

## Quashing & Opening New Inquests – Recent Case: Senior Coroner for the Eastern Area of Greater London v Whitworth (Deceased) (2017) by Lorraine Harris

An application to quash the original verdicts and to open new inquests following fresh evidence coming to light was granted.

### The Facts

Two bodies were discovered on separate dates in the same churchyard.

The second body was found with a note purporting to confess to the killing of the first.

Police carried out an investigation into both deaths. The police claimed that they had confirmation from the second deceased's family stating that the note was written in his handwriting. This was later denied by the family.

No charges were brought by the police for either of the deaths and an inquest was held. At the inquest the second deceased's family's alleged view on the handwriting was admitted as part of the police evidence.

Open conclusions were recorded in both matters.

With regard to the first deceased, the Coroner found he had died from an overdose of the drug "GHB". However, the Coroner was unable to ascertain why he was in the churchyard. To find unlawful killing the Coroner is required to meet the criminal standard of proof, in this instance the Coroner unable to say, beyond reasonable doubt, that the first deceased had been unlawfully killed. For most other conclusions at inquest the Coroner has to meet the civil standard of proof, on the balance of probabilities.

With regard to the second deceased inquest again the Coroner found she was unable to meet the standard of proof for suicide or unlawful killing; suicide also requires the higher standard of beyond reasonable doubt. Although it was shown that the second deceased was also found to have died from an overdose of the drug GHB.

The police investigation was then transferred. This team identified fresh evidence connecting both deaths with another individual. Handwriting analysis was undertaken and it confirmed that the note found with the second deceased was in fact written by the police suspect. This suspect was

charged with not only the murder of the two deceased but a further two individuals.

The latter two individual's inquests had been suspended. This is the norm if the police intend to charge or have charged someone in connection with the death. The Coroner will normally suspend an inquest until the conclusion of the trial or until the time for the suspension expires.

### The Application

The Senior Coroner for the Eastern Area of Greater London applied to quash the original open verdicts and to hold fresh inquests into the first two deceased's deaths.

The application was granted. The fresh evidence had not been before the Coroner and therefore the information before the inquest was insufficient, though no fault of the Coroner.

No applications regarding the two further deaths were heard but it was noted that the same coroner would be likely to hear all four matters at the same time.

### Helpful Law References

The application was made under the section 13 of the older Coroner's Act 1988. The principles which were applied are set out in Attorney General v HM Coroner for South Yorkshire (West) [2012] EWHC 3783 (Admin).

Readers may also find the Coroners and Justice Act 2009 Schedule 1 useful for recent cases, the schedule sets out when a coroner can, or must, suspend and resume inquests.

### Profile

Lorraine Harris holds one of the only qualifications to encompass coronial law. Her years of experience in investigating death and dealing with the coroner's office sets her apart from others practising in these areas.