



MAGISTRATES COURT of TASMANIA
CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

Coroners Act 1995

Coroners Rules 2006

Rule 11

I, Olivia McTaggart, Coroner, having investigated the deaths of Shelbi Cate Berechree and Isaack Leigh Cooper-Rozynski

Find, pursuant to Section 28(1) of the Coroners Act 1995 in respect of Shelbi Cate Berechree that:

- a) The identity of the deceased is Shelbi Cate Berechree;
- b) Ms Berechree died as a result of injuries sustained in a motor vehicle crash in the circumstances set out in this finding;
- c) The cause of Ms Berechree's death was multiple traumatic injuries; and
- d) Ms Berechree died on 30 December 2018 at the Royal Hobart Hospital in Hobart, Tasmania.

And find pursuant to Section 28(1) of the Coroners Act 1995 in respect of Isaack Leigh Cooper-Rozynski that:

- a) The identity of the deceased is Isaack Leigh Cooper-Rozynski;
- b) Mr Cooper-Rozynski died as a result of injuries sustained in a motor vehicle crash in the circumstances set out in this finding;
- c) The cause of Mr Cooper-Rozynski's death was multiple traumatic injuries; and
- d) Mr Cooper-Rozynski died on 27 December 2018 at Dunalley in Tasmania.

In making the above findings, I have had regard to the evidence gained in the comprehensive investigation into the deaths of Ms Berechree and Mr Cooper-Rozynski. The evidence includes:

- Police reports of death for the coroner;
- Life extinct and identification affidavits;
- Determination of brain death and Hospital Report of Death to the Coroner (for Ms Berechree);
- Toxicology reports from Forensic Science Service Tasmania;
- Affidavits of the forensic pathologist following autopsies upon each deceased;
- Ambulance Tasmania records;
- Affidavit from the Transport Inspector regarding inspection of the vehicles;
- Statutory declaration and affidavit of Nicholas Pichugin, the driver of the other vehicle involved in the crash;
- Statement of Elizabeth Pichugin, the passenger in the other vehicle involved in the crash;
- Affidavits and audio interviews of witnesses Leonard Foster and Anita Foster;
- Affidavits of attending and investigating police officers;
- Crash analysis report of Sergeant Luke Walker, crash investigator;
- Affidavit of crash investigator Senior Constable Adam Hall;
- Report of crash investigator Senior Constable Kelly Cordwell;
- Scene notes, point of perception maps, and scene surveys;
- Affidavits of family members of Ms Berechree and Mr Cooper-Rozynski;
- Blood test analysis results for Nicholas Pichugin;
- Mobile phone records of Ms Berechree and Mr Cooper-Rozynski;
- Medical records for Ms Berechree;

- Weather observations from the Bureau of Meteorology;
- Crash history for the Arthur Highway in Dunalley;
- Driver's licence history in respect of Ms Berechree;
- Optometrist report in respect of Ms Berechree;
- Driver's licence history and prior convictions of Nicholas Pichugin;
- Registration History and Modification Certificate in respect of the vehicle being driven by Nicholas Pichugin;
- Tasmania Police traffic crash report;
- ESCAD printout from the Department of Police, Fire and Emergency Management;
- Bosch crash data retrieval report; and
- Traffic engineering report of Donald Howatson, Manager Traffic Safety, State Growth.

Personal Circumstances of Ms Berechree

Shelbi Cate Berechree was born on 4 December 2000 in Tasmania. She was aged 18 years at the time of her death. Ms Berechree attended Claremont Primary School, Austins Ferry Primary School, Montrose Bay High School, and Guilford Young College. She was in a settled and happy relationship with Mr Cooper-Rozynski.

She was employed at the Chicken Barn at the Claremont Village Shopping Centre and at the Berridale Child Care Centre. Ms Berechree loved children and her career ambition was to be a child care worker.

Ms Berechree held a Novice PI driver's licence issued to her on 18 January 2018. She had not committed any traffic offences since gaining her licence.

Personal Circumstances of Mr Cooper-Rozynski.

Isaack Leigh Cooper-Rozynski was born on 28 May 2000 in Hobart. He was aged 18 years at the time of his death. Mr Cooper-Rozynski attended Sacred Heart School and Guilford Young College. He was in a settled and happy relationship with Ms Berechree.

Mr Cooper-Rozynski was employed at Hungry Jacks in Hobart. He had expressed a desire to complete a TAFE course in the future with an aspiration to obtain trade qualifications. His mother, Janelle Cooper, described him as a loyal companion with a lot of friends and a sense of fun.

