standing between the two 19 vehicles and behind the open Audi door; (3) the muzzle 20 of the tactical rifle was inside the Audi vehicle 21 between the open door and the vehicle's A police car; 22 (4) the trajectory from W80's perspective was from right 23 to left and slightly downwards; (5) Jermaine Baker's 24 left wrist was raised above the entry wound to the neck, 25 although the position (height) of the wrist was unknown;</p> <p style="text-align: center;">Page 50</p>
<p>1 (6) Mr Baker's right shoulder area was supported by the 2 back of the passenger seat at the moment that the shot 3 was fired; (7) the muzzle of the tactical rifle was 4 within 50 centimetres max of the left wrist, minimum 5 distance a few centimetres away from the muzzle but not 6 in contact; (8) the damage to the man bag strap was 7 caused by the bullet." 8 MR KABBANI: That's correct. 9 Q. Thank you, can we take that down, please. 10 Did you determine that W80 was positioned between 11 the two cars, that the distance between the two cars was 12 approximately 62 centimetres, based on the Cams 3D 13 post-incident scanning? 14 MR KABBANI: Yes. 15 MS BLACKWELL: Sir, I think we have also had that referred 16 to as 18 inches during the course of the inquiry. 17 THE CHAIRMAN: 62 centimetres, for what it is worth, is 18 rather more than 18 inches, it is about 24/25-inches. 19 MS BLACKWELL: That's right, yes. 20 W80 could have been positioned anywhere behind and 21 in close proximity to the Audi's opened front nearside 22 car door. 23 However, the muzzle of the tactical rifle was inside 24 the Audi vehicle, forward of the vehicle's A-pillar, and 25 that that was based on gunshot residue and ballistics</p> <p style="text-align: center;">Page 51</p>	<p>1 evidence. 2 MR KABBANI: That's correct. 3 Q. Thank you. 4 Did you jointly confirm that regardless of the 5 possible postures of Jermaine Baker at the moment the 6 shot was fired, the trajectory from W80's perspective 7 was from left to right and travelling downwards and, 8 furthermore, at the time the shot was fired, Mr Baker's 9 left wrist was slightly raised above the entry wound to 10 the neck? 11 MR KABBANI: Yes, from right to left, from the W80 12 perspective, yes. 13 Q. Thank you. 14 Was it noted that the damage to the original 15 clothing was lower than expected, suggesting that the 16 clothing had been rucked up towards the neck area? 17 MR KABBANI: That's correct. 18 Q. Thank you. 19 I am now going to ask that we display INQ27, 20 page 10. 21 Mr Coates, please can we highlight the second 22 paragraph down, headed "Variables". Thank you. 23 Were the following variables agreed by the experts: 24 "(1) the position of W80 relative to the open Audi 25 door and his distance from the wing of the Audi; (2)</p> <p style="text-align: center;">Page 52</p>

<p>1 Jermaine Baker's body position on the seat and any 2 rotation and/or lateral reflection (side bend); (3) the 3 position of Jermaine Baker's left shoulder, left elbow 4 and left wrist; (4) the position of Jermaine Baker's 5 right arm; (5) the position of the man bag, ie over 6 which shoulder and the height on the chest." 7 MR KABBANI: Yes. 8 Q. Thank you, can we take that down, please. 9 We are now going to look at four different scenarios 10 that were considered during the course of the 11 reconstruction. 12 Firstly, to determine the position of Mr Baker's 13 body. 14 Second, taking into account the position of his body 15 to determine the position and rotation of his left 16 wrist. 17 Third, taking into account (1) and (2), to determine 18 the position of the man bag. 19 Fourth, to determine whether Jermaine Baker's hands 20 could reach the dashboard from the position in which he 21 was sitting. 22 Then we are going to look at number 5, at the 23 position of W80 and 6, the effect or possible effect of 24 the strobe from the weapon. 25 MR KABBANI: Yes.</p> <p style="text-align: center;">Page 53</p>	<p>1 Q. Scenario 1, the position of Mr Baker's body. 2 Did the reconstruction demonstrate that Mr Baker 3 would have been sitting in the passenger seat with the 4 right shoulder supported by the seat back and that that 5 could have been positioned anywhere between the raised 6 right edge of the seat back support and in the region of 7 18 centimetres to the centre of the seat? 8 MR KABBANI: Correct. 9 Q. All right. What were you able to determine about the 10 position of Mr Baker's left shoulder? 11 MR KABBANI: The left shoulder could have been either 12 supported by the seat back or in the region of 13 2.5 centimetres away from the back seat support, with 14 the torso rotated slightly towards the right. 15 Q. Right. Thank you. 16 Either supported by the seat back or is that 17 a maximum of 2.5 centimetres away? 18 MR KABBANI: That's correct. 19 Q. We can look, please, Mr Coates, at two figures depicting 20 what Mr Kabbani has just said at INQ27 and page 11. 21 Thank you. 22 What do these two figures show us, Mr Kabbani? 23 MR KABBANI: Figure 9 shows you basically the raised left 24 wrist, basically. 25 Q. Yes.</p> <p style="text-align: center;">Page 54</p>
