

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 5286/09

Inquest into the Death of SUSAN MICHELLE PATTERSON

Delivered On: 18th July 2011

Delivered At: Coroners Court of Victoria
Level 11, 222 Exhibition Street, Melbourne 3000

Hearing Dates: 18 July, 2011

Findings of: JUDGE JENNIFER COATE

Place of death: 2/558 Waterdale Road, Heidelberg Heights, Victoria 3081

Police Coronial
Support Unit (PCSU): Sergeant David Dimsey

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Court reference: 5286/09

In the Coroners Court of Victoria at Melbourne
I, JUDGE JENNIFER COATE, State Coroner

having investigated the death of:

Details of deceased:

Surname: PATTERSON
First name: SUSAN
Address: 1/63 Alamein Road, Heidelberg West, Victoria 3081

AND having held an inquest in relation to this death on 18 July, 2011
at Melbourne
find that the identity of the deceased was SUSAN MICHELLE PATTERSON
and death occurred on 9th November, 2009

at 2/558 Waterdale Road, Heidelberg Heights, Victoria 3081

from

1a. MIXED METHADONE AND ALCOHOL INTOXICATION¹

in the following circumstances:

1. Susan Patterson ("Susan") was a 27-year-old aboriginal woman living at 1/63 Alamein Road, Heidelberg Heights. She had three children Damon 6, Emma 4 and Jackson 9 months old. At the time of her death, these children were living in the care of DHS.
2. At the time of her death Susan was living with her mother Christina Baxter at 1/63 Alamein Road, Heidelberg West.
3. At the time of her death, Susan was subject to a community-based order. She had been placed on that order on the 28 May 2009 to last until 27 February 2010. Part of the conditions of that community-based order were for Susan to undergo assessment and treatment for alcohol or drug addiction and to submit to medical, psychological or psychiatric assessment and treatment as directed.

¹ See autopsy report of Dr Linda Iles, forensic pathologist

4. According to the material contained in the report provided from the Office of Correctional Services Review,² during the operational period of that community-based order, Susan was remanded in custody on 21 July 2009 for offences including shop steal and threaten injury and breach of the community-based order. According to that report on 21 September 2009, Susan was released on bail to an inpatient detoxification programme. Susan did not attend that program and thereafter Susan failed to attend a scheduled court hearing on 19 October 2009. A bench warrant was issued for her arrest. This bench warrant was outstanding at the time of her death.

5. The investigation into Susan's death³ uncovered some conflicting knowledge and understanding as to her drug use according to her family and friends. Ms Christina Baxter, Susan's mother, provided a statement to the investigators in which she stated that she was aware that her daughter used speed "*every now and again*" but not that often. She stated she knew this because Susan told her and that she had observed this happening in her own home. She also stated that Susan had last used speed a couple of weeks earlier. Ms Baxter stated she was unable to say how Susan used the speed but Ms Baxter knew she always had syringes on her. Susan's mother also stated that her daughter drank a lot of alcohol and described her drinking as almost every day, usually drinking beer, moselle or Jim Beam and UDL cans.

6. Susan's sister, Ms Adele Patterson ("Adele") stated she knew that Susan "*sometimes did a bit of heroin and speed*" but was not "*hooked on anything*". She stated that she had observed Susan using the week before .

7. Adele's boyfriend, Matthew McCrae, stated he knew Susan had a lot of alcohol "*pretty much drinking every day*" and that she would have speed and heroin "*on the odd occasion*".

8. An acquaintance of Susan, Mr Kevin McCarthy, occupier of the property where Susan died and in company with her the day and night before, stated to police investigators that he knew Susan did not take drugs.

Sunday November 8, 2009

9. On Sunday 8 November 2009 between 12.30pm to 2.00pm, Susan and her mother left Alamein Road and walked for about 10 to 15 minutes to 2/558 Waterdale Road. Kevin McCarthy lived at this address. Susan and her mother had been drinking at home and decided to go and see Kevin "*because they had run out of smokes*" according to Christina Baxter.

10. The three of them were the only people present at the address at that time.

² Exhibit 2

³ The Brief of evidence compiled in the investigation was tendered into evidence and became Exhibit 1

11. Upon arrival, Kevin McCarthy gave Susan money to go to the shops and purchase cigarettes and alcohol. Susan took the money and walked over to the shops by herself. She was gone for approximately 5 minutes before returning to the flat.

12. Upon her return, the three sat around in the lounge room drinking. It was believed that Susan was drinking Jim Beam and Coke.

13. In her statement to investigators, Ms Baxter stated that a neighbour called Jenny Ford came to the front door during this time and was talking to Susan for a period of approximately 10 to 15 minutes. The conversation appeared to be about Jenny trying to get Susan to help her with some relationship problems. The two had known each other for about 12 months.

14. Ms Baxter stated that Jenny Ford left and then returned about 2 minutes later with a small brown bottle that was open. Ms Baxter states that upon Jenny Ford giving the small brown bottle to Susan, she subsequently consumed the contents of the open bottle before handing it back to Jenny Ford. Upon receiving the bottle, Jenny Ford turned and left without any further conversation.

15. After speaking to Jenny Ford at the front door, Susan returned to the lounge room and continued to smoke and drink Jim Beam. Approximately 20 minutes later, Susan went to sleep in the lounge chair telling her mother that she was going to have a little sleep and that she was OK.

