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IN THE CORONER'S COURT IN NORTHERN IRELAND

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IN THE MATTER OF AN INQUEST INTO THE DEATH OF NOAH DONOHOE

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APPLICATION FOR PIP STATUS BY DARYL PAUL AND C4

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RULING

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ROONEY J
(SITTING AS A CORONER)

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ROONEY J

Introduction

[1] This is an inquest into the tragic death of Noah Donohoe ('Noah') in June 2020. The inquest is scheduled to commence in November 2025.

[2] The following is a brief summary of the background circumstances. At approximately 17:45 hours on 21 June 2020, Noah left his flat which was located close to the Ormeau Road, Belfast. CCTV footage showed him leaving the flat on his Apollo black mountain bike. Noah was wearing a black helmet, a green North Face jacket, grey shorts, a navy-blue hoody, navy Nike trainers and carrying a rucksack. Before leaving, Noah told his mother, Ms Fiona Donohoe, that he was going to the Cavehill with two school friends.

[3] At approximately 21:44 hours on 21 June 2020, Ms Donohoe (hereinafter the Next of Kin – "NOK") reported to police that Noah had not returned home, and she had not been able to contact him. On receipt of this call, the PSNI commenced a missing persons investigation.

[4] On Monday 22 June 2020, following an appeal for information, a resident of Northwood Road, Belfast, reported finding a black Apollo mountain bike outside her property. Police attention then focused on this location. CCTV footage

subsequently obtained by the police revealed that Noah had travelled from his home down the Ormeau Road, into Belfast City Centre, along Royal Avenue, York Street, North Queen Street, Skegoniell Avenue before making his way to Northwood Road where his bike was found. The final sighting of Noah was obtained from 85 Northwood Road and showed him cycling naked to the end of the cul-de-sac on his bike, dropping his bike and then making his way towards the driveway of 89 Northwood Road.

[5] On 27 June 2020, Noah's body was found by a search team within a section of a storm drain. The post-mortem report provided states it was indicated that Noah's body was found a considerable distance into the storm drain (around 950 metres) from an entrance to the storm drain located behind 85 and 89 Northwood Road, Belfast.

[6] The post-mortem examination was carried out by a forensic pathologist. The results of the post-mortem examination will be considered by the jury at the hearing of this inquest.

Properly interested persons

[7] Properly interested person ("PIP") status was granted to the NOK and the Department for Infrastructure ("DfI") pursuant to rule 7 of the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963 ("the 1963 Rules"). The Police Service of Northern Ireland ("PSNI") were also accorded PIP status on 26 February 2025. The ambit of rule 7 of the 1963 Rules is considered in more detail below.

[8] Applications for PIP status are now made by Daryl Paul and C4, the latter having been anonymised by the previous coroner. In support of their applications, written submissions were presented by Mr Moore BL (on behalf of Daryl Paul) and Mr McIlroy BL on behalf of C4.

[9] The applications for PIP status by Daryl Paul and C4 are opposed by Ms Campbell KC and Mr McGowan BL, counsel on behalf of the NOK.

[10] I remain grateful to counsel for their detailed written and oral submissions, which I found most helpful.

The relevant statutory provisions and legal principles

[11] The governing statutory provisions are found in the Coroners (Practice and Procedure) Rules (Northern Ireland) 1963 ("the 1963 Rules") and, in particular, rule 7 which reads as follows:

> "(1) Without prejudice to any enactment with regard to the examination of witnesses at an inquest, any person who in the opinion of the coroner is a properly interested

> person shall be entitled to examine any witness at an inquest either in person or by counsel or solicitor, provided that the coroner shall disallow any question which in his opinion is not relevant or is otherwise not a proper question.
>
> (2) If the death of the deceased may have been caused by an injury received in the course of his employment or by an industrial disease, any person appointed by a trade union to which the deceased at the time of his death belonged shall be deemed to be a properly interested person for the purpose of this Rule."