<p>1 MR KABBANI: Figure 10 will show you the position of the 2 actor, basically with his right shoulder in contact with 3 the back seat and his wrist raised, basically. 4 Q. His left wrist raised? 5 MR KABBANI: Yes. 6 Q. As we can see, in the text sitting underneath these 7 figures: 8 "The actor's body position either sitting against 9 the seat back entirely or rotated a short distance away 10 from the passenger seat with the left shoulder in the 11 region of 2.5 centimetres away from the seat back, and 12 the right shoulder up to 18 centimetres from the front 13 passenger seat right edge could achieve the expected 14 trajectory as pictured in the images below." 15 THE CHAIRMAN: Can I just enquire, figures 9 and 10 are they 16 the same photograph taken from a different angle? 17 MR KABBANI: Yes, they are. 18 MS BLACKWELL: Can we turn now to figures 11 and 12, please. 19 What do we see in these two figures, Mr Kabbani? 20 MR KABBANI: So in these figures, we are seeing the same 21 position as -- but in this case, the right shoulder is 22 in contact with the back seat, with the left wrist 23 raised but then again in figure 11, the right hand is 24 basically on the -- it is down, whereas in figure 12 the 25 right hand is raised, but this is a scenario ...</p> <p style="text-align: center;">Page 55</p>	<p>1 Q. In figure 11, is the left shoulder slightly raised away 2 from the back of the seat? 3 MR KABBANI: Yes. 4 Q. In relation to all of these figures, 9 and 10 that we 5 have just looked at and 11 and 12 which are currently 6 depicted on our screen, were each of these positions 7 possible given the reconstruction and the opinion of the 8 experts? 9 MR KABBANI: That's correct, yes. 10 Q. Thank you. 11 I would just like you to explain to us, please, what 12 we see as a red part of the device that is protruding 13 from the end of the weapon. Can you explain to us what 14 that is and how it works? 15 MR KABBANI: Right, so -- 16 Q. Using figures 11 and 12 that we can see on the screen? 17 MR KABBANI: So this is what we call a rod. 18 Q. Yes. 19 MR KABBANI: This is for trajectory purpose. It is 20 basically, this rod is depicting the travel of the 21 bullet fired from the muzzle, the trajectory. In order 22 to show the actual trajectory of the bullet on the 23 actor, basically. 24 Q. Right, thank you. 25 MR KABBANI: Yes.</p> <p style="text-align: center;">Page 56</p>

<p>1 Q. Moving to scenario 2, we can follow the text at the 2 bottom of this page, this considered the position of 3 Mr Baker's left wrist at the time that the shot was 4 fired. 5 Did the simulation demonstrate that the left hand, 6 the left wrist and the left elbow could all have been in 7 the number of positions that we have just considered, 8 figures 9 through to 12? 9 MR KABBANI: That's correct. 10 Q. Right. 11 The gunshot wound to the back of the right shoulder 12 was shored, as we have heard from the post mortem 13 evidence, with the position of the right arm in a number 14 of possible positions, and here in the report, you 15 confirm raised, by Mr Baker's side and resting on the 16 centre console depending on the position of the body and 17 the seat. 18 Again, do we see the various positions of the right 19 arm in figures 9 through to 12? 20 MR KABBANI: Yes, we do. 21 Q. Thank you. We can take that down, please. 22 Scenario 3 was a consideration of the position of 23 the man bag. Were scenarios conducted to explore the 24 possible options for the position of the bag on Mr Baker 25 at the time that the shot was fired, including being</p> <p style="text-align: center;">Page 57</p>	<p>1 worn over either shoulder and a different series of 2 positions on his chest? 3 MR KABBANI: Yes. 4 Q. And it was not known at the time of the reconstruction 5 whether Mr Baker was left or right handed? 6 MR KABBANI: Yes. 7 Q. When the man bag was worn by the actor to the left side, 8 we are going to have a look at two figures in a moment, 9 in fact can we display those -- 10 THE CHAIRMAN: I think we subsequently found out, did we 11 not, that Jermaine Baker was right handed. 12 MS BLACKWELL: Yes, we did. 13 THE CHAIRMAN: Thank you. 14 MS BLACKWELL: INQ 13, could we also display INQ 14 side by 15 side, Mr Coates. Are we able to do that? 16 INQ27, page 13. 17 Are we able to display another page from the same 18 document, INQ27, 14, please. Thank you. 19 There we are. 20 Concentrating on figures 13 and 14, did you 21 determine that when the man bag was worn by the actor to 22 their left side, as shown in figures 13 and 14, its 23 front aspect can be seen away from the body and the 24 damage to the shoulder strap correlating with the entry 25 wound to the neck area.</p> <p style="text-align: center;">Page 58</p>