16. At about 5.30 or 6pm on Sunday 8 November 2009, Adele and her boyfriend, Matthew McRae, attended at Waterdale Road. At this time, Susan Patterson was still asleep in the lounge chair. A short time later Christina Baxter, Adele Patterson and Matthew McRae left Waterdale Road and returned to Ms Baxter's home. At that time, Susan was left asleep in the lounge chair in the company of Kevin McCarthy.

17. Some time later on that Sunday evening, Kevin McCarthy went to bed leaving Susan asleep in the lounge chair.

18. At approximately 6.20am on 9 November 2009, Kevin McCarthy woke and observed Susan still seated in the lounge chair in his lounge room. Kevin McCarthy stated that Susan looked like she was in an uncomfortable position in the chair and that she seemed "*scrunched over a little bit forward.*"

19. Kevin McCarthy approached Susan and touched her to wake her up. Upon touching her, he felt her to be very cold and believed her to be dead.

20. Kevin McCarthy went to Alamein Road and told Ms Baxter that he was unable to wake Susan and that she was cold. Kevin McCarthy, Ms Baxter, Adele and her boyfriend Matthew McRae returned to Waterdale Road and located Susan still seated in the chair.

21. 000 was called. Susan was removed from the chair and placed on the floor at the direction of the 000 operator. At about 8.10am ambulance paramedics attended at Waterdale Road but were unable to revive Susan Patterson.

22. Police attended and located Susan on the floor of the lounge room lying on her back with defibrillator pads attached to her shoulder, chest and legs. She was fully clothed.

23. Susan had no obvious injuries or evidence that may indicate a likely cause of death to police.

24. A search of the premises failed to locate any prescription or illicit drugs. No other evidentiary items that appeared to be linked to Susan's death were located.

25. Both Adele and Ms Baxter stated that they were extremely distressed upon being confronted with Susan's death and began yelling and confronting the neighbour and demanding to know what was in the bottle.

26. Susan was transported to Western Hospital where her death was certified by Dr Paes.

Investigation into the methadone found on toxicological analysis

27. At my request, some further investigations were conducted into how Susan obtained the methadone that she was found to have ingested.

28. Kevin McCarthy recalled Susan going in and out of the flat a couple of times and that this was not unusual. He was unable to say where she went or for how long she went out.

29. Kevin McCarthy was unable to confirm the attendance of Ms Jenny Ford at the flat that afternoon.

30. Jenny Ford has been questioned about her attendance at the flat at this time and disputes the claim that she attended as stated by Christina Baxter. Ms Ford stated that she had been on Methadone for the last 7 years and on that Sunday she had picked up her "take away dose" of methadone. She stated that she would not give away her dose of methadone as she was pregnant at that time and would get sick without her methadone.

31. Ms Ford's boyfriend, Jason Dennison, described quite a lot of interaction between himself and Susan including going into Kevin's flat during the afternoon where Jason states there were was another aboriginal man along with Kevin.

32. Adele made a statement in which she said that her mother had told her that "*a sheila next door had given Susan something in a brown bottle to drink*". Adele further stated that she and her mother had been worried during the evening about what Susan had drunk from the brown bottle and concerned that she had not returned home. Adele stated she was going to check on Susan at about 10.30pm but decided it would be too late to disturb Mr McCarthy.

33. Ms Jenny Ford made a statement to the police in which she stated that she had moved from Waterdale Road in the wake of Susan's death as a result of threats made to her over allegations about the part she played in the death. She stated that this threatening behaviour started on the morning that Susan was found dead.

34. Susan was not on a methadone program according to investigator D/S/C Adam Vohmann.

35. Dr Linda Iles performed an autopsy on Susan on 16 November 2009. It was Dr Iles' opinion after examination of Susan and the post mortem toxicology studies that her cause of death was mixed methadone and alcohol intoxication.

36. Dr Iles noted that the post-mortem examination did not demonstrate an anatomical cause of death. However, post-mortem toxicological studies demonstrated a moderate blood alcohol concentration of 0.10 in addition to a substantial quantity of methadone in blood (0.5 mg/L).

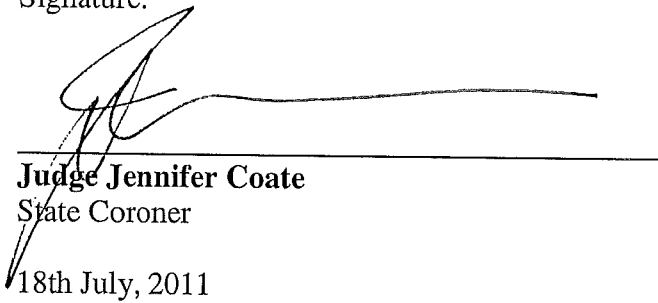
37. Dr Iles stated that alcohol and methadone are both central nervous system depressants. Methadone, in particular, can have a marked sedating effect particularly in combination with alcohol, in those who do not have an established tolerance to the drug.

38. The presence of methadone and alcohol in these concentrations, together with the above circumstances, satisfy me that Susan's death was as a result of central nervous system depression from mixed methadone and alcohol intoxication.

39. Investigators have been unable to confirm the family's assertions about the provision of methadone to Ms Patterson on this afternoon.

40. In her statement, Adele spoke in very moving terms about her love for her sister. She described her sister Susan as someone who would make her laugh and noted she would be greatly missed by her friends and family and that she was too young to die.

Signature:



Judge Jennifer Coate
State Coroner
18th July, 2011

