



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Robert Webster, Coroner, having investigated the death of Jingai Zhang

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

- a) The identity of the deceased is Jingai Zhang (Ms Zhang);
- b) Ms Zhang died as a result of homicide at the hands of Tobias Pick;
- c) Ms Zhang's cause of death was strangulation; and
- d) Ms Zhang died on 26 December 2020 at Launceston in Tasmania.

Introduction

Mr Pick pleaded guilty to the crime of manslaughter and stealing and was sentenced, on 6 December 2022, by Justice Pearce to a period of 5 years' imprisonment from 28 December 2020 which was the date he was taken into custody. It was ordered Mr Pick was not eligible for parole until he had served half of that term.

The files containing the evidence which was used in the prosecution of Mr Pick were obtained from the Office of the Director of Public Prosecutions in Launceston by the Northern Criminal Investigation Branch of Tasmania police and forwarded to my office. They were received on 10 May 2023. The files consist of 7 ring binders of evidence. I have considered all of that evidence in making the findings in this case which includes:

- Police Report of Death for the Coroner;
- Subject Report of Detective Sergeant Jonathan Riley and Detective Senior Constable Phil Barrett of the Northern Criminal Investigation Branch of Tasmania Police together with affidavit of Detective Senior Constable Alison Logan;
- Affidavit of the forensic pathologist Dr Donald Ritchey;

- Affidavit of the forensic scientist Mr Neil McLachlan-Troup of Forensic Science Service Tasmania with respect to toxicology;
- Video recorded interview with Mr Michael Kiddle together with transcript of that interview and statutory declaration of Mr Kiddle;
- Statutory declarations of Mr David Simmons;
- Video recorded interview with Mr Tobias Pick together with transcript;
- Video recorded interviews with Ms Kristina Jung together with transcripts;
- Photographs, forensic evidence, electronic evidence, reports, intelligence, body worn camera footage, CCTV footage and a house plan;
- Statutory declaration of Ms Xiurong Xu;
- Statutory declaration of Mr Beau Weilly;
- Statutory declaration of Mr James Cassidy-Cooper;
- Statutory declaration of Ms Alice Hendry;
- Statutory declaration of Ms Nicole Olechowski;
- Ambulance Tasmania electronic patient record;
- Statutory declaration of Mr Kristian Pennington;
- Statutory declaration of Mr Mark Hodgetts;
- Statutory declaration of Ms Skye Leslie;
- Statutory declaration of Mr Michael Bromley;
- Statutory declaration of Mr Christopher Leeson;
- Statutory declaration of Ms Anastasia Barnes;
- Statutory declaration of Detective Senior Constable Dean Logan;
- Statutory declaration of Constable Kelly Hindle;
- Statutory declaration of Detective Senior Constable Ashley Reinkowsky;
- Statutory declaration of Detective Constable Jason Bolton;
- Statutory declaration of Detective Senior Constable Glenn Hindle;
- Statutory declaration of Constable Scott Templar;
- Statutory declaration of First-Class Constable Nathan Wheldon;
- Statutory declaration of Constable Benjamin Austin;
- Statutory declaration of Detective Sergeant Jonathan Riley;
- Statutory declarations of Constable William Richman;
- Statutory declarations of Constable Connor Pask;
- Statutory declarations of Sergeant David Gammon;
- Statutory declarations of Constable Laura Beswick;
- Statutory declarations of Constable Corey Phair;

