



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Deborah Lee Humm**

TITLE OF COURT: Coroner's Court

JURISDICTION: Cairns

FILE NO(s): 2013/1706

DELIVERED ON: 29 May 2014

DELIVERED AT: Cairns

HEARING DATE(s): 26 May 2014 to 29 May 2014

FINDINGS OF: Jane Bentley, Coroner

CATCHWORDS: Coroners: inquest, suicide, domestic violence, fall

REPRESENTATION:

Counsel Assisting: Ms Stephanie Williams

Nichole Spiteri, Belinda Humm;
Jeremy Humm; Timothy Humm;
Michelle Opetai, Leoni McCallum;
Stephen Opetai and Patrick Opetai: Ms Nerida Wilson, Counsel

Mr A: Mr Philip Bovey, Solicitor

Commissioner of Police: Ms Belinda Wadley

Section 45 of the *Coroners Act 2003* provides that when an inquest is held the written findings of the Coroner must be given to the family of the person who died, each of the persons or organisations granted leave to appear at the inquest and to officials with responsibility over any areas the subject of recommendations. These are my findings in relation to the death of Deborah Lee Humm. They will be distributed in accordance with the requirements of the Act and posted on the web site of the Office of the State Coroner.

The scope of the Coroner's inquiry and findings

An inquest is not a trial between opposing parties but an inquiry into a death. The scope of an inquest goes beyond merely establishing the medical cause of death.

The focus is on discovering what happened - not on ascribing guilt, attributing blame or apportioning liability. The purpose is to inform the family and the public of how the death occurred and, in appropriate cases, with a view to reducing the likelihood of similar deaths.

As a result, a coroner can make preventive recommendations concerning public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in future.

A coroner must not include in the findings or any comments or recommendations, statements that a person is or may be guilty of an offence or is or may be civilly liable.

Proceedings in a coroner's court are not bound by the rules of evidence. That does not mean that any and every piece of information however unreliable will be admitted into evidence and acted upon. However, it does give a coroner greater scope to receive information that may not be admissible in other proceedings and to have regard to its origin or source when determining what weight should be given to the information.

A coroner should apply the civil standard of proof, namely the balance of probabilities. However the more significant the issue to be determined, the more serious an allegation or the more inherently unlikely an occurrence, then the clearer and more persuasive the evidence needs to be for a coroner to be sufficiently satisfied it has been proven.

If, from information obtained at an inquest or during the investigation, a coroner reasonably suspects a person has committed an offence, the coroner must give the information to the Director of Public Prosecutions in the case of an indictable offence and, in the case of any other offence, the relevant department. A coroner may also refer a matter to the Criminal Misconduct Commission or a relevant disciplinary body.

These findings and comments:

- confirm the identity of the deceased person, the time, place and medical cause of her death;
- consider the circumstances surrounding her death including how she died; and,
- consider whether any changes to procedures or policies could reduce the likelihood of deaths occurring in similar circumstances or otherwise contribute to public health and safety or the administration of justice.

Summary

On 14 May 2013 Ms Humm and her boyfriend, identified for the purpose of these findings as Mr A, were staying in Room 403 at Rydges Tradewinds, Cairns. They had met up that day in Cairns and were staying together at Rydges for the night as Ms Humm was to have an eye operation at the Cairns Base Hospital the following day and Mr A was there to support her.

Ms Humm and Mr A spent the afternoon and early evening at the Courthouse Hotel. They returned to Rydges separately but within a couple of minutes of each other and they entered their room at 10.13pm.

At about 10.20pm an employee heard something hit the ground and another employee went to investigate and found Ms Humm at the bottom of the stairwell under her fourth floor balcony.

She was obviously deceased. Queensland Ambulance officers attended and pronounced Ms Humm deceased at the scene.

Cause of Death

An autopsy was performed by Dr M R Stewart, MB BS FRCPA, on 15 May 2013.

Dr Stewart concluded the cause of Ms Humm's death was multiple injuries she sustained in the fall. She had a compound fracture of the skull, a fractured clavicle and fractured ribs on both sides of her body.

Toxicology tests revealed that, at the time of her death, Ms Humm was intoxicated with a blood alcohol level of 0.204%.

The investigation

Summary

Police conducted an investigation into the death of Ms Humm. They obtained witness statements, CCTV footage and relevant documentation. Mr A was interviewed. Forensic examinations were carried out at Rydges.

Senior Constable Scott Ezard of the Forensic Crash Unit analysed the crime scene and concluded that it took 1.52 seconds for Ms Humm to fall from the balcony to the ground, she struck the wall at 53 kilometres per hour and it was possible that she could have travelled far enough to strike the block wall under her own propulsion.

Senior Constable Lobegeier, forensic scientist, conducted an examination of room 403 and the external stairwell where Ms Humm was found. She attended room 403 and found that the sliding glass door onto the balcony was open. The toilet seat was up. There was a small table upon which were two empty beer bottles and an ashtray containing three cigarette butts. She located four impressions on the balcony railing – at 1820mm, 2000mm, 2300mm and 2520mm from the wall – but she could draw no conclusions from those marks.

Stephen McCullough, Scenes of Crime officer, also conducted an examination of the room. He took photographs. He conducted a fingerprint examination of the rail on the balcony. He developed a latent fingerprint on the top of the railing and near the centre. He developed some smear marks on the top of the railing. They were not suitable for comparison. He sent the latent fingerprint to the Fingerprint Bureau. It was not matched to any person.

Background

Ms Humm was the mother of four children – Belinda Humm, Timothy Humm, Nichole Spiteri (nee Humm) and Jeremy Humm – they all resided interstate.

The family grew up in Geelong. About ten years ago Ms Humm moved to Cairns with her then partner. She had previously separated from her husband and the father of her children. She subsequently had some violent relationships.

At the time of her death she was employed as a cleaner at Thala Lodge, a resort situated on the Captain Cook Highway between Cairns and Port Douglas. She resided there. She had recently had medical issues with her eye.

On the night of her death Ms Humm was staying at Rydges, Tradewinds in Cairns as she was to attend the Cairns Base Hospital the next morning for eye surgery.

Mr A was staying with her at Rydges. Ms Humm was in a relationship with Mr A and had resided with him in the past but was not doing so at the time of her death. Mr A was residing in Little Mulgrave and frequently stayed with a close female friend (identified in these findings as Ms B) at White Rock.

Belinda Humm told police that she was of the opinion that Ms Humm may have suffered from depression in the past and that she may have been an alcoholic. She had financial worries. Belinda believed that Ms Humm and Mr A were having relationship problems.

Two weeks before her death Ms Humm told Belinda that she was going to hospital because of problems with her eye. She was frightened and concerned about possibly losing her eyesight and worried about her finances as she thought she might not be able to work in the future. At times Ms Humm cried when discussing these issues. Belinda thought that Mr A and Ms Humm were in a relationship but they would argue every couple of days.

Belinda spoke to Ms Humm on the day of her death. Ms Humm told her that she and Mr A had checked into the motel and she was to have her operation the next day. She sounded like she was in good spirits. Belinda was of the view that Ms Humm would not have committed suicide.

Jeremy Humm told police that his mother had always been a big drinker and that her mood, when she was drunk, would range from happy to irrational, violent and aggressive. She would bait people when she was drunk and could be very patronising.

About a year before her death Ms Humm told Jeremy that she was taking anti depressant medication and had been for a couple of years. Jeremy stated that Ms Humm attempted suicide in 1999 by taking alcohol and pills.

Jeremy spoke to Ms Humm on the phone at about 11.30am on 14 May 2013 and he paid for her room at the motel. She was upset about money and her eye and the operation she was to have. She said she had not been sleeping or eating well and that she hadn't been taking any anti depressant medication. He suggested to her that she should recommence the medication. He thought she sounded very distressed and that she may be suicidal.

Timothy Humm spoke to his mother on 12 May 2013 at which time she sounded very distressed. She was worried about losing sight in her eye and that she would lose her job.

