

2012 FAI 20

Sheriffdom of Grampian, Highland and Islands at Peterhead

DETERMINATION

By

Gregor Kenneth Murray, Sheriff of the above court following an Inquiry held at Peterhead on 29th February 2012 into the death of ALEXANDER JAMES, then in legal custody at HM Prison Peterhead

Peterhead, 7th March 2012

The Sheriff, having considered all the evidence adduced, determines:-

1. In terms of Section 6(1)(a) of the Fatal Accidents and Inquiries (Scotland) Act 1976 that the said Alexander James died at approximately 14.55 hours on 16th November 2008 in Aberdeen Royal Infirmary, Aberdeen.
2. In terms of Section 6(1)(b) of the Fatal Accidents and Inquiries (Scotland) Act 1976 that the cause of death of the said Alexander James was natural causes, namely pneumonia following pneumonectomy for carcinoma of the left lung.

Note

Evidence in this inquiry into Mr Little's death was heard on 29th February 2012. The Crown was represented by Mr Fay, procurator Fiscal Depute, Peterhead. The Scottish Prison Service was represented by Miss Nicholson, Solicitor, Edinburgh.

The evidence led was formal, consisting of a Joint Minute read into the Record by Mr Fay. The Joint Minute incorporated a Report by Doctor

Grieve, who carried out an autopsy on Mr James on 19th November 2008.

The evidence and autopsy findings corroborated that Mr James had been a heavy smoker since age 12. By the time he was incarcerated in 2004, he had suffered three heart attacks and suffered from angina. Consequently he came under the care of a Consultant Cardio Thoracic Surgeon at Aberdeen Royal Infirmary, Mr Remmen. He was latterly diagnosed as suffering from Chronic Pulmonary Obstructive Disease and a cancerous left lung.

Mr James was admitted to Aberdeen royal Infirmary on 10th November 2008 to undergo an elective operation to remove his cancerous lung. The operation was classified as survivable and was carried out on 11th November. Following a spell in a High dependency unit, Mr James was re-admitted to his previous ward for recovery. However, on 13th November 2008 his condition deteriorated. Further assessment took place during which it was ascertained his remaining lung had become infected. Despite intubation, a course of antibiotics and latterly ventilated intubation, his condition continued to deteriorate. After a Risk Assessment on 15th November, it was decided Reliance Officers would withdraw from his sight.

Despite further appropriate treatment, Mr James suffered secondary multi-organ failure later the same day, leading to a further deterioration in his condition. He died the next day in consequence.

Sheriff