[12] The effect of rule 7 is that, apart from the circumstance described in rule 7(2), it is for the coroner to make a specific assessment and determination in relation to an application for PIP status. This interpretation is confirmed by the Court of Appeal in *Cummings v the Coroner in the Inquest into the death of Seamus Dillon (Deceased)* [2023] NICA 44, where the following is stated at paras [23]-[27]:

> "[23] Clearly rule 7(1) requires the coroner to make determinations about PIP status. This being a statutory provision the starting point for the coroner is to correctly construe its terms. This is a relatively straightforward exercise. The words "properly interested person" are ordinary words which do not attract any special or unusual meaning. The word "interest" requires no elaboration. "Interest" is qualified by "properly." "Properly" is clearly designed to add a qualification of substance. It is clear that a remote, flimsy or peripheral interest will not suffice. Furthermore, the "interest" must relate to the inquest proceedings and their outcome.
>
> [24] *Coroners' Law and Practice In Northern Ireland (*Leckey and Greer, SLS, 1998), the main legal text in Northern Ireland in this area, explains this rule in the following terms, at para 7-33:
>
> > 'The term "properly interested person" is not otherwise specifically defined in the 1959 Act or the 1963 Rules; but coronial practice in Northern Ireland has been to regard persons falling into the following categories as "properly interested" in the inquest:
> >
> > (1) the next of kin of the deceased;

(2) the executor(s) of the deceased's will or persons appointed as the deceased's personal representative;

(3) solicitors acting for the next of kin;

(4) insurers with a relevant interest;

(5) anyone who may, in some way, be responsible for the death;

(6) others at some special risk or appearing to the coroner to have a proper interest.'

[25] The effective guidance to be derived from this text is as follows. Firstly, the text deals with "coronial practice." This is a matter of some importance. Equally important is the observation which follows, namely that the list is not designed to be "exhaustive." There are two considerations which must be emphasised. The first is that the list merely provides illustrations of rule 7(1) determinations in individual cases. It provides no indication of the fact sensitive or context sensitive feature of cases in which persons of the kind listed have had PIP status conferred. The list is merely illustrative. Second, in a given case a person who falls within one of the six categories will not automatically acquire PIP status. This is so because (a) mere illustrations are not to be equated with rigid legal rules or categories and (b) the coroner must undertake the necessary exercise afresh and unfettered in every case. We would add that although the list must be viewed in this way, this is not to devalue its practical utility to coroners in making rule 7(1) determinations.

[26] In what may be described as obiter comments Carswell LJ in *Re NI Human Rights Commission* suggested that PIP status could be established in the following cases:

(a) If a direct family relationship is established to the deceased.

(b) Representatives of the deceased or of the family of the deceased.

(c) Those who may have a financial interest in ascertaining the cause of the death of the deceased (for example, an insurer where suicide is suspected thus voiding a policy of life insurance).

(d) Representatives of those who may bear a degree of culpability for causing the death of the deceased (insurers of a motorist involved in a fatal collision or an employer of a deceased person).

[27] The current Northern Ireland Legacy Inquest Case Management Protocol at para [14] states as follows:

> '14. Decisions on the status of a Properly Interested Person will be taken by the Coroner at as early a stage of the inquest process as possible. Anyone seeking designation as a Properly Interested Person shall make an application in writing to the Coroner, unless the Coroner is satisfied it is not necessary to do so. The application shall set out the applicant's proper interest in the inquest; any risk of criticism it is said that they may face as a result of the inquest proceedings; any direct or significant role they are said to have played in the matters relating to the death of the individual or other matters within the provisional scope of the inquest; or any other significant interest they have in the inquest.'"

[13] Keegan LCJ, who delivered the judgment of the Court of Appeal in *Cummings,* referred to the comparative statutory provisions in England & Wales, namely the Coroners Act 1988 which was repealed by the Coroners and Justice Act 2009. In doing so, Keegan LCJ stressed that coroners in this jurisdiction must be alert to the different statutory language used in the equivalent English provisions. Significantly, the Court of Appeal in *Cummings* endorsed the view of the Divisional Court in *R v Coroner for the Southern District of Greater London ex parte Driscoll* [1993] 159 JP 45, which declined any attempt to provide an exhaustive definition of the words "properly interested person." Furthermore, referring to *Driscoll*, the Court of Appeal in *Cummings* stated as follows:

> "[36] In *Driscoll* Kennedy LJ, delivering the leading judgment of the court, expressed the view that it would be "reasonable to conclude that close bond relations of a deceased who were in contact with him immediately before he died would have a genuine and proper interest

in participating in the process of ascertaining how he died." He added:

> 'The words properly interested person are ordinary English words to which the coroner must be allowed to give an ordinary meaning. It was doubtful that the definition of a properly interested person was the same as the test for standing at judicial review. In forming his opinion for the purposes of the rule, the coroner has simply got to look at the rule as a whole and at the circumstances of the instant case …
>
> A properly interested person must establish more than idle curiosity. The mere fact of being a witness will rarely be enough. What must be shown is that the person has a genuine desire to participate more than by the mere giving of relevant evidence in the determination of how, when and where the deceased came by his death.'

