

Letter to the Editor

The death of buddy diving?

David Cooper raises concerns in his letter regarding the potential implications for recreational diving of the Watson case.¹ Before we draw any conclusions, however, one must be aware that this is a complex case, the plea and verdict were subject to negotiation and the outcome possibly perverse. Gabe Watson was not tried before a jury for his wife's death, because he pleaded guilty to manslaughter, where death is an unintended consequence. Thus the evidence was never tested in court. He was convicted under a rare Queensland criminal code statute, detailed by Dr Cooper, and enacted in 1899 prior to Australian federation and not used in a criminal trial until this case.² This statute is not in the criminal code in any other Australian jurisdiction.

Watson had some incriminating circumstantial evidence against him for murder, but the Queensland Director of Public Prosecutions felt that a guilty verdict, (murder beyond reasonable doubt), was very unlikely so the charge was reduced to manslaughter.³ Then Watson returned from the USA voluntarily for the trial on this lesser charge. Watson's father stated pragmatically: "*faced with the prospect of a long trial against the state with unlimited resources, an unknown outcome in a place far from our home, we elected the 'guilty plea' option so as to have our son returned to us at the earliest possible date.*" One of the judges at the sentence appeal was surprised that Watson had pleaded guilty.³

Watson's diving behaviour should have been better, but Dr Michael Bennett stated in expert evidence that his three-year lack of diving made him "*relatively inexperienced*".³ Watson now faces a possible murder trial in Alabama, as he was deported following sentencing. This case remains controversial, and few conclusions can be drawn from it. "*Rare cases make bad law*".⁴

References

- 1 Cooper PD. The death of buddy diving. *Diving and Hyperbaric Medicine*. 2011;41(1):38.
- 2 *Criminal Code Act 1899* (Qld) s 290. Available from: <www.legislation.qld.gov.au/LEGISLTN/CURRENT/.../CriminCode.pdf>. Chapter 27. p. 203.
- 3 *Death on reef mystery*. Available from: <<http://www.theage.com.au/national/death-on-reef-mystery-20100716-10eb1.html>>.
- 4 *Do cases make bad law?* Available from: <lawreview.uchicago.edu/issues/archive/v73/summer/schauer>.

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The poetry doctor

Amazing air

When on scuba I can't respire without an apparatus.
To regulate air from a tank to ambience; to inflate us.

Refrain: Amazing air inflates my lungs and lets me breathe
– inspiring.

Without this air I would soon die, so aptly termed
expiring.

It works so well I can descend to the deep and back.
Unless the air supply does end, a catastrophic lack.

I gasp and gulp and gag in fright, however hard I suck.
My buddy is nowhere in sight. I curse my rotten luck.

Panic starts to take its grip. I blame my poor dive plan.
As consciousness begins to slip, its reasons I do scan.

My regulator's sprung a leak? I've dived too long, too
deep?

My air content I did not seek, my vigilance asleep?

My training fires despite my doubts. I drop my belt then
fin.

As I rise I breathe out, avoiding CAGE within.

I break the waves and what a treat to breathe in nature's
air.

Nothing ever could taste so sweet, a life-sustaining fare.

I'm so relieved I've thwarted death I say a thankful prayer.
Appreciating my every breath, never again to run out of
air.

John Parker

Christine Cridge and DDRC

The Diving Diseases Research Centre (DDRC), Plymouth, has recently appointed Dr Cridge as its new Director, incorporating the roles of Medical Director and Chief Executive.

A general practitioner with the Postgraduate Diploma of Medical Science in diving and hyperbaric medicine from The University of Auckland, Dr Cridge has worked in both the HMS Haslar, Gosport, and DDRC hyperbaric units in the past. She returns from a recent appointment as Medical Director with Hyperbaric Health in Perth, Western Australia.