



CORONER'S COURT OF BRITISH COLUMBIA

held at Victoria Court House, British Columbia

VERDICT AT CORONER'S INQUEST

We, the Jury, having been duly sworn and serving at the inquest, commencing on 27 November, 2007 a

Victoria Court House 850 Burdett Ave., British Columbia, and continued on the following dates November 28th

into the death of Smelts, David Kenneth find he/she came to his/her death at approximately 20:26 hour:

on the 6th day of October, AD, 2006 at or near Victoria General Hospital British Columbia

MEDICAL CAUSE OF DEATH

(1) Immediate Cause of Death: a) Cocaine Intoxication

DUE TO OR AS A CONSEQUENCE OF

Antecedent Cause if any: b)

DUE TO OR AS A CONSEQUENCE OF

Giving rise to the immediate cause (a) above, stating underlying cause last. c)

(2) Other Significant Conditions Contributing to Death: Enlarged heart due to prolonged drug use

CLASSIFICATION OF THE EVENT ACCIDENTAL HOMICIDE NATURAL SUICIDE UNDETERMINED

The above verdict certified by the Jury on the 28th day of November AD, 2007

BETH LARCOMBE

Presiding Coroner's Printed Name

[Signature]
Presiding Coroner's Signature

TO BE COMPLETED BY PRESIDING CORONER

Age:	45 years	Gender:	<input checked="" type="checkbox"/> Male	<input type="checkbox"/> Female						
Date of Birth:	30 April, 1961	Native:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No						
Coroner's Case No.:	2006:128:0174	Post Mortem:	<input checked="" type="checkbox"/> Full	<input type="checkbox"/> External <input type="checkbox"/> None						
Police File No.:	2006-17423/2006-0487	Toxicology:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No						
Police Department:	Westshore RCMP/Island District Major Crime Unit	Identification Method:	<input checked="" type="checkbox"/> Visual	<input type="checkbox"/> Other (specify below)						
Court Reporter:	Patricia Jane/Verbatim Words	Identified by:	Family Trans Canada Hwy 1 at Millstream Interchange, Victoria							
Phone:	604-591-6677	Premise of Injury:	Victoria General Hospital							
<table border="1" style="width: 100%; height: 20px;"> <tr> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> <td style="width: 15%;"></td> </tr> </table>										
		Premise of Death:	Victoria General Hospital							



CORONER'S COURT OF BRITISH COLUMBIA

held at 850 Burdett Ave., British Columbia

VERDICT AT CORONER'S INQUEST

FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST

INTO THE DEATH OF

Smelts

SURNAME

David Kenneth

GIVEN NAMES

INTRODUCTION

This inquest into the death of David Kenneth Smelts commenced at 0930 hours on November 27, 2007, at the Victoria Court House, and continued on November 28, 2007. Mr. John Orr was counsel to the coroner and Ms. Helen Roberts appeared on behalf of the Attorney General of Canada (representing the RCMP). Deputy Sheriff A. Kain took charge of the jury and recorded the following exhibits:

1. Registration of Death
2. Binder of Photographs
3. Autopsy Report
4. Toxicology Report
5. DVD Recording of Interview with Cst Wytrwal
6. BC Ambulance ALS Resuscitation Report
7. Hospital Emergency Department Resuscitation Report
8. CitiFinancial Bank Receipt for \$240.00
9. Toronto Dominion Bank Receipt for \$101.50
10. 911 Call Transcript
11. RCMP Exhibit Flow Chart

The following witnesses testified:

1. Dr. Charles Lee
2. Dr W. Martz
3. Mr. D. Cronk
4. Mr. C. Coxon
5. Cst. J. Malinowsky
6. Cst. S. Paul
7. Cst. C. Horton
8. Mr. M. Goldie
9. Mr. S. Bakowski
10. Mr. M. Evans
11. Dr. B. Wong
12. Ms. M. Munro
13. Ms. D. Schwaab



CORONER'S COURT OF BRITISH COLUMBIA

held at 850 Burdett Ave., British Columbia

VERDICT AT CORONER'S INQUEST

FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST

INTO THE DEATH OF

Smelts

SURNAME

David Kenneth

GIVEN NAMES

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.

Mr. David Kenneth Smelts came to his death on October 6th 2006, at Victoria General Hospital. The time of death, as recorded by the physician on duty in the Victoria emergency room, was 2026 hours. The pathologist, Dr Lee, testified that there was no natural disease process that caused or contributed to Mr. Smelts' death. Dr. Martz, the toxicologist, testified that Mr. Smelts died of cocaine intoxication. Mr. Smelts had a large amount of cocaine in his blood at a level of 3.9 mg/L.

On the night of October 6 2006, Mr. Smelts, alone in his car, crashed into a highway divider after crossing the highway and driving the wrong way into oncoming traffic. Following impact his vehicle was inoperable and his subsequent removal from it difficult. Two men who witnessed the collision were able to render immediate assistance and call 911. The witnesses reported Mr. Smelts to be agitated and uttering incoherent sounds. Paramedics and RCMP observed him attempting to inject himself while still in his vehicle.

Mr. Smelts told paramedics and RCMP that he had cocaine in the syringe. Mr. Smelts told a paramedic very clearly that he had purchased \$240 dollars worth of cocaine and used it all. Exhibits taken by the RCMP during their investigation identified that he withdrew \$240 from his bank account at 1348 hrs and a further \$100 at 1729hrs. This amount would purchase approximately 4.5 gms of cocaine.

RCMP had a difficult time removing Mr. Smelts from the vehicle and it took three members to pull him out. Once removed, he was handcuffed behind his back and placed face down on the roadway. It was shortly after this that he became unresponsive and in spite of paramedics gaining a heart rate while at the scene, he subsequently went into asystole en route to the hospital and could not be resuscitated.

The emergency room physician noted in the hospital record that they were unable to measure any vital signs at the emergency department and Mr. Smelts was pronounced dead on arrival.



CORONER'S COURT OF BRITISH COLUMBIA

held at 850 Burdett Ave., British Columbia

VERDICT AT CORONER'S INQUEST

FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE INQUEST

INTO THE DEATH OF

Smelts

SURNAME

David Kenneth

GIVEN NAMES

Pursuant to Part 4, ss.39 of the BC Coroners Act, the following recommendation is forwarded to the Chief Coroner of the Province of British Columbia for distribution to the appropriate agency:

RECOMMENDATION OF THE JURY

To: Honorable George Abbott
Minister of Health
1515 Blanshard St.,
Victoria, BC
V8W 3C8

1. Additional funded treatment facilities should be made available for people with mental health and or/drug related issues.

The jury heard evidence from Mr. Smelt's sisters about his long struggle with mental health and drug addiction. The sisters felt their brother suffered from a mental health disorder in conjunction with a drug addiction. His sister testified that mental health and addiction go hand in hand and need to be treated together. One visit to a hospital resulted in staff providing him with a pamphlet when he went there and asked for help. The family has learnt since his death that there are a lot of other families that have members like David Smelts.

Jury Statement:

The jury finds that law enforcement and emergency personnel acted in an appropriate, efficient and professional manner.

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