

Statement of Dr Anthony MOYNHAM

Product Type: TEXT DOCUMENTS:Statement

Completed Date: 20 Jul 2001

Brief Description: Expert Statement of Dr Anthony Frederick MOYNHAM, Director Clinical Forensic Medicine Unit, which details the intoxicification levels of John RUSSELL's body.

Summary:

- Page 1:** Details Dr MOYNHAM's qualifications as medical practitioner registered in NSW and Great Britain. 1977 Appointed Medical Officer NSW Public Service Health Commission. 1981 appointed Police Medical Officer. 1987 appointed Director Police Medical Services. 1991 appointed Director Clinical Forensic Medicine Unit. Qualifications include Bachelor of Surgery, Diploma in Medical Jurisprudence, Fellow of Australian College of Legal Medicine.
- page 2:** Affiliations include: Fellowship of Australasian College of Biomedical Scientists, fellow of Royal Society of Medicine, Member of Association of Police Surgeons, member of International Council on Alcohol, Drugs and Traffic Safety, member of the Association for the Advancement of Automotive Medicine. Details are included here of special study into the pharmacology of alcohol including: physical performance at varying blood alcohol concentrations; absorption & elimination rates of alcohol; examination blood samples under storage; lecturing on pharmacology; lecturing on human anatomy & physiology of alcohol and drugs; preparation of scientific papers; provides evidence re: pharmacology of alcohol; lectures on forensic medicine.
- Page 3:** Details post mortem of John RUSSELL with particular reference to blood alcohol reading of 0.255grams of alcohol in 100 millilitres of blood. At a blood alcohol concentration of 0.225 grams of alcohol in 100 millilitres of blood it would be expected that a victim would have been displaying signs of marked intoxicification at the time of his death. He would have impaired balance, impaired coordination, and impaired spatial orientation along with diminished vision, hearing and poor judgement of things such as speed and distance. He would have a diminished capacity to protect himself from danger.

P.190.

New South Wales Police

STATEMENT in the matter of: Death of John RUSSELL

Place: Level 6,
SYDNEY POLICE CENTRE.

Date: 20 July, 2001

Name: Anthony Frederick MOYNHAM.

Address: SYDNEY POLICE CENTRE, 151-241 Goulburn Street,
SURRY HILLS. 2010

Tel. No.: [REDACTED]

Occupation: Director, Clinical Forensic Medicine Unit.

STATES:

This statement made by me accurately sets out the evidence which I would be prepared, if necessary, to give in Court as a witness. The statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

My name is Anthony Frederick MOYNHAM.

I am a medical practitioner registered in New South Wales and Great Britain.

In April, 1977 I was appointed as a Medical Officer to the New South Wales Public Service in the Health Commission.

In March, 1981 I was appointed to the Police Medical Branch as a Police Medical Officer.

In March, 1987 I was appointed Assistant Director of Police Medical Services later known as the Police Health Services Directorate.

On 1 September, 1991 I was appointed Director of the Clinical Forensic Medicine Unit in the State Operations Support Group now known as the Forensic Services Group.

My qualifications are the following:

Bachelor of Medicine, Bachelor of Surgery. (University of Sydney).

Diploma in Medical Jurisprudence (Clinical) (Society of Apothecaries of London).

I am a Fellow of the Australian College of Legal Medicine.

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Signature:

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P. 190A.

Page No.: two

STATEMENT (continued) in the matter of: Death of John RUSSELL

Name: Anthony Frederick MOYNHAM.

I have completed the course in Medical Jurisprudence through the University of London at the London Hospital Medical College.

My affiliations are the following:

I have a Fellowship of the Australasian College of Biomedical Scientists.

I am a Fellow of the Royal Society of Medicine.

I am a Member of the Association of Police Surgeons.

I am a member of the International Council on Alcohol, Drugs and Traffic Safety.

I am a member of the Association for the Advancement of Automotive Medicine.

As a Police Medical Officer a special study into the pharmacology of alcohol has been undertaken:

- (i) *Evaluating the physiological performance of subjects at varying blood alcohol concentrations.*
- (ii) *Examining the absorption and elimination rates of alcohol in subjects.*
- (iii) *Evaluating breath-analysing instruments including those used for evidential purposes in New South Wales.*
- (iv) *Examining blood samples under various conditions of storage in relation to their blood alcohol concentrations.*
- (v) *Lecturing to Police on the pharmacology of alcohol.*
- (vi) *Lecturing to those Police undertaking the Breath-analysis Operator's Course on human anatomy and physiology as well as the pharmacology of alcohol and drugs.*
- (vii) *Lecturing to health, forensic and allied professionals on the pharmacology of alcohol and drugs in relation to traffic matters. This is locally, interstate and overseas.*
- (viii) *Preparing scientific papers (when necessary) for publication locally, interstate and overseas.*
- (ix) *Keeping in touch with current literature on the pharmacology of alcohol locally, interstate and overseas.*

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P.190A.

Page No.: three

STATEMENT (continued) in the matter of: Death of John RUSSELL

Name: Anthony Frederick MOYNHAM.

(x) *Preparing medico-legal reports, as required, and attending at Court to give evidence on the pharmacology of alcohol. (Supreme Court, District Court, Magistrate's Court, Coroner's Court, Royal Commissions).*

Lecturing on Forensic Medicine to Police Officers undertaking the detective's training course.

Lecturing on anatomy, physiology, pharmacology and motor vehicle accident trauma to Police Officers undertaking the Accident Investigation Squad's training course.

Attending to other duties involving Clinical Forensic Medicine.

I have noted information in this matter.

The incident is stated to have occurred on approximately 22 November, 1989. It appeared that the deceased received several fatal injuries from falling from a cliff.

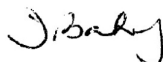
A post-mortem examination was held on 29 November, 1989. The cause of death was given as "Multiple Injuries". It is not clear if there was any putrefaction taking place in the body at the time of the post mortem. At the post mortem blood was taken for toxicological analysis. Upon analysis it returned a blood alcohol reading of 0.255 grams of alcohol in 100 millilitres of blood.

If there was no putrefaction of the body then the blood alcohol concentration in the blood sample would be the blood alcohol concentration of the victim at the time of death. At a blood alcohol concentration of 0.255 grams of alcohol in 100 millilitres of blood it would be expected that the victim would have been displaying signs of marked intoxication at the time of his death.

He would have had impaired balance, impaired coordination and impaired spatial orientation. He would have had diminished vision and hearing as well as poor judgement of things such as speed and distance. He would probably have personality and mood changes as well. He would have a diminished capacity to protect himself from danger.

If there had been putrefaction of the body at the time when the blood sample was taken it is not possible to comment on the blood alcohol concentration. When the body is undergoing the process of putrefaction micro organisms from the putrefying process digest glucose in the body and produce alcohol. Under these circumstances it is not possible to state if all or part of the blood alcohol concentration was produced from the post-mortem processes of putrefaction.

Witness:



Signature:

