



## FINDING OF INQUEST

*An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 4<sup>th</sup> day of June 2012 and the 13<sup>th</sup> day of June 2013, by the Coroner's Court of the said State, constituted of Mark Frederick Johns, State Coroner, into the death of Neville Ronald Baker.*

*The said Court finds that Neville Ronald Baker aged 56 years, late of Yatala Labour Prison, 1 Peter Brown Drive, Northfield, South Australia died at the Royal Adelaide Hospital, North Terrace, Adelaide, South Australia on the 18<sup>th</sup> day of February 2010 as a result of respiratory failure due to adenocarcinoma of the lung and chronic obstructive lung disease. The said Court finds that the circumstances of his death were as follows:*

### **1. Introduction, cause of death and reason for Inquest**

- 1.1. Neville Ronald Baker was 56 years old at the date of his death on 18 February 2010. He died in the Royal Adelaide Hospital. A pathology review was conducted by Dr McIntyre and Associate Professor Langlois of Forensic Science South Australia who gave as the cause of Mr Baker's death, respiratory failure due to adenocarcinoma of the lung and chronic obstructive lung disease, and I so find<sup>1</sup>.
- 1.2. At the time of his death Mr Baker was serving a sentence of imprisonment for the offence of murder. Accordingly, his was a death in custody within the meaning of that expression in the Coroners Act 2003 and this Inquest was held as required by section 21(1)(a) of that Act.

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<sup>1</sup> Exhibit C3a

## **2. Background and the events leading to Mr Baker's death**

- 2.1. Mr Baker was sentenced to life imprisonment for the crime of murder in 1994. The victim, Carolyn Titulaer, and Mr Baker had been in a relationship which had apparently ended, although they were still living in the same premises. Mr Baker was not willing to accept the ending of the relationship and to see Ms Titulaer pursue other relationships. Accordingly, in the early hours of the morning of 19 December 1993 he shot her with a rifle while she slept in her bed. Justice Moore, in fixing the non-parole period described the crime as a 'cold blooded murder' and said that the motive was Mr Baker's decision that Ms Titulaer was not to be allowed to lead her own life<sup>2</sup>.
- 2.2. Accordingly, Mr Baker served out his term of imprisonment in Yatala Labour Prison and Cadell Prison. He had been a heavy smoker throughout his life and throughout his imprisonment. In May 1998 he had a chest X-ray and lung changes consistent with emphysema were detected. In July 2000 he was commenced on Ventolin for shortness of breath. In the following 3 years additional medications were added to assist with his emphysema including Becloforte, a preventative steroid, Atrovent for symptomatic relief, Serevent, a preventative steroid and Spireva, another preventative steroid. All of these drugs were appropriately prescribed for the condition of emphysema.
- 2.3. In 2001 Mr Baker's lung capacity was measured using a peak flow test. This showed that he was suffering moderate to severe airways disease. His treatment was continued. In 2004 he was admitted to the Berri Hospital with symptoms of acute emphysema and from there was discharged to the Yatala Labour Prison infirmary for closer monitoring of his condition. In July 2005 he reported blood in his sputum and investigations were undertaken. They did not reveal a definitive cause and treatment for the emphysema was continued. In June 2007 he was admitted to the Royal Adelaide Hospital with a severe exacerbation of his condition. He was discharged to the Yatala Labour Prison infirmary for oxygen therapy to be instituted.
- 2.4. On 26 December 2009 he was again admitted to the Royal Adelaide Hospital with an acute exacerbation of his condition. A chest X-ray was undertaken and revealed a pleural effusion. The fluid was drained and cells consistent with primary lung cancer were detected. Mr Baker was carefully assessed by specialists at the Royal Adelaide

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<sup>2</sup> Exhibit C10d

Hospital and it was decided that he was not suitable for aggressive treatment in the form of chemotherapy. It was decided that he would be returned to Yatala Labour Prison for symptomatic care with readmission to the Royal Adelaide Hospital as and when required. Mr Baker himself agreed with this course. He did not want aggressive treatment to be undertaken.

- 2.5. His condition deteriorated quite rapidly and he was readmitted to the Royal Adelaide Hospital on 8 January 2010 for palliative care. This continued for approximately 6 weeks until his death which, as I have already said, was caused by respiratory failure due to adenocarcinoma of the lung and chronic obstructive lung disease.

### **3. Conclusions and recommendations**

- 3.1. A careful review of Mr Baker's hospital notes reveals that he was appropriately managed and treated while in prison and within the public health system and I have no recommendations to make in this matter.

*Key Words: Death in Custody; Natural Causes*

*In witness whereof the said Coroner has hereunto set and subscribed his hand and*

*Seal the 23<sup>rd</sup> day of June, 2013.*

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*State Coroner*