

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 2727/09

Inquest into the Death of JAMES MARTIN TODD

Delivered On:	15th August, 2011
Delivered At:	Melbourne
Hearing Dates:	1st March, 2011
Findings of:	CORONER HEATHER SPOONER
Place of death:	48 Bristol Crescent, Lilydale, Victoria 3140
PCSU:	L/S/C Greig McFarlane

FORM 37

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FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 2727/09

In the Coroners Court of Victoria at Melbourne

I, HEATHER SPOONER, Coroner

having investigated the death of:

Details of deceased:

Surname: TODD
First name: JAMES
Address: 48 Bristol Crescent, Lilydale, Victoria 3140

AND having held an inquest in relation to this death on 1st March, 2011
at Melbourne

find that the identity of the deceased was JAMES MARTIN TODD
and death occurred on 1st June, 2009

at 48 Bristol Crescent, Lilydale, Victoria 3140

from
1a. HANGING

In the following circumstances:

1. Mr Todd was aged 41 when he died. He lived at home with his wife and two children and was employed by VicRoads as a Compliance Officer. Mr Todd had a past history that included anxiety, depression and suicidal thoughts.
2. A police investigation was conducted into the circumstances surrounding the death. Mr Todd was found by his wife hanging with his hands bound behind his back.
3. There was ample evidence that Mr Todd had been struggling with personal issues. On 22 May 2009, his general practitioner referred him for psychological and psychiatric treatment. He had been prescribed Aropax anti-depressant medication.

4. According to a police statement from a psychologist, Mr Kimpton, who conducted an initial assessment consultation on 25 May 2009:

"Mr Todd reported that he was experiencing significant problems in his marriage and that he wanted help to manage symptoms of anxiety, depression and anger. He told me that on Friday 15 May, he had made a suicidal gesture. Mr Todd was able to discuss the question of suicidal intent, and advised that whilst he experienced suicidal thoughts, he would not carry them out."

5. A longer program of psychological treatment was planned. Mr Todd was due to return for another appointment at 9.15am on 1 June 2009, but it was on that fateful morning that Mr Todd was located by his wife, apparently deceased.

Evidence at Inquest

6. Mrs Todd told the inquest that she had been telephoning her husband that morning '*..because his behaviour leading up to his death was very depressing and concerning..*'.¹ They were sleeping in separate rooms and he had taken some sick leave and was due to return for another appointment at 9.30am that morning with Mr Kimpton.

7. Mrs Todd told the inquest about lots of arguments occurring over the marriage breakdown and separation. Mr Todd had nowhere to go and refused to leave the family home. He had previously told Mrs Todd that he would rather take his own life than be without his family. He had been quite specific about hanging himself from somewhere outside and using the green garden chairs, just as had eventuated.

8. When Mrs Todd could not contact Mr Todd by phone on the morning of 1 June 2009, she drove home. Mrs Todd entered the house via an internal door from the garage and searched the house for her husband before observing him through her vertical blinds hanging outside. She was unaware of anyone who might have wanted to harm him and there was nothing to indicate a scuffle or disturbance when she went home and found Mr Todd.

9. Rather than go outside or telephone emergency services Mrs Todd told the inquest that she was '*..too hysterical upset..*'.² and decided instead to contact work colleagues as she did not think Mr Todd was alive. According to her police statement she '*..rang Mr Ken Bradbury, who I work with, as he and I are quite good friends..*' It was only at the inquest hearing that it became apparent she was having a relationship with Mr Bradbury at the time. She explained to the inquest that she had not mentioned it as she did not consider it to be '*..relevant at the time.*'³

¹ Transcript - p.16

² Transcript - p.17

³ Transcript - p.13

10. Mr Bradbury and another work colleague apparently travelled to Mrs Todd's home upon receiving her call and it was only during that trip that emergency services were notified. When Mr Bradbury and the colleague arrived they apparently went out the back and laid Mr Todd down whilst waiting for the ambulance to arrive.

11. The investigating member was supervised by an experienced sergeant during the course of the investigation of the scene. Although she would have investigated and included information about the true nature of the relationship between Mrs Todd and Mr Bradbury, had it been revealed, nonetheless it did not alter her view that there was nothing suspicious in the death, nor any evidence of the involvement of any other person.

Post Mortem Examination

12. An autopsy was performed by Dr Matthew Lynch, Forensic Pathologist with the Victorian Institute of Forensic Medicine.

13. The Report of Dr Lynch included the following findings and comments:

"The cause of death in James Todd is neck compression subsequent upon hanging. The mechanism of death in cases of hanging involves one or a combination of airway obstruction, vascular (arterial or venous) obstruction or cardiac arrhythmia induction in the setting of carotid sinus stimulation.

Significant natural disease was noted in the form of two vessel coronary artery atherosclerosis. Risk factors for the development of premature coronary artery disease include increasing age, male gender, positive family history, high blood pressure, diabetes mellitus, cigarette smoking and high blood cholesterol

Toxicological analysis was negative for drugs and alcohol.

A post-mortem serum cholesterol was elevated to 7.2mmol/L.

As the autopsy findings have implications for next-of-kin, "family follow-up" will be initiated."

14. In a supplementary report Dr Lynch commented further upon the binding of Mr Todd's wrists:

"I have been asked by Coroner Spooner to provide a supplementary report in respect of Mr James Todd specifically an opinion 'as to whether the deceased could have tied up his own hands behind his back and, if so, could he have then hung himself in such a position.'

I have reviewed the autopsy report, photographs demonstrating the bound wrists and also photographs of the scene.

In my view it would certainly be possible for Mr Todd to have secured the binding about his wrists. It might be necessary for this act of binding to have been completed whilst standing on the plastic chair (depicted in scene photograph) and with noose around neck at the time."

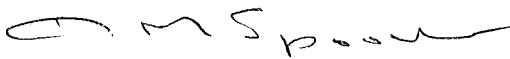
15. At the inquest Dr Lynch stated that he had found no other indicators or injuries indicative of any violence upon Mr Todd. He went on:

"In this particular case I guess looking at the circumstances, looking at the findings, looking at the way the binding about the wrists was secured. I satisfied myself that it would be possible for an individual to do this but it is sufficiently unusual that we took specific photographs of it at the time of post mortem examination."

Finding

It is apparent that Mr Todd has unfortunately died by hanging however the exact circumstances surrounding his death remain unascertained and may never be known. Clearly he was depressed by the breakdown of his marriage and the recent awareness that his wife was involved with someone else. Mr Todd had expressed suicidal thoughts but there was no suicide note and the circumstances in which he was found were most unusual.

Signature:



Heather Spooner
Coroner



15th August, 2011