

THE EXPERT WITNESS

Examinations of crimes, drugs and
poisons by a forensic toxicologist

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Dedication

Dedicated to the victims of the crimes and their families, and the police officers and colleagues I have had the privilege of working with on these, and many other cases.

Contents

Dedication.....	5
Introduction	8
1. A Cry in the Night.....	10
2. A Case of MDMA Madness.....	18
3. The Corpse in the Culvert.....	22
4. No Laughing Matter.....	30
5. The Westpac Bank Robbery: ‘Steroids made me do it!’.....	33
6. The Body in the Wheelie Bin Murder	41
7. Death of a Drug Dealer: The ‘Ecstasy’ and the Agony!.....	46
8. Up in Smoke	52
9. Drink Spiking: A Two-man Crime Wave.....	55
10. A Strange Bait Box Death.....	61
11. The Lady in the Bath Water	67
12. The ‘Cheese Ball’ Killer – The Car as a Murder Weapon	72
13. Dr Suresh Nair – Cocaine Killer	83
14. Death of a Dancer: A Deadly Drug Mistake	99

15. The Antique Knife.....	106
16. ‘Takeaway Morphine’:The Dr Gow Case.....	117
17. Death on the High Seas: The Dianne Brimble Case	125
18. A Betrayal of Trust:The Peter Scott Case.....	142
19. The Justins and Jenning Case: Euthanasia or Murder?	152
20. An Impatient Heir:The Weightman Murders	169
21. Mystery Cliff Top Fall:The Sarah Rawson Case.....	182
22. Sex, Drugs and a Body in the Bush	188
23. Anguish in Armidale: Kids and Custody	194
24. A Coach, a Hooker and a Hit of ‘Meth’ – with a Hint of Heroin	203
25. Butchery and Body Parts: The Murder of Nicole Grant	210
26. Almost a Murder: The ‘Romeo and Juliet’ Case.....	220
27. Woman Overboard!	229
28. The Corpse in the Creek.....	233
29. ‘Hey, Mum, I can fly!’The Tragic Death of a Star Student	237
30. An ‘Unbearable High’: A Death by ‘Bath Salts’.....	243
About the Author	253
Acknowledgements.....	254

Introduction

I'm waiting outside another cold sandstone court, its slate roof tiles encrusted with the accumulation of lichens from many years, to present my scientific evidence in yet another drug- and/or poison-related matter and to face the intense scrutiny of the legal process. The greater part of any forensic science investigation involves waiting ... and waiting, whether it's to gather further evidence to put together a brief (I've often marvelled at this word 'brief', which seems to be an oxymoron for the voluminous quantities of papers needed to present a case to court: statements from witnesses, police and victims, plus laboratory reports etc.) or to present my findings. But hopefully, when all of the evidence has been presented and due justice prevails, it will all have been worthwhile. Sadly, however, this isn't always the case.

Poisons and drugs, gathered from a variety of sources, have been used in an illegal way for centuries, and they command an unfortunate, enduring fascination. People appear to be both attracted by them and, at the same time, repelled by them due to the fact that they are not only deadly, but can also be very discreet. Forensic investigations usually give rise to the following questions: Did the victim overdose? What was the poison/drug used? Was it murder, an accident or suicide? How was it taken and in what quantity? Would that dosage be enough to take their life? But in the end, the difference may come down to how it was administered, the probable dosage, the levels of the poison/drug found in the body, the tolerance of the body – and then, the motive for

carrying out the deed. As Forrest Gump said in the 1994 movie of the same name: *'Life is like a box of chocolates, you never know what you're gonna get'*. And so it is with many criminal cases: some are darker than others, but none are ever sweet!

This book contains a selection of case stories (some names have been changed for legal reasons) taken from the many I've been involved in over the years. I hope you, the reader, find them both interesting and informative.

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1 A Cry in the Night

‘Nobody ever forgets where he buried a hatchet.’

