



CORONER'S COURT OF BRITISH COLUMBIA

held at Victoria, British Columbia

VERDICT AT CORONER'S INQUEST

We, the Jury, having been duly sworn and serving at the inquest, commencing on 13 August, 2007 at Victoria, British Columbia, and continued on the following dates 14 August and 15 August 2007

into the death of KURASH, Michael Kelly find he/she came to his/her death at approximately 15:58 hours on the 17th day of October, AD, 2006 at or near Victoria, British Columbia

MEDICAL CAUSE OF DEATH

(1) Immediate Cause of Death: a) Respiratory Arrest

DUE TO OR AS A CONSEQUENCE OF

Antecedent Cause if any: b) Cocaine Overdose

DUE TO OR AS A CONSEQUENCE OF

Giving rise to the immediate cause (a) above, stating underlying cause last. c) Eating a quantity of cocaine while in police custody

(2) Other Significant Conditions Contributing to Death:

CLASSIFICATION OF THE EVENT  ACCIDENTAL  HOMICIDE  NATURAL  SUICIDE  UNDETERMINED

The above verdict certified by the Jury on the 15th day of August AD, 2007.

BETH LARCOMBE

Presiding Coroner's Printed Name

Presiding Coroner's Signature

TO BE COMPLETED BY PRESIDING CORONER

Age: 22 years Gender:  Male  Female
Date of Birth: 5 March, 1984 Native:  Yes  No
Coroner's Case No.: 2006:168:0158 Post Mortem:  Full  External  None
Police File No.: 06-18034 Toxicology:  Yes  No
Police Department: Westshore RCMP Identification Method:  Visual  Other (specify below)
Court Reporter: Dianne Wellman, Verbatim Identified by: Father
Phone: 604-591-6677 Premise of Injury: Saanich Police Station Interview Room
Premise of Death: Family Residence



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**KURASH**

SURNAME

**Michael Kelly**

GIVEN NAMES

**INTRODUCTION**

This inquest into the death of Michael Kelly Kurash commenced 0930 hours on August 13 2007, at Victoria Court House, Victoria, BC, and continued on August 14 and 15, 2007. Mr. John Orr was counsel to the coroner, and Sheriff Joanne St Gelais took charge of the jury and recorded the following exhibits:

1. Registration of Death
2. Curriculum Vitae of Dr. Walter Martz Toxicologist
3. Toxicology Report dated November 7, 2006
4. Toxicology Report dated June 26, 2007
5. Booklet of photographs depicting Saanich police department
6. 12 page statement of Torrie Hill taken by Cst. Blacklock on October 18, 2006
7. Large sealed RCMP evidence bag containing small clear plastic bag labeled marijuana
8. Large sealed RCMP exhibit bag containing two small clear plastic bags
9. Large sealed RCMP exhibit bag containing smaller clear plastic bag with traffic violation ticket
10. Large sealed RCMP exhibit bag containing smaller clear plastic bag containing 1 inch swab tinted pink
11. Large sealed RCMP exhibit bag containing smaller clear plastic bag with 1 inch white swab
12. Small sealed RCMP evidence bag with control number S1411814 containing tissue found on the floor of the Saanich police department interview room number 2 where Mr. Kurash was detained
13. Unsealed RCMP evidence bag control number S1511813 containing two vials with blue residue and white crumbs
14. Blue binder with six pages of photographs
15. One 8x10 photograph of a 'score sheet' seized from the Kurash residence

The following witnesses testified:

1. Dr. Walter Martz Toxicologist
2. Mr. C. Stewart
3. Cst. M. Jones, Saanich Police Department
4. Cst. J. Grenier, Saanich Police Department
5. Mr. C. Massie, LLB
6. Sgt. J. Rhodes, Saanich Police Department
7. Ms. C. Tyndall
8. Ms. L. Dainnard
9. Mr. T. Kurash
10. Mr. J. Kurash



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11. Ms. S. Kaufmann, BC Ambulance Service
12. Mr. T. Trotter, BC Ambulance Service
13. Cpl Brian Kerr, RCMP Cpl. in October 2006, now Cpl. with Central Saanich Police Department

**PRESIDING CORONER'S COMMENTS**

The following is a brief synopsis of the issues reviewed during the inquest. The purpose of these comments is to assist the reader to more fully understand the Verdict and Recommendations of the jury. It is not intended to be considered evidence nor is it intended in any way to replace the jury's verdict.

