

INQUIRY UNDER THE FATAL ACCIDENTS AND INQUIRY (SCOTLAND) ACT INTO THE SUDDEN DEATH OF JAMIE STUART FORSYTH

SHERIFFDOM OF SOUTH STRATHCLYDE DUMFRIES & GALLOWAY AT
LANARK

DETERMINATION

By

NIKOLA CAROLINE STEWART

Advocate, Sheriff

In Inquiry into the circumstances of the death of

JAMIE STUART FORSYTH

In terms of section 6 of the Fatal Accidents and Sudden

Deaths Inquiry (Scotland) Act 1976

LANARK, 3 NOVEMBER 2005

The Sheriff, having resumed consideration of the Inquiry, DETERMINES as follows:

- In terms of section 6(1)(a) of the Act that Richard Jamie Stuart Forsyth, who was born on 14 November 1973, died at 2.15 a.m. on 29 April 2005 at Coulter Reservoir, Coulter, Biggar.
- In terms of section 6(1)(b) of the Act, that the cause of death was Amphetamine and MDMA (ecstasy) intoxication.
- In terms of section 6(1)(c) of the Act, that the death might have been avoided had the deceased avoided taken lethal doses of the drugs Amphetamine and MDMA on that date.

NOTE

Jamie Stuart Forsyth died at Coulter Reservoir, Coulter, Biggar on 29 April 2005 having ingested large quantities of controlled drugs amphetamine and MDMA also known as ecstasy.

The deceased had a history of alcohol and drug abuse. He had received in-patient hospital treatment in respect of a bi-polar disorder and continued to receive out-patient psychiatric treatment, including medication, at the time of his death. He had in the past experienced psychotic episodes. Despite having suffered an industrial accident during which he suffered electrocution he had no on-going symptoms referable to heart disease at the time of his death.

On 28 April 2005 he, in the company of his friend, Julie McCann, had travelled to Crawford in the deceased's Rover Motor Vehicle, registration number N223 BSR. They were returning home when they left the main road and took in error the road which leads to Coulter Reservoir. It was late at night. It was dark. They were travelling into increasingly remote and isolated countryside. They encountered difficult terrain and the car became stuck. Despite repeated attempts to free it it remained bogged down.

The deceased had taken controlled drugs earlier that night. As their predicament became apparent to him his behaviour became increasingly alarming and caused Miss McCann to become fearful. He seemed petrified and became frantic. His actions seemed irrational. At one point he left the car and broke off the nearside wing mirror from the car. He also removed the interior mirror.

After some time car lights were seen and thereafter a policeman appeared making his way cross-country. PC Stephen McManus identified himself and indicated that he was coming to help. At the sight of police coming towards him the deceased's fear escalated. Despite the attempts of Miss McCann to calm him he locked the car doors and tried to drive away. He told Miss McCann that the police would hit him.

The car wheels were spinning. PC McManus was concerned to stop the car. He was aware that the reservoir lay ahead and he was unsure of the identities of the occupants and of their reasons for being in such a remote spot. He smashed the driver's window and succeeded in removing the keys from the ignition and eventually in unlocking the door.

A struggle ensued between the officer and the deceased in the course of which PC McManus was pulled into the car on top of the deceased. The deceased continued to struggle violently with PC McManus who was joined by Sergeant Douglas Scott. The deceased displayed unusual levels of strength and aggression as he punched and kicked out and attempted to prevent the police officers from restraining him and applying handcuffs to him. After prolonged struggling within the car, he and PC McManus fell onto the ground beside the car where after further struggling the deceased was restrained and both hands handcuffed behind his back. Throughout this struggle the deceased was shouting, swearing and threatening the police officers who were trying to bring him under control and were telling him to calm down.

Once restrained, he became quieter. Officers were concerned that he appeared to be behaving in a strange way with erratic breathing and unfocused staring. As he was raised to his feet it was noted that his body went limp. An ambulance was called and CPR was administered appropriately and competently by the police officers for approximately 20 minutes before a paramedic arrived and took over the resuscitation efforts. After a further 10 minutes during which no heart activity was monitored, resuscitation was abandoned. A police surgeon thereafter attended at the scene and pronounced life extinct at 2.15am.

At post mortem a number of injuries consistent with the struggle described by witnesses were observed. These were minor in nature and did not contribute to his death. A broken rib was consistent with attempts to resuscitate him. He was found

not to be suffering from any physical disease or abnormality which could have contributed to his death. Analysis of blood and urine revealed high levels of controlled substances, namely amphetamine (3.74 mg/l) and MDMA (0.7mg/l) with a trace of MDA (0.05 mg/l). It was concluded by Dr John Clark, Forensic Pathologist that he had died from the effects of the large amounts of amphetamine and ecstasy he had ingested. These drugs have a stimulant effect on the heart, causing disturbance of its rhythm and resulting in cardiac arrest.

It was clear from the evidence of Miss McCann as to his earlier taking of amphetamine and from Detective Sergeant Munro who spoke to seeing an amount of amphetamine paste within the car, that the deceased had taken these drugs earlier that night. Had he not done so then his death would have been avoided.