

TRANSCRIPT OF PROCEEDINGS

CORONERS COURT

BRAES, Coroner

COR-MAG00000012 OF 2007(4)

IN THE MATTER OF AN INQUEST INTO THE
CAUSE AND CIRCUMSTANCES SURROUNDING
THE DEATH OF BELINDA JAYNE ALDRED

MAREEBA

..DATE 13/07/2007

FINDINGS

WARNING: The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

CORONER: As I've not made any written findings I order that a copy of the transcript of today's proceedings, including the findings, be made available to Sergeant Hafner and Mr McCreanor. I am required by the Coroner's Act to make findings, if possible, of those matters set out in section 45 of the Coroner's Act.

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It should be kept in mind that an inquest is an attempt to establish facts. It is not a method of apportioning guilt. The procedure and rules of evidence suitable for a criminal trial are not suitable for an inquest. In an inquest there are not parties, there is no charge, there is no prosecution, there is no defence, there is no trial. An inquest is rather an inquisitorial process, a process of investigation.

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A Coroner's Inquest is an investigation by inquisition in which no-one has a right to be heard. It is not inclusive of adversary litigation. Nevertheless the rules of natural justice and procedural fairness are applicable. In making my findings I'm not permitted to express any opinion on any matter that is outside the scope of the inquest, except in the form of comments as set out in section 46 and, perhaps, section 48.

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In preparing my findings I have had reference to the evidence and all of the material that is on the Coroner's file. According to that file Coroner Cole had prepared findings but was waiting on a toxicology report before finalising the

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matter. Coroner Locke was then involved in the matter and finally I became involved.

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Coroner Cole, I noticed, in the preparation of draft material indicated a cause of death by hanging as a likely suicide. I made findings in respect of this matter. Those findings did include that the cause of death was due to hanging by suicide. As I indicated earlier I find that generally I do not give a finding of suicide unless there is clear evidence, generally in the form of suicide notes.

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The deceased's mother sought a review of the decision not to hold an inquest. Again, I concluded, that the deceased took her own life by hanging. At the request of the deceased's mother the State Coroner ordered that an inquest be held. Evidence has been received over three days on the 25th of August and the 15th of November last year and today.

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Generally I would have to say that the evidence was not controversial. There are, perhaps, some uncertainties especially in respect of exactly how the deceased died, but there is no evidence that would enable me to give information relative to the commission of an offence pursuant to section 48. I find that the deceased person was Belinda Jane Aldred, date of birth 19th of April 1985.

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Now, just before I go on, Mr McCreanor, I'm not sure whether you've confused me a little in that you indicated that someone saw her on Monday?

MR McCREANOR: I think I said that, sorry, Sunday, yeah.

CORONER: The last report of anybody speaking to Belinda was on Sunday the 17th of October 2004 when the witness Seymour Smith spoke to her at about 9 or 9.30 a.m. and this would have been after she had been dropped off by Felix. I should say that there's no evidence and no suggestion that Belinda spoke to her, it was that Ms Seymour Smith spoke to Belinda but didn't get a reply.

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Seymour Smith's statement is, "I remember in October 2004, it was the Friday before she was found in her flat. Belinda was drinking at the pub by herself. I remember this because she didn't drink by herself much. On that night she was behaving very badly. By that, I mean, she was loud and I asked her to leave. She was obviously very drunk and I suspect, at that time, she under the influence of drugs. I instructed the bar staff to refuse her service. This aggravated her more. She left that afternoon, I finished at 6 p.m. and she left before that. I did not see her on Saturday.

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I remember the Sunday morning which would have been the 17th of October 2004. I was at the pub on my own, this was a usual practice that I would open up on Sundays. I am regimental in my timing on completing the required duties. At exactly 9.30 a.m. on that morning I opened the first window in the public bar area. This window is on the Middlemus Street side of the bar. As I opened the window I saw Belinda walk past the

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window, she was walking towards Burns Street, she saw me as well. I spoke to her and said, Belinda are you going to talk to me. She looked at me but didn't speak. I saw that she was not - I saw that she did not look very well. By that, I mean, she didn't seem to be drunk but she looked at me like she didn't know who I was. I don't remember what she was wearing and there was no-one else with her."

Ms Seymour Smith gave evidence and at page 73 in her cross-examination the transcript shows, "And the conversation was?" There was no conversation, I assumed she was still angry with me." "All right, she looked distressed?" "Yes." So it would appear that at that time on that day Belinda was, to use those words, distressed.

