



VERDICT AT CORONERS INQUEST

FINDINGS AND RECOMMENDATIONS AS A RESULT OF THE CORONER'S INQUEST PURSUANT TO SECTION 38 OF THE CORONERS ACT, [SBC 2007] c 15, INTO THE DEATH OF

Scherbey

SURNAME

Corey John

GIVEN NAMES

An Inquest was held at The Burnaby Coroners Court, in the municipality of Burnaby

in the Province of British Columbia, on the following dates: November 2nd –November 5th, 2020

before: Margaret Janzen, Presiding Coroner.

into the death of Scherbey Corey John 38 Male Female
(Last Name) (First Name) (Middle Name) (Age)

The following findings were made:

Date and Time of Death: August 19th 2011 in the pm hours
(Date) (time)

Place of Death: 46513 Strathcona Road Chilliwack, BC
(Location) (Municipality/Province)

Medical Cause of Death:

(1) Immediate Cause of Death: a) Accute combined ethanol and 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:

Classification of Death: Accidental Homicide Natural Suicide Undetermined

The above verdict certified by the Jury on the 5th day of November AD, 2020

Margaret Janzen
Presiding Coroner's Printed Name

Presiding Coroner's Signature



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PARTIES INVOLVED IN THE INQUEST:

Presiding Coroner:	Margaret Janzen
Inquest Counsel:	John McNamee
Court Reporting/Recording Agency:	Verbatim Words West Ltd. Cadeyrn Christie, counsel for Gladys and Edward Scherbey
Participants/Counsel:	David Kwan and Robert Gibson, counsel for the Attorney General of Canada representing the interests of the RCMP

The Sheriff took charge of the jury and recorded **13** exhibits. **13** witnesses were duly sworn and testified.

PRESIDING CORONER'S COMMENTS:

The following is a brief summary of the circumstances of the death as set out in the evidence presented to the jury at the inquest. This is to assist in understanding, but does not replace, the jury verdict and recommendations. This summary is not evidence.

Corey John Scherbey (Mr. Scherbey) was a 38-year-old male who was employed in the construction industry at the time of his death. He was said to be a hard worker who had a good heart. He was described by his mother as "the son that every mother wished for".

Discovery of Mr. Scherbey

On Monday, August 22, 2011, in the late afternoon, the parents of Corey John Scherbey attended his residence in Chilliwack. They had not been able to reach him by telephone and were concerned for his well-being. His mother stated that Mr. Scherbey did not answer the door, so she used a key he had given them and entered the locked home. His father remained outside.

Mr. Scherbey was found kneeling in front of the couch with his upper body resting face down on the couch. His mother approached him and pulled him off the couch, laying him on the floor. Mr. Scherbey was clearly deceased. His mother began to yell and told his father what had happened. He left to call 9-1-1 as neither had a cell phone. The downstairs tenant who heard the noise upstairs also called 9-1-1 after he went up to see what was going on. RCMP members attended but no resuscitation was attempted as it was clear that Mr. Scherbey had been deceased for some time.

RCMP members processed the scene. Syringes were found in the garbage and a drug baggie and burned tinfoil were located in the toilet. A disposable single-use spoon for the preparation of drugs for injection and a woman's jacket were located on the couch where Mr. Scherbey's torso would have been.



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A black T-shirt and a jacket were also located near Mr. Scherbey's body.

RCMP noted there were no signs of violence having occurred and no property appeared to be missing. There was no trauma visible on the body but there were post-mortem changes due to high outdoor temperatures and the residence's air conditioner not running. Purge fluid, a natural result of decompositional change, was observed on the floor around the body.

Small sock footprints originating in the purge fluid near Mr. Scherbey's body led back toward the front door and into the hall. These footprints had been observed by the RCMP officers and coroner upon their arrival at the scene. Mr. Scherbey's mother did not believe that she had made the footprints, but officers reported that, given the shock of the circumstances, such a thing could easily have gone unnoticed. They appeared to belong to a small individual and, in their opinion, were made well after Mr. Scherbey's death.

RCMP Investigation

The scene was investigated by a Forensic Identification officer from the RCMP. An RCMP officer from Serious Crimes unit also attended to view the scene and review the circumstances of the death. The Coroner attended and conducted their preliminary investigation and then had Mr. Scherbey's body transported to a secure facility. Following this, RCMP members locked down the scene pending results of a post-mortem examination.

Initial investigation showed that Mr. Scherbey was last known to be alive on the evening of Friday, August 19, 2011. He had been spoken to by his father who had delivered some food. There had been a woman he did not recognize with Mr. Scherbey at the time, so he dropped off the food and left. The father told an RCMP officer when interviewed shortly after Mr. Scherbey's discovery that when he saw Mr. Scherbey, he appeared to have what his father had come to recognize as a 'drug twitch'. Later, at the inquest, the father stated that Mr. Scherbey did not use drugs and did not have a twitch at that time.

Mr. Scherbey was to meet another person the next day for lunch but when the person called to confirm the meeting he could not be reached.

An examination of Mr. Scherbey's cell phone showed that three calls had been made from that phone after 9:00 PM on August 19, 2011. One was to family members, another to a taxi company, and one to the number for a male who was known to the RCMP to sell drugs. In follow-up investigation, an RCMP officer called the male's number but he stated that he had not received a call from Mr. Scherbey, and he did not know him. The male could not be physically located for a further interview. RCMP members made inquiries regarding the female seen with Mr. Scherbey by his father but she could be identified or located.