~ *Kin Hubbard*

In the quiet rural town of Uralla, the cold bleak evening of Saturday, 10 June 2000 didn't promise anything out of the ordinary. And why would it? The last piece of real excitement seen in the sleepy hilly area in the Northern Tablelands of the New England region of New South Wales had taken place some hundred and thirty years earlier when Frederick Ward – aka Captain Thunderbolt, the notorious bushranger – had been shot by the police on 25 May. Situated halfway between Brisbane and Sydney, the 2300 people who inhabited the town went quietly about their business, totally unconcerned with the world outside.

But that tranquillity was about to be disturbed.

At 8.40 pm, the phone in the local police station rang. The caller said, ‘I'm from Queen Street. There's some sort of commotion going on at the flats next door. Could you come and check it out?’

A police unit went to investigate and found Marion Read (often called

Mary) and a young female companion shivering outside a flat. Leo Hunt, part Aboriginal and also known as ‘Snow’ because of his pure white hair, was standing inside by the sliding glass door. The police ushered Marion back into the flat.

‘What's going on?’ one of the police officers asked.

‘Snow assaulted me’, Marion replied.

Further conversation ascertained that both parties had been drinking, something which had made for an uneasy relationship between the two in the past. Then Marion said, ‘Snow's accusing me of having an affair with the bloke in flat four, but I don't even know him’.

The police officer looked from Marion to a scowling Snow and back again. ‘Jealous, is he?’

Marion nodded. ‘And possessive.’

‘So what happened tonight?’

Marion fixed Snow with a glare. ‘He knocked me glasses off me face and forced me up to that bloke's flat, screaming at me. He kicked me and knocked me glasses off me head. I don't even know the bloke in flat four.’

‘If you get another AVO (apprehended violence order),’ Snow snarled, ‘you're dead. I'll fucking kill you’.

‘I didn't get the last AVO,’ Marion retorted, ‘the police did. And for your information, I didn't call them tonight’.

The police officer had heard enough. ‘Get up, Snow, and wait outside’, he said. Then he turned to Marion. ‘Based on what you've told me, I'm going to charge him with assault. I'll be back in a moment.’

An AVO was applied for and subsequently issued by an after-hours magistrate in Parramatta. Its terms were read to Hunt.

‘Do you understand all the conditions about not going near Mary?’ the police officer asked.

‘Yeah, I understand’, Hunt replied. ‘All this for a fucking ‘gin!’

At five minutes to midnight, Snow was conditionally bailed not to approach Marion, who had been strongly warned by the police that she should lock herself in after they left. Unfortunately, she failed to take their advice and, shortly after midnight, there came a knock at her door. Foolishly, Marion opened it. It was Hunt. He forced her back into the flat, but she managed to evade him, turn and run out outside. Hunt picked up a carving knife from the kitchen and gave chase. He was intent on carrying out his earlier threat. Marion ran towards the caravan park, but Hunt was faster and stronger, and he soon caught up with her.

Just forty minutes after he’d been issued with the AVO, witnesses from the nearby caravan park heard a couple of short bloodcurdling screams as Hunt stabbed Marion repeatedly in the back before running off, leaving the carving knife embedded where he’d made his last frenzied thrust.

A few minutes later, the police emergency line received a triple zero (000) call. The caller asked to speak to the Uralla police.

‘I can’t put you through sir’, the operator replied, ‘but I can get them to come and see you’.

A short silence followed.

‘Hello’, the operator said, checking to see if the caller was still on the line.

The caller repeated his request, whereupon the operator repeated what she’d said, adding, ‘Or I can get them to contact you by phone’.

The caller then asked the operator to contact the police for him.

‘OK’, she replied. ‘What’s your name?’

‘Snow Hunt.’

‘I’m sorry’, the operator said, ‘what’s your name?’

‘Hunt.’ Snow also gave his telephone number.

‘Can I say what this is regarding, Mr Hunt?’ the operator asked.

‘What’s that?’ _

‘What is it regarding?’

‘I’ll talk to the police.’