[37] In a concurring judgment Pill LJ expanded on the concept of "properly interested person" in the following terms:

> 'It imports not only the notion that the interest must be reasonable and substantial, and not trivial or contrived, but in my judgment also the notion that the coroner may need to be satisfied that the concern of the person seeking to intervene is one genuinely directed to the scope of an inquest as defined in rule 36.'

This court concurs with each of the immediately preceding passages."

[14] The Court of Appeal in *Cummings* at para [50] distilled the following guiding principles:

> "(i) The grant of properly interested person status is pre-eminently a discretionary exercise. The outcome of every application will depend upon the facts of the particular case.

(ii) The question may arise upon application but also at the coroner's own discretion given that this is an inquisitorial process.

(iii) The task of the coroner is to form the requisite statutory opinion in accordance with the legal principles identified in this judgment.

(iv) The determination of this question will, in every case, be undertaken in accordance with the framework of public law traced in this judgment.

(v) If PIP status is granted that leads to a person being entitled to representation and, as a general rule, being able to question witnesses through legal representatives.

(vi) The purpose of an inquest is statutory. The inquest must, in any circumstance, deal with the statutory questions, namely when, how and where a deceased came to his death.

[15] Applying the said principles and guidance from the decision of the Court of Appeal in *Cummings* to the circumstances underlying these applications for PIP status, I consider the following factors to be relevant in the exercise of my discretion under rule 7(1) of the 1963 Rules, namely:

(a) No person has an automatic right to conferral of PIP status under rule 7(1).

(b) The determination of an application for PIP status will depend upon the facts of each particular case within the framework of public law principles.

(c) An application for PIP status must identify the applicant's proper interest in the inquest, which would include exposure to a real risk of criticism or a risk of a finding of wrongdoing, in particular, where any act or omission may have caused or materially contributed to the death under investigation.

(d) A proper interest would also encompass a person alleged to have played any direct or significant role in causing the death of the deceased. The alleged degree of culpability must be real and not fanciful, peripheral or remote.

(e) The person seeking to intervene must have a genuine desire to participate in the inquest and the interest must be reasonable and substantial and not trivial or contrived.

The applications for PIP status

[16] A major difficulty confronting the applicants in their application for PIP status was the fact that initially they did not have access to all the relevant materials. In recognition of this difficulty, it was agreed that selected relevant information and materials would be provided to the legal representative of each applicant.

[17] The relevant information and materials in respect of Daryl Paul may be summarised as follows:

(a) An anonymous caller to the police on 24 June 2020 provided details that Daryl Paul/Daryl Collins had taken from a plastic bag a green rucksack which contained a green North Face coat, a laptop and a schoolbook with Noah Donohoe's name on it. There was no charger with the laptop, which it is claimed Daryl Paul/Daryl Collins was trying to sell. Daryl Paul/Daryl Collins told the caller that he had found the rucksack at the Tech.

(b) Police forced entry to Daryl Paul's address on 25 June 2020. A search uncovered a green and black rucksack and schoolbooks with Noah Donohoe's name on them. Some of the schoolbooks also referred to Noah's school, St Malachy's College, Antrim Road, Belfast.

(c) The police spoke to Daryl Paul who informed them that he had found the laptop and had given it to a friend, Maria Nolan. Police attended Maria Nolan's home address and recovered the Lenova laptop. On examination, police confirmed it belonged to Noah Donohoe.

(d) On 26 June 2020, a statement was recorded from a staff member at Cash Converters, Belfast, who gave a description of a male who had attempted to sell the laptop to them on 24 June 2020. On 27 June 2020, CCTV at Cash Converters confirmed this person to be Daryl Paul. Maria Nolan was also seen on the CCTV.

(e) Daryl Paul was arrested for the offences of handling stolen goods and theft. He was interviewed on 11 November 2020. During the interview, Daryl Paul denied knowing Noah Donohoe. He alleged that he found the rucksack at a shortcut through the Art College, Belfast. He denied trying to sell the laptop to Cash Converters.

[18] A year after Noah's disappearance, it was reported to police that C55 claimed she had heard that Daryl Paul, C56 and Maria Nolan had given Noah "herbal" or "herbal spice" in order to steal his laptop. It was also reported that the police subsequently spoke to C55 who stated that she had been told by C59 that Daryl Paul had told him that they had spiked Noah with herbal. Herbal is Belfast slang for Spice, which is a term for a number of synthetic drugs. When questioned on 28 October 2021, C59 denied he had any information relating to the death of

Noah Donohoe and claims that he did not pass information to C55 in relation to Noah being given Spice.

[19] Daryl Paul was subsequently convicted of the theft of Noah Donohoe's laptop.

