



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 death of Adrian David Tudor

Find, pursuant to section 28(1) of the coroners act 1995, that

- a) The identity of the deceased is Adrian David Tudor;
- b) Mr Tudor died as a result of injuries sustained in a motor vehicle crash in the circumstances described below;
- c) Mr Tudor's cause of death was chest injuries; and
- d) Mr Tudor died on 7 September 2018 at Launceston, Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Adrian David Tudor's death. The evidence comprises an opinion of the forensic pathologist who conducted the autopsy; CCTV footage of the crash; relevant police and witness affidavits; medical records and reports; and forensic evidence.

Mr Adrian David Tudor was born in Launceston, Tasmania on 28 October 1969, and was aged 48 years at the time of his death. He was married to Mrs Narelle Tudor, and they have two children, a son, Ethan, and a daughter, Taylor. At the time of Mr Tudor's death, Ethan was 15 years of age and Taylor was 13 years of age.

Mrs Tudor, in a statement provided for the investigation, described Mr Tudor as a good family man and friend who was very well-liked in the community. He loved sports, particularly cricket, and was involved in playing, coaching and mentoring. After leaving school, Mr Tudor was employed at Coles supermarkets and worked his way to a manager's position. He then operated a family-owned newsagency for over 16 years, before returning to work at Coles as a night-time duty manager.

On Thursday 6 September 2018 Mr Tudor left home at 2.45pm driving his white Hyundai Lantra station wagon, registration EH 2009. He was due to start a work shift at Coles in Charles Street, Launceston at 3.00pm and to finish at 11.00pm.

Late that night, Mr Tudor sent a text to his wife telling her that he was going to stay late at work to complete all his tasks. Mrs Tudor stated in her affidavit for the investigation that this was not unusual, and as a result she was expecting him home at a late hour. She stated that, before leaving for work, he had not consumed any alcohol and was in good health. Mr Tudor did not use drugs and did not take prescription medication.

Mrs Tudor stated that Mr Tudor would always take the same route to and from work. It is likely, therefore, that after finishing at Coles shortly before 1.50am on 7 September 2018, he drove the Hyundai out of the supermarket carpark, turned left onto Frederick Street and continued in a westerly direction towards home.

Meanwhile, at the same time, Mr Dylan Lee, aged 22 years, was driving a Ford Falcon sedan, registration DZ 8154, on Wellington Street in Launceston. He was a disqualified driver, having been disqualified from driving by a court in May 2018 for three counts of driving with an illicit drug in his body. He was accompanied by Mr Ashton Whittingham from Mowbray who was a front seat passenger. They had just stopped at the BP Service Station, before continuing in a southerly direction along Wellington Street.

The evidence indicates that Mr Lee drove south along Wellington Street through its intersection with Elizabeth Street and towards the intersection with Frederick Street. He was accelerating at that time. Both intersections are controlled by traffic lights. By the time the vehicle reached the intersection with Frederick Street, it was travelling at between 117km/h and 123km/h, as subsequent crash analysis revealed. Wellington Street is a 60 km/h zone.

The traffic light facing Mr Lee at the Frederick Street intersection was red as he approached. Mr Lee had a clear and unobstructed view of the traffic lights as the road is straight for 158 metres before the intersection. Mr Whittingham saw that the light was red and told Mr Lee to slow down, but he did not. Mr Lee drove into the intersection against the red light. At the same time, Mr Tudor's vehicle had also entered the intersection travelling lawfully through a green light (turning orange only at the stop line) at a speed of 47km/h, being under the speed limit. Mr Lee's vehicle crashed into the driver's side door of Mr Tudor's vehicle. The force was such that Mr Tudor's vehicle was pushed for 50 metres in a southerly direction beyond the intersection.

Mr Tudor's car was heavily damaged, and he was trapped inside. Mr Whittingham was badly injured in the crash. Mr Lee left the scene and made no attempt to help Mr Tudor. An employee of a nearby service station tried to assist Mr Tudor, as did others who arrived on the scene, and emergency services were called.

