

Neutral Citation No: [2018] NICoroner 5

*Judgment: approved by the Court for handing down
(subject to editorial corrections)**

Ref:

Delivered: 09/11/18

IN THE CORONERS COURT FOR NORTHERN IRELAND

IN THE MATTER OF

AN INQUEST INTO THE DEATH OF MAURICE EAMON McCLOUGHAN

Before: Coroner Patrick McGurgan

- [1] The deceased, Killian Charles Doherty, born on the 15th May 1997 of 15 Fairgreen Gardens, Drumquin and Maurice Eamon McCloughan born on the 9th February 1997 of 136 Main Street, Fintona, both died on the 10th December 2016.
- [2] On Friday 9th December 2016 Mr Doherty and Mr McCloughan called with Mr Doherty's aunt, Carmel McCusker, in Greencastle sometime after 8pm. Messrs Doherty and McCloughan were intending to go to hear a Disc Jockey in Draperstown along with Mrs McCusker's two daughters. The party then left Mrs McCusker's property around 9pm and before leaving Mrs McCusker took Mr Doherty's Renault Laguna car keys being a habit of Mrs McCuskers if people are drinking or intending to have a drink. Mrs McCusker heard the group return in the early hours of the 10th December. She sent a Whats-app message to Mr Doherty at 2.50am and he was in her home at that time. At around 3.30am Mrs McCusker checked on the group and noted that both Mr Doherty and Mr McCloughan were asleep on a blow-up bed in her living room. Mrs McCusker placed a blanket over both the deceased and returned to her bed.
- [3] At around 7.20am on the 10th December, Mr Doherty entered Mrs McCusker's bedroom stating that he was intending to go to his work and seeking his car keys. Mrs McCusker had the car keys under her pillow and

she returned them to Mr Doherty. Mr Doherty gave Mrs McCusker a hug and stated that he would chat to her later. Mrs McCusker stated that Mr Doherty appeared fine and did not display any signs that he had been out the night before. Both Mr Doherty and Mr McCloughan then left the property at approximately 7.30am.

[4] In his evidence to the Inquest, Mr Michael McGarvey stated that on Saturday 10th December 2016, he was driving his car accompanied by his girlfriend from Ballygawley towards Omagh. As he passed the entrance to Omagh Meats on his right hand side he was travelling at approximately 50mph. Mr McGarvey stated that he then saw a car in the oncoming lane coming from the Omagh direction. Mr McGarvey felt that this car was travelling at high speed, too fast for the road. He also stated that it appeared to him that this car appeared to be 45degrees to the road with its front facing towards Mr McGarvey's right and its tail pointing towards his left. Mr McGarvey believed that this car had lost control and was going to crash. This was the car the deceased were travelling in. The car appeared to straighten as it passed Mr McGarvey but then it appeared to rotate in the opposite direction to which it had first been rotating. Mr McGarvey watched the car in his rear view mirror and it continued to slide and appeared to do a turn. The car obstructed the headlights of the car travelling immediately behind Mr McGarvey as it moved across his lane. The boot of the car appeared to collide with the crash barrier on the Omagh bound lane and appeared to bounce with its front end rising upwards. Mr McGarvey then heard a large bang which he believed was this car and another car colliding.

[5] In his evidence to the Inquest, Mr Eamon Mallon stated that on the morning of 10th December 2016 he was driving along the Doogary Road leaving Omagh heading in the direction of Ballygawley. He was accompanied by his wife and two sons. On a section of the Doogary Road there are two lanes and at this point Mr Mallon witnessed a silver Laguna car pass him and pass a lorry in front of Mr Mallon. Mr Mallon stated that there was nothing in particular that drew his attention to this Laguna car and that he certainly did not believe that it was speeding. Approximately one minute later as he rounded a slight left hand bend Mr Mallon saw a silver car stationary on the Omagh bound lane with some damage to its front and the front windscreen cracked. The driver of this car was exiting the car and as he passed him Mr Mallon then saw a person lying on the road behind this stationary car. Mr Mallon came to a stop and ran to the scene whilst phoning the emergency services at the same time. This was at approximately 8.02am. At the scene Mr Mallon observed another silver car around 10yards behind the stationary

silver car. This was the Renault Laguna car which had previously passed Mr Mallon. It was on its roof with its front pointing towards Omagh. The male lying on the road was unconscious but appeared to be convulsing and Mr Mallon could see a further male in the car which was on its roof. His feet were towards the driver's side with his head close to the rear passenger side window. He was unresponsive. Emergency services then arrived on scene.

