

Criminal Law News

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'Death by assault'

by Sally Ramage

In the case of *The application of Reynolds) v (1) Chief Constable of Sussex (2) Independent Police Complaints Commission* [2008] EWHC 1240 (Admin), an arrested person had fallen into a coma in police custody and it was necessary, for the purposes of carrying out an effective investigation, to investigate whether the injury causing the coma had been caused whilst the victim was in police custody or before he had come into contact with the police, it was the Independent Police Complaints Commission which was under a duty to carry out that investigation.

The very distressing case *The Queen on the application of Linda Mullholland v HM Coroner for St Pancras*¹ concerned John Bunker, aged 46, who was estranged from his family and of no fixed abode. This was an alleged shoplifting case and Mr. Bunker was held down and became unconscious. After an ambulance was called and was declined by Mr. Bunker, the police van took him to Albany Street police station. He was taken to the custody suite, where he vomited, and Police Sergeant Clark, the custody officer, formed the view that John Bunker was in need of urgent medical attention. He instructed PC Mullally and PC Walker, to take him straight to the hospital. He was put back into PC Donaldson's van to the Royal Free Hospital, a journey taking about ten minutes...

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¹ [2003] EWHC 2612 (Admin). Case No: CO/950/2002 & CO/618/2003,

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