

TRANSCRIPT OF PROCEEDINGS

Ref. 43SP0485123

IN THE CROWN COURT AT OXFORD

St Aldate's
Oxford

Before HIS HONOUR JUDGE DALY

R E X

- v -

KHALIZ ALSHIMERY

MR LUCAS appeared on behalf of the Prosecution

MR DU FEU appeared on behalf of the Defence

WHOLE HEARING

20th MAY 2024, 10.00-10.11; 11.28-11.42; 14.04-14.16; 15.50-16.01

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STATUTORY ANONYMITY APPLIES

A (Hearing returned to courtroom 3)
 (The court reconvened in the absence of the jury)
 JUDGE DALY: Yes. Can we have the jury please?
 (The jury entered court)

B JUDGE DALY: Morning ladies and gentlemen. Well, we are going on with the trial and that means that I am going to ask the jury bailiffs to be re-sworn and then you will go back to your rooms and continue your deliberations. Yes please.
 (Bailiff sworn)
 (The jury retired to consider its verdict)

C THE COURT CLERK: Retired 10.09.
 JUDGE DALY: Yes, no verdicts between one and two. I will consider the position after lunch with regard to a majority verdict.
 MR LUCAS: Understood, your Honour, thank you.
 (Short adjournment)

D (The court reconvened in the absence of the jury)
 JUDGE DALY: Gentlemen I've had a note from the jury. It's not one that I can share with you, neither is it one where I would immediately give a majority direction. The only question I have of you is if -whether I can just simply send a message to the jury saying, "The judge has read your note and his directions remain the same" or whether I should have the jury back

E down to say that.
 MR DU FEU: For my part I don't need the jury back down.
 MR LUCAS: I don't see the point, your Honour.
 JUDGE DALY: Well, there's no real point ---

F MR DU FEU: No, content with that, thank you.
 JUDGE DALY: Very well. Can we make sure, Karen, the jury is told that they must continue their deliberations and directions of the judge remain the same and put that on file.
 THE COURT CLERK: Yes.
 JUDGE DALY: Thank you very much, I'll rise.

G MR LUCAS: And your Honour can I just ask before your Honour judge rise, after lunch for a majority?
 JUDGE DALY: Yes.
 (Short adjournment)
 (The court reconvened in the absence of the jury)

H JUDGE DALY: Yes, I see we have an interpreter, can we have the interpreter sworn please?

A

THE INTERPRETER, Affirmed

JUDGE DALY: Yes, can you join the defendant please?

INTERPRETER: Yeah, okay. May I ask everybody in the court to speak slowly with a clear and loud voice to accommodate the interpreting process please, okay? Thank you.

B

JUDGE DALY: Yes. I should say that I've just had another note from the jury in similar form to the last one.

MR DU FEU: Thank you.

JUDGE DALY: I propose to have the jury challenged on the indictment.

MR LUCAS: Thank you.

C

(The jury entered court)

THE COURT CLERK: Will the defendant please stand? Will the foreman please stand?

Mr Foreman could you please answer my next question yes or no. Members of the jury have you reached any verdicts on any count upon which you are all agreed?

THE FOREPERSON OF THE JURY: Yes.

D

THE COURT CLERK: Do you have a verdict on count 1?

THE FOREPERSON OF THE JURY: Yes.

THE COURT CLERK: Do you find Khaliz Alshimery guilty or not guilty of rape?

THE FOREPERSON OF THE JURY: Guilty.

E

THE COURT CLERK: You find him guilty and that's the verdict of you all?

THE FOREPERSON OF THE JURY: Yes.

THE COURT CLERK: Do you have a verdict on count 2?

THE FOREPERSON OF THE JURY: Yes.

F

THE COURT CLERK: And do you find Khaliz Alshimery guilty or not guilty of assault by penetration?

THE FOREPERSON OF THE JURY: Guilty.

THE COURT CLERK: You find him guilty and that's the verdict of you all?

THE FOREPERSON OF THE JURY: Yes.

THE COURT CLERK: Do you have a verdict on count 3?

G

THE FOREPERSON OF THE JURY: Yes.

THE COURT CLERK: Do you find Khaliz Alshimery guilty or not guilty of sexual assault?

THE FOREPERSON OF THE JURY: Guilty.

THE COURT CLERK: You find him guilty and that's the verdict of you all.

THE FOREPERSON OF THE JURY: Yes.

H

THE COURT CLERK: Do you have a verdict on count 4?

A THE FOREPERSON OF THE JURY: No.

THE COURT CLERK: Do you have a verdict on count 5?

THE FOREPERSON OF THE JURY: Yes.

THE COURT CLERK: Do you find Khaliz Alshimery guilty or not guilty of sexual assault?

B THE FOREPERSON OF THE JURY: Guilty.

THE COURT CLERK: You find him guilty and that's the verdict of you all?

THE FOREPERSON OF THE JURY: Yes.

THE COURT CLERK: Thank you. Please take a seat.