Michael Kelly Kurash died in the home he shared with his father and brother on October 17, 2006. Evidence presented at this inquest confirmed the cause of death was due to a cocaine overdose. Mr. Kurash had been recently released from custody of the Saanich Police Department (SPD) after being arrested in a routine road block enforcing seat belt use. Michael Kurash and his friend, Mr. Cameron Stewart, drove up to the road block and neither man was wearing a seatbelt. The vehicle was pulled over by the police and Mr. Stewart, the driver, was discovered to have outstanding warrants with Westshore RCMP. The police arrested Mr. Stewart and in their search of the vehicle to find court documents came upon an amount of marijuana under Michael Kurash's seat. Mr. Kurash took responsibility for the marijuana, although in testimony heard at this inquest Mr. Stewart admitted it was his. The police arrested both men and transported Mr. Stewart to Westshore RCMP detachment, and Michael Kurash to the Saanich Police Station.

Mr. Stewart testified Mr. Kurash had told him he had two '8 balls' (approximately ¼ ounce), on him that day. He stated that Mr. Kurash did not use cocaine, and that if he used anything it would be ecstasy or methamphetamine. Mr. Stewart added that his friend did not use any drug very much.

Evidence from the police told us that Mr. Kurash had an outstanding charge for a recent arrest on drug possession for the purpose of trafficking when they found marijuana plants, a large number of ecstasy tablets, methamphetamine, a large amount of cocaine and a large amount of cash in his room. As the marijuana found in the vehicle was attributed to him, the SPD officers had reasonable grounds to arrest and search him as they suspected he was carrying drugs on his person. They advised him he would be strip searched. They afforded him two calls to a lawyer before the search. The two telephone calls were the only time Mr. Kurash was left alone while in custody.

During the strip search two empty plastic bags fell from his clothes. The police officers felt Mr. Kurash had either swallowed the drug or somehow secreted it in his person. The two officers stated they raised this possibility with Mr. Kurash who was uncooperative and denied knowing anything. As no more drugs were



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found during the search, the police released Mr. Kurash after first issuing him a seat belt violation ticket. They warned him to seek medical treatment if he had ingested any drugs.

It was shortly after this that a friend drove Mr. Kurash home after he first stopped at a medical clinic looking for something to make him vomit. Clinic staff informed Mr. Kurash that they did not have anything in the clinic for that. They asked him what he had ingested and he would not tell them. He was advised, by the clinic staff, to go to the hospital emergency department for medical treatment.

Mr. Kurash's father saw him arrive home when he was dropped off by a friend. Approximately 20 minutes later, when his father went to find him, he was found unresponsive on the bathroom floor. His father called 911 and commenced CPR.

BCAS arrived very shortly after the call and full resuscitation attempts proved unsuccessful.

Dr. W. Martz, Provincial Toxicologist, testified that cocaine levels in the stomach and the blood indicated that the drug had been swallowed. Cocaine usually metabolizes quickly through the liver. In this case, the presence of cocaine in the blood along with the expected metabolite benzoylecgonine after a period of almost two hours indicated a large amount of the drug must have been ingested. In the toxicologist's opinion it was a huge amount of cocaine as the differential between cocaine and its metabolite benzoylecgonine in the blood was exceeded by two orders of magnitude. Stomach contents contained pure cocaine. He added that the cocaine had time to metabolise over the days between death and sampling and that the levels at the time of death would have been higher. The presence of the metabolite in the urine indicated cocaine use up to a day or two before death, or the early phase of the elimination of a huge amount. Dr. Martz testified that unfortunately cocaine would suppress the reflex to vomit once the drug entered the small intestine where it would be absorbed. The blood pressure would drastically increase, as the blood vessels simultaneously constricted reducing the oxygen supply to the heart which would lead to a myocardial infarction and death by respiratory arrest.

