

APPENDIX K

obtained from the femoral vein and/or artery. However, if the results are artefactually increased as a result of post mortem changes and/or the presence of material from, for example, the marrow of fractured bones, with there being a substantially greater increase in the results obtained on the analysis of samples from the chest cavity than in the carboxyhaemoglobin results obtained from the femoral samples, then this would provide an explanation for these results.

With the gift of hindsight, it is arguable that it might have been appropriate to check the analytical results for carboxyhaemoglobin by a non-spectrophotometric method, such as molecular sieve gas chromatography, once the discrepancy between the femoral and the chest cavity blood had been found. I would emphasise that in making this comment I intend no criticism of Dr Pepin for whom I have the greatest respect. He did not know that the blood from the chest cavity was not, in fact, cardiac blood until I informed him of this in 2006.

3. **Alcohol**

It is well known that after death concentrations of alcohol can rise in body fluids and, particularly in a body which has been significantly disrupted, concentrations can rise relatively rapidly. In this case, given the consistency of the alcohol results and the absence of the indication of the presence of any volatile products of putrefaction in the gas chromatographic tracings, I am confident that the alcohol results are reasonably representative of the alcohol concentration likely to have been present in the driver's blood at the time of death.

I have reviewed the close circuit television evidence which shows the driver parking his Mini with what might be described as a degree of elan after he was summonsed back to duty and of him being able to tie his shoelace. It is my opinion that a person who regularly consumes large amounts of alcohol could carry out such activities without there being clear and obvious signs of intoxication. The concentration of alcohol present in his blood at the time of his death would, unequivocally, have adversely affected his ability to safely control a motor vehicle.