



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 Zachary Tyler Hyde

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

- a) The identity of the deceased is Zachary Tyler Hyde;
- b) Mr Hyde died as a result of the consequences of an incised injury (knife stab wound) of the left femoral artery inflicted by Deejay Feil in the circumstances described in this finding;
- c) The cause of death was diffuse hypoxic brain injury complicating exsanguination and cardiac arrest; and
- d) Mr Hyde died on 24 May 2016 at the Royal Hobart Hospital, Hobart in Tasmania.

Zachary Tyler Hyde was born in Tasmania on 12 June 1995 and was aged 20 years at the time of his death. He was engaged to Sarah Cartledge and there is one daughter, Scarlett, to the relationship. Ms Cartledge described Mr Hyde as being a devoted father to Scarlett.

Mr Hyde and Mr Deejay Feil (then aged 19 years) were good friends and had known each other for around five years. Mr Hyde's partner, Ms Cartledge, and Mr Feil's partner, Ms Jane Hankin, are sisters.

On the evening of Saturday 21 May 2016 a group of friends and family members attended the Crown Inn at Pontville to celebrate the birthday of Ms Cartledge who works at the hotel and was working that evening from 4.00pm until 8.00pm.

Guests began arriving at the hotel from around 7.00pm on 21 May 2016, including Mr Feil and Mr Hyde. They remained at the hotel for a number of hours where they consumed alcohol and celebrated Ms Cartledge's birthday. This was observed on CCTV footage which shows all persons appearing to be enjoying themselves and to be in a jovial mood. No altercations are captured on the CCTV footage and none were reported to police by any of the witnesses providing evidence in the investigation.

The majority of the group stayed at the hotel until around midnight. At this time a number of persons left the hotel and made their way home to their respective residences.

One particular group of people left the hotel and walked a short distance from the hotel to the address of Ms Louise Cartledge (the sister of Sarah Cartledge) and her partner, Mr Jamie Hankin, at unit 5/4 Ford Road, Pontville. The group comprised about 11 people, including Mr Hyde and Ms Sarah Cartledge, Louise Cartledge and partner Jamie Hankin, Mr Feil and partner Jane Hankin, Luke Randall, Jason Kelly, Rebecca Robertson and Carly Saunders.

At approximately 12.30am police officers on mobile patrol in the area stopped and spoke with two males on Ford Road, one of those males being Mr Hyde. The police officers observed him as appearing intoxicated, unstable and slurring his words. They observed that Mr Feil was not as intoxicated as Mr Hyde. No issues were detected and the officers left the area.

At approximately 1.00am on 22 May 2016, an altercation commenced between Mr Hyde, Mr Feil and Mr Luke Randall, whilst they were on the road and footpath of Ford Road. This altercation involved Mr Feil initially intervening in a fight between Mr Hyde and Mr Randall, which involved the three of them throwing punches, wrestling, pushing and shirt fronting each other. There were no significant blows involved. Others participated in the fight, some with the objective of separating the men. It appears that it grew into a large melee at one stage, although no one was injured to any degree and no one was armed with any weapon.

At some point during the altercation, Mr Feil left the fight and entered Mr Hankin's unit and told Mr Hankin, who was 36 years of age at the time, that he needed to try and break up the fight. Whilst he was there, Mr Feil took a black handled steak knife from the kitchen drawer (unbeknownst to Mr Hankin). Mr Hankin went outside to assist and succeeded in "scruffing" a few people to pull them away but, in his statutory declaration for the investigation, he stated that he left and went back to his unit as he was unable to break up the fight. The evidence indicates that, eventually, others who had participated in the fight disengaged and it then continued to involve only Mr Hyde, Mr Feil and Mr Randall. The fight moved away from the units and Mr Randall became separated from the other two men due to stopping because of an apparent asthma attack.

Mr Feil, who remained fighting with Mr Hyde then produced his knife and stabbed Mr Hyde to his upper left leg, severing the femoral artery. Mr Feil then fled the area on foot towards Brighton. Mr Hyde was able to stagger a short distance before collapsing in the car park entrance to the Twelve Stones Restaurant. He then lost consciousness quickly. A number of neighbours and police officers arrived after his collapse and applied pressure to his wound.