<p>1 MR KABBANI: That's correct, yes. 2 Q. Right. Did you confirm that it should be noted that 3 during the positioning of the bag in various positions 4 on the actor, the length of the straps was never 5 physically shortened, rather the straps were pulled 6 behind the actor's back and compressed between the back 7 and the seat? 8 MR KABBANI: Yes. 9 Q. That was done in order to establish the bag in various 10 positions? 11 MR KABBANI: Yes, and basically for us to correlate the 12 entry to the simulated entry site. 13 Q. Yes, and the damage to the strap? 14 MR KABBANI: Yes. 15 Q. Yes. 16 With the strap extended, the man bag position would 17 be on the side of the actor as represented in image 18 figure 13, that we see on page 13. 19 Going over to page 14, the position of the man bag 20 towards the upper area of the chest in figure 14 would 21 be achieved if one of the straps is held between the 22 actor's back and the seat. Did the scenarios 23 demonstrate that the man bag could also have been worn 24 over the left shoulder, with the bag sitting on the 25 right side, or high on the right side of the chest?</p> <p style="text-align: center;">Page 59</p>	<p>1 MR KABBANI: That's correct. 2 Q. We see that in figures 15 and 16. 3 Mr Coates, could we move page 14 to the left-hand 4 side of our screen and -- thank you -- could we also put 5 up page 15 next to it. 6 Thank you. 7 The position of the man bag on the right side was 8 achieved if the rear aspect was facing away from the 9 body and the position of the man bag towards the upper 10 area of the chest would be achieved if the strap was 11 held in place by the actor's back leaning against the 12 seat. 13 In those scenarios, the damage to the shoulder 14 straps correlated with the entry wound to the neck area. 15 MR KABBANI: That's correct, yes. 16 Q. All of these positions that we see depicted in the 17 various figures were possible whilst being consistent 18 with the area of damage to the strap of the bag being 19 caused by the bullet? 20 MR KABBANI: That's correct, yes. 21 With the difference that the -- whenever it is on 22 the left side, the front aspect of the bag is facing 23 forward and whenever it is on the right side, the rear 24 aspect of the bag -- 25 Q. It was the opposite way round?</p> <p style="text-align: center;">Page 60</p>

<p>1 MR KABBANI: Yes.</p> <p>2 Q. You were unable to say and indeed we have not heard any</p> <p>3 evidence during the course of the inquiry as to whether</p> <p>4 or not the bag was facing outwards or facing inwards?</p> <p>5 MR KABBANI: No.</p> <p>6 Q. Moving to page 15:</p> <p>7 "The damage to the strap of the man bag was</p> <p>8 consistent with it being worn on either side of the body</p> <p>9 of Mr Baker with the strap being over the head and under</p> <p>10 the arm and with the bag being in a number of potential</p> <p>11 positions, accepting that the strap would have been held</p> <p>12 in place by the actor's back leaning against the seat</p> <p>13 for some of the positions and described and shown in the</p> <p>14 photographs taken at the reconstruction exercise."</p> <p>15 If we can, again, please, Mr Coates, move page 15 to</p> <p>16 the left-hand side of our screen, and display page 16</p> <p>17 next to it, thank you very much.</p> <p>18 The images in figures 17 to 19 show the man bag and</p> <p>19 the actor's arms again in different positions. If we</p> <p>20 can take a moment to look at those, and to confirm,</p> <p>21 Mr Kabbani, again, that each of the positions depicted</p> <p>22 in these figures was possible whilst being consistent</p> <p>23 with the area of damage on the strap?</p> <p>24 MR KABBANI: That's correct.</p> <p>25 Q. Thank you, can we take those down, please.</p> <p style="text-align: center;">Page 61</p>	<p>1 MR KABBANI: Moving to scenario 4, whether Mr Baker's hands</p> <p>2 could reach the dashboard.</p> <p>3 Q. Assuming that the front nearside seat was not moved post</p> <p>4 incident and prior to the 3D scan being undertaken, and</p> <p>5 assuming that the actor had similar length arms to</p> <p>6 Mr Baker, then did you jointly conclude that Mr Baker</p> <p>7 could not have reached the front of the dashboard at the</p> <p>8 time that the shot was fired?</p> <p>9 MR KABBANI: That's correct.</p> <p>10 Q. May we display INQ27, page 17, please, Mr Coates.