



# MAGISTRATES COURT *of* TASMANIA

## CORONIAL DIVISION



---

## **Record of Investigation into Death (Without Inquest)**

*Coroners Act 1995  
Coroners Rules 2006  
Rule 11*

I, Simon Cooper, Coroner, having investigated the death of Daniel Mollross

**Find, pursuant to Section 28(1) of the Coroners Act 1995, that**

- a) The identity of the deceased is Daniel Mollross;
- b) Mr Mollross died as a result of injuries sustained in a collision between a motorcycle and a motor vehicle;
- c) The cause of Mr Mollross' death was a diffuse head injury; and
- d) Mr Mollross died on 25 February 2018 on Black Hills Road at Magra, Tasmania.

### **Introduction**

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Mollross' death. The evidence includes:

- an opinion of the forensic pathologist who conducted the autopsy;
- the results of toxicological analysis of samples taken at autopsy and from the other driver involved in the collision;
- relevant police and witness affidavits;
- medical records;
- Ambulance Tasmania report;
- a comprehensive report from the then Officer in Charge Tasmania Police Southern District Crash Investigation Services; and
- forensic and photographic evidence.

Mr Daniel Mollross was 36 years of age at the time of his death. A father to three children, he was in a long-term relationship with Ms Trista Mollross (aka Trista Jeffrey). At the time of his death a Family Violence Order (FVO), made in the Hobart Magistrates Court on 29 May 2017, protecting Mr Mollross from his partner was in existence.

Mr Mollross appears to have been in good health in the lead up to his death. He worked at a supermarket in New Town.

He was the holder of a Tasmanian driver licence that authorised him to ride a motorcycle as well as drive a motor vehicle. At the time of his death his licence was subject to the following conditions:

- not drive whilst any alcohol was present in his blood (this condition was imposed as a result of Mr Mollross having been convicted of 3 or more offences contrary to the provisions of the *Road Safety (Alcohol and Drugs) Act 1970* within a 10 year period); and
- a so-called “good behaviour order” imposed as a consequence of the accumulation of demerit points.

On Sunday, 25 February 2018 Mr Mollross had been at home with his partner Ms Jeffrey. The couple drank and argued. During the course of the argument, in breach of the FVO, Ms Jeffrey threw a bottle of bourbon at Mr Mollross. There was some dispute as to whether he deflected the bottle from his face using his arm or it struck him in the head. Either way, I am satisfied that the bottle did not cause any injury of any significance to his head. The relevance of this point will become apparent in due course.

Later the same day, in the company of his father, David Mollross, Mr Mollross was riding his 1995 Honda CBR 900 motorcycle in the Black Hills locality, in the Derwent Valley north-west of Hobart. The men had ridden from Herdsman’s Cove and were on the way to Mr Mollross senior’s residence at 89 Braslins Road, Black Hills. Both Mr Mollross and his father were wearing appropriate motorcycle clothing and approved motorcycle helmets.

### **Circumstances of crash and death**

At about 8:25pm at the junction of Back River Road and Black Hills Road both men stopped momentarily because Mr Mollross senior had been struck on the shoulder by a bird. It was by that time dark, or nearly completely dark.

The men then turned left into Black Hills Road together, accelerated rapidly and travelled along that road in a northerly direction. Mr Mollross senior was riding close to the western side of the road. Mr Mollross was abreast of his father, closer to the centre of the road, with the front wheel of his motorcycle level with his father’s rear wheel. Both motorcycles were displaying illuminated headlights. After travelling approximately 220 metres along Black Hills Road, Mr Mollross’ motorcycle collided with a silver 2005 Holden Statesman being driven by Mr Lucas Maynard. Mr Maynard had just left the driveway of 20 Black Hills Road, turned onto that road and was travelling south.

The front of Mr Mollross' motorcycle impacted with the front driver's side quadrant of the Holden Statesman. His right shoulder impacted with the Holden's driver's side windscreen. Mr Mollross was thrown from his motorcycle and came to rest near his motorcycle approximately 20 metres north of the point of collision. He suffered terrible head and face injuries and died at the scene despite efforts of ambulance paramedics to resuscitate him.

The evidence satisfies me that the crash occurred on the eastern side of the south bound lane of Black Hills Road (i.e. the incorrect lane for Mr Mollross). It occurred more or less opposite the driveway access to 18 Black Hills Road approximately 220 metres north of the junction of Back River Road and Black Hills Road.

