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<ALAN DAVID CALA(10.21AM)
SWORN AND EXAMINED

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LAKATOS: Q. Doctor would you give us your full name please?

A. Alan David Cala.

45

Q. Your present address?

A. 21 Divett Place, Adelaide. That's my professional address.

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Q. What is your present occupation?

A. I'm Chief Forensic Pathologist at the Forensic Science Centre in Adelaide.

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Q. And until some recent time you were a Staff Forensic Pathologist at the New South Wales Institute of Forensic Medicine based in this complex?

A. Yes.

Q. When did you take up your new position in South

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CALA X(LAKATOS)

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Australia?

A. In January this year.

5 Q. Now in the present proceedings you have been asked to comment on I think a post mortem report which was conducted by a Dr Sylvia Hollinger who was then a pathologist at this institute?

A. Yes.

10 Q. Back in 1989?

A. Yes.

Q. And to give some further information concerning the properties of a body drowned in the ocean?

15 A. Yes.

Q. Do you have copies of the documents with you?

A. Yes.

20 Q. I wonder if you would go to Dr Hollinger's report?

A. I'm sorry I don't have Dr Hollinger's report, I've only got my own report.

25 Q. All right I understand that, I wonder if we can make available to you?

30 CORONER: You've got the original file down there, Mr Russell's original file. If Mr Russell's original file is there I'd prefer the doctor use that because that's got Dr Hollinger's original.

LAKATOS: Q. Do you have the report in front of you?

A. Yes I do.

35 Q. I just want to, if you wouldn't mind doctor, for you to, is there a need for Dr Cala to give his qualifications?

40 CORONER: No, I don't - Mr Saidi you accept Dr Cala's qualifications.

45 LAKATOS: Q. Dr Cala, Dr Hollinger records in her post mortem report of 29 November 1989 a pattern of injuries which she observed under the heading on the first page, do you see those?

A. Yes.

50 Q. What I was going to ask you was the severity of the injuries and whether they alone or perhaps in combination would have contributed or caused the death of John Allan Russell. The first two or three headings in the pattern of injuries, bruising to the left and the right side of abdomen, were they injuries of a seriousness which could have caused death by themselves?

55 A. No. They merely reflect some sort of blunt trauma to the abdomen.

Q. Is the blunt trauma to the abdomen possibly an assault

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or is it more likely to have been, bearing in mind he was found at the base of a cliff, as a result of his falling and sustaining injuries in that way or you cannot say?

5 A. I think that given the internal findings that most of the injuries would be due to the fall. But some of them I cannot exclude the possibility that they were inflicted during an assault.

10 Q. Follow me down, there was a laceration on the left side of the forehead, measuring 6 cms x 1.4?

A. Yes.

Q. How severe was that injury so far as you can discern from the papers?

15 A. Not life threatening of itself and probably fall related.

Q. I pass over, there's a number of abrasions?

20 A. Yes.

Q. And lacerations once again, perhaps if I can ask it globally this way, the injuries listed under the pattern of injuries is there anything there which would be life threatening so far as your assessment is concerned?

25 A. No.

Q. Looking at the cranial, the internal examination can you explain what the tearing of the dura overlying the right cerebral hemisphere is?

30 A. Yes, the dura is a quite thick membrane about, up to 2 millimetres in thickness that covers both cerebral hemispheres of the brain, right and left side and it sits over the top of the brain, on the surface of the brain but underneath the scalp.

35 Q. And is that an injury of some gravity?

40 A. Yes. To tear the dura requires, in all likelihood, substantial skull fractures which may have, that is to say the bony fragments from and around the skull fracture may have physically torn the dura which just sits underneath.

Q. Then going to page 2 there's a reference to comminuted fractures present at the right frontal parietal occipital bones?

45 A. Yes.

Q. Are those fractures likely to have been responsible for the tearing?

50 A. Yes, particularly the right front and parietal bones which sit at the front, in front of the brain in the forehead region and going towards the top of the head.

Q. Those injuries constitute grave injuries capable of causing death?

55 A. Yes, it's not just a skull fracture I should point out but whatever force has caused these skull fractures would also have torn the dura and injured the brain.

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Q. I understand that and then going, I pass over because it's a complete report, but in the neck and the thorax Dr Hollinger noted a large tear was present in the pericardium?