</p> <p>11 Can we see here Mr Baker's position as depicted by</p> <p>12 the actor if he was leaning back against the seat which</p> <p>13 was determined as being the position by the experts, we</p> <p>14 can see quite clearly that the actor's arms do not reach</p> <p>15 the dashboard?</p> <p>16 THE CHAIRMAN: Can I enquire this -- I'm not trying to be</p> <p>17 contrary. But if Mr Baker was sitting up, the shot</p> <p>18 would have knocked him back?</p> <p>19 MR KABBANI: Well, it is -- this is a common misconception.</p> <p>20 The thing is that by knocking back -- because of the</p> <p>21 energy you mean --</p> <p>22 THE CHAIRMAN: Yes.</p> <p>23 MR KABBANI: -- it would have knocked him back?</p> <p>24 THE CHAIRMAN: Yes.</p> <p>25 MR KABBANI: No.</p> <p style="text-align: center;">Page 62</p>
<p>1 Basically you can see it if someone got shot with</p> <p>2 these types of rifle, it would basically go through and</p> <p>3 through without them knowing --</p> <p>4 THE CHAIRMAN: It would not impact upon his position?</p> <p>5 MR KABBANI: No.</p> <p>6 THE CHAIRMAN: In other words, what you are saying, others</p> <p>7 will have an opportunity to disagree if they wish, the</p> <p>8 fact that he couldn't reach from a position in which the</p> <p>9 reconstruction places him, means that he couldn't have</p> <p>10 reached immediately before he was shot?</p> <p>11 MR KABBANI: The thing is that we need to think about it, we</p> <p>12 need to think about it like, first of all, let's talk</p> <p>13 about the actual velocity this bullet is leaving the</p> <p>14 muzzle. It is probably more than 900 metres per second,</p> <p>15 so you are talking everything freezes in time, so</p> <p>16 whichever position he was shot, this is the position</p> <p>17 when he was in when he was shot.</p> <p>18 THE CHAIRMAN: I told you I was not trying to be contrary,</p> <p>19 but I obviously have been.</p> <p>20 MR KABBANI: No.</p> <p>21 MS BLACKWELL: Thank you, sir.</p> <p>22 THE CHAIRMAN: I will go back in my box, thank you.</p> <p>23 MS BLACKWELL: I am going to now, finally, turn to two</p> <p>24 additional matters.</p> <p>25 Firstly, the potential position of W80.</p> <p style="text-align: center;">Page 63</p>	<p>1 Finally, the effect of the strobe.</p> <p>2 In terms of the potential position of W80, we can</p> <p>3 see the text displayed on the screen. Did you agree</p> <p>4 that the alternative positions of W80 at the time that</p> <p>5 the shot was fired would in turn impact on the potential</p> <p>6 position of Mr Baker, albeit that W80 and Mr Baker's</p> <p>7 respective potential positions were within a confined</p> <p>8 and a limited space.</p> <p>9 MR KABBANI: That's correct.</p> <p>10 Q. Did you then go on to consider a variety of positions</p> <p>11 that W80 may have taken up at the time that the shot was</p> <p>12 fired?</p> <p>13 MR KABBANI: That's correct.</p> <p>14 Q. We can have a look at these, Mr Coates, they begin at</p> <p>15 INQ27, page 18.</p> <p>16 And page 19, please.</p> <p>17 These are photographs taken from varying angles.</p> <p>18 Page 20.</p> <p>19 In relation to each of these, Mr Kabbani, was the</p> <p>20 weapon held by the authorised firearms officer placed at</p> <p>21 the same position and angle that you had established</p> <p>22 according to the gunshot residue and the evidence that</p> <p>23 we have just been through?</p> <p>24 MR KABBANI: Yes.</p> <p>25 Q. Thank you.</p> <p style="text-align: center;">Page 64</p>



<p>1 Yes, can we take those down, please.</p> <p>2 In relation to each of those positions, it was not</p> <p>3 possible for you to establish which of those positions</p> <p>4 W80 was in, but they were all consistent with the other</p> <p>5 evidence upon which they were based?</p> <p>6 MR KABBANI: That's correct.</p> <p>7 Q. Thank you.</p> <p>8 The effect of the strobe.</p> <p>9 Were further tests conducted to explore the effect</p> <p>10 of the white flashing strobe light on the firearms</p> <p>11 officers' weapons, and the visual effects were noted</p> <p>12 when the tactical rifle strobe light was activated?</p> <p>13 MR KABBANI: Yes.</p> <p>14 Q. Was the effect visible within the indoor reconstruction</p> <p>15 area and outdoor area in daylight conditions?</p> <p>16 MR KABBANI: Yes.</p> <p>17 Q. Did that result in a glare when looking through the</p> <p>18 windscreen from within the surrogate Audi vehicle?</p> <p>19 MR KABBANI: That's correct.</p> <p>20 Q. Did you note the difference in daylight conditions and</p> <p>21 visibility through the windscreen on the day which was</p> <p>22 reported to have been misted up at the time of the</p> <p>23 incident?</p> <p>24 MR KABBANI: Yes.