

**FORM 37**

Rule 60(1)

**FINDING INTO DEATH WITH INQUEST**

*Section 67 of the Coroners Act 2008*

**Court reference:** 325/10

**Inquest into the Death of NICOLE LEE MCCARROLL**

**Delivered On:** 21ST MARCH, 2011

**Delivered At:** CORONERS COURT, MELBOURNE

**Hearing Dates:** 21ST MARCH, 2011

**Findings of:** CORONER KIM M. W. PARKINSON

**Place of death:** 65 Collins Street, Sunbury, Victoria 3429

**PCSU:** SERGEANT TRACEY WEIR

**FORM 37**

Rule 60(1)

**FINDING INTO DEATH WITH INQUEST**

*Section 67 of the Coroners Act 2008*

**Court reference:** 325/10

In the Coroners Court of Victoria at Melbourne.

I, KIM PARKINSON, Coroner

having investigated the death of:

**Details of deceased:**

Surname: MCCARROLL  
First name: NICOLE  
Address: 65 Collins Street, Sunbury, Victoria 3429

AND having held an inquest in relation to this death on 21st March, 2011 at Melbourne

find that the identity of the deceased was NICOLE LEE MCCARROLL and death occurred on 22nd January, 2010

at 65 Collins Street, Sunbury, Victoria 3429

from

- 1a. DROWNING
2. ZOPICLONE TOXICITY, PSYCHIATRIC ILLNESS

**In the following circumstances:**

1. A summary inquest was conducted into the death of Ms McCarroll. A brief of evidence has been prepared by the investigating officer, Senior Constable Watson of Victoria Police. That brief is exhibited in this proceeding.

2. Ms Nicole McCarroll was born on 19 June, 1972 and was 37 years of age at the time of her death. Ms McCarroll had a significant past history of depression and suicide attempts, including a serious event in June 2008, when police report she drove her motor vehicle into the path of a train. She was treated by Dr David Fenn, Consultant Psychiatrist, and a case worker had been appointed by Mid West Area Mental Health Service.

3. Ms McCarroll had been involved in a turbulent domestic relationship with Mr Leslie Joyce which had recently ended. On 21 January 2010, police had been called to her domestic premises in relation to a domestic dispute at approximately 10.15am. Attending police officers were aware of her past history and took steps to attempt to ascertain her current mental health status. They were assured by Ms McCarroll that she was not intending self harm. In order to resolve the dispute police remained at the premises until Mr Joyce had retrieved personal items and left the premises. Ms McCarroll reiterated that she was not at risk of self harm and that she was making forward plans. She did not wish for police to pursue an intervention order application on her behalf. She satisfied police that she was well supported and was not at risk of self harm.

4. At 11.00am, Ms McCarroll reported to police that she had been told by Mr Joyce that he had emptied her bank account of funds and that he had taken other property from the garage. Police advised Ms McCarroll to seek an intervention order and spoke also to Ms Kelly Black who was accompanying her. She attended at the Broadmeadows Magistrates Court seeking to obtain an intervention order in relation to her former partner. That application was adjourned to 22 January 2010.

5. On 16 and 19 January 2010, she had also provided instructions to her solicitor for her will, although the instructions had been confirmed the document had not been formally executed at the time of her death.

6. On 21 January 2010, at approximately 8.48pm, Ms McCarroll was observed attending at a local liquor store and purchasing some pre-mixed alcoholic drinks, leaving the store to return home at 8.50pm. Mobile phone records identify numerous text and voice calls between Ms McCarroll and Mr Joyce in the time period 9.51pm to midnight. The subject of the communications being the end of their relationship. At 11.20pm, Ms McCarroll placed a call to a friend, Ms Kelly Black, which went unanswered.

7. At 9.00am on Friday 22 January 2010, Ms Samantha Black, sister of Kelly and friend and former neighbour attended at the premises. When there was no response to her attempts to contact her, Ms Black became concerned for her welfare in view of her past history and contacted police. Ms Black then forced entry into the premises by breaking a front lounge room window. She located Ms McCarroll submerged in the bathtub in her premises.

8. Inspection of the scene by police revealed a submerged house brick tied to string around Ms McCarroll's neck. This had the effect of weighing her head under the water line. A number of empty blister packets of the prescription medication Zopiclone (sold in Australia as Imovane: Tablets 7.5mg), were located on the kitchen bench. Police also located a lengthy note dated 21 January 2010, in handwriting identified as that of Ms McCarroll, indicating her intention to take her own life.

9. An autopsy was conducted by Dr Shelley Robertson, a Senior Forensic Pathologist of the Victorian Institute of Forensic Medicine, who reported that the cause of death was drowning. Dr Robertson reported that there was no bruising or damage to underlying structures associated with the ligature encircling the neck, suggesting that neck compression was not the cause of death. Toxicological analysis showed an elevated level of Zopiclone (0.5mg/L), which the pathologist commented may have produced alteration in mental state, thus contributing to death.

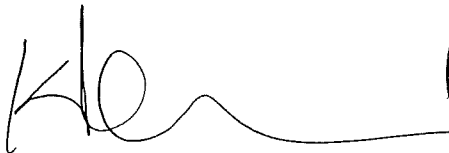
10. The coroner was advised that during the previous evening a neighbour had heard what was believed to be a voice or voices in the backyard of Ms McCarroll's premises at some time between 10.50pm and 11.10pm. A statement was obtained from the neighbour. The neighbour stated that her dogs were barking madly and that they usually did so when someone other than Ms McCarroll was in the backyard of the premises. The neighbour also stated that the voice or voices were again heard when they went to investigate the reason for the dogs barking. The neighbour was unable to identify the voice or voices. It is possible that it may have been Ms McCarroll speaking on the telephone.

11. The police did not report any sign of forced entry to the premises (other than that of Ms Black) they reported that the scene did not reveal any suspicious circumstances and the pathologist did not report any injuries which may have been consistent with there being another person or persons involved in Ms McCarroll's death.

12. Whilst the circumstances of the death are unusual and there is a possibility of other persons being present at the property at some time in the early hours of the morning of 22 January 2010, there is no evidence of any other person being directly involved in Ms McCarroll's death.

13. Having considered all of the available evidence I am satisfied that Ms Nicole McCarroll took her own life on 22 January 2010 and that the cause of her death was drowning. It is likely that Ms McCarroll ingested a quantity of the prescription medication in excess of her prescribed dosage. I find that zopiclone toxicity and psychiatric illness may have been contributing factors to the extent that her mood was altered or affected by the drug and by her illness.

Signature:



K. M. W. PARKINSON  
CORONER  
21st March, 2011