5 A. Yes.

Q. Whereabouts is the pericardium?

10 A. The heart sits in the pericardial sac and so it completely envelopes the heart at the back and at the front and to tear the pericardium also again implies substantial force to the chest region, most likely from a fall. This is quite a typical injury that we see from time to time in falls, from heights not just from one's own standing height.

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Q. The transection of the aorta would have been a terminal injury would it not?

A. Yes that would be fatal by itself.

20 Q. By itself?

A. Yes.

Q. It's noted there's numerous width fractures, the third, fourth and fifth. I'm passing over many of the complete descriptions, do you see that?

25

A. Yes.

Q. All of which, may we take it, is consistent with injuries following a fall?

30

A. Yes.

Q. Of this kind?

A. Yes.

35 Q. You are aware of course that the fall distance is about 11 to 12 metres?

A. Yes.

40 Q. Now as is noted the cause of death attributed by Dr Hollinger is multiple injuries and we've looked at some of the more serious ones which Mr Russell sustained?

A. Yes.

45 Q. You were asked a number of questions by police officers to address a number of questions and you supplied a report, I think dated 14 August 2001, do you happen to have the questions which were asked because you've helpfully given the answers but I don't have and I wonder if you do the ten questions which were in fact asked of you?

50

A. No I'd have to respond in the negative. I only have the answers, from that I can maybe deduce the questions.

55 Q. I understand that, you were also given a set of 30 colour photographs, would you look at the photographs at the tail end of the coronial file and tell us whether those were the photographs that you looked at?

A. Yes.

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Q. You also referred to digital photographs in your second paragraph of your letter?

A. Yes.

5

Q. I'm not sure that I've seen digital photographs, do you know what those depicted?

A. Yes they were, these colour photographs were made into digital images and emailed to me as well and so I received those as well as copies of these colour photographs.

10

Q. So you received them in two forms in essence?

A. Yes.

15

Q. Digitally and photographically?

A. Yes.

Q. Now looking at your report perhaps you can, you've indicated at paragraph 2 or in answer to question 2, that there are many injuries to the left side of the body, this might indicate the deceased's primary impact was to left side, that is to say he landed on his left side?

20

A. Yes.

25

Q. The following statement from the report "there do not appear to be multiple directions from which the injuries arose". Can you perhaps elaborate on that statement?

A. Yes it seemed to me that the injuries were predominantly left sided and that made me think that it was more likely that this man landed heavily onto the rocks on his left side. As opposed to, for example, if he had injuries on both sides of his body might make me think another process was happening, that's really what I mean by that statement.

30

35

Q. Does the fact that most of the injuries appear to be left sided also tend towards a conclusion, not necessarily conclusive, that those injuries were as a result of a fall rather than as an assault. Unless one was assaulted totally on one side?

40

A. Yes, that's unlikely, I think it's more likely that the injuries which were occasioned more so on the left side were due to the fall.

45

Q. Your next conclusion was and I think we've covered this at least in passing, Dr Hollinger's report that the injuries described and reported as unsurvivable?

A. Yes.

50

Q. After the fall what would have been Mr Russell's condition, in terms of consciousness and other ones?

A. I think he would have been very deeply unconscious at the time he struck the rocks below, at the time of the impact. The impact that he sustained damaged the aorta, fractured the ribs, injured his brain and unconsciousness would have been instantaneous and severe and in all likelihood I think he's died a very short period of time after that. He's not been able to do anything purposeful,

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following that, given the injuries that I've read.

5 Q. And as you note in your numbers 5 and 6, he would have been immediately unconscious which is what you've just now said and would be, as of course not mobile as well after the fall?

A. That's right.

10 Q. Did you draw a conclusion as to whether or not Mr Russell was alive when he presumably fell from the cliff?

A. Yes I believe he was.

15 Q. What did you base that conclusion on?

A. The fact that the injuries that he sustained as a result of the impact were associated with bleeding internally. If he was already dead and thrown off a cliff for whatever reason then these four related injuries would not have been associated with very much bleeding, if any at all. The fact that there is quite substantial bleeding makes me believe that he was alive at the time he's impacted with the rocks.

20 Q. And the fact that he was bleeding you discerned from the presence of blood in and around the body?

25 A. Yes described in the autopsy that I was able to see externally.

30 Q. And the body cavities amongst other things?

A. Yes that's right.

35 Q. You were asked whether or not you could proffer an opinion about whether he was conscious or not at the time of the fall. You say you cannot do that?