‘OK’, the operator replied. ‘You don’t have an emergency that you need the police to attend to straight away?’

‘I think so, yes,’ Hunt said.

‘You do need the police there straight away?’ the operator queried, in an effort to confirm what help was being sought.

‘Yes, yes please’, Hunt replied

‘Well, it’s quicker if you give me the details ...’

At that point, Hunt terminated the call.

About fifteen minutes later, the Uralla police were contacted. They arrived at Hunt’s residence at just gone one o’clock in the morning. The house was in darkness and the front door was closed. A police officer rapped on it sharply, calling out, ‘Snow are you in there? What’s going on?’

The door opened and Hunt slowly emerged from the darkness. ‘What the...?’

‘What’s going on? Why did you call the cops, talking about Marion?’ the police officer asked.

‘You obviously don’t know what’s happened’, Hunt replied.

‘Where’s Mary?’

There was no answer forthcoming, so the police officer repeated his question in a slightly more assertive manner. Hunt stood there for a few moments, but eventually answered, ‘In the park’.

‘Where in the park?’

‘In the caravan park.’

‘What have you done to her?’

Hunt stood motionless, saying nothing, but after a few minutes and some further discussion, he led the police to the scene of the crime, where he pointed towards a prone body. 'There she is', he said.

Marion was lying face down in the grass, a large amount of blood around her nose and mouth area, and a large-handled kitchen knife protruding from her back, just as Hunt had left her. A police officer turned to him in despair and anger. 'What have you done?'

'I've had two packets of Serepax [a brand of oxazepam, a benzodiazepine used to treat anxiety and insomnia] and I don't know what I've done', came the reply

'Where did you get the knife?' the police officer asked.

Hunt shrugged. 'What knife? I don't know.'

The police officer then placed Hunt under arrest before cautioning him and putting him in the police car. Then he radioed for back-up. Shortly after, more police and an ambulance arrived at what had been declared a crime scene. The ambulance officer who checked the deceased for any signs of life was also asked to check Hunt because he'd said that he'd taken two packets of Serepax, but the police that had come with the ambulance said that Hunt should go to the hospital. He was taken out of the police car and handcuffed before being escorted to the ambulance, which took him to Armidale Hospital, some twenty-three kilometres away.

In the meantime, the area around the corpse was preserved until crime scene and police detectives arrived, and a search was made of Hunt's premises. Two empty blister packs of Serepax were found. A government contractor showed up after Hunt was taken from the scene and transported Marion's body to Armidale Hospital, where she was formally pronounced dead.

The ambulance transporting Hunt to the accident and emergency section of the hospital arrived at a couple of minutes before two o'clock. The police officers accompanying him reported that he appeared to be alert and orientated, and that there were no other evident problems.

The doctor on duty was briefed on what had happened and, when asked for his version of events, Hunt just said, 'I warned her'.

While hooking Hunt up to a monitor to check his cardiac and respiratory systems, the nursing staff asked the police officer if the handcuffs were really necessary because they were making the task more difficult. By way of an answer, the officer told them that Hunt was alleged to have murdered someone earlier in the evening and that he had taken two foil packs of Serepax.

It was decided to treat him for a drug overdose. Part of the treatment involved the administration of charcoal to absorb the poisons, but Hunt was unhappy with that and objected, saying, 'Do I have to have this shit?'

'Sorry, you have to have it', the nurse replied, matter-of-factly.

Further assessments were also carried out, including the Glasgow Coma Scale (GCS), a test to determine how alert a person is, with a score of fifteen being totally normal. Hunt was assessed as fourteen, and the testing nurse reported that the only area that Hunt seemed confused about was where he was. As far as the nursing staff was concerned, the result of the test showed the oxazepam he had apparently ingested was having a minimal effect at that time, so they asked him what he had taken.

'Two packets of Serepax', Hunt replied.