[20] Turning to the information and materials in respect of C4, the following is noted:

(a) A log entry dated 16.12.2020, reveals that DC Cunnigham and DC McCartan spoke to C8 and asked him if he knew anything about Noah Donohoe being pushed off his bike or assaulted. C8 indicated that approximately two months previous, he was walking along the Shore Road, Belfast, close to Skegoniell Avenue and bumped into a male he knew as C4. C8 alleges that C4 reported that he had pushed Noah of his bike and then stole the bike. Police showed C8 a photo of C4 and he confirmed this was the male. C8 admitted that he had been high on cannabis and could not recall everything. C8 declined to provide a statement.

(b) In an interview with police on 14.12.2020, Maria Nolan told police that C8 had told her a few days previous that Daryl Paul had been waiting on Noah Donohoe, pushed him off his bike and that Daryl Paul and C4 had hit Noah and injected him (by inference) with drugs.

Submissions by the applicants

[21] Mr Moore BL, on behalf of Daryl Paul, emphasised that there has been significant public interest in the disappearance and death of Noah Donohoe. The discovery of Noah's laptop, rucksack and personal belongings in the possession of Daryl Paul, formed a significant line of PSNI enquiry and investigation into Noah's disappearance. That investigation led to Daryl Paul's conviction and subsequent sentence for the theft of the said laptop and Noah's belongings. It is argued that Daryl Paul continues to be the subject of widespread media interest and speculation surrounding the role that he may have played in the events leading up to Noah's disappearance and, possibly his death. Although Daryl Paul continues to strenuously refute any involvement in Noah's disappearance or death, it is submitted that his involvement in his inquest is likely to be of significant interest and likely exposure to a real risk of criticism.

[22] Similar submissions are made by Mr McIlroy BL on behalf of C4. In a recently submitted statement by C4 to the coroner, he also strenuously denies any involvement in Noah's disappearance and subsequent death. Specifically, C4 denies the allegation that he was involved in pushing Noah off his bike and injecting him with drugs. C4 also denies any association with Daryl Paul and normally being in Daryl Paul's company. He denies any specific memory of Maria Nolan and refutes her allegations. However, C4 contends that based on the allegations made, there is a

real risk that he will be exposed to severe criticism and a potential risk of a finding of wrongdoing on his part.

[23] For the reasons given, both applicants claim that the circumstances give rise to a clear case in which they should have PIP status.

Next of kin submissions

[24] The NOK advance two arguments. Firstly, the grounds for designation as properly interested persons in this inquest are not made out. Secondly, even if I conclude that either applicant has a particular interest in the inquest proceedings, their interests can be protected by (a) ongoing consideration of their legal rights and safeguards by counsel on behalf of the coroner and other parties to the inquest; and (b) legal representation for the purposes of giving evidence to the inquest.

[25] The NOK emphasised that both C4 and Daryl Paul each deny knowledge of Noah, any knowledge as to what happened to Noah and any involvement in Noah's disappearance or death. Consequently, it is argued that neither C4 nor Daryl Paul are in a position to meaningfully assist the coroner or the jury in determining the statutory questions required to be answered in these inquest proceedings.

[26] Referring to the decision of the Divisional Court in *Driscoll*, which was approved by the Court of Appeal in *Cummings*, the NOK emphasised that the interest must be "substantial" and that any applicant must have a genuine and proper interest in participating in the process of ascertaining how the deceased died, as opposed to merely being a witness. Furthermore, it is argued that if more PIPs are added to this inquest, the procedure is likely to increase in length and complexity, factors together with additional costs and delay would constitute relevant consideration in the exercise of a coroner's discretion.

[27] The NOK further argue that the refusal of PIP status does not mean that an individual will be prevented from participation in an inquest. As stated by Scoffield J (when sitting as a coroner) in his ruling on applications for PIP status by *Brian Pettigrew and "SM16"* [2023] NICoroner 25 at para [24], additional facilities and rights can be afforded to a witness by a coroner, such as the right to have their own representatives attend and give them advice to include the right against self-incrimination, and to advance disclosure of documentation relevant to their evidence. It is submitted that this practice is echoed in England & Wales in cases where those who are not afforded interested person status may still have a legal representative present at an inquest and that representative may, with the coroner's permission, ask questions or make submissions on matters of law or procedure to the coroner.

[28] Counsel for the NOK also provided examples of coronial practice in this jurisdiction in which witnesses with important evidence to give or had been potentially exposed to the risk of criticism, were not granted PIP status, but

nevertheless, were permitted legal representation following receipt of relevant disclosure in advance.