A. No I don't.

40 Q. I'm looking at number 9?

A. I don't, that's correct. I don't believe I can, but if he was unconscious I would have to ask why would he be unconscious, what lead to that unconsciousness and was it possible to determine that from the autopsy, was there a, in other words, was there a pre-existed injury, for example, or other cause maybe alcohol and/or drug intoxication perhaps that might have caused unconsciousness but not death. That contributed in some way to this man's death but I have to say on the autopsy report, in conjunction with the photos, I can't see any evidence that I am convinced about to indicate that he was unconscious prior to the fall.

50

Q. Would there be anything which would be disclosed on post mortem which would be indicative if not conclusive of whether or not unconscious?

55 A. Yes, if he had some injury, for example, which was not likely to have been caused by a fall, but that, which was of such a substantial or significant nature that it would make me think that he was unconscious. But the absence of that made me think that it was more likely that he was

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conscious at the time.

5 Q. There's no objective way of saying, in terms of examination for example of the brain after death that the person was unconscious at the time and there are no changes which are discernible or apart from looking at injuries as you've indicated or not, or is there?

10 A. There is no way of looking at the brain and determining whether somebody was conscious or unconscious at a particular time. But like I've said, for example, if this man developed a sub dural haemorrhage which is a bleeding between the brain and the dura. Now that happens over a - can happen over a period of minutes but usually even over a period of hours. If I'd found that or if 15 there was mention of a sub dural haemorrhage at the time of the autopsy that would make me think that this man survived for or had been, maybe, unconscious for a period of time prior to sustaining these injuries from the fall. So things like that would make me think that he might have 20 been unconscious, but their absence made me think otherwise and in fact he probably was, in all likelihood, conscious at the time he's fallen.

25 Q. Now going to question 10, you no doubt were asked "Were the injuries consistent with the fall of a person from a height of about 11 metres, you see 10 (i)?

A. Yes.

30 Q. And I think your conclusion in that regard is that they were, were they not?

A. Yes.

35 Q. Including soft tissue damage amongst this, one's we referred to the transection of the aorta?

A. Yes.

40 Q. You were asked about what a body might do physically after it had fallen from or a person I should say, not a body, after falling from a cliff of that height. What would be the mechanics, would a person just land flat or would there be some movement as a result of the fall or what?

45 A. I think either is possible, I have to say of course I haven't seen any or read any experiments of this sort of activity, because it's clearly impossible to do. But based on the description of people who are seen to fall and are later found deceased I think either are possible. That you can fall from a height and just stay in the 50 position in which you strike the ground or it may be such that the local environment where you impact, plus your speed, plus any horizontal velocity that you have if you take a running jump from a cliff, for example, might lead to some energy such that you might, for want of a better word, bounce and the body may have a primary impact at the 55 time it initially strikes the rocks and then because of the physics with the body striking that rock it may actually bounce a short distance, but not more than I would think a couple of feet.

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Q. What conclusions, if any, did you draw from the examination of the photographs which showed that Mr Russell's head was towards the face of the cliff?

5 A. Yes.

Q. And his legs were towards the sea if I can put it that way?

10 A. Yes. That's an unusual position, most people that are found around the Gap or North Head, around the cliffs of Sydney are not in that position. They're head is facing towards the ocean and their feet towards the cliff. So this is an unusual position. What it means to me is that it's likely that this man has perhaps, his body has
15 twisted on the way down, rotated, in some way such that he's landed and stayed in this position, because as I've said he hasn't moved. As soon as he's struck the rocks he hasn't been able to move. That being the case would make me wonder whether he's been deliberately thrown off the
20 cliff perhaps.

Q. Well had he been thrown head first you wouldn't have expected him to land in the position he was ultimately found?

25 A. No that's right.

Q. Had he been thrown feet first that might be an explanation consistent with the position might it not?

30 A. Yes. If he's been picked up and then thrown and there's been a rotatory element to the way that he's been thrown such that his legs swivel around towards the ocean, that might be another explanation for the position that he's seen to be lying in.

35 Q. Let me examine with you and I appreciate there is a degree of speculation involved here clearly enough?

A. Mm.

40 Q. If a person has had a great amount of alcohol and in fact some how backs onto the cliff and falls down with his back to the drop, rather than forward. I mean is it conceivable that a person might have ended up that way by reason of accident, if those are the only facts known. There are additional facts which I will put to you, but if
45 that's right?

