

**SHERIFFDOM OF TAYSIDE, CENTRAL AND FIFE AT FALKIRK**

**[2019] FAI 27**

FAL-B178-18

DETERMINATION

BY

SHERIFF CRAIG CALDWELL

UNDER THE INQUIRIES INTO FATAL ACCIDENTS AND SUDDEN DEATHS ETC  
(SCOTLAND) ACT 2016

into the death of

**LEE MARTIN**

The Sheriff having considered the information presented at the inquiry, determines in terms of s 26 of the Act that:-

LEE MARTIN, born 1 March 1992, residing in Bo'ness, in terms of s 26(2)(a) died at Forth Valley Royal Hospital on 15 July 2016 at 17.25 hours.

In terms of section 26(2)(c) that the cause of death was complications of MDMA/MDA and 4F-EPH toxicity.

**NOTE**

[1] This inquiry into the death of Lee Martin was held in terms of the above act on Monday 20 August 2018 at Falkirk Sheriff Court. This was a mandatory inquiry, in terms of section 2(4)(a) of the act, the deceased having died whilst in police custody.

[2] The inquiry was commenced by the Procurator Fiscal in the public interest, the inquiry being an inquisitorial process and not for the purpose of establishing civil or criminal liability.

[3] Preliminary hearings took place on 23 July and 7 August both 2018.

[4] The Police Service of Scotland, the Scottish Police Federation, and Forth Valley Health Board participated in the Inquiry, and were respectively represented by Mr Reid, Ms Shippen and Ms Beaumont, all solicitors.

[5] The circumstances of Mr Martin's death are as set out in paragraph 4 of the Notice of Inquiry issued by the Procurator Fiscal on 5 June 2018. Given those circumstances there is little merit in narrating the detail as spoken to by the various witnesses who gave evidence at the inquiry. Suffice it to say that a number of civilians experienced what must have been extremely frightening conduct, and they all reacted entirely appropriately to it, as did the four police officers who apprehended Mr Martin and subsequently conveyed him to hospital. They are to be commended for their response, as are the medical staff who attended him and made every conceivable effort to save his life.

[6] It is profoundly sad that a young man who had a young family should have lost his life in this manner.

[7] The Procurator Fiscal submitted that I should make no findings other than in terms of section 26(2)(a) and (c). The solicitors for the other participants adopted the submissions of the Procurator Fiscal. I accept these submissions and I have no other findings or recommendations to make in terms of the Act.

Evidence was taken at the Inquiry from the following witnesses:

Dr Neil Stewart, Consultant in Intensive Care Medicine, Forth Valley Royal Hospital

James Newbiggen

Michael Hinds

Margaret Temperley

William Elder

Murray Gillespie

Robert McCurdy

PC Ross Christie

PC Armin Gorisch

PC Fraser Gibson

PC Linda Skillen