Nichole Spiteri was in weekly phone contact with her mother. She knew that Ms Humm was in a rocky relationship with Mr A and that Ms Humm suspected Mr A of being in a sexual relationship with another woman. Ms Humm told Nichole that she had been receiving text messages from that person.

Ms Spiteri was aware that Ms Humm was concerned about her eye surgery and had financial concerns. In the days before her death Ms Humm seemed depressed and upset but when Ms Spiteri spoke to her at 9.30am on 14 May 2013 she seemed to be in good spirits.

Ms Spiteri does not believe that Ms Humm would have committed suicide. She stated that Ms Humm was afraid of heights and would also stay away from the railing if she was on a balcony.

Police interviewed a number of Ms Humm's work colleagues and friends. All spoke very highly of Ms Humm. She was described as a caring and loving person. They invariably said that although Ms Humm had been worried about her eye they could not imagine that she would commit suicide.

In the past there had been allegations of domestic violence between Ms Humm and Mr A.

According to police records, on 22 July 2011 Mr A and Ms Humm were arguing and Ms Humm went to the bedroom and shut the door. Mr A broke the door knob and entered the room. He grabbed hold of Ms Humm and threw her against the door. The broken door knob cut her forearm. The wound required ten stitches.

On 31 July 2011 police attended at their address in relation to reports of a disturbance. They found Mr A at the address. He had cuts to his face. He said that he was alone there and had fallen. Police heard a female voice and entered the house and found Ms Humm. She had a bruise and small cut to her left cheekbone and a large welt and grazes on her right upper thigh. There was a smashed plate on the ground.

Police ascertained that Mr A and Ms Humm had been drinking together at a club at Trinity Beach and they had walked home separately after arguing about money. Ms Humm arrived home first but could not enter the house as Mr A had the keys. Mr A fell over on the way home and injured his face. When he arrived he would not let Ms Humm into the house and they argued. Ms Humm told police that Mr A picked up a rock and threw it at her, causing the injuries to her thigh. She said they entered the house and continued to argue and Mr A punched Ms Humm on her left cheekbone.

Mr A was arrested. On 1 August 2011 Mr A was released from custody on the condition that he not commit acts of domestic violence against Ms Humm and that he not possess a weapon.

A Domestic Violence Order was made in Cairns on 4 August 2011 ordering Mr A not to commit acts of domestic violence against Ms Humm for a period of two years.

Events of 14 May 2013

Mr A told police that he met Ms Humm about 12.30pm outside the hospital. He had travelled from his home at White Rock to the hospital on the bus.

Mr A said that Ms Humm was crying because of her concerns about her eye surgery. They went into the hospital and saw the specialist. They went from there to the ward where she was going to have the operation and sorted out the admission. They left the hospital and walked along the esplanade back to Rydges. They sat for a while on the esplanade in the sun and chatted.

Mr A said that Ms Humm checked into the motel.

The key register indicates that they entered room 403 at 1.42pm.

Mr A said they sat on the balcony and chatted for a couple of hours. They each had one of the Pure Blonde beers out of the fridge. They decided to

replace them when they came back to the room later. She phoned her kids on the mobile.

Phone records indicate Ms Humm made a phone call at 1.43pm and had a phone conversation with Belinda Humm at 1.54pm. That was the last time she used her phone to make or receive a call or message.

Mr A said that Ms Humm was upset because her sight had become worse and she couldn't see very well out of her left eye. The specialist had told her that he had done something wrong during the first operation and she had to go to another eye specialist to get a lens so that the lens in her eye could be replaced.

Mr A said that after they left Rydges they walked around town, chatting, for a couple of hours. They window shopped. Ms Humm bought a pair of sunglasses.

CCTV footage indicates that Ms Humm and Mr A arrived at the Courthouse Hotel at 2.29pm.