### **The investigation**

The area where the fatal crash occurred is a straight section of road. There is one street light in the general area some distance south of where the accident happened. That light had no effect on the lighting conditions at the scene itself. The road surface is bitumen in reasonable condition. It has no road markings to separate the lanes. The posted speed limit for the section of Back River Road where the fatal accident occurred is 60 km/h. The weather conditions at the time of the crash were dry and clear.

Evidence obtained as part of the investigation into Mr Mollross' death satisfies me that as he and his father travelled along Black Hills Road both men exceeded the posted speed limit by approximately 20 km/h.

The evidence gathered during the investigation satisfies me that at the moment of impact the front passenger side tyre and wheel of the Holden Statesman was on the raised gravel section of the footpath, that is to say not on the surface of the roadway. I am satisfied on the evidence that the Statesman was stationary at the time of impact. Its position at the point of impact suggests that the driver took some form of evasive action. A significant factor which supports this conclusion as to the point of impact is a fluid spill found by investigators on the roadway. The fluid – oil – originated from Mr Mollross' motorcycle and not the Holden Statesman. The fluid spill is very close to the eastern verge of the road, well within the southbound lane.

Mr Maynard submitted to breath and blood analysis after the crash. No alcohol or illicit drugs were identified as having been present in his body at the time of the happening of the crash. His motor vehicle was subsequently inspected by a Transport Inspector. The Inspector provided a report in which he expressed the opinion, which I accept, that the vehicle had no mechanical deficiency which could have caused or contributed to the happening of the crash.

After Mr Mollross' body was formally identified at the scene by his father it was transported to the mortuary at the Royal Hobart Hospital. At the Royal Hobart Hospital an autopsy was carried out by forensic pathologist, Dr Christopher Lawrence. Dr Lawrence expressed the opinion that the cause of Mr Mollross' death was a head injury sustained in the collision. Dr Lawrence said that the autopsy revealed substantial injuries to Mr Mollross' forehead and right side of his face. Dr Lawrence examined the helmet that Mr Mollross was wearing at the time of the collision and noted that it showed substantial damage to its front consistent with injuries he saw at autopsy. I accept Dr Lawrence's opinion. I am satisfied that the head injuries which caused Mr Mollross' death were all sustained in the crash and that the domestic incident with his partner earlier in the day when she threw a glass bottle at his head did not contribute to his death.

Samples taken from Mr Mollross' body at autopsy were subsequently analysed at the laboratory of Forensic Science Service Tasmania. Mr Mollross' blood was found to contain at least 0.100 g of alcohol in 100 mL of blood. Toxicologist Ms Miriam Connor provided a report in which she expressed the opinion that:

*“A blood alcohol concentration of 0.100 g of alcohol in 100 mL of blood alone has the potential to significantly impair driving performance and increase relative crash risk. It has been estimated that the relative risk of a driver with a blood alcohol concentration of 0.10 g/mL being involved in a crash is approximately 5 times that of a driver with nil blood alcohol.”*

Mr Mollross' Honda motorcycle was removed from the scene of the crash and examined by a Transport Inspector. In a detailed and carefully compiled report, the Inspector expressed the opinion, which I accept, that the motorcycle was not in a roadworthy condition prior to the crash due to:

- *both tyres being non-compliant because of the complete lack of tread;*
- *having rear brake pads worn beyond the minimum permitted thickness (so worn in fact that there was metal to metal contact); and*
- *the rear brake master cylinder displaying significant internal wear.*

## **Conclusion**

Mr Mollross died as a consequence of injuries sustained by him when the unroadworthy motorcycle he was riding on the wrong side of the road, at an excessive speed and with a blood alcohol concentration at least twice that permitted by law, collided with a motor vehicle

on a quiet and dark country road. He was thrown from his motorcycle and suffered head injuries that caused his almost immediate death at the scene.

**Comments and Recommendations**

The circumstances of Mr Mollross' death are not such as to require me to make any recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I do however comment that once again this death resulted from a fatal combination of speed and alcohol consumption on a motorcycle that was not roadworthy.

I convey my sincere condolences to the family and loved ones of Mr Mollross.

**Dated** 19 August 2019 at Hobart in the State of Tasmania.

**Simon Cooper**  
**Coroner**