

IN THE CENTRAL CRIMINAL COURT

THE KING

-V-

NORRIS HENRY

JUDGE'S REMARKS AT DISPOSAL HEARING – 6 JUNE 2023

Introduction

In the evening of 12th November 2021, Norris Henry was walking along Albany Road in Brentford. Members of the public noted that he appeared agitated. He was carrying a large knife, its blade approximately 25cm long. Norris Henry walked past Elizabeth Walsh, an 82 year old woman who was a complete stranger to him. Without warning, Mr Henry pulled the large knife from his pocket and stabbed Mrs Walsh in her back. He then walked on and approached Ali Abucar Ali, a 20 year old man who had recently arrived in Albany Road in his car. He too was someone who was also a complete stranger to Norris Henry. Mr Ali was approached by Mr Henry who said, "you want it as well", before using his knife to stab Mr Ali to the chest. Mr Ali was able to run the short distance to a nearby kebab shop to ask for help. He very soon collapsed. He had been fatally wounded and died soon afterwards at the scene. Mrs Walsh was taken to hospital, she had suffered life-threatening injuries which fortunately, with the intervention of skilled doctors and nurses, she was able to survive.

Disposal

The purpose of the hearing today is not to pass sentence on Norris Henry, and certainly not to punish him. He has not been convicted of any criminal offence. The purpose of today's hearing is to make one of a limited number of disposals which are permitted by law where, as here, a judge has found a defendant unfit to stand trial due to his mental health, and a jury has found the defendant did the acts which are encompassed by the offences with which he is charged.

The order I make today will not necessarily be the final disposal of this case. If Mr Henry's mental health improves sufficiently such that he becomes fit to stand trial, then it is likely that he will face a conventional trial for murder and attempted murder. It will then be a matter for a jury to decide whether he is guilty or not of those offences.

Although this is not a sentence hearing, I have agreed to hear the victim personal statements made by relatives of Elizabeth Walsh and Ali Abucar Ali respectively. Although the content of those statements can have no bearing on my decision as to the appropriate disposal in this case, as a mark of respect for the victims and their families it is right, in my judgment, that they should have an opportunity to speak through those statements in this court about how the events of 12th November 2021 have impacted their lives.

I have been deeply moved by what I have read and heard today about Elizabeth and Ali. The impact of the events on 12th November 2021, lasting just a few minutes, has been profound and enduring. The human tragedy which surrounds those events and their aftermath is painfully clear from those impact statements. Nothing I can say will ease the pain of loss felt by Mr Ali's family, nor will it restore Elizabeth to her former strength, vibrancy and independent spirit.

I pay tribute to the calm dignity which Elizabeth and Ali's families have shown in the face of such traumatic events. I hope that Mr Ali's family find the strength in their faith which Mrs Faraj spoke of in her statement. I hope too that Elizabeth and her family find some peace and some measure of happiness in the time that they have left with Elizabeth. I recognise, however, that life will never be the same again for both families.

The options available to the court where a defendant has been found unfit to stand trial, and to have done the acts alleged in the offence(s), is prescribed by Act of Parliament. The disposals open to the court in such a situation are:

1. A hospital order for admission to such hospital as the Secretary of State specifies. Such an order may (and in the circumstances where the sentence for the offence is fixed by law, must) be made subject to a restriction order without limit of time.
2. A supervision order.
3. An order for absolute discharge.

Because there has been a finding by the jury in relation to the offence of murder (an offence the sentence for which is fixed by law) I may only make a hospital order together with a restriction order without limit of time (see s.5(3) of the Criminal Procedure (Insanity) Act 1964). That is therefore the disposal I make in relation to count 1 – a hospital order together with a restriction order without limit of time.

In relation to count 2 (attempted murder) the imposition of hospital order is not mandatory. Before imposing such an order the court must be satisfied that the conditions in section 37(2) of the Mental Health Act 1982 are met. There is agreement between the parties that the conditions in s.37(2) are met in this case, but I have nonetheless applied my own judgment to that question.

I have read the reports of Dr Cummings and Dr Hillier who have each examined Mr Henry and diagnosed that he is suffering from severe mental illness, namely treatment resistant paranoid schizophrenia. In an addendum report Dr Hillier (who is an approved psychiatrist under section 12 of the Mental Health Act 1983) recommended that in addition to making a hospital order the court should also make a restriction order without limit of time pursuant to section 41 of the Mental Health Act.