It was clear from his breath that he'd been drinking, so after a few hours another GCS was performed but, on the second occasion, there was no response to speech or spontaneous action. Judging him to no longer be a threat, Hunt's handcuffs were removed. However, after a final test involving a sternal rub, he awoke and started to throw his arms around, swinging punches at nursing staff, so he had to be re-handcuffed. At the same time he stated to verbally abuse the nurses, saying things such as, 'What the fuck are you doing?'

A further GCS carried out an hour and a half later, at 6 am, rated him as a ten, and he only responded to the sternal rub. Once again, he was released from his handcuffs, but when a nurse attempted to aid his respiration, he suddenly propped himself up on his elbow and said, 'I'm going to kill you', at the same time taking a swing at her. She screamed and colleagues came rushing to her

aid, re-handcuffing Hunt once more. It took him an hour to settle down. It was discovered later that he'd developed a tolerance to the oxazepam and had apparently been taking it for many years in an attempt to keep himself calm. Of course, any alcohol in his system would have exacerbated the effects.

Five hours later, at midday, a blood sample was taken. It was found to contain oxazepam 2.2 milligrams per litre (mg/L), which is more than eight times higher than the therapeutic range (0.09 to 0.44 mg/L, average 0.265 mg/L). However, there was no trace of alcohol, even though a witness had said Hunt had smelt strongly of alcohol and had been half drunk. But on the other hand, the witness had also said that Hunt had been talking normally and had had no problems standing up or walking.

Such apparent contradictions can be explained by the time interval between Hunt drinking and having his blood tested - it's probable that any alcohol would have been metabolised to undetectable levels - as Hunt was a regular drinker - and he would have been more tolerant of alcohol and able to metabolise it faster than someone who drank infrequently or just on social occasions.

Marion Reid's post-mortem indicated that she'd had a rough life, with several health problems and a number of bruises of varying ages being revealed. The wounds that most likely took her life were apparent in her chest, and defensive injuries to her hands showed she'd desperately tried to prevent her untimely demise.

Leo 'Snow' Hunt stood for trial on 12 November, 2001, some seventeen months after Marion Reid had been killed. The trial took place in the NSW Supreme Court in Tamworth, where Hunt was charged with his de facto's murder.

I attended Tamworth Court for the committal hearing and gave evidence relating to the level of oxazepam found in Hunt's blood. I was cross examined on a number of issues relating to the drug, including tolerance, absorption time and how long it takes for its effects to become apparent with regard to the quantity taken. For example, if fifty Serepax tablets were taken in one sitting, how would that manifest itself in the stomach?

My answer was that such a large number of tablets would clump together and form a bolus in the stomach and be absorbed over time, the exact length of which would depend on whether food was present. Further questions addressed the possibility that oxazepam ingestion can produce a paradoxical reaction of acute rage rather than sedation. For example, I was asked, from what I knew of the case and based on my knowledge generally, that if one of the paradoxical reactions such as acute rage, stimulation or excitement were to occur, would anything make it possible for that reaction to occur within, say, fifteen minutes of a large overdose of tablets having been taken.

I replied, 'Fifteen minutes seems a bit too fast for me. It would have to be at least a minimum of half an hour. You have to allow time for the stomach to actually absorb the drug into the bloodstream, and you would be still looking at half an hour to an hour for the effects to actually to come into play'.

Both prosecution and defence counsels were basically trying to establish when Hunt took the drug overdose. Was it before or after the murder?

It seemed to me that it was more likely Hunt had taken the drug overdose *after* the murder, possibly in an attempt to take his own life as well. However, even if the drug overdose had been taken just *before* the murder (and there seemed to be no motivation for that), there had been insufficient time for the drug to manifest the various effects put to me, paradoxical or otherwise. That conclusion was borne out by other witness evidence that followed my toxicological evidence.

Hunt was found guilty as charged and sentenced to a minimum of twenty years imprisonment. Given that he was sixty-eight years old at the time of sentencing, it seems likely he'll spend the rest of his life in gaol, while some folk in Uralla will forever be haunted by Marion's agonising cries in the night for as long as they live.