Mr A told police that he and Ms Humm went to the Courthouse Hotel and they had a couple of Coronas there. They sat out the front. Ms A had a few drinks but she couldn't drink too much or eat because she had to fast before her operation. He would have had two, three or four drinks there. Ms Humm had less to drink. She played the poker machines for a while and he watched her. She was sipping her drinks and drank less than him. He went out the back and chatted to a couple of people that he met while Ms Humm played the pokies.

Mr Gardoll was at the Courthouse Hotel on the afternoon of 14 May 2103. He was with Sara Hancocks.

Mr Gardoll told police that he and Ms Hancocks met Mr A and Ms Humm at the Hotel – they were sitting out the front and they started chatting. They seemed very nice. Mr A and Ms Humm had three or four beers each and a couple of shots. They were drinking shots of bourbon and had at least two each.

Mr A and Ms Humm went into the pokies and they stayed outside. Mr A and Ms Humm came back outside and they drank together for another couple of hours. Ms Humm told them about her eye surgery the next day.

He thought Ms Humm was 'a little bit pissed' towards the end of the night.

Ms Hancocks told police that she was with Mr Gardoll at the Courthouse Hotel on the evening of 14 May 2013. They met Mr A and Ms Humm there for the first time. They were sitting out the front of the Courthouse and they started talking to each other. They talked for a while and then Mr A and Ms Humm went inside to play the pokies. Later they came back out and they talked again for a while. They seemed happy. They were not arguing.

Ms Hancocks said that Mr A and Ms Humm had a shot of Jim Beam each and they were drinking Coronas. Ms Humm drank four beers out the front and four out the back but she doesn't know how many drinks she had when she was at the pokies.

CCTV footage indicates that Mr A and Ms Humm left the Courthouse Hotel at 7.09pm.

Mr A told police that after they left the Courthouse Hotel they walked around town again. They sat on the esplanade for a while and bought a kebab to eat from the Ali Baba kebab shop next to the Woolshed. They had a couple of cokes. Ms Humm was worried about the operation and he was trying to keep her mind off it.

Mr A said they were together for the whole period that they were out of the motel room. They did not separate at any time.

He said they bought some beers at the bottleshop near the Commonwealth Bank in Lake Street and some tobacco from the tobacconist there, and took them back to Rydges.

Ms Humm had a water bottle with her that day and when Mr A had a sip from it he realised that it had vodka in it.

CCTV footage reveals that Mr A and Ms Humm were seen in the vicinity of City Place between 7.23pm and 8pm. They then commenced walking north on Lake Street. The last sighting of them was at 8.10pm on Lake Street walking towards Aplin Street.

At 9.57pm, a taxi responding to a call, picked up Ms Humm from outside Bernie's Jazz and Piano Bar at 92 Abbott Street, Cairns. The driver drove her approximately 350 metres along Abbott Street to the entrance of Rydges where at 10.03pm she alighted from the taxi and he assisted her up the stairs to the main door.

Cameras at the entrance of Rydges captured footage of Mr A entering Rydges about one minute prior to Ms Humm and from a different entrance.

The key register indicates that room 403 was accessed once at 10.13pm.

Mr A told police that he and Ms Humm arrived back at Rydges together and entered the room. He said that after entering the room they were lying on the bed, chatting and watching TV, and smoking on the balcony. Ms Humm spoke to a few people on her mobile and she seemed fine. They spoke about what they would do after the operation the next day. They were chatting and having a laugh.

Mr A said that he went to the toilet. Ms Humm was sitting on the balcony. When he came back out Ms Humm wasn't there. He looked around and called out, 'Deb, where are you?'

He opened the door and looked out into the hallway. She wasn't there.

The key register records the room as being entered twice at 10.21pm.

Mr A told police that he went back to the balcony and saw people down at the stairwell below and then saw Ms Humm's body at the bottom of the stairs and recognised her clothes. He said that from then on he was in shock.

Guests told police they heard arguing and loud voices from room 403 that night.

Mr and Mrs Paterson were staying in room 402. At about 10.30pm Mr Paterson heard a male voice yelling in room 403. He was aggressive and was swearing. Mr Paterson heard a female voice respond once but mostly he heard the male voice.