</p> <p>25 MS BLACKWELL: Sir, you will recollect from the evidence</p> <p style="text-align: center;">Page 65</p>	<p>1 that it wasn't suggested that W80 had ever activated his</p> <p>2 strobe, but that the officer sitting in the front</p> <p>3 passenger seat of Bravo vehicle did activate his strobe</p> <p>4 before he later got out of the vehicle.</p> <p>5 THE CHAIRMAN: Yes.</p> <p>6 MS BLACKWELL: Thank you.</p> <p>7 THE CHAIRMAN: I don't think though, if I am not mistaken,</p> <p>8 I don't think either Nathan Mason or Gokay Sogucakli</p> <p>9 suggested that they had in any way been blinded by any</p> <p>10 bright lights.</p> <p>11 MS BLACKWELL: No, no, they didn't.</p> <p>12 THE CHAIRMAN: No.</p> <p>13 MS BLACKWELL: Indeed neither of them were ever to suggest</p> <p>14 that in their witness statements either.</p> <p>15 THE CHAIRMAN: No. Thank you.</p> <p>16 MS BLACKWELL: I would like to take you to your conclusions</p> <p>17 now, please, Mr Kabbani, which are at page 22 of your</p> <p>18 joint report.</p> <p>19 Please can you read into the record the three pieces</p> <p>20 of agreement in terms of the experts' opinion following</p> <p>21 the reconstruction.</p> <p>22 MR KABBANI: Yes:</p> <p>23 "The experts agree that the reconstruction</p> <p>24 demonstrated there are a range of positions that</p> <p>25 Mr Baker's body could have been in at the moment that</p> <p style="text-align: center;">Page 66</p>
<p>1 the moment that the shot was fired. Mr Baker's left</p> <p>2 upper arm and wrist could have been in a number of</p> <p>3 positions at the moment that the shot was fired. The</p> <p>4 man bag could have been worn over the right or left</p> <p>5 shoulder and positioned either at the side or on the</p> <p>6 chest of Mr Baker."</p> <p>7 Q. Thank you.</p> <p>8 Could you go on, please, to record what was noted in</p> <p>9 terms of the muzzle velocity of the rifle?</p> <p>10 MR KABBANI: "The muzzle velocity of the rifle of that type</p> <p>11 is over 800 metres per second. That is more than twice</p> <p>12 the speed of sound. When this rifle is fired, one</p> <p>13 should think of such event as if it were flash</p> <p>14 photography, when everything would be frozen in space</p> <p>15 and time. It is therefore not possible to prove the</p> <p>16 exact position his body or arms were at the time that he</p> <p>17 was hit by the bullet, or a fraction of a second before</p> <p>18 the shot was fired.</p> <p>19 MS BLACKWELL: Thank you, and I hope that final piece of</p> <p>20 evidence --</p> <p>21 THE CHAIRMAN: If I had kept my mouth shut, I would have got</p> <p>22 the answer.</p> <p>23 MS BLACKWELL: -- deals with the question you had, sir.</p> <p>24 Thank you, Mr Kabbani. I am now going to turn to</p> <p>25 you, Dr Randall, and ask you whether there is anything</p> <p style="text-align: center;">Page 67</p>	<p>1 in addition to the evidence that we have elicited from</p> <p>2 Mr Kabbani that you would like to add.</p> <p>3 DR RANDALL: No.</p> <p>4 Q. Thank you.</p> <p>5 Again, the same question to you, Mr Brooks?</p> <p>6 MR BROOKS: Only to say that there were at least 7 or up to</p> <p>7 10 different variables that came into play. We were</p> <p>8 only able to test a few of them, but 10 to the power of</p> <p>9 10 is a very big number of variables that could have</p> <p>10 been brought into effect and the work that we did showed</p> <p>11 there were a number of different positions for both W80</p> <p>12 and Mr Baker at the time, potentially.</p> <p>13 THE CHAIRMAN: If I can ask one question directed to all</p> <p>14 three of you. Is the upshot of your opinions that none</p> <p>15 of the options which the inquiry has heard relating to</p> <p>16 the location of individuals, their physical positions or</p> <p>17 responses can be excluded on purely scientific grounds?</p> <p>18 MR BROOKS: Start with me. That is my understanding,</p> <p>19 I would agree with that.</p> <p>20 DR RANDALL: Yes.</p> <p>21 MR KABBANI: Yes.</p> <p>22 THE CHAIRMAN: Thank you.</p> <p>23 MS BLACKWELL: Sir, I am going to pause, because there may</p> <p>24 be additional questions.</p> <p>25 THE CHAIRMAN: I understand.</p> <p style="text-align: center;">Page 68</p>

