

# Inquest Touching the Death of Paul David Stewart

Ms Joanne Kearsley Senior Coroner Manchester North

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## Findings and Conclusion

### **Introduction**

1. This has been the inquest into the death of Paul David Stewart ("Paul"). The Interested Persons ("IPs") are (i) The Family of Paul Stewart represented by Mr Simms of counsel, and (ii) Mr Richard Garrick, representing himself, (iii) Jennifer and Susan Boardman represented by Ms Morgan iv) Greater Manchester Police ("GMP") represented by Ms Jones and v) Pennine Care NHS Trust ("PCT") represented by Mr Cliff.
2. The purpose of this inquest is laid out in section 5 (1) of the Coroners and Justice Act 2009 which provides that a coroner must ascertain who the Deceased person was and when, where and how he came by his death. For clarification, this is not an Inquest which engages Article 2 ECHR.
3. In order to answer those questions I have received and admitted oral and written evidence from Paul's family, his care co-ordinator, , from post mortem investigations, from investigations of the death conducted by GMP in 2017 and 2019 onwards and from family members of the "Boardman" family as well as other statements and evidence.
4. Set out below are my findings and conclusion as to Paul's death. All of my findings have been reached on the balance of probabilities. In the course of this document I make reference to some of the evidence I have heard but it is not intended to be, and is not, a comprehensive review of all the evidence before me. Rather, my intention is to explain, by reference to parts only of the evidence, why I have reached my findings of fact and conclusion. However, in reaching my findings and conclusion I have taken account of all the evidence I received, both oral and written. If a piece of evidence is not expressly mentioned, it does not mean that I have not considered and taken full account of it.
5. During the course of the Inquest Mr Garrick, Jennifer Boardman, Susan Boardman and Katie Boardman were all provided with the appropriate warning as per Rule 22 of the Coroners (Inquests) rules 2013. That rule

provides, "(1) No witness at an inquest is obliged to answer any question tending to incriminate him or her. (2) Where it appear to the coroner that a witness has been asked such a question, the coroner must inform the witness that he or she may refuse to answer it."

6. I must emphasise that the entitlement to refuse to answer a question at an inquest if there is a risk of self-incrimination is an important one. Whilst the majority of the witnesses chose to answer all the questions put to them, on occasion where witnesses chose not to, they were entitled to decline to answer and I make it plain I draw no adverse inference against them for their decision to do so.

### **Paul – Background Facts**

7. I am satisfied that the person who died was Paul David Stewart and that he was born on the 30<sup>th</sup> November 1963 in Salford. Paul had several siblings and had previously had a long term relationship from which he had a son, Jake. Whilst he was no longer in a relationship he maintained contact with his son.
8. In 2017 Paul lived next door to Jennifer Boardman. The property on Leach Street was in fact owned by Jennifer and her sister Katie Boardman, but for all intents and purposes by May 2017, it was Jennifer who was living at the property. On occasion her boyfriend Richard Garrick stayed over.
9. His sister explained, Paul had developed bi-polar in his mid 20s / early 30s. This severely impacted his ability to work and he was no longer able to work as a joiner. It also impacted his relationships with people including with his family, in that he would become quite reclusive and disengaged but also with his friends who had "dropped off" as time went by.
10. On several occasions Paul's mental health had deteriorated to the extent he required admission to a psychiatric hospital under the Mental Health Act 1983.
11. Elaine and his sone Jake described how Paul, for the majority of his life, was in a depressive state and would go for long periods of time being isolated, reclusive and not speaking to people. As Jake got older he would go to see his Dad and take him to the pub as that was one of the few things he would but that he would spend most of his time in his house watching tv.
12. Paul's family also acknowledged the other side to Paul's illness. The times where he could become manic and elated. Elaine described how his thought processes and speech could become fast and he had no awareness to how other

people may feel. He could be animated and wanted to be everyone's friend. He would also go out more to the pub.

13. Jake described how in the weeks leading up to the 17<sup>th</sup> May he had noticed that his Father was going to the pub more and buying things, this led Jake to consider that his father was becoming unwell. On one occasion he recalled knocking on next door at Ms Boardmans property to ask if they knew where his Dad was as he was out. Jake recalled Jenny's mum answered and told him he might be in the beehive, indeed Jake located his Dad there. Jake recalled this was the last time he saw his Dad, although he had received a text message from him on the morning of the 17<sup>th</sup> May 2017 at around 9am wishing him a happy birthday.
14. On the 10<sup>th</sup> May 2017 Elaine had contacted Peter Eccles, Paul's care co-ordinator as both herself and Jake were becoming concerned about Paul's behaviour and considered that he was entering a hyper phase. A second call was made to Mr Eccles on the 16<sup>th</sup> May due to her increased concerns.
15. Mr Eccles had been Pauls' care co-ordinator since 2014. He saw Paul every 3-4 weeks and described how at first he was quite difficult to engage with. He told the court Paul did not have any friends, his general presentation was one of low mood. Mr Eccles described how when Paul became manic it would usually end with his admission to hospital.
16. It was recognised by Mr Eccles that during the course of Paul Stewarts' long documented mental illness there have been a number of occasions where he has demonstrated aggressive behaviour during a deterioration of his mental health. These included incidents in May 2006 when he was involved in an altercation with his ex-partner's boyfriend and he sustained an eye injury. Paul was subsequently detained under the Mental Health Act.
17. In addition in April 2009 it was noted that he assaulted a security guard at a local supermarket resulting in his car being towed away and also in April 2009 he was involved in a fight in the local village which led to the police attending his home. In 2014 Paul was arrested after neighbours contacted them reporting Paul to be verbally and racially abusive and it was also documented that he had assaulted two of his neighbours and kicked a dog. Again following this incident Paul was detained under the Mental Health Act.
18. On the 27<sup>th</sup> April 2017 Mr Eccles had noticed Paul was more chatty and considered that his mood may be starting to change. As a result, a discussion took place with Pauls Consultant Psychiatrist with a view to stopping his sertraline medication.