After the yelling had gone on for a few minutes he heard a door closing. A few minutes later he heard the same male yelling, 'She's gone, she's not here'.

He thought it was coming from the balcony. He heard another door close.

Mrs Paterson woke up and heard a male voice yelling from the balcony, 'Oh no, it can't be, it's not happening.'

Ms Ishibashiri was staying in room 404. She told police that between 9 and 9.30pm that night she heard the voices of a man and a woman. They were arguing loudly and were clearly angry with each other. She looked out through the peep hole and saw a man and a woman.

Mr White was staying in room 401 on 14 May 2013. Mr White told police that at about 10.20pm he heard raised male voices coming from room 403. He then heard a male voice swearing loudly. He thought the person sounded very drunk. He opened the door and went out onto his balcony and heard the male state, 'Oh fucking hell, oh no, she can't be there, she can't be doing this.'

Mr White leaned over the balcony and saw a male two balconies to the right. He was leaning over the balcony and he said, 'Is she there, is she there, is she gone.'

Charlotte Beitone, employed at Rydges at the time of Ms Humm's death, had finished work in the restaurant at about 10pm and was outside the building having a cigarette when she heard a female voice from above call out, 'Go ahead, go ahead.'

She looked up but couldn't see anything in the dark. She heard the voice call out, 'Go ahead', a third time and then saw something fall from one of the balconies and then saw a flash like a light bulb exploding from ground level and then heard something hit the ground very heavily.

Ms Beitone called out to her supervisor, Blair Messina, who came outside. Ms Beitone told her that something had fallen from the balcony.

Ms Messina went to the duty manager, Karen Tramm, and told her what had happened. Ms Tramm got a torch and they went to the stairwell.

In the meantime, Ms Beitone had called out to another employee, Mr Mateariki, and told him that she had seen something fall from one of the balconies.

Mr Mateariki, Ms Messina and Ms Tramm met at the pool area and proceeded to the stairwell.

A man on the balcony of room 403 (Mr A) called out and asked Mr Mateariki if he had seen anyone on the balcony or go down. He said, 'I went into my room and there was no one there and I came out to the balcony and she wasn't there'.

Mr Mateariki looked into the stairwell and saw a body. He shone his light down the steps. Mr A yelled to him, 'Don't just stand there, go and check if she's alive.'

Mr Mateariki then walked down to the bottom of the steps. He put his hand on Ms Humm and shook her and asked if she was alright. She did not respond. He went back up the stairs and told the man she was dead.

He started screaming, 'No, no, it can't be' and calling her name.

Ms Tramm returned to reception to call 000. Queensland Ambulance records reveal that the call was made at 10.29pm.

Mr Mateariki later saw Mr A trying to get to Ms Humm and stating, 'That's not her', and lying on the ground crying.

Mr A came down to the lobby from room 403 about the time the paramedics arrived. He was crying and screaming and also became abusive to the paramedics when he was not allowed near Ms Humm.

Queensland Ambulance paramedics, Scott Davidson and Daniel Roberts, received the call to Rydges as an 'extreme fall'.

When Mr Davidson arrived in the reception area he heard a man screaming from a distance. Ms Humm was face down at the bottom of the stair well. He was told she had fallen from the fourth floor.

Mr Davidson quickly concluded that Ms Humm was deceased and there was no point in commencing any treatment. He pronounced her deceased at 10.32pm.

Mr Davidson saw Mr A approach. He concluded that Mr A was intoxicated and estimated his intoxication level at 4 or 5 out of 10. His speech was slurred but he could still walk and had all his cognitive abilities. Mr A appeared to be aggressive and wanted to see Ms Humm. He became more aggressive when Mr Davidson advised him that the area was a crime scene and he could not enter.

Mr Davidson and the security guards prevented Mr A from approaching Ms Humm. He was verbally abusing them and trying to push past them. He said that he needed to see if it was her. He said, 'She's not gone and done it has she'.