<p>1 Just for the record, I did indicate when we began 2 hearing expert evidence that the approach of the chair 3 to questioning would obviously be different during this 4 part of the case, subject of course to focused questions 5 of which you were given due notice. 6 MS BLACKWELL: Yes. 7 Would you excuse me for a moment, please? 8 THE CHAIRMAN: Sure. 9 MS BLACKWELL: We are just waiting for the family to 10 confirm, sir. 11 THE CHAIRMAN: Shall we find out whether there is anything 12 from either Mr Penny or Mr Butt? 13 MS BLACKWELL: There is not. 14 THE CHAIRMAN: You knew of course. I didn't. (Pause). 15 MS BLACKWELL: Sir, I am going invited by the family to 16 ask -- so sorry, I am not going invited to ask it. 17 Ms Kaufmann would like to ask a question about the 18 position of the man bag, and from what she has presented 19 to Ms McNeill it seems entirely appropriate. 20 THE CHAIRMAN: Very good. 21 Yes, Ms Kaufmann. 22 Questions from MS KAUFMANN 23 MS KAUFMANN: Thank you, sir. 24 I am just wanting to seek some clarification, if 25 I might, from you, Mr Kabbani.</p> <p style="text-align: center;">Page 69</p>	<p>1 If we could go to pages 13 and 14 of your report, 2 the joint report which deals with the position of the 3 man bag. If we could put those up on the screen, 4 please. 5 This is where you deal with the position of the man 6 bag and you explain that you have never shortened 7 physically the lengths of the straps, but that in 8 certain positions the straps were pulled behind the 9 actor's back and compressed between the back seat. 10 Am I right, on reading your report, in thinking that 11 there were two circumstances in which it was necessary 12 to pull the excess strap behind the actor and for him to 13 lean on them and lie against them. That those were both 14 positions when the man bag was placed either pulled over 15 the left shoulder or the right shoulder onto the chest 16 of the actor? 17 MR KABBANI: Yes, that's correct. 18 Q. That when the man bag was positioned on the side, not on 19 the chest but on the side, whether on the left-hand side 20 or the right-hand side, the strap was actually fully 21 extended? 22 MR KABBANI: Yes. 23 MS KAUFMANN: Thank you. 24 Those are my only questions, thank you very much. 25 THE CHAIRMAN: Thank you.</p> <p style="text-align: center;">Page 70</p>
<p>1 Anything arising out of that? 2 MS BLACKWELL: No. Thank you, sir. 3 THE CHAIRMAN: Very good. 4 MS BLACKWELL: Before we complete the evidence of the 5 experts, I am going to invite Ms McNeill to read into 6 the record the relevant paragraphs of Mr Harrington's 7 statement, please. 8 THE CHAIRMAN: Yes, thank you very much indeed. 9 Yes, Ms McNeill. 10 MS MCNEILL: Thank you, sir I will take it relatively 11 briefly. 12 THE CHAIRMAN: As you wish. 13 Evidence of MR STEPHEN HARRINGTON (read) 14 MS MCNEILL: Mr Coates, could you display, please, IPC175. 15 Sir, Ms Blackwell summarised Mr Harrington's 16 expertise at the beginning. 17 THE CHAIRMAN: Yes. 18 MS MCNEILL: The majority of his evidence relates to the 19 blood spatter. 20 THE CHAIRMAN: I understand. 21 MS MCNEILL: We see in a statement, dated 23 December 2015, 22 at the first paragraph that Mr Harrington attended the 23 Metropolitan Police vehicle pound on 22 December 2015. 24 It was at that time that he examined the vehicle to 25 determine the exact positioning of the front passenger</p> <p style="text-align: center;">Page 71</p>	<p>1 seat and the position of Jermaine Baker within that 2 seat. He was also requested to use blood pattern 3 analysis on the inside and outside of the vehicle to 4 assist with determining the position of W80 or 5 Jermaine Baker. 6 Sir, I am not going to deal with the gunshot 7 residue, which doesn't seem to have featured so far 8 today. 9 THE CHAIRMAN: No. 10 MS MCNEILL: If we could turn to page 2, Mr Coates, it is 11 just to emphasise: 12 "Having looked at the blood spatter, the blood on 13 the front passenger seat and surrounding surfaces is the 14 result of Jermaine Baker being sat into that seat whilst 15 bleeding from an arterial injury. The blood which had 16 spurted onto the surfaces can be explained by it 17 originating from the injury to his left wrist. 18 "The blood distribution indicates that the front 19 passenger seat was in its current position at the time 20 of the incident, in addition the seatbelt was in the 21 locked used position. The possibility that 22 Jermaine Baker was sat on the locked seatbelt rather 23 than wearing it as normally intended cannot be excluded. 24 "The absence of significant bloodstaining, including 25 blood spurts, together with the absence of blood on the</p> <p style="text-align: center;">Page 72</p>