[29] I have taken into consideration the examples provided, although I remain conscious of the guidance in *Cummings* that each application for PIP status will depend upon the facts of each particular case.

[30] Turning to the relevant material which forms the basis of each application, the NOK submit that there is no basis for the argument that either applicant has an interest, much less a genuine interest, in assisting with the scope of the inquest. Neither application identifies the nature and extent to which each applicant is likely to be subject to criticism. In respect of the argument that the inquest is likely to be of significant interest to the public, this does not assist in respect of each individual application.

[31] The NOK accepts that Daryl Paul may be criticised for his actions. However, this criticism will arise solely on the basis of the fact that he was convicted for the theft of Noah's backpack. Any criticism, it is argued, will not be due to any evidence or assistance Daryl Paul gives to this inquest. Daryl Paul has already publicly pleaded guilty to the criminal offence and the granting of PIP status will afford him no additional protection from that criticism.

[32] The NOK accept that Daryl Paul is an important witness to this inquest. A detailed statement from Daryl Paul is eagerly anticipated. This statement should address, inter alia, whether he was involved, or has any information, that Noah was spiked with any drugs around the time of his disappearance. It is also anticipated that this statement should provide a response to the assertion made by Maria Nolan in interview that Daryl Paul pushed Noah off his bike and C55's assertion that Daryl Paul had told someone that Noah had been "spiked with herbal."

[33] The NOK indicate that much of the evidence against Daryl Paul is hearsay. Responding to this hearsay evidence alone is insufficient, certainly at this stage of the proceedings, to promote Daryl Paul to PIP status in this inquest.

[34] Regarding C4, the NOK also acknowledged that he is an important witness in these inquest proceedings. The allegations against C4 are highlighted. However, the NOK note that each specific allegation is denied by C4. The NOK emphasise that legal representation can be provided to C4, particularly in respect of his right against self-incrimination. However, any interest does not require PIP status.

Decision

[35] None of the applicants have an automatic right to conferral of PIP status under rule 7(1) of the 1963 Rules. Accordingly, each applicant for PIP status must persuade me that he has a proper interest in the inquest and that his interest must be reasonable and substantial and not trivial or contrived.

[36] I have scrutinised the materials and considered the background circumstances underlying these applications for PIP status. In my view, the applications emanate from a genuine desire on the part of each applicant to assist the inquest proceedings, which invariably will involve an interest in protecting themselves.

[37] The inquest proceedings will be heard before a jury who will be responsible for reaching a verdict on the statutory questions. In the course of their deliberations, the jury will be required to consider all the evidence, to include the evidence, relating to the materials detailed above in relation to both applicants. Although the NOK have attempted to highlight the frailties of this evidence, to include hearsay issues and the fact that both applicants have strenuously refuted any involvement in Noah's disappearance or death, certain aspects of the evidence will give rise to considerable concern and the focus of intensive deliberation.

[39] The jury will hear evidence that, within a short time of Noah's disappearance, Daryl Paul was found in possession of Noah's rucksack containing his laptop and schoolbooks. Daryl Paul was later charged, convicted and, thereafter, served a custodial sentence for theft. Also, CCTV evidence identifies Daryl Paul in close proximity to Noah as he commences his journey towards Belfast on his bicycle. Furthermore, Maria Nolan, an acquaintance of Daryl Paul, stated in an interview with police that Daryl Paul had pushed Noah off his bike and, furthermore, C55's assertion that Daryl Paul had told someone that Noah had been "spiked with herbal."

[40] In respect of C4, as considered above, Maria Nolan made a statement that after Noah's disappearance and death, she heard on the street that Noah had been injected with drugs. In concluding that statement, she indicated:

> "Police need to look more closely at C4, a friend of Daryl Paul … Noah might have been known to C4 because C4 lived in Queen's Quarter at one time. It was more than one person that attacked Noah. I can't say that C4 injected Noah, but he knows who did."

[41] Of course, I cannot know what significance, if any, the jury will place on this potential evidence and materials. However, having carefully considered the relevant statutory provisions and the leading authority of the Court of Appeal in *Cummings*, in the context of the materials provided in relation to both applicants, it is my decision that both Daryl Paul and C4 in these inquest proceedings may be exposed to a real risk of criticism or a risk of a finding of wrongdoing, in that they may have caused or materially contributed to Noah's disappearance and/or death. I remain convinced, based on the concessions made by the applicants in their submissions regarding access to the overall materials, that granting PIP status will not give rise to any delay in the commencement and duration of the Inquest.

[42] Accordingly, the applications for PIP status in respect of both applicants are granted.