19. On the 8<sup>th</sup> May 2017 Mr Eccles saw Paul again and on this occasion he described how Paul was not manic but he was talking more and making jones. He was becoming more elated and likewise on the 10<sup>th</sup> May 2017.
20. Following concerns raised by Elaine Stewart Mr Eccles visited Paul on the 16<sup>th</sup> May 2017. On this occasion he described Paul as being jovial and talkative. Paul engaged well and told Mr Eccles how he was going out and how the neighbour was helping him train and get fit. Mr Eccles discussed with Paul the fact that he may becoming unwell and whilst Paul denied this, he did describe how he felt like his old self. A plan was put in place to commence Paul on diazepam, having stopped his Sertraline medication.
21. Mr Eccles said whilst Paul was becoming unwell, he had no concerns about Pauls behaviour at this stage, he was not exhibiting any thought disorder, there was no paranoid behaviours, and Mr Eccles did not feel threatened in anyway. There was no evidence Paul was agitated or aggressive at this stage.
22. I heard evidence that the following day, on the 17<sup>th</sup> May 2017 an incident occurs between Paul Stewart and Mr Richard Garrick as a result of which Paul Stewart receives a serious head injury. Paul is transferred to Salford Royal Hospital. He survives the initial injury but his injuries are extremely serious and he remains in hospital. His care is eventually transferred to the Priory Highbank where he remains until his death on the 4<sup>th</sup> June 2019. Paul Stewart is never able to provide an account as to what occurred on the 17<sup>th</sup> May 2017.
23. **I am satisfied by the evidence before me that in the weeks leading up to the 17<sup>th</sup> May 2017, Paul was experiencing a relapse of his mental illness however whilst there is some evidence of increasing elation, Paul had not reached the manic phase of his illness that had previously resulted in admissions to hospital.**

### **Police Investigation**

24. I heard evidence from Greater Manchester Police (“GMP”) as to the investigation which was conducted in 2017. At the time this was treated, on the face of it, as a potential manslaughter investigation. It is acknowledged by GMP that the quality of investigation in 2017 was lacking. I would agree, key investigative strands were not considered or investigated at all. It is not for this court to consider whether this would have made any difference.
25. However, the result is that in 2019 when Mr Stewart died investigations had to be restarted. Evidence which was available to GMP in 2017 had not been

recognised as potentially significant, in particular in text messages which were available on the phones of Jennifer Boardman and Richard Garrick. I am of the view investigative opportunities were lost in 2017 which has not helped anyone neither Paul Stewarts family nor the other Interested persons.

26. Of particular concern to the court is the evidence which was available in 2017, on the phones, pertaining to the 14<sup>th</sup> and 15<sup>th</sup> May 2017 and the obvious question as to whether this evidence suggests something may have occurred with Paul Stewart at this time, some 48 hours before the incident in which he sustained serious injuries. This was clearly important and relevant evidence given Mr Garricks account that his actions were in self-defence.
27. The witnesses who did provide statements in 2017 made no mention of any events which may have occurred on Sunday 14<sup>th</sup> / 15<sup>th</sup> May however a text message dated the 17<sup>th</sup> May 2017 from Jennifer Boardman to her Mother Susan Boardman suggesting events on Sunday should not be mentioned should have been seen and given rise to further questions at the time.

### **Pathology Evidence**

28. I heard evidence that following the incident on the 17<sup>th</sup> May 2017 there were real concerns Mr Stewart would not survive. As such GMP contacted a forensic pathologist Dr Wilson to examine Mr Stewart whilst he was in Salford Royal Hospital. During this time Dr Wilson had the benefit of seeing the CT scans which showed a significant severe head trauma. Dr Wilson described the injuries as consistent with a contra-coup injury.
29. Dr Wilson described how Paul had an abrasion to the left side of his chin in keeping with a blow to the left side of the face. Dr Wilson said the totality of Pauls injuries were what he would expect to see if Paul had been punched in the face and then fallen and hit his head.
30. Dr Wilson also described how he saw a bruise to the back of Pauls knuckle over one finger, which he described as being consistent with Paul having punched someone else. Whilst he could not rule out the possibility of this bruise being sustained as Paul fell to the ground, however he told the court that, "*particularly with the terrain, when hands land you typically get grazing.*"
31. Against the odds Paul initially survived but had suffered catastrophic injuries. He remained in an unconscious state and died in the Priory High Bank on the 4<sup>th</sup> June 2019.

32. In 2019 Dr Wilson conducted the forensic post mortem examination. He described how the medical cause of death was what you would expect someone with Paul's injuries to die from. His injuries meant he was not able to move and respond to the effects of increased infections.

33. Dr Wilson confirmed the medical cause of death as :

- a. 1a) Pneumonia
- b. 1b) Chronic-Neuro Disability
- c. 1c) Head Injury
- d. 2) Ischaemic and Hypertensive Heart Disease and Left Ventricular Hypertrophy

34. Dr Wilson confirmed to the court that Paul would not have died when he did had it not been for the head injury sustained in the incident on the 17<sup>th</sup> May 2017.