<p>1 internal door handle and door release is, in my opinion, 2 due to the door being open at the time that 3 Jermaine Baker sustained his injuries. 4 "The blood drips on the external surface of the 5 front passenger door indicate that Jermaine Baker had 6 moved, or been moved, outside of the vehicle whilst 7 bleeding. There was no spurted blood on the external 8 surfaces of the vehicle to indicate that Jermaine Baker 9 had sustained his injuries outside of vehicle. There 10 was no visible damage to indicate that a bullet had gone 11 through the windows or body of the motor vehicle." 12 His conclusion, sir, was that Jermaine Baker was sat 13 in the front passenger seat when he was shot, at this 14 time the seatbelt was in the locked used position and 15 the seat was in the same position as at that time of my 16 examination. 17 Sir, the significance of that would be that you have 18 heard from the experts that the seat during the 19 reconstruction was positioned using the analysis from 20 Mr Railton, who took the scans of the car. He examined 21 the vehicle on 23 December, so the very next day, at the 22 same compound. 23 THE CHAIRMAN: I think that everybody agrees that although 24 this was not the identical vehicle, in that it was not 25 the same vehicle as that in which the shooting occurred,</p> <p style="text-align: center;">Page 73</p>	<p>1 the opinions expressed have not suffered as a result of 2 the use of what I think has been described as 3 a surrogate vehicle. 4 MS MCNEILL: Sir, yes, and the experts set out in some 5 detail how close they considered this to be at the time 6 of the reconstruction. 7 I will pause in case any of them wish to correct on 8 that particular point. 9 No. Shaking of heads there. 10 THE CHAIRMAN: Thank you. 11 MS MCNEILL: Of course the significance in particular was 12 the positioning of the chair in any event. 13 THE CHAIRMAN: Thank you very much indeed. 14 MS MCNEILL: Very quickly then, IPC271, Mr Coates, we just 15 need page 4. 16 Mr Harrington considered the bloodstaining to the 17 various items of clothing seized from Mr Baker and he 18 said: 19 "Mr Baker's clothing is heavily bloodstained. Of 20 particular note was the heavy staining observed on the 21 balaclava, jogging bottoms, trainers, t-shirts and 22 sweatshirt. In my opinion the heavy bloodstaining on 23 this clothing can be explained by them being worn as the 24 outermost layers when Jermaine Baker was shot. The 25 blood in the lap area of the jogging bottoms is the</p> <p style="text-align: center;">Page 74</p>
<p>1 result of Jermaine Baker sitting whilst bleeding 2 profusely. The blood on the trainers can be explained 3 by being moved or moving whilst bleeding. 4 "Overall, the blood on Jermaine Baker's clothing can 5 be explained by him being shot whilst in the front 6 passenger seat of the motor vehicle. Whilst bleeding 7 profusely he has moved/been moved from the vehicle to 8 where he received medical attention. From the 9 bloodstaining observed I am unable to say where 10 Jermaine Baker's left arm was positioned when he was 11 shot." 12 That didn't take him any further. 13 IPC317, we have seen most of this, sir, already, 14 during Ms Blackwell's questioning. Mr Harrington was 15 asked by the IOPC to consider the damage to some of 16 Mr Baker's clothing, and I will just skim through it. 17 Sir, we can see that the sweatshirt on the first 18 page, which has two holes, over the page, see the damage 19 to the sleeve that Ms Blackwell has already explored. 20 Followed by the damage to the strap, over the page, 21 please. We see an image of the strap on a mannequin, 22 and in that case it is worn on the right shoulder, over 23 to the left of the body. Thank you, and further images 24 of that that same mannequin with the area of damage if 25 it was worn over the right shoulder to the left side of</p> <p style="text-align: center;">Page 75</p>	<p>1 the body would be inconsistent with where the bullet 2 wound was. 3 Thank you. 4 As a result of that report, sir, Mr Harrington was 5 asked to provide further clarification to this inquiry 6 which is finally at INQ26, Mr Coates. 7 We just need page 3. 8 Comments and conclusions: 9 "Is the damage on the upper or lower edge of the 10 strap when over the shoulder? Whilst being worn over 11 the right shoulder the bag can be worn with the face, 12 ie the Nike logo, towards or away from the wearer's 13 body. The orientation of the bag and the strap would 14 determine whether the strap was on the upper or lower 15 edge. In my opinion, it is not possible to say if the 16 damage was on the upper or lower edge of the strap at 17 the time it was caused. 18 "Secondly, is the damage on the fixed or extendable 19 part of the strap? For the photographs taken during the 20 laboratory examination the damage appeared to be on the 21 extendable section of the strap. 22 "Number 3, if the bag were worn high on the chest 23 with the strap on the shortest setting, where would the 24 damage have been?" 25 Over the page, please:</p> <p style="text-align: center;">Page 76</p>