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On August 23, 2011, a forensic autopsy was conducted. Significant post-mortem changes due to environmental factors, primarily temperature, had occurred. The autopsy showed no trauma of any kind, in particular no finding of a blood-letting event, and no anatomic reason for the death. In the circumstances, the state of the body, while at the high end of the scale for decomposition, was not considered to be inconsistent with death having occurred two to three days previously. Mr. Scherbey's residence was then released to his family.

The RCMP conducted further inquiries and located a taxicab driver who stated that he had picked up a male and a female from Mr. Scherbey's residence on August 19, 2011, at approximately 9:51 PM and had taken them to an area of Chilliwack which the driver testified was known to be a location where sex workers and drugs could be found. The first female got out and then the male picked up another female shortly thereafter. The taxi then drove both of them back and dropped them off near Mr. Scherbey's residence at approximately 10:09 PM. The police made inquiries about this female as well, but neither were identified or located.

Forensic toxicology results received later showed the presence of ethyl alcohol in the urine and benzoylecgonine, a metabolite/breakdown product of cocaine in the liver. No other substances were detected. Following receipt of the final toxicology results, the pathologist determined the cause of death to be acute ethyl alcohol and cocaine intoxication based on the available information. Upon receipt of this information the RCMP determined that foul play was not involved.

Mr. Scherbey's parents had concerns that his death was the result of undetected foul play. They specifically decried the lack of forensic testing on the drug paraphernalia or the purge fluid, which they thought was blood. Mr. Scherbey's mother believed that she saw cuts in the couch caused by knife. No forensic analysis was conducted on the woman's jacket and no one knew to whom it belonged. A beer can and a partially full glass with amber liquid in it had been located on the coffee table and no forensic analysis was initially conducted on those items.

Mr. Scherbey's parents felt that stains consisting of droplets of dark material on the ceiling and air conditioner and smears on a door jamb were suspicious. They had located them in the residence following scene release. No testing was done to determine the nature of those stains which had not been observed by RCMP members or the coroner who originally attended the scene. In addition, the small sock footprints were not measured. Finally, the parents stated that they had discovered a pizza box with the message "better be a funeral" on it among a number of cardboard boxes located in the front closet of Mr. Scherbey's residence.



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Due to Mr. Scherbey's family's concerns the investigation was reviewed by senior officers from the Chilliwack Detachment and subsequently by a senior officer from the Langley Detachment. The glass and beer can were tested for fingerprints and the beer can was tested for DNA by the local forensic unit during this time. Mr. Scherbey's fingerprints were identified but there was no recoverable DNA. The syringes were forensically unsuitable for fingerprint recovery due to their small size. The reviews found that the investigation into Mr. Scherbey's death met the current investigational standards. Due to the RCMP's position that foul play was not involved, the RCMP forensic laboratory would not entertain further examination of exhibits, citing lack of jurisdiction and Canadian Criminal Code case priority.

Additional Inquest Testimony

Evidence at the inquest showed that Mr. Scherbey was believed to be in good health although a friend testified that he had recently appeared to have lost weight and looked "run down." According to that friend and to his tenant, he had a history of ethyl alcohol and cocaine use. He was reported to have smoked cocaine but was not known to inject drugs. There was no evidence to suggest that Mr. Scherbey intended to harm himself and those who had spoken to him recently described him as being in a positive frame of mind. There was no family history of sudden unexplained death at an early age.

The forensic identification officer testified at the inquest that the footprints in the purge fluid had limited evidentiary value from a forensic perspective as they could not be attributed to a unique individual.

The pizza box was for frozen pizza with a label recording the 'best before' date of 2004 and it had apparently originated in Edmonton, Alberta. The exhibits from the investigation had been offered to the family for private testing. They picked up some of the exhibits but the result of testing, if any, was not led in evidence at the inquest. Other exhibits were retained by the RCMP due to the parents' concerns, but their current location did not come out in testimony.

Mr. Scherbey's parents testified that three years after his death they received a note in the mail written on a typewriter that blamed his death on "a woman scorned" and referenced people being too scared to come forward. The note was signed "A Chilliwack Times reader". The postmark on the envelope was from the Chilliwack area. The note-writer has never come forward.



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The forensic toxicologist testified that testing of purge fluid is problematic due to the potential for contamination with other body fluids, including stomach contents, which could lead to misleading results. The alcohol concentration from testing on liver and urine samples was considered to be moderate. He also testified that long-term cocaine users can die suddenly from cocaine use. While testing done on liver samples showed that Mr. Scherbey had used cocaine within the recent past, the absence of blood samples made conclusions as to when and at what concentration speculative.

The forensic pathologist testified that the amount of purge at the scene was in keeping with the degree of decomposition, noting that the highest temperatures that summer had been recorded on the weekend that Mr. Scherbey had died. He also testified that the degree of decomposition made drawing of blood samples for toxicology impossible so samples of liver, urine, purge fluid and spleen tissue were provided to the forensic toxicologist. The forensic pathologist testified and confirmed his opinion that, given the totality of the circumstances, the cause of Mr. Scherbey's death was the combined effects of cocaine and alcohol.



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Pursuant to Section 38 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:

JURY RECOMMENDATIONS:

To: E-Division, RCMP

1. Review policy or procedures to ensure the collection of all possible evidence in death investigations.

Presiding Coroner Comment: *The jury heard evidence that when cause of death had yet to be determined, potential evidence was not collected, namely the jacket, the black t-shirt, swabs of fluid from the air conditioner and the footprints in the purge fluid, nor were the footprints measured.*