Belinda was found deceased by police some time after 1 o'clock on Tuesday the 21st of October after a neighbour-----

MR McCREANOR: The 21st, did you say? You said Tuesday, it's Thursday.

CORONER: Did I say Tuesday?

MR McCREANOR: Yes.

CORONER: Thursday, sorry, the 21st. After a neighbour, Mr McKenna had become concerned about a smell coming from her unit and the flies he had seen on the inside of the windows when he went to investigate. Evidence as to the time of death

is between 9 a.m. - or 9.30 a.m. on the 17th of October 2004
and 1 p.m. on the 21st of October 2004. The neighbour, who I
found to be unreliable, confused, and little reliable
recollection, that is, Ms Martinez, said that she heard
banging coming from Belinda's unit. Her evidence is, I think,
that she heard the noise on Sunday morning.

The entomologist, Mr Daodore, was able to estimate a time of
death from the insect evidence present at the scene. He puts
the minimum time of death between the 16th and 17th of
October. Dr Williams places death between the 17th and the
21st of October. I find that the date of death was the 17th
of October 2004.

Dr Williams also concludes in his report that toxicology is
not suggestive that the deceased had been comatosed prior to
the hanging. Under cross-examination at page 64, I think the
doctor agreed that a person could be smothered and then made
to look like a hanging. The doctor concludes, "She may have
been effected by aliens for all I know." Unfortunately the
doctor adopted a very defensive approach to giving his
evidence, but I accept his evidence as to his findings, the
cause of death.

As a consequence I find that Belinda died at Unit 2/117 Walsh
Street, Mareeba. The medical and police evidence is that
there is no suggestion of foul play. The major impediment for
the investigators was the advance state of decomposition.
This was referred to by Dr Williams particularly. Belinda's

mother's concerns were in relation to the rope having broken, Belinda's association with Mark Fullocks, and that Belinda had experienced some trouble with two girls named Hodges and Grant.

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Mark Fullocks was eventually located and gave evidence. His evidence was unremarkable. There is nothing to suggest that he assisted or was involved in Belinda's death. Christine Murphy gave evidence. I accept her as being a reliable witness. Effectively, the evidence can be summarised to say that Fullocks spent Sunday the 17th of October at Murphy's residence.

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The witnesses, Gordon and Rumble and Davis, added nothing to assist me in my findings. Witnesses Hodges and Grant gave evidence which also did not indicate any involvement in Belinda's death. Mr Urquart gave evidence to challenge the evidence of Dr Williams. The effect of his evidence was that Belinda was not hanged because there was no pooling of blood above the ligature. I believe Dr Williams repeatedly pointed to the degree of putrefication of the body as being the reason clotting of blood et cetera may not have been found.

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As indicated, I accept Dr Williams' findings as to the cause of death. As Dr Williams points out, there is no evidence of external trauma or struggle to support a finding other than of hanging. I find that the cause of death was hanging. I've indicated that I had previously made findings that death was due to hanging by suicide. There is no evidence of foul play,

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there is no evidence other than the resulting death to
assisting me in determining just how Belinda died.

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The photos indicate a thin rope attached to the top of the
shower. Part of this rope was trailing in the shower, part of
it was hanging on the outside of the shower screen and was
frayed on the broken end. A similar rope was tied around
Belinda's neck and was frayed indicating that it had one been
part of the rope observed to be hanging on the outside of the
shower screen.

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The photographs also indicated a brown plastic, I think,
looking chair near the shower screen. I'm unable to say that
Belinda used the chair to step off and although I indicated
earlier today that I would probably not make a finding that
Belinda's death was suicide, I find that after reviewing the
evidence I tend to lean towards her death being a likely
suicide. The difficulty still is, though, that there is no
direct evidence. The inferences are high but the evidence is
not there.

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There is no evidence of any other circumstance but there's no
evidence, no direct evidence, of suicide. I will not conclude
that her death was suicidal. The finding of how Belinda died,
therefore, will be that she died as a consequence of a thin
rope being tied around her neck and secured to the top of the
shower screen. This caused death by hanging.

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All proceedings before this Court are sad proceedings. At
this stage I express my sympathy and condolences and that of
the Court to the family and relatives of the deceased in their
sad loss of Belinda. The inquest is now closed.

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