Mr A approached Mr Roberts. He said words to the effect, 'She wouldn't do this, it's not her. Let me see her.'

Upon being told that the woman in the stairwell had black hair Mr A fell to the ground and began crying.

At about 1.30am on 15 May 2013 Mr A phoned Ms Spiteri and said that Ms Humm had died, that she jumped off the balcony. He told her he went to the toilet and when he came back she was gone. He was crying.

Mr A spoke to police on the night of Ms Humm's death, firstly at Rydges and later at the police station.

At Rydges, he asked police if it was Debbie that had jumped and upon being told that she was deceased, became very distressed. He said she was his lady.

He said that the hospital fucked up and she was stressed out.

He said that she was his fiancée. He said she went to hospital that day and got no resolution on her eye. He said she was blinded by the specialist at the hospital and she was stressing out about it. She couldn't see and it had become worse.

Mr A said he was in the toilet and he came out and Ms Humm wasn't there. He didn't hear anything. He looked around and then came out onto the balcony and saw that people were looking over the edge, he looked out and something was going on. He started spinning out. There were people downstairs.

He said they had not had an argument that night. She was upset because she couldn't see out of her eyes for the past four weeks. She texted him and said she needed him to comfort her so he came to town to see her. She was getting eye surgery the next day.

He said she'd done it to herself as she was so stressed out because she couldn't see. He said he'd done nothing.

Mr A went back to the police station and a further interview commenced at about 2.48am. Mr A had a blood alcohol reading of 0.165% at that time which would indicate that he had an approximate blood alcohol reading of 0.245% at 10.20pm.

Mr A told police that he wanted to return the next day and speak to them then but he was told that if he didn't co-operate he would be arrested.

Ms B attended as his support person. She told him that she could call a solicitor if he wanted her to but he refused. He said he had nothing to hide.

Mr A told the police what had occurred on 14 May 2013 (as outlined above).

Mr A said Ms Humm was very distressed about the operation and 'pissed off' that the specialist had caused the problems. He didn't know she was that stressed out. They had a good day. He was trying to get her mind off the operation. In the room they just chatted and he reassured her that it would be ok. She had a bit of a cry.

He said that if he had known that she was so upset he would not have left her on the balcony. She was freaking out all the time about her eye, work, money, everything. He was trying to keep her mind off all of those matters and trying to make her laugh and have a good time. She seemed alright – they were laughing and having a great time throughout the day.

Mr A said that Ms Humm had to watch her alcohol intake because of the medication she was on.

Mr A said that he had been in a relationship with Ms Humm for four years. They had lived together but she moved out to be closer to her work.

He said that they had a good relationship. They had not been arguing and there was no history of domestic violence in their relationship. Police had never been called in relation to any arguments and their arguments had never been physical.

Mr A said that he was mates with Ms B and that he had a sexual relationship with her. He also said that he had an open relationship with Ms Humm and she knew that he was having a sexual relationship with Ms B. He said that he was engaged to Ms Humm and they treated each other like husband and wife.

He said the last couple of weeks had been stressful for Ms Humm but their relationship had been good up until the time of her death. He said they had not been arguing on the evening of her death.

Ms B told police that when Mr A phoned her that night he told her that Ms Humm was dead and that she killed herself. He told her that he went to the bathroom and when he came out she was gone. He checked outside the room and then went out on the balcony and she was on the ground. She asked him if he had anything to do with it and he said no.

Ms B told police that she and Mr A were part time lovers. She had not had much to do with Ms Humm but had received some unpleasant text messages from her.

The inquest

A pre-inquest directions hearing was held on 29 April 2014 and the inquest listed to commence on 26 May 2014. The parties were given leave to appear and it was advised that the issues to be explored at inquest were the

circumstances surrounding the death of Ms Humm, in particular whether the death was a result of suicide, homicide or accident.

Material gathered during the police investigation and the coronial investigation was tendered as evidence at the commencement of the inquest. A total of 102 exhibits were tendered at the commencement of the inquest including witness statements, documents, photographs and electronic discs. Further exhibits were tendered during evidence being addendum statements of Nichole Spiteri and Belinda Humm, and records of Queensland Ambulance Service.