Circumstances surrounding the deaths

Ms Berechree and Mr Cooper-Rozynski had been spending time over the Christmas period at Ms Berechree's family shack owned by Mrs Tania Gill (Ms Berechree's mother) at White Beach. During this period, they spent time with Ms Berechree's family. Although they spent most of their time at Mrs Gill's shack, they stayed overnight at the nearby residence of Benjamin Gill, Ms Berechree's step-brother.

On the evening of 26 December 2018 (the night before the crash), the pair arrived at Benjamin Gill's residence at approximately 10.00pm. They went to bed between 10.30pm and 11.00pm. They did not consume any alcohol during the evening.

On 27 December 2018, Ms Berechree and Mr Cooper-Rozynski left Mr Gill's residence early in the morning. They went to Mrs Gill's shack at approximately 7.00am to collect the family boat and went fishing with Mr Gill. They returned to the family shack between 11.00am and 12.00pm. Mr Cooper-Rozynski was due to commence work at Hungry Jacks in Hobart at 4.00pm that afternoon. Ms Berechree and Mr Cooper-Rozynski packed up their car and left White Beach to travel to Hobart at approximately 1.00pm. Ms Berechree was driving a Hyundai Getz ("the Hyundai"), with Mr Cooper-Rozynski as the front seat passenger. The Hyundai was registered to Mrs Gill. Both Ms Berechree and Mr Cooper-Rozynski were wearing their seat belts.

At approximately 1.49pm on that day, Ms Berechree and Mr Cooper-Rozynski were involved in a crash with a Toyota LandCruiser utility ("the LandCruiser") being driven by Nicholas Pichugin, whose wife, Elizabeth Pichugin, was the front seat passenger. The crash occurred on

the Arthur Highway approximately 80 metres north of the entry to Blackman Bay Road and one kilometre south of the township of Dunalley. At the time of the crash, the Hyundai was travelling in a general northerly direction towards Dunalley, whilst the LandCruiser was travelling in the opposite direction, being a general southerly direction toward Dunalley. The vehicles collided “offset” head on, with the passenger side of each vehicle coming into contact. The crash occurred in the southbound lane, being the correct lane for the LandCruiser and the incorrect lane for the Hyundai. Tragically, Ms Berechree and Mr Cooper-Rozynski died from severe injuries sustained in the crash. Mr Pichugin suffered minor physical injuries, whilst Mrs Pichugin suffered more significant physical injuries with ongoing symptoms.

Mr and Mrs Pichugin resided interstate and had been holidaying in Tasmania. On the evening before the crash, 26 December 2018, they had been camping at Binalong Bay. They left their campsite at approximately 7.30am the next morning and had breakfast in St Helens before proceeding south towards Dunalley. Mr and Mrs Pichugin stopped first at Swansea mid-morning and then at Dunalley for lunch at 1.00pm. They departed Dunalley just prior to 2.00pm travelling south on the Arthur Highway. After travelling a distance of approximately one kilometre after their lunch break, the crash occurred.

In his affidavit for the investigation, Mr Pichugin stated:

“A short distance out of Dunalley (sic) approached a right hand bend. I believe the speed limit in the area was 100 km/h. Due to the corner I slowed to about 80 km/h when I saw a silver car coming towards me. I saw that half of the vehicle was already on my side of the road and looked to be going straight through the bend. I would estimate it was about 100 meters away from me at this time. I expected the driver of this car to do a reflex action as a result of seeing me as I did them, but the silver car continued in a straight line on my side of the road. The vehicle did not appear to break or slow down – it just continued to head directly towards me.

When I realised the driver of the car was not attempting to correct their position, by this time the car was entirely in my lane, it was too late for me to avoid the collision so I applied my breaks heavily. I believe my tyres locked up at this point. Then we collided...”

The crash scene was initially attended by police officers from Dunalley and Sorell. The road was closed, and Tasmania Police Crash Investigation Services was notified. Fire service,

ambulance and emergency services personnel also attended the scene. Immediately following the crash, witnesses and people nearby also offered assistance.

Mr Cooper-Rozynski was determined to be deceased at the scene. Ms Berechree was extracted from the vehicle where she was trapped and in a critical condition. She was transported to the Royal Hobart Hospital by air ambulance where an evaluation confirmed that she had suffered extensive traumatic and ischaemic-hypoxic damage of the brain resulting in brain death. On 30 December 2018, she was declared deceased and donated some of her organs.

A very thorough crash investigation subsequently took place. The evidence in the whole investigation clearly allows me to find that the Hyundai driven by Ms Berechree was on the incorrect side of the road at the time of the crash and that Mr Pichugin had insufficient perception and response time to take meaningful evasive action. He was driving lawfully and prudently in the correct lane of the highway. He was an experienced driver with a good traffic record, was not suffering fatigue, and returned a negative result for both alcohol and prescribed or illicit drugs.