#### **2015 - April 2017**

35. From 2015 until 2017 both Jennifer and Katie Boardman told me that they had no concerns about Paul. Katie Boardman said she never saw him and heard nothing other than normal "neighbour" noise during this period. She never experienced any concerning or strange behaviours whilst she lived at the property other than the smell of weed.

36. Susan Boardman spoke of a note which had been posted through the door of Jennifer and Katie's property when they moved in. She said the note described how Paul could be violent and aggressive, this was not the perception of Jennifer Boardman who explained she knew who had given it to her and the contents did not worry her at all.

**37. I am satisfied by the evidence that until April 2017 there had been no incidents of concern or worrying behaviours demonstrated by Paul Stewart towards Jennifer or Katie Boardman.**

#### **April 2017 – 10<sup>th</sup> May 2017**

38. The evidence before me shows that on the 20<sup>th</sup> April 2017 Jennifer and Richard went to Paul's house having been talking to him about his plans to sell his house. During the course of that discussion they invited Paul for a drink to the pub and subsequently went out with him.

39. It certainly appears that Paul was talkative and Jennifer recalled that he told them he had bi-polar, that he was down and also that he was on medication. She also recalled Paul had poor mobility as they walked to the pub, a feature also described by Mr Eccles. No-one gave evidence to suggest that anything untoward or inappropriate occurred this day. Jennifer accepted that she did not intend to repeat the event. Richard Garrick gave a similar account of this event.
40. Evidence suggests that it is after the 20th April 2017 that Paul engages himself more in making contact with Jennifer. It is important to recognise that this timeframe also corresponds with when Paul's family and his care co-ordinator are recognising Paul is entering a more elated state.
41. Katie Boardman said it was after Jennifer and Richard had gone for a drink with Paul that she became aware of a change in his behaviours in that Paul would then knock on the door asking to borrow items, speak to Jennifer whenever she was going in and out of the house and would buy her "*nik naks*". She told the court she, "*got the feeling Paul fancied her.*"
42. Jennifer described a number of interactions she had with Paul around this time, this included amicable situations for example when Richard helped him drill a washing line, but they also included occasions where Paul's comments could be inappropriate either by way of text message when he could be derogatory about Richard or when he made inappropriate sexualised comments towards her. Although Jennifer was vague as to the exact details as to when specific events occurred this is perhaps understandable given the passage of time.
43. She went onto describe how he could play his music very loudly and at times would knock on her door (when Richard was present) late at night.
44. Jennifer stated at this stage, she had not told anyone about the sexualised comments Paul had made.
- 45. In summary the evidence paints a picture which I find was the case that from the 20<sup>th</sup> April until the 10<sup>th</sup> May Paul's mental health was deteriorating and he was becoming more elated. During this period his contact with Jennifer Boardman increased in frequency. It is likely Paul was not able to appreciate the unwanted and at times inappropriate nature of his contact.**

#### 10<sup>th</sup> – 14<sup>th</sup> May 2017

46. One particular incident which Jennifer found concerning was on the 10<sup>th</sup> May 2017 when she had just returned home. Paul was talking to her outside and

followed her up her path, asking if he could have a look inside her house. She described how, before she had a chance to answer he walked in her house and walked into the living room/kitchen area, touching various items. She was able to make an excuse and he left. She described this incident as being no more than 3 minutes at most.

47. Also at this time Susan Boardman told the court that Jennifer had asked her to stay at Leach Street with her the week of the 10<sup>th</sup> May as, *"she did not feel safe in her own house."* Susan Boardman described how at this stage Jennifer was, *"like a prisoner in her own house."* She described how she went down straight away. She told the court how Jennifer spent her time, *"hiding upstairs so that Paul did not know she was in."*
48. The fact is during the week of the 10<sup>th</sup> May 2017 Richard Garrick was working away. Jennifer Boardman was at home. The court does not need to go into the detail of what Jennifer Boardman was going through during this week but I am satisfied this week would have been a difficult and emotional week for her. It is acknowledged that it was not until the evening of the 10<sup>th</sup> May that Susan Boardman was made aware of the personal matter her daughter was dealing with.
49. However when asked Susan Boardman continued to maintain stance that she could not think of any other reason why Jennifer may have been upset or staying upstairs that week.
50. I do not accept the evidence of Susan Boardman that the reason she was staying with Jennifer as of the 10<sup>th</sup> May was due to her feeling too scared to come downstairs and like a prisoner in her own house. **I am of the view it is more likely than not that Jennifer did not want to be on her own during a difficult period, when she had been left by Richard and whilst Pauls behaviour was likely to have been on her mind and may even have been a factor it was unlikely to be the main reason why she wanted her mother Susan Boardman to stay.**
51. I have also considered carefully the contents of the text messages between Jennifer Boardman and Richard Garrick over the course of the 10<sup>th</sup>-13<sup>th</sup> May 2017. It is clear it is Jennifer Boardman who constantly raises the subject of Paul Stewart and clearly gives the perception that 'something has happened' and seeks reassurance from Richard Garrick that he will not do or say anything to Paul.
52. The continued return to Paul Stewart as a topic of conversation is surprising given the evidence from both Jennifer and her Mother that during the days the



10<sup>th</sup> – 12<sup>th</sup> May they had little contact with Paul. There was the incident on the morning of the 10<sup>th</sup>, Susan Boardman described him coming to borrow the hoover and returning it broken and during this time Jake called at the property asking if they knew where his Dad was.

