

## ATTENDANCE

### LUCY CRAWFORD – DECEASED

On an application from Mr Good on behalf of the Hospital Trust I agreed to adjourn early for lunch i.e. from 12.30 pm to 1.30 pm. Approaching 1.30 pm I was asked by counsel to see them in my chambers. I agreed and what transpired was that Dr O'Donohue now wished to have separate legal representation. He had approached his defence union and the solicitors for that was Author Cox. Jennifer Green from that firm arrived at the court a short time later and advised me that it would be their intention to apply for an adjournment for the purpose of taking further instructions from Dr O'Donohue and possibly to obtain their own expert evidence. Amanda Wylie from the same firm then arrived at my chambers. The other counsel were present at this time. She commenced going into detail as to why she wanted an adjournment and I advised her that it would be best if she made her application formally in court. When I went into court she made her application saying that instructions had been received from Dr O'Donohue at 11.00 am this morning and the basis of her adjournment was: -

1. To obtain fuller instructions
2. Possibly obtaining their own expert evidence.
3. To proceed would be to deny Dr O'Donohue his human rights
4. It would be wrong for the Inquest to conclude without hearing his evidence.

Mr Fee opposed the application on the following basis: -

1. It would be outrageous to accede to an adjournment requested at such a late hour.
2. Dr O'Donohue had up to now been legally represented by Mr Good.

Mr Good stated that he supported the application for the adjournment for the reasons advanced by Amanda Wylie.

I said that I would not grant the application. Rule 9 of the Coroner's Rules provided sufficient protection in that it enabled a witness such as Dr O'Donohue to decline to answer a question, which might incriminate him. The other reasons I gave were: -

1. The lateness of the application bearing in mind that Dr O'Donohue had ample opportunity to consider the need for legal representation and had been provided with copies of the expert reports in advance of the hearing.
2. It would be unfair to the Crawford family.
3. It would not be in the interests of justice.

Amanda Wylie stated that my decision might be challenged.

I then proceeded to conclude the Inquest by reading out the statement Dr O'Donohue had made.

After I had given my verdict I invited submissions from the legal representatives as to whether I should adopt any particular course in relation to Rule 23 (2) and refer to the Chief Medical Officer and/or the General Medical Council and whether I should refer the papers to the Director of Public Prosecutions. Mr Fee favoured a referral to the Chief Medical Officer and the General Medical Council but was neutral as to the Director of Public Prosecutions. Mr Good did not favour any referrals and Amanda Wylie was neutral. I announced that I would refer to the Chief Medical Officer and the General Medical Council but not the DPP.

**19<sup>th</sup> February 2004**