Upon scene examination, crash investigators were unable to conduct an accurate speed analysis for the vehicles involved in the crash. This was because of insufficient marks left by the Hyundai to determine its approach angle and the fact that the LandCruiser camper pod, weighing in excess of 1000 kg, had left the vehicle at an unknown point in the crash sequence.

However, other evidence satisfies me that neither vehicle was exceeding the regulated speed limit at the time of impact. Witnesses, Anita and Leonard Foster, were driving behind the Hyundai on the highway at the speed limit of 100 km/h. Mr and Mrs Foster both stated that the Hyundai appeared to be travelling at approximately the same speed based on the constant distance between the cars. Further, the trip from White Beach to the crash location is approximately 45 kilometres, a drive that would ordinarily take 43 minutes to complete.

This is consistent with Ms Berechree travelling at or under the speed limit when considering the time that she and Mr Cooper-Rozynski departed White Beach.

Mr and Mrs Foster also provided evidence that, in the 20 to 30 minutes that they were following the Hyundai before the crash, they observed the vehicle drifting from its lane on two occasions and moving over double continuous white centre lines. They said that on both

such occasions the driver corrected its placement on the road. They said that on the third occasion the vehicle crossed to the incorrect side of the road and did not exhibit any sign of emergency braking or evasive action before it impacted directly with the LandCruiser travelling in its correct lane in the opposite direction.

Unfortunately, I am not able to determine the reason that Ms Berechree was driving the Hyundai on the incorrect side of the road.

At the time of the crash, the weather was fine, the road was dry and there was minimal traffic on the highway. The highway comprised one lane in either direction and was in reasonable condition. The separate lanes were clearly marked and there was a large curve radius (a left curve for northbound traffic). I am satisfied that road conditions did not contribute to the crash.

An inspection of the cars involved in the collision was undertaken by a qualified Transport Inspector, Mr Jason Hardy. Mr Hardy was of the opinion that both cars were in roadworthy condition at the time of the crash and that there were no defects in the mechanical condition of either vehicle that contributed to the crash. I accept his opinion in this regard.

Ms Berechree was an inexperienced driver, although the evidence of Mrs Gill and Mrs Cooper indicates that she was careful and responsible. She knew the Arthur Highway well as both a passenger and a driver. Mrs Gill estimated that Ms Berechree had driven the road herself on approximately 10 occasions in all types of weather conditions. Ms Berechree's friends and family also stated that she appeared well-rested and in good spirits prior to embarking on the journey to Hobart and that she did not display any signs of fatigue or ill health.

There is no indication upon the evidence, including the evidence from autopsy, that Ms Berechree suffered any medical condition or medical episode that contributed to the crash.

Ms Berechree's post-mortem blood sample returned a negative reading for alcohol and illicit drugs. The analysis revealed the prescribed migraine medication topiramate in her system. This medication can have the side-effect of drowsiness and tiredness. However, Ms Berechree's mother, Mrs Gill, identified during the investigation that Ms Berechree did not appear to suffer any side effects or any other adverse reactions to the medication. It is unlikely that the medication played any part in the crash.

I discount the hypothesis that Ms Berechree intended self-harm or intended to harm Mr Cooper-Rozynski by deliberately driving to the incorrect side of the road. Their relationship was happy and there is no indication of any mental health issues or suicidal ideation on the part of either.

Mobile phone records for Ms Berechree and Mr Cooper-Rozynski did not identify any obvious phone use (apart from mobile data being used) to account for the collision, despite careful analysis. I cannot, however, discount the possibility that Ms Berechree was distracted by using or handling her mobile phone at the time of the crash.

The crash analysis reveals that the angle of departure of the Hyundai from the northbound lane to the southbound lane appears to have been relatively shallow. A shallow lane departure can indicate a driver who is asleep and drifting in the direction off the camber of the road. The camber of the roadway in question during the crash investigators' drive-through testing carried northbound vehicles across to the southbound lane. Crash investigator, Senior Constable Kelly Cordwell, was of the opinion that the path of the lane departure of the Hyundai might equally indicate a driver who is not paying sufficient attention to the task of driving.

Although I am not able to determine the reason why the Hyundai was on the incorrect side of the road, the most plausible possibilities are that Ms Berechree was distracted or inattentive to her driving, was fatigued or asleep.

Comments and Recommendations

The circumstances of Ms Berechree and Mr Cooper-Rozynski's deaths are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I convey my sincere condolences to the families and loved ones of Ms Berechree and Mr Cooper-Rozynski in respect of their tragic deaths.

Dated 10 February 2022 at Hobart in the State of Tasmania.

Olivia McTaggart
Coroner