53. During this time text messages dated 10<sup>th</sup> May from Jennifer Boardman to Richard Garrick are consistently emphasising her concerns about Pauls behaviours albeit notably the texts are often lacking in detail.

*"He's going too far now."* (836)

*"He's just being too much..."* (839)

*"It's just not appropriate."* (858).

54. Throughout the 10<sup>th</sup> May Paul is constantly raised by Jennifer Boardman in her messages to Richard Garrick. I have to consider why this is. Is it that his behaviour is continuing to be concerning on the 10<sup>th</sup>? I do not accept this. Throughout the time many of the text messages are sent, Susan Boardman is in the house with Jennifer.

55. **I am satisfied from all of the evidence that the tone and tenure of many of the messages sent during this time are in an attempt to evoke a sympathetic response from Richard at what was a particularly difficult time for Jennifer and were not sent solely or directly as a result of continued distressing behaviours from Paul on the 10<sup>th</sup> May 2017.**

56. There is clear evidence in the text messages that the information provided by Jennifer does illicit a response from Richard. At 20:45 hours on the 10<sup>th</sup> May he responds saying, *"...I don't want strangers knocking on your door that makes me cross don't; worry it will stop as of this weekend I promise that much ...I'm cross your being made to feel uncomfortable in your own home."* Similarly evidence suggests that Peter Garrick was being made aware of the situation, *"I'm here talking to Pete about it all xx he's cross about it too..."*(895). Richard Garrick continues to repeat his feelings on several occasions on the 10<sup>th</sup> May, *"I'm d(s)o cross it's upsetting you I will sort it I promise xxx"* (915)

57. This pattern of messages and the subject of Paul Stewart being raised in conversation by Jennifer continues on the 11<sup>th</sup> May 2017. Jennifer herself confirms that there has been nothing of concern at 16:23 on the 11<sup>th</sup> May she messages, *"Not heard anything all day so don't worry."* (969)

58. Despite this the conversation turns again to Paul at around 20:38 that night when Richard Garrick once again indicates his feelings, *"No worries honey I'm cross about it honey though."* (1027)

59. Around this time on the 11<sup>th</sup> May 2017 the text messages suggest that further information about Paul's behaviour was provided by Jennifer Boardman to Richard Garrick (1048) *"I only told you because I was being honest..."*
60. When questioned, Jennifer Boardman could not recall if at this stage she had told Richard about the inappropriate sexualised comments which Paul had made towards her. She accepted and Mr Garrick agreed, she had likely told him about Paul's behaviour on the 10<sup>th</sup> May when he walked into her house. I accept this is likely to have been the case and is what prompted Richards text at 21:33 hours asking, *"He didn't touch you did he?"*
61. This further information only appears to prolong Richards feelings, at 21:44 he texts, *"I'm really cross about it."*(1185) and at 21:57, *"It is personal talking about me like I'm no one and treating you like that so him being friendly is just a cover he's a snake and I'm not having it he will be selling his house iv had enough of him he will be gone"* (1181)
62. Mr Garrick explained he was alarmed that Paul had entered the house without permission. He denied every learning about any sexualised comments allegedly made by Paul.
63. On the morning of the 12<sup>th</sup> May there is evidence the information provided to Richard Garrick was still on his mind, *"I've had bad dreams all night"* (1143), *"Just about you and Paul it's probably cuz I'm wound up about it"*
64. Later on the 12<sup>th</sup> May at 17:10 hours Richard Garrick asks Jennifer Boardman, *"Has he sed out to you today"* (1253) the response sent it, *"We were sat in my car and he came out and said he's got new stuff for his house that's about it I didn't speak and my mum said we were busy and had to go. He seems pretty sheepish."* Texts of a similar nature continue on the evening of the 12<sup>th</sup> May and on the 13<sup>th</sup> May.
65. Mr Garrick was asked about the content of the messages and he explained that he felt frustrated trying to work, getting text messages and complaints about Paul and that he wasn't there to support Jennifer. He stated that his responses at times were said simply in an attempt to show bravado and not with any intent to confront or hurt Paul.
66. Mr Garrick has provided several account to GMP the first being is interview dated the 17<sup>th</sup> May 2017. During the course of this interview he was asked about whether anything out of the ordinary had ever been said by Paul Stewart or whether anything antagonistic went on as well as interactions he had had with him. In his response Mr Garrick describes Paul being straight over, he discusses

the fact that a week ago having a chat with him about building a bar in the garden.

67. He goes onto describe Pauls behaviour towards Jennifer. At no stage during the course of the interview does Mr Garrick mention or tell the police about the various concerns raised by Jennifer during the preceding 7 days. Nor does he tell them of Paul walking uninvited into her house. When asked why he did not mention this to the police he explained he had found himself in extraordinary circumstances and was fatigued and frightened.

**68. From the evidence I am satisfied that on the morning of the 10<sup>th</sup> May Paul Stewart whilst suffering a deterioration of his mental illness likely to have behaved in a way which caused Jennifer Boardman concern. This coincided with a difficult personal time for her and during the following three days Jennifer made Richard Garrick aware of the incident as well as frequently raising non-specific concerns about Paul most likely in an attempt to illicit emotional support from Richard Garrick. Richard expressed his unhappiness with Paul Stewart, unhappiness which I find is likely to have remained on his return home on the 13<sup>th</sup> May 2017.**

#### **Night of the 14/15<sup>th</sup> May 2017**

69. On the 14<sup>th</sup> May 2017, Richard Garrick, Jennifer Boardman, Katie Boardman and Morgan Griffiths go out together. They all told the court they had been out from the early afternoon, returning to 37 Leach Street somewhere around midnight. All admitted to having consumed a large quantity of alcohol and being intoxicated.