Mr Henry's treating psychiatrist, Dr Nabi, has prepared a report for this hearing in which she confirms the diagnosis of treatment-resistant paranoid schizophrenia. That is a disorder that presents with perceptual abnormalities and disordered thinking. Mr Henry has shown evidence of command auditory hallucinations and Dr Nabi reports that there has been some evidence of visual hallucinations.

As to risk Dr Nabi opines that Mr Henry poses a significant and grave risk to others when suffering from a relapse of the disorder. In her opinion there is the risk of fatal and life changing violence with the use of a weapon. Dr Nabi observes that this risk is likely driven by the particular combination of symptoms that Mr Henry suffers from. I have no hesitation in accepting her assessment of the grave risk to others which Mr Henry poses when he is suffering from the diagnosed mental disorder.

I have heard oral evidence from Dr Nabi today to confirm those matters set out in her written report.

On the basis of all the evidence available to me I am satisfied that having regard to the nature of the offence, the antecedents of Mr Henry, and the clear risk of him committing further offences if released into the community, it is necessary to impose a restriction order without limit of time in order to protect the public from serious harm.

Therefore in relation to count 2 I will make a hospital order together with a restriction order without limit of time.

Final Remarks

This case is unquestionably tragic. Tragic for Mr Ali's family who have lost a much loved son and brother. Tragic too for Elizabeth Walsh whose life has been so profoundly affected by the events of that night. But in a very real sense this case is also a tragedy of circumstance and timing.

As Dr Nabi set out in her helpful report for today's hearing, Norris Henry had for some time been displaying symptoms of poor mental health. There had been prior contact with mental health services.

Mr Henry's first contact with mental health services was on 31.12.2020. He was assessed by the West London CRISIS Team following a referral from the police. The police raised several concerns about his presentation.

His GP made a second referral to the single point of access team on 03.03.2021. This was after the GP received a report from the police about Mr Henry's vulnerability, presence of psychotic symptoms, and his living conditions.

A member of staff from Catalyst Housing contacted the single point of access service on 21.04.2021. They were concerned that Mr Henry was displaying antisocial behaviour and they were unclear as to whether this was due to mental health problems.

A third referral to mental health services was submitted by the police on 19.05.2021 following an incident on 15.05.2021.

The CRISIS team attempted an unsuccessful home visit on 19.05.2021 but did manage to see him the following day. He was unkempt and his flat was untidy. He dismissed concerns about writing on the wall of his flat. He did not exhibit any delusional beliefs and reported his mood to be fine. He denied issues with his neighbours and did not want any additional support. He was felt to have capacity to make this decision and following a team discussion he was discharged from the team.

Police contacted the single point of access team on 19.06.2021, 20.06.2021 and 24.06.2021. They raised concerns about self-neglect, the use of alcohol and his mental state.

The Trust's safeguarding adults lead sent an email on 12.07.2021, requesting that Mr Henry be reviewed. That email expressed the view that Mr Henry's mental health symptoms were being minimised and attributed to alcohol use. It made reference to the content of what was written on Mr Henry's wall and in the communal areas. The writing on the wall included expressions of an intent to kill.

A joint visit by the Mental Health Integrated Team (MINT) and the police took place on 11.10.2021. Mr Henry appeared paranoid and unkempt. His flat was in a neglected state. He expressed ideas of reference from the TV, delusions of control and delusional beliefs about conspiracies.

A further community risk panel meeting took place on 19.10.2021.

A complex cases discussion took place on 28.10.2021, with a plan for a joint medical review. Mr Henry was handed an appointment letter in person but did not attend for his appointment on 03.11.2021.

A home visit was planned for 12.11.2021 but police could not attend on that date and so this was rescheduled to 18.11.2021.

The events which led to the death of Mr Ali and the infliction of life-threatening wounds to Mrs Walsh occurred on the very day upon which the home visit had been planned (12 November 2021) but postponed.

It is against that timeline that my observations about the tragedy of circumstance and timing should be understood.

I recommend that a copy of these remarks be added to Mr Henry's file and made available to the Minister of Justice as and when they come to review the need for Mr Henry's continued detention pursuant to the restriction order I have made today under section 41 of the Mental Health Act 1983 (as amended).

HHJ Simon Mayo KC

Central Criminal Court

6 June 2023