Police officers and paramedics arrived at the scene at approximately 2.00am. Mr Tudor was cut from the wreckage of his car and paramedics attempted resuscitation. Sadly, Mr Tudor was fatally injured and pronounced deceased upon his arrival at the Launceston General Hospital.

The whole collision was captured on CCTV footage from City Mission in Frederick Street. There are also several other pieces of CCTV footage which form a timeline of events leading up to the collision. I note, in particular, that the heavy revving of Mr Lee's vehicle as it approaches the intersection before the crash can be heard in the footage.

An investigation into the crash was conducted by Senior Constable Michal Rybka of Northern Crash Investigation Services. Based upon his scene examination and analysis of the speeds of the respective vehicles, he formed the view that Mr Lee caused the crash by disobeying the red traffic lights at the intersection with Frederick Street, and driving at a dangerous speed. I accept his opinion as to the cause of the collision.

Senior Constable Rybka observed that the road was damp, but conditions were otherwise fine. The area was well lit, and traffic lights in the intersection were working correctly. He noted that Mr Tudor had entered the intersection lawfully. Again, I accept his evidence and conclusions.

An autopsy was conducted upon Mr Tudor on 10 September 2018 by State Forensic Pathologist, Dr Christopher Lawrence. Dr Lawrence concluded that Mr Tudor died as a result of chest injuries sustained in the collision – these being a lacerated aorta, lacerated diaphragm, multiple rib fractures and lacerated lung. Dr Lawrence commented that the laceration of the aorta was “unsurvivable”. I accept Dr Lawrence's opinion as to Mr Tudor's cause of death.

Toxicological testing of samples of Mr Tudor's blood obtained at autopsy revealed that no alcohol or drugs were present.

Mr Lee refused to allow blood samples to be taken for analysis. He had decamped from the crash scene and avoided detection for over three hours. Therefore, once apprehended by police, the “relevant time” requirement could not be satisfied under the *Road Safety Alcohol and Drugs Act 1970*. In his police interview, he admitted to consuming two cans of beer earlier that night, but denied having taken any illicit substances. Although there is evidence that Mr Lee was a user of methylamphetamine and cannabis, there is little evidence to support a finding that he used illicit substances before the crash.

I am satisfied that a very thorough investigation has taken place. I am satisfied that, tragically, Mr Tudor died solely as the result of the irresponsible and dangerous driving of Mr Lee.

Based upon the evidence in the investigation, Mr Lee was charged with manslaughter in respect of Mr Tudor's death and causing grievous bodily harm in respect of Mr Whittingham's serious arm injuries.

On 20 June 2019 in the Supreme Court, Justice Pearce sentenced Mr Lee upon his pleas of guilty, to six years imprisonment commencing from 12 June 2019 and ordered that he not be eligible for parole until he has served three and a half years of that term. His Honour also disqualified Mr Lee from driving for a period of five years from his release from prison.

In his comments on passing sentence, His Honour noted that Mr Lee had a poor driving record, including being again charged with driving whilst disqualified the day before the crash and bailed to appear in court at a later date. His Honour commented that Mr Lee had shown a complete disregard for the law and for authority and that his driving at an extreme speed was likely due to excitement or as a demonstration of daring or bravado. His Honour acknowledged that no sentence could undo the harm caused.

Comments and Recommendations

Mr Tudor was a devoted husband and father as well as a hard-working and contributing member of the community whose life was taken unnecessarily by an unlawful and dangerous act of driving. Those who risk driving in this manner should be aware of the harm that may occur and the punishment that may then follow.

I extend my appreciation to investigating officer Senior Constable Michal Rybka for his thorough and competent investigation and report.

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

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

Dated: 21 April 2020 at Hobart Coroners Court in the State of Tasmania.

Olivia McTaggart
Coroner