

**Form 3.4 Notice of an inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016**

**SHERIFFDOM OF GRAMPIAN HIGHLAND AND ISLANDS AT ELGIN**

**Court ref: ELG-B135-22**

ANDREW SHANKS, PROCURATOR FISCAL FOR THE DISTRICT OF ELGIN GIVES NOTICE UNDER SECTION 17(3) OF THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC. (SCOTLAND) ACT 2016 THAT:

1. An inquiry into the death of Frank Yule Kinnis, born 2 June 1936, is to be held at 10am on 23 and 24 January 2023 at Sheriff Court House at Elgin, Sheriff Clerks Office, High Street, Elgin, IV30 1BU, with a Preliminary Hearing to be held at 10 am on 10 November 2022, said hearing will take place virtually by means of WebEx.
2. The inquiry is a discretionary inquiry under section 4 of the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016, as the said Frank Yule Kinnis died as a result of being assaulted by David Johnstone, who was not criminally responsible for his conduct due to mental disorder at the time of the incident. This inquiry is necessary to examine the mental health care and treatment provided by medical professionals to the said Mr. Johnstone prior to the incident.

**Notice**

3. You may wish to seek legal advice and may be eligible for legal aid to enable you to participate in this inquiry.

If you wish to participate in this inquiry you must apply to the sheriff to do so under rule 3.5 of the Act of Sederunt (Fatal Accident Inquiry Rules) 2017