A. I think that's unlikely I couldn't say it's impossible but I think it's unlikely, I think if somebody's affected by alcohol and they back over the cliff I'd still expect
50 that they would fall and that their head would be closer to the ocean than in this case.

Q. Fall backwards as it were but land on their back?

A. Yes.

55 Q. Rather than forwards in on their front?

A. Yes.

Q. I understand?

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A. With their head facing closest to the ocean and their feet closer to the rocks as opposed to what we have here.

5 Q. Now obviously you examined the photographs fairly carefully, were you able to discern the presence on one of the hands of a sample of hair?

A. Yes.

10 Q. Now I appreciate this is extremely difficult, because it's a photograph and so on, but did you draw any conclusions as to whether or not the hair was the same or similar to Mr Russell's or was hair of a foreign kind and I appreciate this is not a thing which can be answered definitively?

15 A. Yes.

Q. Perhaps you can't answer it at all?

20 A. No, Mr Russell's head hair is dark brown and these hairs that I saw, I'm just trying to find the photos actually, but they looked, they did not look as if they would have come naturally from Mr Russell's head hair.

CORONER: Q. Doctor that was in my pile?

25 A. Yes, however, I can't be absolutely sure and obviously I can't say that they were definitively not from Mr Russell, but they don't appear to be. That's probably all I can say, but it's also unusual, in a case like this, and I've seen many people who've jumped from great heights. The findings of hairs is unusual and would raise questions with me.

30 LAKATOS: Q. It's more than a simple single strand of hair is it not, there seems to be a small, clump would be not overstating it?

35 A. Yes, there's at least four and probably quite a number more on the photograph that I've seen.

CORONER: Mr Russell's got curly hair too.

40 LAKATOS: Yes.

CORONER: Can I show doctor the next--

45 LAKATOS: By all means, by all means.

CORONER: Q. You can see Mr Russell's hair there, it's very wavy hair?

50 A. Yes and also where the hairs actually are located at the base of the left index finger is unusual. I have no definite explanation for that of course, but it's unusual and raises questions.

55 LAKATOS: Q. I suppose that if somebody were to be grabbing something that would be the most or one of the more obvious places where residual hair, if hair is what was being grabbed, would reside it being between the base and the finger, thumb and the forefinger, the strongest part of the hand?

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A. Yes.

Q. I guess?

A. Yes.

5

Q. Once again this may be outside your area of expertise, but bearing in mind there is four hairs or more, from a reasonably healthy head is that likely to come out naturally as opposed to being pulled out or somehow

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artificially extracted if I can put it that way?

A. I think it's unlikely that its just fallen out, I think it's more likely that it's been tugged out. If it's come from Mr Russell's head, there are a number of explanations I would think that might explain it, but it is unusual and to me tends to suggest that it came from the head of somebody else, perhaps.

15

Q. Once again there's a healthy degree of speculation in this question, I appreciate, but having regard to the position of the body, the hair in Mr Russell's left hand and any other factors what do you think is, well can I ask this, is the possibility of suicide one strong in your mind as a cause?

20

A. No. I'd need to look at the deceased's medical history and see if there was a history of depression and so on and whether he'd been seeing doctors perhaps or talking to people about being depressed, but if that wasn't the case that still doesn't exclude suicide, but given the factors that I know about this, I'd think that that's unlikely.

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Q. And those factors, I think you rightly allude to is the proposition that those that saw Mr Russell approximate to the time that he went missing and was subsequently found indicated a man in good spirits looking forward to receiving an inheritance, looking forward to starting a new phase of his life that would, if that's the accepted facts, militate against a person taking their life would you agree?

35

40

A. Yes, yes, definitely.

Q. What about the possibility of accidental injury as a likely explanation, taking into account all of the material we've spoken about?

45

A. I guess that's also a possibility. I don't know what Mr Russell was engaging in, if anything, at the top of the cliff and I don't know what his blood alcohol was.

Q. It seemed to be afterwards, on testing .225 milligrams per 100 millilitres?

50

A. That's quite high, that's five times a driving limit so he's probably, at the very least, quite drunk at that level.

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Q. I'm sorry I should also say, when I give that information that the evidence seems to disclose that he was seasoned drinker who drank large quantities quite often and appeared to hold his liquor well?