<p>1 "Without putting the strap on the shortest setting, 2 it is not possible to say where the damage would have 3 been in relation to the injury sustained by 4 Jermaine Baker or indeed whether it could have been worn 5 over the shoulder. There is nothing in the witness 6 statements to suggest that the strap had been adjusted." 7 Number 4: 8 "Is the damage to the strap consistent with 9 a gunshot or an attempt to cut by scissors? 10 "During my examination of the bag, and as detailed 11 in my statement, the damage observed was not examined in 12 detail. However, I note in the statement of 13 Khaldoun Kabbani he stated that the straps of this bag 14 were found to have sustained bullet damage. The damage 15 on the strap corresponded to the damage observed on the 16 neck of Jermaine Baker's sweatshirt and T-shirt." 17 Sir, we have heard from Mr Kabbani this morning 18 about that. 19 Finally he was asked to explain why there were no 20 images of the bag in his previous report with the 21 mannequin in a seated position, as Jermaine Baker was at 22 the time he was shot. He explained: 23 "The work previously undertaken and detailed in my 24 report was to show the approximate position of the man 25 bag when worn during the incident, ie over which</p> <p style="text-align: center;">Page 77</p>	<p>1 shoulder was the bag most likely to have been worn. At 2 the time of my examination, an area of damage was noted 3 to the strap, the damage was considered by me to have 4 possibly been made by a bullet and therefore using this 5 as a reference point in relation to the injury to the 6 neck sustained by Jermaine Baker, the bag was positioned 7 on the mannequin. At this stage, the assumption was 8 made that the bag was worn as intended with the Nike 9 logo face of the bag facing away from the torso. As 10 such, it was my opinion that the bag had been worn over 11 the shoulder." 12 Sir, much of this has been subsumed into or 13 superseded by the reconstruction. I raise it just while 14 the experts were in the room in case there was anything 15 arising from that that needed to be dealt with. 16 DR RANDALL: No. 17 MR KABBANI: No. 18 MS MCNEILL: Sir, thank you. 19 I think that concludes our evidence for today. 20 THE CHAIRMAN: Right. 21 Is that the position, Ms Blackwell? 22 MS BLACKWELL: It is, thank you. 23 THE CHAIRMAN: Just remind me, please, what we are going to 24 be dealing with tomorrow and on Thursday. 25 MS MCNEILL: Tomorrow we have evidence from Mr Mark Williams</p> <p style="text-align: center;">Page 78</p>
<p>1 from the Home Office, as well as Simon Chesterman from 2 the College of Policing -- sorry, from the NPCC. I am 3 sure he will explain to us the important distinction 4 between the two. 5 THE CHAIRMAN: Yes. 6 MS MCNEILL: On Thursday there is some short closed evidence 7 to be heard, sir, from Stephen Smart -- whose name is 8 publicly known, sir. 9 THE CHAIRMAN: Yes. 10 MS MCNEILL: Followed by some evidence from Chief Inspector 11 Philip Taylor, who is the chief firearms instructor for 12 the MPS, and Deputy Assistant Commissioner 13 Lawrence Taylor, who is the senior officer within the 14 MPS holding responsibility for armed policing. 15 THE CHAIRMAN: Can I just raise a couple of matters which 16 have been, as it were, on the back burner for subsequent 17 consideration. I am sure they will not have been lost, 18 but I would just like to flag them up. 19 I still want to get to the bottom of why it was 20 considered either necessary or appropriate for W80 to be 21 shown graphic photographs of Jermaine Baker when he was 22 being interviewed. 23 Also, the circumstances in which he was taken back 24 into the firearms team, albeit in a teaching capacity or 25 a training capacity, at a time when, if it wasn't clear</p> <p style="text-align: center;">Page 79</p>	<p>1 that the family had sought a review of the decision not 2 to prosecute, then certainly the time for making such 3 an application for a review had not expired. 4 MS MCNEILL: Sir, in relation to the first issue, I do not 5 have an update but we will speak with the IOPC in 6 relation to a witness statement on that matter. 7 THE CHAIRMAN: Yes. 8 MS MCNEILL: On the second, I know that we have requested 9 and are in the process of receiving statements, both 10 from the IOPC and from the Metropolitan Police about the 11 circumstances of W80's suspension. 12 In addition, the MPS are in the process of preparing 13 a statement about the circumstances in which he resumed 14 a role. Mr Butt is in the room, so I am sure -- 15 THE CHAIRMAN: He will be on the case, I have no doubt. 16 MS MCNEILL: -- he will ensure that draft statement will 17 deal with those two issues, I am sure. We will review 18 it in any event once it arrives to make sure. 19 THE CHAIRMAN: Very good. Thank you very much indeed. 20 10.00 tomorrow morning. 21 MS MCNEILL: Thank you, sir. 22 (12.31 pm) 23 (The Inquiry adjourned until 10.00 am the following day) 24 25</p> <p style="text-align: center;">Page 80</p>

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