70. Morgan Griffiths said he had little or no recollection of the events of the 14<sup>th</sup>/15<sup>th</sup> May and that he had been asleep on the couch. He did not recall Peter Garrick joining them. He said he had woken at one stage, he thought it may have been when Jennifer and Katie were screaming at each other although was vague in his answers as to whether he actually had any recollection of an argument or not. When taken to a number of text messages sent by Katie to Jennifer in the early hours of the 15<sup>th</sup> May he could give no explanation as to why she would have sent them and did not recollect having any conversation with Katie at the time. Likewise he had no recollection as to why he had a telephone call with Jennifer Boardman the next morning, an event he agreed would not be a regular occurrence.

71. Peter Garrick had not been spoken to by Greater Manchester Police in 2017 and had not given a signed statement when spoken to during the recent investigation. Peter Garrick explained on the night of the 14<sup>th</sup> May he went

round to 37 Leach Street. When asked how this had come about he said that he was at his Uncle's address when Richard had phoned him. He recalled being at the house for about 15-20 minutes and having a chat with Jennifer who was upset following the argument with her sister. He stated he knew Jennifer and Katie had argued about "*stuff the neighbour (Paul) had been doing.*"

72. When asked as to what he understood Paul had been doing he said, "*it was pestering/mithering / sexual comments, my advice to Jennifer and Richard was to ring the police.* Richard Garrick when questioned could not recall if by the 17<sup>th</sup> May he was aware of sexual comments being directed at Jennifer by Paul.

73. Katie Boardman stated she recalled having a cigarette in the garden but could not recall very much else as to the events of this night. She admitted to the court that she had an argument with Jennifer and that she was "*hysterical.*" She acknowledged when questioned that the argument was about Paul and explained that she was purposefully shouting and swearing loudly as she wanted him to hear what she was saying. Her comments being directed towards Paul including things such as, "*Leave her the fuck alone.*"

74. Jennifer Boardman said she recalled having an argument with Katie and Katie screaming about Paul in the direction of his property. Jennifer described how thought she saw Paul in his house but this was not when Katie was screaming stating there was no actual contact with Paul and she did not speak to him at this time.

75. Both Katie and Jennifer were taken to a number of text message exchanges between them which occurred in the early hours of the 15<sup>th</sup> May 2017 after Katie had left the house. In particular the following ;

02:08 "*Sorry for shouting I was just scared.*"(480)

02:09 "*We are all scared. At least it's done with.*" (477)

02:12 "*Something else has happened he has just been at the back door screaming at him. I'm so uncomfortable.*" (476)

02:15 "*Is he outside? What's happening?*" (474)

02:26 "*Just shouted at him. I honestly cannot believe this is real.*" (471)

76. Jennifer was then questioned about the text messages between herself and Katie. In her evidence Jennifer said she heard Richard shouting at the back door. She described his voice as frustrated and angry and said he "*raised his voice.*" She did not think Peter Garrick was still in the house at this point and

when asked who did she think Richard was raising his voice to, her response was that she presumed it was directed at Paul. She described Richard *“Shouting over the fence to Paul”* acknowledging that the back door was next to the fence.

77. When questioned about these message Katie Boardman accepted her interpretation of these was that they implied Richard and /or Paul were screaming at the other. In short, there was some form of argument ongoing between them.
78. Richard Garrick was asked about whether he was screaming at Paul he told the court that he was screaming at the back door at his dog which he had let out into the garden. He did not know who was being referred to in the text messages between Katie and Jennifer.
79. When By 8:50 am on the 15<sup>th</sup> May, some 6 hours after the aforementioned texts, Jennifer Boardman texts her Mother stating, *“Can you please get ready and come here I need to stay at yours today. It kicked off last night with next door.”*
80. When questioned as to what she had understood this message to mean Susan Boardman provided what I can only describe as an inadequate explanation and evidence which in my opinion lacked any credibility, stating this may have related to the argument Jennifer and Katie had had. She categorically denied that it could have been interpreted in anyway so as to mean something may have happened with the next door neighbour.
81. There also a number of text messages between Jennifer and Richard on the morning of the 15<sup>th</sup> May 2017. At 10:59 Jennifer texts Richard, *“Please don’t ever hit anyone unless you get attacked because if he had got really hurt you would be in trouble and if you went to prison over a fucking gimp it would be awful and I really don’t want you to get in trouble please baby don’t do anything else.”* to which Richard replies he won’t. Richard could not recall who he had interpreted this message to be pertaining to.
82. A short time later Richard asks Jennifer what her mother Susan Boardman has said, the response is, *“Just shocked at it all but she said I’m sorry but maybe that’s what he needed but like me she said it’s definitely not worth you getting in trouble at all.....”*
83. Other texts show that on the night of the 15<sup>th</sup> May Jennifer and Richard decide to spend the night at his house not at Leach Street and a number of family members concur with this being a good idea. At one stage Jennifer advises Richard it is probably not a good idea for him to go round to hers.

