

**R v Cavan Medlock**

**Sentencing remarks**

**Kingston Crown Court**

**12 December 2024**

1. The rule of law is one of the foundations of a civilised, democratic society. Lawyers play a crucial role in such societies by ensuring that people can have access to the courts. Lawyers cannot expect, and in my experience do not expect, to be immune from scrutiny or informed criticism but they have the right to be able to work without fearing for their safety. This Defendant's actions on 7 September 2020 were a direct and disgraceful attack on decent, hardworking people doing important and honourable work.
2. At about 5pm, this Defendant came to the offices of a firm of solicitors in West London and demanded to see Toufique Hossain, one of the partners. Mr Hossain had been named in the press as having represented a number of immigrants seeking to enter into, or remain within, the United Kingdom. Eventually, frustrated by not being able to see Toufique Hossain, the Defendant attacked the receptionist while wielding a large knife in a stabbing motion. In an act of great courage Ravindran Tharmalangam, the receptionist, wrestled with the Defendant and managed to disarm him and kick the knife away. The Defendant did not give up, but seized him round the neck and punched him to the head. A lawyer at the firm, Sheroy Zaq, ran to see what the disturbance was and managed to restrain and subdue the Defendant. I commend both Mr Tharmalangam and Mr Zaq for their courage and resilience when dealing with an armed and violent man and thereby stopping this becoming a far more serious incident than it already was.
3. The Defendant racially abused and insulted various members of staff, specifically insulting those he believed to be of Pakistani extraction, Jewish, or from eastern Europe. The police attended and he was arrested. A search of the Defendant and his rucksack revealed that in addition to the knife he had two sets of handcuffs, two rolls

of masking tape, and two large flags; one of the Confederate South of the United States of America, the other a Swastika in a white circle surrounded by red, in other words that of the Nazis. A search of his home and phone showed he had carried out research into the law firm and Mr Hossain, the solicitor he had been demanding to see.

4. When under restraint in the office the Defendant said he had come to kill Toufique Hossain. In police interview under caution, he claimed his plan was to capture Mr Hossain, restrain him and put the two flags on display to attract media attention and encourage those he described as "*other nationalists*" to rally to his cause. He described himself as a National Socialist or Nazi.
5. The Defendant was indicted for six offences, namely:
  - (1) Preparation of a terrorist act, contrary to section 5 of the Terrorism Act 2006.
  - (2) Threatening with a bladed article in a public place, contrary to section of the 139AA of the Criminal Justice Act 1988.
  - (3) Battery, contrary to section 39 of the Criminal Justice Act 1988 [for the assault on Ravindran Tharmalangam].
  - (4) The racially aggravated causing of harassment, alarm or distress contrary to section 31(1)(b) of the Crime and Disorder Act 1998 [for the assault and racist abuse of Sheroy Zaq]
  - (5) Making a threat to kill, contrary to section 16 of the Offences against the Person Act 1861 [for the threat to kill Toufique Hossain].
  - (6) The racially aggravated causing of harassment, alarm or distress contrary to section 31(1)(b) of the Crime and Disorder Act 1998 [for the assault and racist abuse of Efrat Idelson].
6. Before turning to the main orders I need to make, I order forfeiture of the property seized from the Defendant, namely the knife, the sheath, the flags, the handcuffs and the tape, under section 23A of the Terrorism Act 2000.

7. At an early stage of these proceedings the Defendant pleaded guilty to all those offences save for the two most serious, the preparatory acts charge and the allegation of making a threat to kill. The Defendant has been detained since his arrest, at times in prison but mostly in secure hospital settings. Numerous reports have been written about his mental ill health. By March of this year all but one psychiatrist believed he was fit to stand trial. That trial began but ended when I discharged the jury after the Defendant seemed to become unwell: one way that manifested itself was by an attack on one of the healthcare staff sat with him in the dock. It may have been coincidental that the nurse he attacked was black. It may not.
  
8. By the summer the four psychiatrists reporting on the Defendant had all agreed he was not fit to plead. In a hearing earlier this week I found he was not fit to stand trial and, given there was no realistic prospect of him becoming fit in the near future, we then held a hearing with a jury to see if he had carried out the “acts and omissions” that constitute those two offences, the ones to which he had not pleaded guilty. The jury found that he had, on Tuesday of this week. I now have to decide what orders to make in the Defendant’s case. That decision requires me to consider what were his intentions on 7 September 2020 and what is his current state of health.
  
