



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

Coroners Act 1995
Coroners Rules 2006
Rule 11

(These findings have been de-identified by the direction of the Coroner pursuant to s57(1)(c) of the Coroners Act 1995)

I, Olivia McTaggart, Coroner, having investigated the death of Margaret Nicol Foran

Find, pursuant to Section 28(1) of the *Coroners Act 1995*, that:

- a) The identity of the deceased is Margaret Nicol Foran;
- b) Mrs Foran died as a result of manual strangulation and smothering by her son, AL whilst, he was suffering from an acute psychotic episode;
- c) The cause of Mrs Foran's death was asphyxia;
- d) Mrs Foran died between 22 April 2012 and 23 April 2012 at her residence at 3/92 Alanvale Road, Launceston in Tasmania; and
- e) Mrs Foran was born on 5 January 1935 and was aged 77 years: she was a widow, retired and the mother of seven children.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mrs Foran's death. The evidence comprises an opinion of the State Forensic Pathologist regarding cause of death, relevant police and witness affidavits, a police video interview of AL, medical records and reports, forensic evidence, and Supreme Court transcripts and recordings.

Margaret Nicol Foran was a disability pensioner who resided alone at 3/92 Alanvale Road, Alanvale. Mrs Foran had been living in the unit for approximately 18 years.

Mrs Foran's son, AL, had lived with his mother on an irregular basis. At the time of Mrs Foran's death, he was 52 years of age. AL had returned to stay with Mrs Foran at 3/92 Alanvale Road approximately two weeks prior to her death.

At a time between 7.46pm on Sunday 22 April (documented telephone call between daughter Margaret Clarke and Mrs Foran) and 9.45am on Monday 23 April 2012 (the time of arrival of her daughter, Irene Leary, at the scene), AL caused the death of his mother by manually strangling and smothering her. The evidence suggests that these acts occurred in AL's bedroom, next to his bed, and that he dragged his mother along a hallway, placed her into her own bed and left the scene.

Mrs Foran had a scheduled appointment at the Launceston General Hospital on Monday 23 April 2012. During the course of the morning, Margaret Clarke and Irene Leary attempted to contact their mother by telephone. After failed attempts to make contact, Ms Leary attended the unit at around 9.45am on Monday 23 April 2012. Ms Leary found her mother apparently deceased and called for an ambulance.

Ambulance Tasmania personnel attended the scene and determined that Mrs Foran was deceased. Police attended and commenced an investigation into the death.

At about 11.30am that morning, AL returned to the scene. He then entered 2/92 Alanvale Road, the neighbouring unit, where he spoke with Ms Leary who was providing an affidavit to a police officer. After the police officer had introduced herself to AL, he stated *"I killed my Mum."* He was then cautioned, arrested, and conveyed to the Launceston police station. At the police station he was formally interviewed.

In the interview AL told interviewing officers that he killed his mother by strangling her. He said he killed his mother because she was *"pure evil"*. His responses to questions at interview made little sense, and appeared as if he was responding to hallucinations that he was experiencing rather than to the questions asked. His interview and speech in the interview were also unusual. After being interviewed, AL was charged with the murder of Mrs Foran.

On 22 March 2013, in the Supreme Court of Tasmania held at Launceston, the jury returned a verdict that AL committed the act charged but was not guilty on the ground that he was insane at the time so as not to be responsible according to law. The expert evidence before the jury from psychiatrists Dr Michael Evenhuis and Dr Lester Walton was that AL was acutely psychotic at the relevant time.

Justice Helen Wood made a restriction order pursuant to the *Criminal Justice (Mental Impairment) Act 1999*, section 21(1)(a), requiring AL to be admitted to, and detained in, a secure mental health unit until the order is discharged by the Supreme Court. Her Honour, in subsequently giving reasons for her order on 11 June 2013, stated:

"AL has recently commenced antipsychotic medication. He is in the early stages of treatment. It is considered that recent disavowal of the beliefs he held at the time of offending is unlikely to reflect actual change in his mental state. There is, according to Dr Evenhuis, much uncertainty regarding his future risk profile. Dr Evenhuis is of the opinion that it is impossible at this stage to be definitive regarding his future risk of offending. As stated by Dr Evenhuis, the order must balance the safety of the community, the autonomy of the individual and the individual's needs for treatment and supervision."

I find, in accordance with the evidence in the investigation and jury verdict, that AL caused the death of Mrs Foran. He did so while in an acutely psychotic state such that he did not know that the act of causing her death was one that he ought not to do. I am satisfied that there was no involvement of any other person.

I note that before his mother's death, AL had never been assessed or treated in respect of his mental health. The evidence indicates that in 2003 he developed unusual and persistent beliefs regarding regeneration of the human body, and that these beliefs became delusional. His family and others were aware of his unusual beliefs and were distressed by them. In the days leading to the death of his mother it appears that his condition worsened significantly such that he suffered auditory and visual hallucinations and bizarre delusions.

The psychiatric evidence suggests that this worsening of his condition may have been due to the progression of his illness, as well as a possible contribution by substance use.

AL was subsequently able to express some remorse for causing the death of his mother. Dr Walton stated that, "*He is nothing short of aghast that he has killed his much loved mother.*" However the evidence indicates that AL subsequently remained with entrenched deluded ideas. Dr Evenhuis suggests that the most likely diagnosis of his mental illness is paranoid schizophrenia.

At the time of this finding, AL remains detained in a secure mental health unit pursuant to the order of the Supreme Court.

I am of the view that the *Coroners Act* 1995 does not require me to hold an inquest into the death of Mrs Foran. Additionally, I determine that it is not desirable to hold a public inquest into her death.

Comments and Recommendations:

The circumstances of the death of Margaret Nicol Foran are not such as to require me to make any comments or recommendations pursuant to section 28 of the *Coroners Act* 1995.

I convey my most sincere condolences to Mrs Foran's family. Their suffering has been enormous and yet they have been remarkably understanding and compassionate in relation to AL's illness.

Dated: 1 August 2016 at Hobart, in the State of Tasmania.

Olivia McTaggart
Coroner