84. Jennifer Boardman and Susan Boardman gave accounts to GMP on the 17<sup>th</sup> May 2017. Despite referencing difficulties she had experienced with Paul from the 10<sup>th</sup> May onwards including on Saturday 13<sup>th</sup> May Jennifer makes no mention of the 14<sup>th</sup> and 15<sup>th</sup> May 2017. Indeed she states, *“Since that Saturday I have not really seen Paul.”* She goes on to then state that, *“ on “Tuesday 16<sup>th</sup> May 2017 Paul had some friends to stay over and they were quite loud and it sounded like they were up all night.”*
85. On the 11<sup>th</sup> June 2021 a further statement was taken from Jennifer Boardman in which she states (when referring to the night of the 14<sup>th</sup> / 15<sup>th</sup> May), *“At no point during that evening did anyone to my knowledge speak to Paul or have physical contact with Paul.”* In a subsequent interview dated the 26<sup>th</sup> June 2021 Jennifer Boardman provided a prepared statement to the police indicating that due to the passage of time she had limited memory of any communications and felt unable to recollect matters.
86. Richard Garrick was also spoken to by GMP in 2021 in relation to the text messages. He provided a prepared statement dated the 19<sup>th</sup> May 2021 in which he made no mention of anything untoward on the 14<sup>th</sup> and 15<sup>th</sup> May.
87. Susan Boardman also gave a statement to the police in 2017 in which she details Paul’s behaviour towards Jennifer. Again there is no mention at all of any possible altercation or interaction with Paul on the 14<sup>th</sup> and 15<sup>th</sup> May. A further statement was taken from Susan Boardman dated the 11<sup>th</sup> June 2021 in which she states, *“DC Milne also asked me if I was aware of any other altercations or arguments involving Jenny, Richard or Paul around that time and I am not.”* Susan Boardman was subsequently interviewed on the 26<sup>th</sup> June 2021 and declined to answer questions specifically about the text messages although her no comments were generally followed by the response *“I’ve no idea”*.
88. The final reference to this evening in the text messages is on the 17<sup>th</sup> May 2017. Shortly after the incident involving Richard Garrick and Paul, Katie and Jennifer are texting with Katie encouraging Jennifer to *“tell the police she was scared,”* to *“tell them what the women said to you”* and also to tell the police to, *“go into Paul’s house”*. Minutes after these messages Jennifer texts Susan Boardman saying, *“Don’t mention Sunday night at all.”* Sunday being the 14<sup>th</sup> /15<sup>th</sup> May.
89. The explanation offered as to the meaning of this message was that Jennifer did not want Susan mentioning to Richards mother, the argument between herself and Katie. To be blunt, this evidence from both Susan and Jennifer Boardman I

found lacked credibility. I do not accept that in the short period of time after Mr Stewart has sustained what must have been recognised was a significant injury that the text related to an apparent argument between Jennifer and Katie. I found this totally unconvincing. I find Sunday night was not mentioned at any stage in 2017, including to the police because all participants recognised the events of Sunday 14<sup>th</sup> – Monday 15<sup>th</sup> May involved in some way, Paul Stewart and Richard Garrick together with Katie Boardman and that there was concern as to how their behaviours would be viewed in light of the incident on the 17<sup>th</sup> May.

90. DI Witkiewicz is the SIO for the recent investigation. She explained which of the evidence had been considered during the course of the 2021 investigation which was not considered in 2017. This included the totality of the text messages, only a short extract of them having been provided to the CPS in 2017. DI Witkiwicz told the court that the messages surrounding the night of the 14<sup>th</sup> and 15<sup>th</sup> May in particular raised concerns. So much, that a file was presented to the CPS for consideration of other potential offences (not related to the actual death itself). Both GMP and the CPS are of the strong opinion that the text messages can be interpreted to indicate that something involving Paul Stewart occurred on this night although exactly what, they of course cannot confirm.
91. **Having considered with care the evidence given by all the witnesses I am of the view that taken as a whole together with the evidence from the text messages, the accounts provided by all the witnesses, Richard Garrick, Jennifer Boardman, Susan Boardman, Katie Boardman, Morgan Griffiths, Peter Garrick and Ronald Boardman pertaining to the 14<sup>th</sup> and 15<sup>th</sup> May 2017 are not wholly credible. I cannot accept them as full and reliable accounts as to either what took place that night or to what those individuals were told or became aware had occurred.**
92. **I have approached the question of whether something did take place on the night of the 14/15<sup>th</sup> May, either involving or directed to Paul, with real caution and whilst the evidence does not disclose the exact nature of what took place, I am satisfied that at the very least both Katie Boardman and Richard Garrick shouted and directed abuse in the direction of Paul Stewarts property. Both, at this point in time, did so as they had been informed by Jennifer Boardman of her concerns as to Pauls behaviour and both were angry about this. Whilst there is no evidence to indicate one way or another whether Paul heard what was being said, it is more likely than not that he was in the house at the time.**
93. **In summary, the evidence paints a picture of an increase in tensions between Mr Garrick and Paul Stewart from the 10<sup>th</sup> May due to information being**

provided by Jennifer Boardman as to his behaviour. I am entirely satisfied that, fuelled with alcohol Mr Garrick did, at least verbally, express his anger towards Paul Stewart.

94. Moreover I am satisfied from all the evidence that full accounts of the events of the 14<sup>th</sup> and 15<sup>th</sup> May were not provided to the police when investigating the incident on the 17<sup>th</sup> May 2017. It is not for this court to consider whether there was a deliberate intention to withhold this evidence from the police in 2017 and I make no comments or findings on that point.

