

*“There was some evidence of hypoxaemic/ischaemic change with pink neurones in some areas of the cortex, also mild loss of neurones was present as well. There was no evidence in the slides or the macroscopic description of the brain from the post-mortem report of infarction so that the hypoxaemic/ischaemic change was mild. This change could well be related to the initial assault but some may have been due to the hypothermia he had. Also, the amount of white matter damage may have been increased by the hypoxaemic/ischaemic, but I do not think that this has increased the damage by more than one-third and it is probably much less.”*

42. There was obviously some kind of hypoxic damage to a limited extent, but not significant hypoxic damage. I do not think there was any evidence of that either as a result of hypoxia at the time or as a result of neuroleptic malignant syndrome where you do get areas of acute degeneration in the brain which is well recognised, particularly in the cerebellum Purkinje cells. That was not present.
43. I have considered the police file note which has been produced and shown to me at page 14803 which states that when I was interviewed further by the investigating officer I said that Mr Hamill should not have died from his head injury but this was the diagnosis of the cause of death with possible contributing factors of (a) intoxication (b) oxygen starvation to the brain whilst being cradled at the scene and (c) septicaemia. I consider that reflects a misinterpretation of my words. It is more likely that I simply said at autopsy that I was surprised at the death given the lack of evidence of external damage to the brain and I was considering these possible contributory factors. The blood alcohol was 220 milligrams. Although that is not a level that is going to kill someone, clearly a level like that may have an effect on an individual being able to withstand an assault.
44. There is some evidence, although not terribly well written up in the scientific literature, that alcohol can potentiate the effects of a head injury. In general terms people who are intoxicated are more susceptible to the effects of head injury than people who are sober.