- Statutory declaration of Constable Jessica Newell;
- Statutory declarations of Mr Dominic Watson, Tasmania police (rank not stated);
- Statutory declaration of Detective Senior Constable Dean Rigby;
- Statutory declaration of Constable Madison Hickman;
- Statutory declarations of Detective Senior Sergeant Matthew Shea;
- Statutory declaration of Senior Constable Cindy – Lee McLean;
- Statutory declaration of Detective Senior Constable Troy Smith;
- Statutory declarations of First-Class Constable Benjamin Pearce – Lieuter;
- Video recorded interview with Mr Andrew Giovanof and transcript of that interview;
- Statutory declaration of Ms Lisa Inwood;
- Statutory declarations of Detective Senior Constable Phil Barrett;
- Affidavits of Detective Senior Constable Alison Logan and Mr Michael Laherty as to identity;
- Statutory declaration of Ms Yu-Han Lin;
- Statutory declaration of Senior Constable Tracy Lincoln;
- Statutory declaration of First-Class Constable Marcus Williams;
- Statutory declaration of Senior Constable Rodney Walker;
- Statutory declaration of Sergeant Michael Maher;
- Statutory declaration of First-Class Constable Brett Tyson;
- Statutory declaration of Constable Lindsay Needham;
- Statutory declaration of Senior Constable Maree Fish;
- Statutory declaration of Constable Nathan Ford; and
- Statutory declaration of Mr Nicholas Monk, Tasmania police (rank not stated).

Background

At the date of her death Ms Zhang was aged 49 (DOB 22 November 1971), she was married and she was a sex worker. Ms Zhang was born in China and moved to Australia in or about 2000 where she resided in Sydney with her cousin. In about 2010 she was introduced to Mr Simmons through his brother's wife. Mr Simmons and Ms Zhang married in or about 2012. They had no children.

Mr Simmons says they lived together on and off throughout their marriage however Ms Zhang also resided at an address in Wellington Street, Launceston and at another address in Devonport. She was the director of the couple's carting business however she had no direct input into the management or operation of that business. She ran her own massage business and Mr Simmons says she was prostituting herself up until around 2018.

Ms Zhang often said she did not want financial support from Mr Simmons so that is why she commenced her own business. In addition, she used her earnings to support her family in China. Although Ms Zhang and Mr Simmons spent time apart they spoke on the telephone every day.

Mr Simmons last saw Ms Zhang on Christmas Eve 2020. He picked her up from the Wellington Street property at about 5:30 PM and they travelled to his daughter's home for Christmas. They remained at that residence until about 8:30 PM before travelling home to Bell Bay. The next morning Mr Simmons dropped Ms Zhang off at the Wellington Street address at around 9:00 AM. She got ready and cooked him breakfast and he remained at the property while she saw 2 clients who had a massage each. He left that property at 11:30 AM and spoke to her on the telephone at 9:16 PM that evening. He tried calling her a number of times on Boxing Day between 8:00 PM and 11:30 PM however she did not answer the telephone. He was advised the next day, by a police officer, that she had passed away.

Mr Simmons said his wife had no health problems he was aware of although she did have some difficulty with her teeth. He also says she never complained about the behaviour of any of her clients and had no trouble with anyone he was aware of. She appeared happy when he was last with her. He believed, from what she told him, that Ms Zhang did not have sex with clients. He was however aware she advertised her business in both *The Advocate* and *The Examiner* newspapers and that she travelled between Launceston and Devonport. He was unaware whether she was seeing any other men or whether she had a boyfriend.

Circumstances Surrounding Death

Ms Zhang was however in a relationship with Mr Kiddle. They did not reside together however they had been together for just over 6 years. He paid the rent on the Wellington Street property from money she provided to him. Sometimes he helped with bookings because her English was not very good. Another sex worker by the name of Xiurong Xu shared the Wellington Street house and came from Devonport to work. He indicated Ms Zhang had a number of regular clients, but he had not seen anybody or heard of anybody being rough with her. It was his belief Ms Zhang had separated from her husband. Mr Kiddle also confirmed Ms Zhang sent money back to China and she had recently purchased a house at Invermay which she rented out and for which she was recently paid a bond and some rent in cash which amounted to \$2400. There was no mortgage on that home. He says she had a son and a granddaughter in China.

On the day of her death Mr Kiddle had dropped her off at the Wellington Street property before he went to his own home. He returned to the Wellington Street property at about 7:30 PM as he had a key to the back door. He commenced watching Netflix but then heard knocking at the back door,

he thought it was a bit quiet and so he messaged her at 8:22 PM. He got up then heard banging at the back door and then the front door and he called Ms Zhang at 8:36 PM. There was no answer. He then went up to her room and found her deceased and face down.