Thirteen witnesses were called to give evidence:

- Charlotte Beitone
- Scott Ezard
- Vanessa Lobegeier
- Blair Massina
- Teariki Mateariki
- Stephen McCullough
- Jason Milner
- Colin Paterson
- Daniel Roberts
- Ms B
- Mr A
- James White
- Scott Davidson
- Robert Richardson

The evidence

The evidence of the majority of the witnesses accorded with the information they provided in their statements.

Acting Sergeant Ezard was asked about his conclusions and stated that he concluded that Ms Humm could have landed where she did under her own propulsion but that there was propulsion involved i.e. she did not simply fall from the balcony – she either pushed herself out or she was pushed.

Mr White stated that when he first heard noise it was male voices coming from room 403 and he thought that there were males sitting out on the balcony and it sounded like they were having a party. It was shortly after that that he heard the male voice swearing on the balcony and went out to investigate.

In relation to the voices he heard in the corridor, Mr Paterson said that he heard a man and a woman and the man said words to the effect, 'You shouldn't have done that.'

He then heard a woman apologise. He heard the people enter a room and they started arguing immediately. He said that there he heard lots of profanities. He could not ascertain what they were arguing about. He could

hardly hear the female voice but the male was very loud. He thought the male was swearing at the female. He considered ringing either the police or motel security and then the voices stopped and about 30 seconds later he heard a door close. He then heard a male voice on the balcony saying, 'She's gone.'

He then heard another door close.

Ms B was asked about an incident in October 2013 involving her and Mr A to which police were called. She said that they had a verbal argument. She denied that Mr A was violent towards her and said that he had never been violent or aggressive toward her in the time that she had known him.

When called to give evidence at the inquest, Mr A stated that he now had only a limited recollection of what occurred in the room. He said that he could not recall what he and Ms Humm did between leaving the Courthouse Hotel and arriving back at Rydges although he did have some recollection of one of them buying beer at a bottleshop.

Mr A did not know if they consumed any further alcohol after leaving the Courthouse Hotel.

Mr A could not recall arguing with Ms Humm, however, he conceded it was possible that they had based on the evidence from other guests and the fact that they had returned separately. He said that on previous occasions when he and Ms Humm had been out together she had left him and it is possible that he would have been concerned about her and unhappy that she had done that.

Mr A did recall that he went to the toilet and when he came out into the room Ms Humm was not there. He recalled leaning over the balcony and becoming aware that Ms Humm was in the stairwell. Mr A said that he did not hear Ms Humm calling out the words, 'Go ahead.'

In regard to the alleged domestic violence on 22 July 2011, Mr A denied that he had hit Ms Humm. He said that she hit him and she cut herself on the door knob which she had broken. He denied committing any acts of domestic violence against Ms B. He agreed with Ms B's evidence regarding the incident in October 2013, that she attempted to hit him with a bat and he took it off her and she fell over. Ms B gave evidence consistent with that of Mr A in relation to that event.

Mr A said that Ms Humm had been unhappy for the whole day and constantly alluded to her concerns about her eyesight and her concerns that if her eyesight failed she would lose her job and she had nobody to support her. Mr A agreed that Ms Humm had also been unhappy about his relationship with Ms B and this was corroborated by text messages that Ms Humm sent to Ms B.

Conclusions

Findings required by s. 45

Identity of the deceased –	Deborah Lee Humm
How she died –	Ms Humm died from multiple injuries she sustained in a fall from the balcony of room 403 of Rydges Tradewinds. I find that Ms Humm intentionally jumped from the balcony. Her death was due to suicide.
Place of death –	Rydges Tradewinds, 137 The Esplanade, Cairns, Queensland, 4870.
Date of death–	14 May 2013
Cause of death –	Multiple injuries sustained in fall from height

Comments and recommendations

Comments

Section 46 of the *Coroners Act 2003* provides that a coroner may comment on anything connected with a death that relates to public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in the future.