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A. Mm.

Q. I don't think I'm mis-stating that evidence?

5 A. Nevertheless .255 is, even for a seasoned drinker, I
can't say exactly what the effect of that blood alcohol
level would be on any person, and certainly in a non-
seasoned drinker you would expect that the effect was
going to be much more marked than to somebody who is a
10 regular imbiber. But I think it's a possibility that
Mr Russell may have met his death accidentally, I can't
exclude that possibility.

Q. There's one further matter which I think you do draw
to attention that I haven't, is the position of
15 Mr Russell's sloppy-joe that he was wearing?

A. Yes.

Q. I think you made a comment somewhere in your report?

20 A. Yes.

Q. Concerning the configuration of the fold in the jumper
which lead you to certain conclusions. Can you just tell
us what that was?

25 A. Yes the sweater that he's wearing is pulled up at the
back and at the front and exposes his lower back and the
lower front of his chest and abdomen. If somebody even
fell accidentally I would expect that the jersey, it looks
very loose in fact and would tend to be positioned over
30 the belt line of the jeans, I would expect. But it's not
it is quite a long way up his body and that again makes me
wonder whether it's been actually forcible retracted in
some way by another person.

Q. So at least an educated guess, perhaps I might be
35 doing your opinion a disservice in that regard, it might
be that there was something which occurred before his fall
which occasioned his jumper to be in that position and
accordingly it was in that position when he was found,
would that be fair?

40 A. Yes, I think that would be fair, but I certainly would
not say that that would be the only explanation for the
way that the sweater could end up in this position. Given
the way that he's fallen it may be that when he's landed
45 that the sweater has struck a bit of ledge of rock and
it's been pulled up by that.

Q. On the way down?

A. On the way down.

50 Q. I understand that?

A. But it is in an unusual position, I'd have to say, and
I was really just thinking of possible explanations for
that.

55 Q. We've spoken about the hairs on the left hand and I'm
reading your report. I think we've covered this, but you
do at least raise the possibility that foul play may be an
explanation for the fact that those hairs were on

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Mr Russell's hand?

A. Yes.

5 Q. You make reference to the injuries on Mr Russell's hands as being relatively non specific?

A. Yes.

10 Q. Not obviously assault related?

A. That's right.

15 Q. Those injuries are really abrasions to his two index fingers and to wrists on either one or both hands according to the drawings that you've supplied is that so?

A. Yes and they're not distinctly assault type injuries.

20 Q. I suppose one would, in a self-defence situation where would one expect marks on one's hands if one was defending oneself in your experience?

25 A. Usually over the knuckle region, if one's throwing a punch and particularly in people who are intoxicated with alcohol, they tend to swing and miss and particularly over the little finger knuckle is quite a common anatomical location of evidence of somebody who may have been in a fight. But of course the absence of those injuries doesn't mean that he wasn't.

30 Q. No, no, it just means that he didn't injure him?

A. That's right.

35 Q. In the course of doing what he was doing?

A. That's right.

40 Q. I understand that?

45 A. And the other locations which Mr Russell didn't have was bruises on the forearms, so that if somebody is attacking you with either fists or a weapon that you may put your arms up in an attempt fend off the attacker or even your legs if you're on the ground. They weren't present on Mr Russell's body. Again it doesn't mean that he wasn't attacked, it just means that there was no bruises present. So it remains open.

50 Q. Well I think those were, in essence, the questions you were asked about an examination of material relating to Mr Russell?

A. Yes.

55 Q. Is there any other matter that I haven't covered that you can perhaps give us an insight into before we move to the second report that you've done?

A. No I think that covers all the factors.

Q. Now you were asked I think also to supply your view about, I suppose to put it ghoulishly the characteristics of a human body which lands in the water as a deceased body and whether it floats and rises and so forth?

A. Yes.

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Q. You made a reference to a written opinion from Dr Paul Botterill?

A. Yes.

5 Q. Now I don't think I've seen that, you don't happen to have a copy of that?

A. No I don't.

10 Q. In any event can I ask you, if a body falls in the water?

A. A deceased body?

15 Q. A deceased body, does it matter if a person's say unconscious and then drowns, does the configuration change if that's right, as to its characteristics?