9. I note that the Defendant had no previous convictions before these events. I remind myself that I need to be sure before I make any factual findings in a sentencing or disposal hearing. My conclusions on that basis are:
  - (1) The Defendant has deep seated racist views about any group of people who he regards as other than “pure”, white and British.
  - (2) He is prepared to use armed violence in pursuit of those views.
  - (3) His actions on 7 September 2020 were part of a plan that certainly intended to threaten and, if needs be, use armed violence.
  - (4) I cannot be sure he had a settled intention to kill Toufique Hossain, but I am sure he might have done so in the course of threatening or restraining him, or if he simply lost his temper or grew frustrated at some stage of his scheme.
  - (5) Generally, the Defendant was clearly a very dangerous man.

10. I have had read a number of reports from four psychiatrists, to summarise their findings:

- (1) Dr Nadji Kahtan was the Defendant's treating clinician when he was at Wormwood Scrubs prison between May 2022 and April 2023. In summary, his diagnosis is that the Defendant *"has been suffering from a largely untreated psychotic illness during all the time he has been.... in prison and hospital"*.
- (2) Dr Gaurav Sharma has been the responsible clinician for the Defendant since his admission to a secure health unit on 4 April 2023. His diagnosis of the Defendant is as having a schizotypal personality disorder. He has also been diagnosed as having Autistic Spectrum Disorder, a depressive illness, and a mixed personality disorder. Dr Sharma lists the various medical treatments that have been tried. He notes that the Defendant's presentation has been complex and there have been a variety of professional views expressed about the presence of a psychotic illness.
- (3) Dr Ian Cumming has seen the Defendant and written a number of reports. He did not feel able to reach any firm diagnosis as to the nature of the Defendant's mental illness.
- (4) Dr Jeremy Berman has written four reports about this Defendant. He shares the general opinion that there is no clear diagnosis but expressed the view, on a provisional basis, that the Defendant may be suffering from schizophrenia.

11. Insofar as there is any consensus from the numerous reports and records of the Defendant's conduct while detained for the last four years, he is resistant to treatment, he is violent from time to time, and while there has been no final and authoritative label attached to the root of his state, he is clearly very unwell with a mental disorder.

12. Dr Kahtan expressed a view on the appropriate disposal of the Defendant's case given my powers under the Mental Health Act 1983 in a short further report dated March of this year, that *"the only appropriate disposal in his case...is a hospital order under section 37 and 41 of the Mental Health Act"*. Dr Kahtan, more precisely, opined that was the correct disposal under that Act via another, from 1964, that I will come to

shortly. Dr Berman and Dr Cumming have, in recent emails that serve as terse addenda to their earlier reports, both indicated they would suggest the same disposal. In consequence I have the advantage of three reports all reaching the same conclusion as Dr Shrama, to whom I will now turn. This means that if I find the substantive conditions are met, then the procedural requirements before an order with restrictions can be made, under section 41(2) and 37(2)(a) of the Mental Health Act, have been fulfilled.

13. Dr Sharma gave evidence today, on oath and by an ordered live link. He repeated his previous diagnosis of a depressive illness, an Autistic Spectrum Disorder, and a mixed personality disorder. Dr Sharma opined that while other doctors have suggested the presence of a psychotic illness, he does not feel that conclusion is justified. He agreed that the Defendant is suffering from a mental disorder such that he required care and treatment. He suggested that the proper disposal was a hospital order with restrictions. He confirmed that a bed is available, in effect that the Defendant could remain where he is currently accommodated

14. Under section 37 and section 41 of the Mental Health Act 1983 there is a power to impose a hospital order with restrictions where there have been convictions. By way of section 5 of the Criminal Procedure (Insanity) Act 1964, the same powers can be exercised after a finding of "acts and omissions". In this Defendant's case I am persuaded that the only disposal I can make is a hospital order with restrictions, under sections 37 and 41 of the 1983 Act, and under section 5 of the 1964 Act, given that I am satisfied that:

- (1) The Defendant is suffering from a mental disorder of a nature and degree that makes it appropriate for him to be detained in hospital for treatment,
- (2) The nature of his offence and his conduct and health condition as recorded since are such that no lesser order or orders are adequate,
- (3) He poses a very real danger to others and will continue to do so for the foreseeable future,
- (4) It is therefore necessary to make these orders to protect the public from serious harm,

(5) These offences were fundamentally driven by mental ill health such that I do not find I need to also make a penal order,

(6) Finally, there is accommodation available within the next 28 days, indeed the reality is that these orders will mean he remains in the accommodation where he is already resident.

15. I make the hospital order with restrictions in respect of both the offences of which the jury found the Defendant had committed the acts or omissions, namely the offence contrary to section 5 of Terrorism Act 2006 and the offence of making a threat to kill. I dispose of the other four counts by imposing no separate penalty.

**Joel Bennathan**

**12 December 2024**