Mr Kiddle advised police Ms Zhang never expressed an interest in bondage or discipline or that pressure be applied to her neck with the intention of causing asphyxia in order to heighten sexual stimulation.

Investigation

On discovering Ms Zhang Mr Kiddle contacted 000 and was told to perform CPR which he did with the assistance of the person he contacted on 000. On arrival ambulance personnel took over CPR and provided airway support, intubation and suctioning. On the commencement of CPR blood came from Ms Zhang's nose and mouth and this required a lot of suctioning. The injuries which were visible were bruises or marks to the right side of her neck. There were no injuries or trauma to the chest. CPR continued for about 30 minutes before life was declared extinct.

A crime scene was declared and Ms Zhang's home was thoroughly searched, examined and photographed. As part of their investigation police took statements from Mr Simmons, Mr Kiddle, Ms Xu and a number of other witnesses including those who were banging on the doors to the home. It was determined Mr Pick had been a client of Ms Zhang from a message which was found on one of Ms Zhang's phones and he was arrested, alone, 2 days later in his van about 30 km from Launceston in possession of \$2400 which he had stolen from Ms Zhang. Mr Pick was interviewed at which time he made full admissions. He advised police when he realised Ms Zhang was unconscious, he was not sure that she was dead but he ran away because he was scared and panicked. In addition to this his then girlfriend with whom he was travelling, Ms Jung, was also interviewed.

The investigation revealed that prior to her death Mr Pick had engaged Ms Zhang's services on one prior occasion a week or 2 earlier. In the course of consensual sexual intercourse she asked him to apply pressure to her neck in order to heighten sexual stimulation. Mr Pick says he had not engaged in this practice previously and when he declined she applied pressure to her own neck.

On the day of her death Mr Pick met her at the Wellington Street address after arguing with Ms Jung. Prior to having sex with Ms Zhang he stole the \$2400 which had been collected earlier in the day and which is referred to above. Again, she asked him to apply pressure to her neck and on this occasion he agreed. He did so by using his hands and pulling tightly on the cloth of a dress which had been placed around Ms Zhang's neck which acted as a ligature. The pressure he applied was significant and for a long period and resulted in Ms Zhang's death by strangulation. The prosecution

did not dispute the purpose of the pressure Mr Pick applied was solely to heighten sexual stimulation. Although she consented to the application of some form of pressure that consent did not excuse acts which resulted in death or injury likely to cause death.

Dr Ritchey conducted his post mortem examination on 27 December 2020. He found Ms Zhang had blood around her eyes and mouth, upper facial purple congestion, fine pinpoint petechial haemorrhages on the skin surrounding her eye and petechiae on her eyelids and the surface of her eyes. Petechiae are caused by the haemorrhage of small blood vessels. In addition Ms Zhang had bruising to the tip of the tongue and external and internal injuries of her neck. There was bruising and scratches at the front of her neck, both sides of her neck and under the surface of the chin. Internally there was bruising of the strap muscles on the right side of her neck. Dr Ritchey says it is likely Ms Zhang was struggling and in pain before her death and he believes pressure would likely have been applied for at least 60 seconds, and perhaps longer, and would have continued after death occurred. In this case it was accepted by the Director of Public Prosecutions as Ms Zhang was facing away from Mr Pick when the pressure was applied he did not notice she had stopped breathing until after she had died.

After her death Mr Pick left without calling for help and he took the cash which he had located in Mr Zhang's room. He also stole one of her mobile phones which he threw in a river. Understandably Ms Zhang's death had a profound impact on Mr Simmons and her family. Justice Pearce noted Mr Pick's conduct after her death added to the seriousness of the crime.

Comments and Recommendations

The circumstances of Ms Zhang's death 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 family and loved ones of Ms Zhang.

Dated: 23 June 2023 at Hobart in the State of Tasmania.

Robert Webster
Coroner