17<sup>th</sup> May 2017

95. Jennifer and Richard stayed at Leach Street on the night of the 16<sup>th</sup> – 17<sup>th</sup> May 2017. Jennifer gave an account at the inquest that Paul had been banging around, watching tv and had been up all night swearing and talking to himself. She told the court herself and Richard could not hear what was being said but they had an unsettled night barely sleeping. In his interview in May 2017 Richard stated Paul had returned home at around 3.30am and he had heard him at that stage.

96. Both described how in the morning Richard got up to take his dog out for a walk.

97. The next Jennifer was aware of was hearing Richards raised voice saying, “Why are you attacking me.....”

98. It is acknowledged that the only person who is able to provide any evidence as to the events of the 17<sup>th</sup> May 2017 is Mr Richard Garrick. There is no independent corroborating evidence such as CCTV or independent witnesses. I am, of course mindful of the evidence of the pathologist Dr Wilson.

99. The first account Mr Garrick gave was in the 999 call to NWS. He states, *“He’s threatened to attack me, threatened to cut my throat and then he’s took a swing at me. I’ve had to defend myself. He’s now lay on the floor unconscious.”* He goes on, *“...he’s just come out threatening me. We don’t have much to do with him, he’s a bit of a recluse...”* *...“he’s followed me down the road threatening to cut my throat and all sorts of rubbish and he’s thrown punches at me. I’ve told him to go away on three occasions. He chose to ignore that and I’ve hit him to defend myself because he’s been swinging punches at me and trying to grab and kicking my dog.”*

100. The second account given is to PC Arastoozad a GMP officer who attends the scene and takes a first account from Mr Garrick at 11.36 hours. PC Arastoozad confirmed Mr Garrick told him, *“Paul suddenly walked quickly*



towards him and, on getting to him, called him a "dick" and then said, " I am going to cut your throat" before throwing a weak punch that glanced Garrick's shoulder or neck. Garrick then explained that in order to defend himself, he punched Stewart."

101. Richard Garrick was then interviewed at 20.01 hours, he had the benefit of legal representation at the time of the interview. His account on interview was, "...He's walking towards me with a bit of a pace and he's, his words to me were 'alright dick'. I looked at him, I was a bit confused. He comes flying towards me, he tells me how hes gonna cut my throat and cut my sons throat. Now I don't have children so I thought that was also weird. I tell him on three occasions, three occasions pretty much straight after each other go away, go home, go away paul. He pays no attention to that, he swings a punch at me which strikes me on the shoulder and glances onto my chin, he then hits me again which catches me on the side. He then grabs me with both his arms and I felt the only way to get im off me because I've got the dog in one hand and to, to, end the situation was to it him out of self defence not meaning to knock him down, just meaning to knock his so I could get away, I would have quite happily legged it and got back in my house and locked the door. He fell and as he fell he, he struck his head on the floor...I'd phoned the police and walked up to the house to shout my girlfriend."

102. Mr Garrick was then taken through this account in more detail. He described Paul punching him twice, firstly on the shoulder which bounces onto his chin and secondly under his arm pit area. Following this he stated Paul grabbed hold of him and started trying to pull Richard towards him. It is at this point he has used his right hand in a clenched fist to hit him, hitting him on the side of his chin.

103. In interview Mr Garrick describes how as soon as his punch connects with Paul it seemed to "switch him off and he went straight into snorting noise and fell backwards." Richard Garrick described his punch as "quick jab." He stated, " when I struck Paul Stewart it was not a full swing, it was an upper cut punch...I did not have a goal in mind it was to break his hold and create distance."

104. When questioned at the Inquest Mr Garrick said, for the first time, that Paul Stewart was holding a weapon in his hand as he came towards him. He described this as looking like a "drill bit or nail approx. 6 inches" which Paul Stewart had wrapped in tissue / kitchen roll and was holding in his hand in a pinched position between his thumb and finger. Mr Garrick stated he believed Paul Stewart had "sought to attack me with a weapon."

105. When asked why this was the first time he had sought to mention the fact Mr Stewart had a weapon Mr Garrick explained that he had simply forgotten this aspect due to the distress of the situation in which he found

himself and when he did recall this important detail he contacted his legal representatives who advised him he did not need to report this as nothing would turn on it. As a result of this explanation further enquiries were made with the police station representative and also the legal firm. Statements from Lyndsey Brown and Steven Ringrose were obtained. There is evidence of telephone calls from Mr Garrick to Mr Ringrose on the day following his arrest but there is no evidence as to what those calls related to. There is no evidence of any calls to the solicitors firm and no record on the file of any discussion relating to a potential weapon.

106. Morgan Griffiths recalled being told by “someone” after the incident that Paul had had a “drill bit.” Whilst he could not recall who had told him this he was not in contact with anyone else only Katie. Jennifer Boardman said she thought she heard off Richard that Paul had a “drill bit”

107. DI Witkiewicz is the Senior Investigating Officer following the death of Paul Stewart. DI Witkiewicz told the court that in 2017 Crime Scene Managers (CSM) attended the scene where Paul Stewart lay following the incident. Photographs were taken and in addition the CSM searched the location for blood to assist in the understanding as to what had occurred. She was asked whether she would have expected the CSM to have identified during the course of the search any item in the vicinity of Paul Stewart such as a “drill-bit” and “a piece of kitchen roll.” She was clear that she would have expected these items to have been noted and also at the very least photographed. When it was put to her that GMP had not, in 2017, been put on notice by Richard Garrick that Paul had come at him with an item, DI Witkiewicz still felt that she would have expected the items to have been seen and photographed and then a discussion around a forensic strategy as to whether they would have been recovered.