A. No, no, it doesn't if that person dies in the water or is already dead the same things will happen to it.

20 Q. So a deceased person will cover, if that is the parameter, falls into the water what would happen to the body?

25 A. Presumably that person is wearing clothing and - which would act as a weight and the body would sink, not necessarily to the depths of the ocean but for a distance into the water and I, you know, it's very variable as to how far a body may sink and then depending on the temperature of the water, how long the body is in the water for of course, whether it's subject to animal
30 prudation and then of course decomposition, that being faster in warmer water than in cold water around Tasmania. Nevertheless that decompositional process will start and continue until that body is recovered and refrigerated but that will happen with that is that the body will sink, as
35 I've said, after the body strikes the water and then a period of time after that and that may be a period of some days, the body may and it's only may, may float up to the surface as a result of decomposition with gas formation in the body, such as it becomes really quite buoyant and that's often the case with deceased people located around
40 the harbour and off shore.

Q. And what kind of time frame is involved between the sinking and the refloating after the gases start to form?

45 A. I'd be surprised if a body floated up before about two days, but I guess in warm weather, with warm currents and decomposition being quite rapid perhaps in the tropics that may happen much faster or would happen much faster than down here. But I would think that after about two to
50 three days a body would be sufficiently decomposed to begin to produce enough gas and rise to the surface. But having said that it depends on the clothing that's worn, because that's waterlogged and is heavy and that tends to counteract against the amount of buoyancy due to the decomposition. So these, there's no clear cut answers for
55 this, each case is individual by virtue of the person's sex and size and so on and the individual factors surrounding that person's death. But as a generalisation I think about two to three days would be, I would think,

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an approximately time period.

5 Q. And of course that as you rightly say pre-supposes that other factors don't come together to ensure the body has remained in the water, for example, the body might be jammed between rocks and so forth?

A. Yes and never recovered, if that's the case.

10 SAIDI: Q. There appear to be no defensive injuries which can be clearly identified on the body, am I correct?

A. Yes, none that I was convinced about.

15 Q. But put more particularly none which can be clearly identified as defensive injuries and which were not consistent with a fall?

A. That's right.

20 Q. Now what about offensive injuries now?

A. I beg your pardon?

20 Q. What about what I'll describe as offensive injuries?

A. Yes.

25 Q. There appear to be no injuries which are consistent with the application of force by way of say a stick, am I correct?

A. That's right.

30 Q. There appear to be no injuries which appear to be consistent with the application of a localised force, that is a localised force specifically which is not consistent with a fall, am I correct?

35 A. Well you see a number of the injuries externally might have been occasioned by offensive injuries, some of the lacerations to the head might not just be explained by the fall but by - but be occasioned by being struck over the head with a blunt instrument for example.

40 Q. Doctor that's my point though, the injuries which are there are consistent with a fall or maybe consistent with a blunt injury having been occasioned prior to the fall?

A. Yes.

45 Q. But we don't appear to have any injury which appears to be consistent only with an injury sustained prior to the fall and which could not have been caused by the fall, do you follow what I mean?

A. Yes, but are you asking me as an offensive type injury.

50 Q. Yes, for example--

A. Where the deceased was in fact attacking somebody.

55 Q. No, whether he was being attacked - let me give you an example. Let's assume someone was wielding a stick of some kind and hit him on the back with the stick or him on the side of the leg?

A. Yes.

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Q. With the stick?

A. Yes.

5 Q. Now that can be to some extent differentiated from a
fall which is or an injury which is caused as a result of
a fall, but I am just looking at this and I don't profess
to be an expert but it appears to be the case that there
is no injury there which one can say is completely
10 consistent with an offensive injury, that is an offensive
injury towards him?

A. Mm.

15 Q. And is inconsistent with having been sustained in the
fall?

A. No I would think that there are several injuries,
there's the bruising on the left side of the abdomen,
that's the first sentence in pattern of injuries that may,
for example, have been occasioned by a kick to the left
20 side of the abdomen and likewise the bruise covered by the
abrasion on the right side of the abdomen might have been
an assault type injury. The laceration on the left side
of the forehead, 6 x 1.4 cm might have been occasioned by
an assault, particularly with a weapon of some kind.

25

Q. So we've got this possibility then that Mr Russell was
indeed assaulted?

A. Yes.

30 Q. Hit to various parts of his body and limbs and then
pushed over the cliff, after the assault, that appears to
be a possible scenario?