C JUDGE DALY: Ladies and gentlemen, thank you for that. Now, I told you when I first sent you out that I wanted verdicts upon which you are all agreed and I have verdicts on four of the five. With regards to the remaining count, count 4, what I would like you to do is this. I want you to go back to your rooms, continue your deliberations and try to reach verdicts upon which you are all agreed. However, if you are not able to do that, I will take a verdict with which at least 10 of you are agreed. That is ideally 12-nil, otherwise 11-1 or 10-2. Now, if

D you'd like to go back and continue your deliberations please.

(The jury retired to consider its verdict)

THE COURT CLERK: The jury retired at 14.15.

MR DU FEU: I don't know whether this might be a moment just to turn our thoughts to what happens next in relation to the sentencing. I'm sure that - I suspect your Honour wouldn't

E wish to proceed with that today for all sorts of reasons, I think the crown want to inform the victim, the victim's family, see if there's anything more to come from there. The question I pose really for your Honour to consider is whether or not this is a case for a report, on many views it's not because it's an inevitable lengthy custodial period and he doesn't speak English

F but I'm with - I'll just raise that for your Honour's thoughts.

JUDGE DALY: Well, I appreciate that, Mr Du Feu, but I want a report on is dangerousness.

MR LUCAS: Yes.

MR DU FEU: Yes. We anticipated that at the bar.

JUDGE DALY: Thank you.

G MR LUCAS: Your Honour that certainly would be my application under the circumstances.

JUDGE DALY: Yes, well, I'll rise then, thank you very much.

MR LUCAS: Thank you very much indeed.

(Short adjournment)

(The court reconvened in the absence of the jury)

H

A

MR DU FEU: Oh, before we begin, the interpreter has asked me if I could impress upon the court the need to speak slowly and clearly for her. She's struggling with it in the dock but there shouldn't be too much more to say.

(The jury entered court)

B

THE COURT CLERK: Would the defendant please stand? Will the foreman please stand? Your Honour, the jury have - nine hours and 56 minutes has elapsed since the jury first retired to consider their verdict.

JUDGE DALY: Yes.

C

THE COURT CLERK: Members of the jury, could you answer my next question yes or no. Have you reached a verdict upon at least 10 of you are agreed?

THE FOREPERSON OF THE JURY: Yes.

THE COURT CLERK: Do you find Khaliz Alshimery guilty or not guilty of sexual assault?

THE FOREPERSON OF THE JURY: Guilty.

D

THE COURT CLERK: You find him guilty, was that by you all or a majority?

THE FOREPERSON OF THE JURY: Majority.

THE COURT CLERK: How many agreed and how many dissented?

THE FOREPERSON OF THE JURY: Ten agreed, two dissented.

THE COURT CLERK: So, you find him guilty 10 to two?

E

THE FOREPERSON OF THE JURY: Correct.

THE COURT CLERK: Thank you. Please sit down.

JUDGE DALY: Thank you very much. Now, Mr Du Feu, I propose to adjourn this for reports. I'm not going to sentence today. I particularly want a report on the question of whether or not he is, within the meaning of the act, dangerous.

F

MR DU FEU: Understood, your Honour and for that reason I've asked the probation service to attend. Because of the need for them to interview the defendant with an interpreter and, of course, he's in prison which we can now tell the jury, subject to your Honour's better view, the 21st June, which is a Friday, has been suggested for sentence.

JUDGE DALY: Yes. I think I'm available on 26th June.

G

MR DU FEU: 21st.

MR LUCAS: 21st.

JUDGE DALY: 21st June. Yes, I am because I'm going away on the 22nd.

MR DU FEU: Perfect. It's a Friday. Well, thank you very much, your Honour, he's in custody and of course there's no application.

H

A JUDGE DALY: Yes, thank you very much. He is remanded in custody and he can be taken down now please.

(Judge Daly conferred with The Court Clerk)

B JUDGE DALY: One moment, ladies and gentlemen just make sure we can release the interpreter. Okay, it may take a little time because they may have to go downstairs and come back up again. So, that's the -- oh... thank you Madam Interpreter.

C Firstly, ladies and gentlemen, apologies for keeping you waiting this afternoon, waiting to deliver the final verdict; I'm afraid it goes from one thing to another in this court and I've started another long and complex case and the prosecution counsel were opening it to the jury and I didn't really want to disturb her when she was in full flow.

(Judge Daly then thanked the jury)

UNIDENTIFIED SPEAKER: Can I just thank you to everybody.

MR DU FEU: Ah thank you sir ---

D MR LUCAS: Thank you very much.

MR DU FEU: --- much appreciated.

UNIDENTIFIED SPEAKER: Everybody.

MR LUCAS: Thank you.

JUDGE DALY: Thank you.

E (The jury left court)

MR DU FEU: That's a first, I think.

MR LUCAS: It is a first.

JUDGE DALY: Very nice. Can I have a round of applause or...?

MR LUCAS: That's never happened before.

F JUDGE DALY: No, thanks very much gentlemen ---

MR DU FEU: Your Honour.

JUDGE DALY: --- I'm afraid I've still got to deal with this other matter, matters of ---

MR DU FEU: We'll get out, thank you.

JUDGE DALY: --- complicated bail come up.

G MR LUCAS: I will see you soon.

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