The circumstances surrounding the death of Deborah Lee Humm

I am satisfied, on the evidence, of the following:

- Mr A met Ms Humm at the hospital at about 12.30pm on 14 May 2013;
- They went to Rydges Tradewinds, checked in and entered room 403 at 1.42pm;
- Shortly afterwards, they left the room and went to the Courthouse Hotel, arriving there at 2.29pm;
- Mr A and Ms Humm stayed at the Courthouse Hotel, where they consumed a number of alcohol drinks, until leaving at 7.09pm;
- After leaving the Courthouse Hotel Mr A and Ms Humm spent some time in City Place and at 8.02pm they were walking north on Lake Street, towards Rydges;
- It is unknown how Ms Humm and Mr A spent the hours between 8.02pm and 9.57pm;
- At 9.57pm Ms Humm was collected by a taxi outside Bernie's Jazz Bar at 92 Abbott Street and she arrived at Rydges at 10.03pm;
- Mr A arrived at Rydges approximately one minute before Ms Humm and through a different entrance;
- Room 403 was accessed at 10.13pm;

- On returning to their room, Mr A and Ms Humm argued in the corridor outside their room and continued arguing inside the room;
- Both Mr A and Ms Humm were very intoxicated at that time, Ms Humm having a blood alcohol concentration of more than 0.2% and Mr A approximately 0.245%;
- At about 10.20pm Ms Humm yelled three times, 'Go ahead', and then fell from the balcony, landing in the stairwell below;
- Room 403 was accessed twice at 10.21pm;
- Ms Humm died immediately from the injuries she sustained in the fall;
- Rydges staff called 000 at 10.29pm;
- Paramedics arrived very soon after 10.29pm and pronounced Ms Humm deceased at 10.32pm.

There are three possibilities in relation to Ms Humm's death – firstly, that she accidentally fell from the balcony, secondly, that she jumped from the balcony, and thirdly, that she was pushed from the balcony.

I can discount the first possibility as it was the uncontested evidence of Sgt Ezard that some propulsion would have been necessary in order for Ms Humm to land where she did. If she had accidentally fallen she would have landed closer to the building.

In relation to the second possibility, the evidence of the family and friends of Ms Humm establishes that she was not considered to be suicidal by nearly all who knew her. It is clear, however, that she had been worrying about her eyesight and her consequential financial position. Her son spoke to her at about 11.30am on the day of her death and she was so upset at that time that he had concerns that she might be suicidal.

She had also had some relationship difficulties with Mr A in the recent past and she was upset about his relationship with Ms B. At the time of her death she had been arguing with Mr A. Ms Humm was highly intoxicated at the time of her death such that her decision making and reasoning capabilities would have been adversely affected.

The third possibility is that Ms Humm was pushed from the balcony by Mr A. There is no evidence of any struggle or physical fight taking place on the balcony or in the room. Ms Humm was not heard to scream. It is therefore not a likely possibility that Mr A physically forced Ms Humm over the railing and threw her from the balcony.

The only remaining possibility is that Ms Humm climbed onto the balcony herself and Mr A then pushed her off.

Mr A has consistently maintained, since shortly after Ms Humm fell from the balcony, that he went to the toilet and when he came back into the room she had disappeared. His evidence to that effect is corroborated by the fact that Mr Paterson stated that the voices stopped and then he heard a door closing.

Ms Wilson submitted that I should take into account that Mr A was not a truthful or helpful witness and there were inconsistencies between the information he provided to the police and the evidence he gave at this inquest.

It cannot be disputed that the information provided by Mr A contained inconsistencies, however, given his level of intoxication at the time of Ms Humm's death and at the time he was interviewed by police, I cannot draw any adverse inferences because of those inconsistencies.

There is no evidence that Mr A pushed Ms Humm from the balcony. I find that Ms Humm intentionally jumped from the balcony. Her death was due to suicide.

I close the inquest.

Jane Bentley
Coroner
Cairns
29 May 2014