

**SHERIFFDOM OF SHERIFF COURT TAYSIDE, CENTRAL AND FIFE AT
STIRLING**

[2021] FAI 2

STI-B81-20

DETERMINATION

BY

SHERIFF W GILCHRIST

UNDER THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC
(SCOTLAND) ACT 2016

into the death of

JOHN CAUGHEY

Stirling, 6 January 2021

Determination

The sheriff having considered the information presented at the inquiry, determines in terms of section 26 of the Act that John Caughey born 11 September 1953, prisoner in HMP Glenochil died at 1235 hours on 31 May 2019 at Forth Valley Royal Hospital, Larbert.

- (1) In terms of section 26(2)(c) the cause of death was:
 - 1(a). complications of peripheral vascular disease
 2. diabetes mellitus, ischaemic heart disease, liver cirrhosis.

NOTE

Introduction

[1] The inquiry was held under section 2(4)(a) of the Inquiries into Fatal Accidents and Sudden Deaths etc (Scotland) Act 2016 into the death of John Caughey. A preliminary hearing was held on 14 October 2020. The inquiry was held on 19 November 2020 by way of a telephone conference. Written submissions had been submitted on behalf of the Crown, Forth Valley Health Board and the Scottish Prison Service. A joint minute of agreement signed by representatives of the three parties detailed above was submitted. The deceased had no known next of kin and accordingly his next of kin were not represented at the inquiry.

The legal framework

[2] This was a mandatory inquiry in terms of section 2 of the 2016 Act as John Caughey was in legal custody at the time of his death.

Summary

[3] The deceased John Caughey was convicted of murder and sentenced to life imprisonment at the High Court in 1975. He was also convicted of assault on that same date and was given an additional sentence of 4 years. A subsequent punishment part of 12 years was fixed by the High Court in 2002. He was also convicted of theft by housebreaking and rape in 1981 for which he was sentenced to a further 9 years imprisonment by the High Court. These offences were committed after he escaped from

custody of a police officer during an external escort. He was then convicted of assault, attempting to defeat the ends of justice and breach of the peace at the High Court in 1986 and was sentenced to a further 6 years imprisonment for these offences, which he committed during a stay in hospital. Accordingly as a result of these convictions the deceased was in legal custody at the time of his death.

[4] The deceased suffered from type 2 diabetes mellitus, ischaemic heart disease and peripheral vascular disease which restricted the blood supply to his arms and legs.

[5] He was transferred from HMP Glenochil to Forth Valley Royal Hospital, Larbert and then transferred to the Queen Elizabeth University Hospital, Glasgow, all on 27 March 2019. The deceased was thereafter transferred on 21 May 2019 from Queen Elizabeth University Hospital to Forth Valley Royal Hospital, Larbert for palliative care due to his deterioration.

[6] He was last seen alive by Dr Jennifer McNeil, a doctor at Forth Valley Royal Hospital on her morning round on 31 May 2019.

[7] The deceased was found by nursing staff in his bed showing no signs of life at 1036 hours on 31 May 2019. His life was pronounced extinct at 1235 hours the same day by Dr McNeil.

[8] A post-mortem examination was carried out at Edinburgh City Mortuary on 7 June 2019 by Dr Robert Ainsworth who certified that John Caughey's death was caused by:

- 1(a). complications of peripheral vascular disease
2. diabetes mellitus, ischaemic heart disease, liver cirrhosis.

[9] The deceased had no known next of kin and his affairs were dealt with by a solicitor in Glasgow who was made aware of the Crown inquiries relating to Mr Caughey's death and was also informed of the dates of the preliminary hearing and inquiry. Mr Caughey's solicitor did not participate in the inquiry.

[10] Mr Caughey's death was as a result of natural causes and the circumstances of his death raise no issues of public concern. Accordingly, I make no findings in terms of section 26(2)(e), (f) or (g) of the 2016 Act. Equally, I have no recommendations to make in terms of section 26(1)(b) of the Act.