



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Stephen Raymond Carey, Coroner, having investigated a death of Joshua David Smart

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

- (a) The identity of the deceased is Joshua David Smart;
- (b) Mr Smart died in the circumstances set in this finding;
- (c) Mr Smart died as a result of brain death as a result of exsanguination/hypovolaemic arrest (bled to death from a severed artery) due to a severed brachial artery;
- (d) Mr Smart died on 21 March 2014 at Launceston General Hospital Launceston;
- (e) Mr Smart was born in Launceston, Tasmania on 28 September 1985 and was aged 28 years;
- (f) Mr Smart was single and was employed as a scaffolder at the date of death; and
- (g) No other person contributed to the cause of Mr Smart's death.

In making the above findings I have had regard to the evidence gained in the investigation into death. The evidence comprises the police report of death; an opinion of the forensic pathologist as to cause of death; relevant police and witness affidavits and medical records.

Circumstances:

Mr Smart was one of four children to Sharon and David Smart. In 2008, Mr Smart was in a relationship with Cenedra Montgomery and Zaide Smart, their son, was born on 4 April 2008. Approximately 12 months after the birth of Zaide, the relationship ceased. Since that time however, Mr Smart has maintained contact with his son.

After the end of this relationship, Mr Smart resided with his parents at their residence, however they were tragically killed in a motor vehicle accident in 2009. Subsequently, in

2010, Mr Smart moved in with his brother, Rowan Smart, his partner Brooke Flanagan and their daughter Atarli-Rose, at their home at 172 George Town Road, Newnham. This property was rented and Mr Smart contributed to the payment of rent as a boarder.

Both Mr Smart and his brother Rowan owned dogs. Apparently the dogs were not compatible and were kept apart in separate areas. At approximately 4:45am on 20 March 2014, Mr Smart was woken by the dogs fighting in the front yard which was outside his bedroom window. He has apparently got out of bed, gone to the bedroom window and banged upon it in an endeavour to have the dogs stop fighting. The window has broken. Mr Smart's arm has gone through the broken window and, in some manner, he has suffered a serious laceration to his upper arm which has caused the severing of the brachial artery. Rowan Smart has also been awoken by the noise of the dogs fighting and went outside in an endeavour to break them up. His brother has yelled to him that he needed help and he was then moved from this bedroom into the lounge room with the assistance of Rowan. Mr Smart has suffered severe blood loss which is evident from blood spatter on the walls, floor and roof of his bedroom and other areas of the house.

Ms Flanagan was also awoken by the noise and when she observed Mr Smart in the lounge room he gradually lapsed into unconsciousness. An ambulance was called with the operator advising Ms Flanagan with instructions as to CPR, which were conveyed to Rowan Smart who commenced CPR.

At 4:54am ambulance personnel arrived and began intensive treatment on Mr Smart. He was transferred to the Launceston General Hospital and immediately underwent emergency surgery which involved significant blood transfusions after which he was admitted to the intensive care unit.

Unfortunately, it became apparent after a short period of time that due to the significant blood loss, Mr Smart was showing clear signs of brain death. After appropriate testing and notwithstanding continued life support measures being taken at 10:25pm on 21 March 2014, Mr Smart was formally declared dead.

Comments and Recommendations:

This tragic outcome was a result of an accident. As part of the police investigation it was determined that the house in which this accident occurred was built in the 1950s and the glass in the windows would have been at the standard accepted at that time. Building standards for glass were not introduced until 1989 which provides for the requirement for glass to meet certain safety standards.

In concluding, I convey my sincere condolences to the family of Mr Smart.

Dated: 29th January 2016 at Hobart Coroners Court in the State of Tasmania.

Stephen Raymond Carey

CORONER