- [6] Mr Gerard McCann gave evidence to the Inquest. He stated that on the 10th December he was intending to travel from his home in Derry. He was driving his silver Peugeot 508 car from Ballygawley to Omagh. Mr McCann stated that it was a fresh morning but not raining and that there was no frost or ice on the road. As he approached the location of Omagh he drove down a slight decline into a junction on a bend and he believed that he would have been travelling at between 35-40mph whenever he saw brake lights appear in the car in front which he described as being some 6-8 car lengths in front. Mr McCann then became aware of a ball of light spinning into his lane coming from his right hand side. Mr McCann has no recollection of the impact but he did recall smoke which he now believes was from his airbag operating. He attempted to switch on his hazard warning lights but had no electrics in the car. Mr McCann then exited the car noting that his car door would only open some 12-14 inches. On exiting the car he observed the body of a young male lying on the road some 8-10 feet behind his car. This was the deceased Mr McCloughan. Mr McCann approached the deceased and noted that he appeared unconscious. The car which had been in the collision was on its roof situated approximately 1/2 a car's length behind Mr McCann's car. It was facing in the direction of Omagh. At this time Mr McCann realised that his own breathing was restricted and he had chest pain.
- [7] Emergency services arrived on scene and fire service personnel observed Mr Doherty trapped in the Renault Laguna with his feet entangled in the seatbelt. Mr Doherty was extricated from the car and CPR was commenced by ambulance service personnel but proved futile. CPR was also performed on Mr McCloughan but again this proved futile.
- [8] In respect of the deceased, Mr Killian Charles Doherty, life was pronounced extinct at the scene at 9.40am on 10th December 2016. In respect of the deceased, Mr Maurice Eamon McCloughan, life was pronounced extinct at the scene at 9.49am on 10th December 2016.
- [9] A forensic scientist examined both the scene and the cars involved and thereafter prepared a report. In that report the forensic scientist recorded that he had examined both vehicles following the collision and that neither had

any pre-collision defects that would have contributed to the accident. Similarly, he found no road contaminants that would have contributed to the accident. In addition, he was of the opinion and I find that both deceased had been wearing their seatbelts and that due to the nature of the impact Mr McCloughan was ejected from the vehicle. The forensic scientist was of the opinion that following tests conducted the closing speed between the two vehicles was possibly in the region of 75-95mph. This represented the combined speed of the two vehicles and the forensic scientist was of the opinion and I find that speed was not a factor in this accident.

- [10] I find that as Mr Doherty was traveling in the direction of Ballygawley from Omagh the nearside of his car travelled onto the adjacent grass verge and he then applied a significant right steering input which resulted in his vehicle entering a significant clockwise rotation as it travelled onto the Omagh bound lane, rotating through an angle in excess of 90 degrees before impacting with the Peugeot vehicle. The impact resulted in Mr Doherty's vehicle rotating so that its front travelled onto and across the footpath adjacent to the Omagh bound lane with the front impacting the adjacent crash barrier. The vehicle then rotated and rolled onto its roof coming to rest a short distance away.
- [11] A toxicological analysis of a sample of Mr Doherty's blood indicated a blood alcohol level of 128mg per 100mls. The legal limit for driving is 80mgs per 100mls.
- [12] In respect of Mr Killian Charles Doherty a post-mortem records and I find that death was due to: 1(a) Head, Neck and Chest Injuries sustained in a Road Traffic accident.
- [13] In respect of Maurice Eamon McCloughan a post-mortem records and I find that death was due to: 1(a) Chest, Abdominal and Head Injuries sustained in a Road Traffic collision.