108. DI Witkiewicz confirmed to the court that the Inquest was the first time Mr Garrick had given this account about Paul coming at him with an item. She explained this information would have been extremely important to the investigation as it would have indicated the level of threat Mr Garrick potentially faced.

109. Mr Garrick also told the Inquest that he reported to the police his jaw was aching. This is not consistent with the body map and examination conducted of Mr Garrick on the 17<sup>th</sup> May at 16:35 states, “Area of jaw which Richard states he was hit on, no marks could be seen under beard. Richard states it does not hurt.” The evidence from the 17<sup>th</sup> May consistently refers to Mr Garrick describing this punch by Paul Stewart as a “weak punch which bounced off his shoulder onto his chin.”

110. I have considered very carefully whether I can accept Richard Garrick's evidence as a full and reliable account of what took place on the 17<sup>th</sup> May 2017. I have considered the evidence he gave me and the contents of his earlier accounts. I have borne in mind that in giving evidence at the inquest, he is recalling matters which occurred nearly five years ago, and I have not taken the view that small differences in the accounts he has give are indicative of unreliability. Nevertheless, I have concluded that I cannot accept Richard Garricks's evidence as a full and reliable account of what took place. I consider that, taken as a whole, Mr Garrick's account is problematic in the following ways:

- (i) Taken as a whole, I do not find his account credible in respect of the lead up to the 17<sup>th</sup> May 2017. There is clear evidence to indicate Mr Garrick was very unhappy with the behaviour of Paul Stewart towards his girlfriend Jennifer Boardman and as indicated I find there is more likely than not some behaviours consisting of at least verbal shouting, directed from Richard Garrick towards Paul Stewart 48 hours earlier.
- (ii) Mr Garrick now seeks, some 5 years later, to suggest that Mr Stewart was carrying a weapon. In 2017 Mr Garrick provided extremely consistent accounts as to what had occurred, firstly almost within minutes of the incident when he spoke to the ambulance service. Within an hour to PC Arastoozad and later the same day when he was interviewed by Greater Manchester Police. I do not accept that even with the distress of the situation which he found himself in, would this critical piece of information be consistently omitted. Another important consideration is the lack of any such item being found by the CSM when they were searching and examining the location. This leads me to conclude that this account is not an accurate account of the event and is unreliable.
- (iii) On the important question as to whether there was physical contact between Paul Stewart and Richard Garrick I am satisfied it is likely given his deteriorating mental health condition that Paul Stewart did, at some stage, strike Mr Garrick. However why Mr Stewart may have approached Mr Garrick on the 17<sup>th</sup> May is not as clear and I cannot rule out that it was the events of the 14<sup>th</sup> and 15<sup>th</sup> May which may have prompted his approach.

- (iv) I heard evidence from Paul Stewarts family and also from Jennifer Boardman that Paul struggled with his mobility. At no stage during the physical contact described by Richard Garrick does he make any attempt to push Paul off him or attempt to move quickly away from the situation.
- (v) Considered whether there is evidence from other sources which enables me to make relevant findings but I have concluded there is not. As I have found I am satisfied Mr Stewart likely did strike Richard Garrick which may account for the bruise noted by Dr Wilson

### **Conclusion as to the Death**

111. At the end of the evidence I received legal submissions from the legal representatives for the IPs and Mr Garrick which address the possible conclusions available to me. I received oral and written submissions. I have considered and taken full account of all the submissions.
112. I first considered whether the short-form conclusion of Unlawful Killing is available to me and ought to be recorded. In order to reach this conclusion I would need to be satisfied, on the balance of probabilities, that Paul died as a result of an act of murder or manslaughter. For the reasons set out above, there is no sufficient evidential basis upon which I could safely reach this conclusion.
113. I next considered whether a conclusion of “lawful killing” is available to me; For the reasons set out above in particular the fact I do not consider Mr Garricks account to be wholly accurate or credible I consider there is no sufficient evidential basis upon which I could safely reach this conclusion.
114. An Open Conclusion is the appropriate conclusion if the evidence has failed to satisfy me, to the requisite standard of proof, of the elements required for any other conclusion. Recording an Open Conclusion is not a failure of the process if it is reached because of the absence of necessary evidence. For all the reasons I have given above I do consider that to be the case and so I do intend to record an Open Conclusion.

### **Record of Inquest**

I shall, therefore, record the following on the Record of Inquest :

Box 1 :

Paul David Stewart

Box 2 :

Ia Pneumonia

1b) Chronic Neuro-disability

1c) Head Injuries

2) Ischaemic Heart Disease and Left Ventricular Hypertrophy

Box 3 :

On the 17<sup>th</sup> May 2017 the deceased was involved in an altercation during which he received a blow to the chin and fell backwards sustaining catastrophic head injuries. As a result of the injuries he sustained, the Deceased was left in a minimally conscious state and died at the Priory Highbank on the 4<sup>th</sup> June 2019.

Box 4 :

Open Conclusion

Before closing the inquest I would like to record my thanks to counsel and legal representatives for their work and assistance, which I have appreciated, to thank also Mr Garrick who has attended throughout, and I would like to pass to Paul's family and friends my very sincere condolences in respect of his death.

**Joanne Kearsley**

**Senior Coroner**

**Manchester North**

**1<sup>st</sup> April 2022**