A. Yes.

35 Q. Or indeed it may be that he was assaulted and himself
stumbled over the side of the cliff after or during the
assault?

A. Yes.

40 Q. They appear to be, looking at the injuries, the most
probable scenarios do they not, having regard to the
injuries themselves?

A. Yes.

45 Q. If we accept them as the most probable scenario it
would follow then that any theory that he in fact came to
fall over the cliff by himself, as a result of being
intoxicated, could be discounted to a large extent, would
you agree?

50

A. Yes.

Q. And when I say discounted, I'm talking about
discounting in terms of probabilities?

A. Yes.

55

Q. Now the, I want to take up a couple of issues which
counsel assisting did with you and one is the clothing
issue?

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A. Yes.

5 Q. It appears that the clothing was found in a position in relation to the body which you would say would not be expected in the course of a normal fall?

A. No.

10 Q. Over 11 metres or so?

A. No.

15 Q. Why do you say that, is it because that when a person falls you would expect gravity to have some role and the clothing would naturally fall down?

20 A. I said that because the sweater worn by Mr Russell appears very baggy and I would expect that it would tend to fall down over his, because of the lack of constriction around his chest that I would expect it would hang somewhat over the belt line of his jeans. The fact that it doesn't that it looks as if it's ridden up in some way makes me speculate rather about the possibility that it's perhaps been pulled up in the process of or just prior to going over the cliff or indeed as I've said to Mr Lakatos, at the time he's landed, given that the rocks and the jagged edges on the rocks, it may be that it's also an explanation for the clothing to be in this position is the way that he's landed as well.

25 Q. But it wouldn't be as the result of the fall that the clothing would be pushed it, would it be what happened prior to the fall?

30 A. Prior to and at impact.

35 Q. And immediately at impact?

A. Yes.

40 Q. So you would expect the clothing to have been pushed up prior to the actual point of time of impact itself, am I correct?

45 A. I guess it might have been, if you mean that the clothing, that red jersey might billow as a result of a vertical drop. If you're suggesting that and by the way that it might billow out from the deceased's body and then appear to be pulled up, in this photograph. That's a possible explanation.

50 Q. But of course the other - another explanation is that in fact there was a struggle, the clothing was pulled up and the way in which the clothing appeared as shown in the pictures was, in reality, as a result of a combination of the struggle where the clothing was pulled up and the fall, the position of the body at time of fall?

A. Yes.

55 Q. Is that the more probable scenario you put forward?

A. No I don't really think I can give an order of probability, I'm just suggesting these as possible explanations and I think any is quite possible.

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Q. Now let me deal with another area and see if you can deal with this, if you can't just say so and I'll bring it to a halt quickly?

A. All right.

5

Q. If a body or if a person were to be pushed off a cliff what ability would a person have to adjust their body so to speak ie if someone's pushed backwards for example or side ways, over a distance of 11 metres is there a possibility there of that person adjusting the position of the body during the fall?

10

A. I think it's unlikely particularly if they're intoxicated like this man was.

15

Q. So then would I be entitled to deduce from that that on the probabilities Mr Russell came to be, in effect, pushed off the cliff. His body came to be found in what could be described as an unusual position?

A. Yes.

20

Q. And that's because (1) he was pushed off and (2) he had a limited capacity to correct his body?

A. Yes.

25

Q. And again I'm going to ask you the question, on the probabilities that appears to be the likely scenario does it not?

A. I don't know about the likeliest but I strongly favour that one as being quite likely, among other explanations as well, but that is a quite likely explanation for that scenario.

30

Q. If you just have a look at, I don't know if you've got the photo there showing the position of Mr Russell in relation to the ledge itself, that is how the ledge is depicted?

35

A. Yes.

Q. I'm going on my recollection and you've got the photo in front of you, but on my recollection I'd suggest that it's unlikely that his clothing would have been in fact grabbed by a ledge on the way down. That is there's nothing there on the way down to interfere?

40

A. No that's right, it looks like a free fall, there's been no obstruction or nothing that he's struck on the way down.

45

Q. So if that be correct, if there was no obstruction on the way down or no ledge that he would have struck, we can discount that as being a possible reason for way in which his clothes appeared?

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A. Yes.

CORONER: Mr Lakatos is there anything that Mr Ted or Mr Peter Russell would want to ask of the doctor while he's here?

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LAKATOS: No.

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<WITNESS RETIRED AND EXCUSED

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