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IN THE CORONER'S COURT IN NORTHERN IRELAND

IN THE MATTER OF AN INQUEST TOUCHING UPON THE DEATH OF NOAH DONOHOE

RULING ON WHETHER SUICIDE SHOULD BE LEFT TO THE JURY BASED ON SUFFICIENCY OF EVIDENCE

ROONEY J (*Sitting as Presiding Coroner*)

Introduction

[1] In considering which conclusions or findings a coroner should leave to a jury, the Chief Coroner's Guidance in England & Wales provides that the coroner should apply the "*Galbraith Plus*" test (Chief Coroner's Law Sheet No.2, "*Galbraith Plus*").

[2] The test derives from the criminal case of *R v Galbraith* [1991] 1 WLR 1039, but its use in inquests was endorsed by the Court of Appeal in *R v Inner South London Coroner ex parte Douglas Williams* [1999] 1 All ER 344.

[3] There are two stages to the test:

(i) The coroner must ask whether there is evidence upon which the jury, properly directed, could properly reach a particular finding.

(ii) The coroner must consider whether it would be safe for the jury to reach the conclusion or finding on the evidence.

[4] The first limb is that which is adopted in criminal cases. In short, if there is no sufficient evidence to support a conclusion, the question should not be left for the jury to decide.

[5] The second limb of the *Galbraith Plus* test has been described as a "wider and more subjective filter" than just applying the test using the criminal proceedings (see Haddon-Cave J in *R (Secretary of State for Justice) v HM Deputy Coroner for the Eastern District of West Yorkshire* [2012] EWHC 1634 (Admin) at para [23]. In a judgment in

which he established the *Galbraith Plus* principle, Hadden-Cave J reflected that "in my view this extra layer of protection makes sense in the context of the coronial inquiry where the process is inquisitorial rather than adversarial, the rights of interested parties to engage in the proceedings are necessarily curtailed and coronial verdicts are at large" (see para [23]).

[6] In the Chief Coroner's Law Sheet No.2 at para [9], it is stated that:

> "9. The word 'safe' is not defined or explained. It should therefore be given its ordinary English meaning, the coroner exercising his or her own discretion judicially on a case by case basis."

[7] In the Chief Coroner's Bench Guidance at section 15, para [104], it is suggested that the second limb of the test will operate where "there is some evidence that could arguably support the finding in one direction, but the overwhelming weight of evidence pointing in the other direction means the finding could not be safe."

[8] In *R (Police Officer B50) v HM Coroner for East Yorkshire and Kingston Upon Hull* [2023] EWHC 81 (Admin), the Divisional Court in England & Wales recently made it clear that it is not open to a coroner to apply the second limb of the *Galbraith Plus* test "to withdraw a conclusion under the guise of lack of 'safety' just because they might not agree with a particular outcome, however strongly."

[9] Turning to the issue of suicide, as stated by of *Toogood v HM Senior Coroner for the Area of Somerset* [2026] EWHC 634 (Admin) at [45], citing the Supreme Court in *R (Maughan) v HM Senior Coroner for Oxfordshire* [2020] UKSC 46 (see particularly [4] & [72]), two elements are required, namely:

(a) That the deceased intentionally performed the act that caused his death; and

(b) Did the deceased intend thereby to kill himself.

[10] Having carefully considered the evidence and applying the first limb of the *Galbraith Plus* test, in my judgement, there is insufficient evidence on which the jury could find that Noah completed suicide. There is insufficient evidence that Noah intended to kill himself. I am not satisfied that there is sufficient evidence on which a jury can infer from Noah's behaviour an intention to commit suicide.

[11] In coming to this conclusion, I make it clear that I have considered all the evidence, to include the written reports and testimony of the psychiatrists and psychologist. Even if there is some evidence that could arguably support a finding of suicide, in my judgement, the overwhelming weight of evidence pointing against a finding that Noah completed suicide means that such a finding could not be safe.