Michael Kurash's brother testified that he spoke to Michael on the telephone after he was released by Saanich police. He testified that Michael told him he had eaten an '8 ball' or two of cocaine. He testified that he told his brother to throw it up right away. This information was passed to his father in a telephone call during the resuscitation attempt. The paramedics pumped Michael's stomach during the resuscitation attempt.

Mr. C. Massie, lawyer, was asked to confirm that he was the lawyer Mr. Kurash called from the SPD interview room. The information required of Mr. Massie, and limited to, was confirmation of the telephone call and thereby the opportunity for Mr. Kurash to ingest the cocaine without being seen. Mr. Massie invoked client lawyer privilege and refused to answer questions on the stand based on advice he received from a 'bencher' at the Law Society.



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Cpl. Brian Kerr, formerly a RCMP officer in the street drug division, gave his opinion that Michael Kurash ate the cocaine because he was afraid of being held in jail. He surmised that this young man, who did not fit the mold for a drug dealer, probably thought that because of the pending drug charge against him; if cocaine had been found on him in the search, he would be going to jail. Cpl. Kerr testified that he probably panicked and swallowed the cocaine while talking to his lawyer.

Post mortem results found no anatomical cause that could have contributed to the death of Mr. Kurash.

Toxicology analysis revealed:

Heart Blood	Cocaine	46µmol/L	14 mg/L
Heart Blood	Benzoylcegonine	23 µmol/L	6.60 mg/L
Urine	Cocaine	100 µmol/L	31 mg/L
Urine	Benzoylcegonine	34 µmol/L	9.8 mg/L
Stomach	Cocaine	Detected	

Blood concentration of cocaine and metabolite exceeds the minimum lethal level. Cocaine found in the stomach contents indicated a peroral route of administration.

In testimony we heard a story of a young man who was selling a large amount of varied illicit drugs. We heard testimony of how his family and friends advised him to stop the activity. He was considered a naive cocaine user; he decided to swallow the cocaine when arrested; he made a fatal error.



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Pursuant to Section 3(2) (d) of the Coroners Act, the following recommendations are forwarded to the Chief Coroner of the Province of British Columbia for distribution to the appropriate agency:

**RECOMMENDATIONS OF THE JURY**

**To: Mr. T. E. McGee  
Chief Executive Officer  
Law Society of British Columbia  
845 Cambie Street  
Vancouver, BC  
V6B 4Z9**

1. that the Society review their policy/bylaws (specifically Chapter 5, sections 3 and 12 and 13 of the Code of Professional Conduct), or provide direction in order that it becomes permissible for a lawyer to reveal pertinent information to a Coroner's Inquest when the client is deceased.

**To: Minister of Health,  
Honourable Mr. George Abbott  
PO Box 9050  
Stn Prov Govt.,  
Victoria, BC  
V8W 9E2**

2. that the appropriate agencies prepare for distribution, a pamphlet listing street drugs and their overdose symptoms, reactions and consequences. Pamphlets are to be available in medical, police and community agencies.

**To: Chief Constable Derek Egan  
Saanich Police Department  
760 Vernon Avenue  
Victoria, BC  
V8X 2W6**



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3. to review protocols relating to the reasonable suspicion of a suspect having concealed contraband on his/her person. We recommend that the primary officer consult the Duty Sergeant or Watch Commander regarding possible courses of action which may include a strip search before the suspect is left unattended, as in a call to a lawyer.
4. the suspect should be under visual observation at all times while in the interview room.
5. the upgrade of police station camera equipment to digital format, so that pertinent information is easily retrievable and can be used in the appropriate setting.
6. when there is a suspicion that contraband has been ingested by a suspect in custody, the primary officer should read to the prisoner the appropriate sections of the pamphlet mentioned above and failing that consult with a supervisor before release.

**Jury Comments**

We, the Jury would like to offer our condolences to the family of Michael Kurash.

We, the Jury would also like to commend Mr. Orr, Coroner's Counsel, for his efficient, clear questioning and responsiveness to the needs of the family, witnesses, the jury and the court.

.....  
Beth Larcombe, A Coroner  
in and for the Province of British Columbia