An ambulance was called and paramedics attended the scene. Mr Hyde was provided with first aid for his wound but suffered a cardiac arrest, resulting in the commencement of CPR.

He was transported by ambulance to the Royal Hobart Hospital (RHH) in a critical condition due to severe loss of blood and was treated in the Intensive Care Unit of the RHH.

Later that morning, at 6.00am, Mr Feil presented himself to the Bridgewater Police Station. He was arrested and charged with causing grievous bodily harm and remanded in custody. He participated in three electronically recorded interviews as part of the investigation. In the interviews he told police officers that he did not intend to kill or seriously harm Mr Hyde by stabbing him once in the leg. Although he acknowledged that stabbing a person could cause serious harm, he was not aware of major arteries in the area where he stabbed him. He said that he used the knife in “self-defence” because Mr Hyde was on top of him and he thought he may be “bashed”. However, he also told interviewing officers that Mr Hyde was backing away from him at the time he stabbed him and it appears that both men may have been standing upright at the time. In any event, the evidence clearly indicates that Mr Hyde was not armed, that Mr Feil could have withdrawn from the fight and that he did not need to seek out a knife and stab Mr Hyde in order to protect himself.

On 24 May 2016 two doctors treating Mr Hyde at the RHH declared that he had irreversible loss of brain function and was brain dead as a result of haemorrhagic shock and cerebral ischemia caused by his blood loss. Mr Hyde was maintained on a ventilator for the purpose of organ donation. His heart and lungs were successfully donated.

On 3 June 2016, Mr Feil appeared in the Hobart Magistrates Court charged with manslaughter. He pleaded not guilty, was committed to the Supreme Court of Tasmania for trial, and was remanded in custody.

On 3 May 2017, in the Supreme Court of Tasmania, Mr Feil pleaded guilty to one count of manslaughter and was sentenced to seven years imprisonment, with a non-parole period of three years and six months, together with a requirement to undergo a two-year probation order upon his release.

In passing sentencing, Justice Estcourt made the following comment:

“The basis of criminal liability accepted by the State and the defendant is that his act of administering the fatal blow, namely a stab wound to the deceased’s upper leg, was an act intended to cause bodily harm.”

His Honour further commented:

“Even taking into account in the present case the defendant’s initial mistaken but aggressive weighing in to the original argument, I do not regard the present case as falling within the description of the most serious form of manslaughter as noted in Hales. While the defendant is not able to diminish his criminal responsibility on account of his intoxication it does appear that what involved was a drunken melee which, although it resisted more than one attempt to break it up, would have been otherwise harmless had the defendant not senselessly and criminally introduced a weapon. He accepts that he intended to cause the deceased bodily harm by a single stab to the leg, but although that stab had the most tragic and horrific unintended consequences, the overall circumstances do not, to my mind, put this senseless killing into the most serious form of manslaughter.”

In passing sentence His Honour also noted the devastating impact of the crime upon Mr Hyde’s family and that Mr Feil had felt great remorse for the death of his good friend.

In summary, I find that Mr Hyde died as a result of an act of violence by Mr Deejay Feil that was inflicted with the intention of harming Mr Hyde but not with the intention of causing his death. This act of violence involved stabbing him in the left leg with a knife, causing massive blood loss, cardiac arrest and subsequent brain death. The evidence gathered in the investigation supports this finding. Further, this finding is not inconsistent with the determination of the matter by the criminal proceedings, as required by section 25 (4) of the *Coroners Act 1995*.

Comments and Recommendations

Unfortunately, the investigating officer did not return the file to the Coronial Division for finding until 29 October 2019 as a result of oversight. There should have been better systems in place within both Tasmania Police and the Coronial Division in order to prevent such oversight. It is likely that high workloads of all involved contributed to the matter. However, I would urge all investigating officers involved in homicide cases that have been finalised in the Supreme Court to make contact with the Coroner’s Associates upon finalisation to progress the matter to a timely conclusion in the Coronial Division. The Coronial Division has now implemented a system to track the progress of coronial cases that involve charges in the Supreme Court.

I add that, once received, the investigating officer’s report and file was of a good standard.

The circumstances of Mr Hyde’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 Mr Hyde.

Dated 23 April 2020 at Hobart Coroners Court in the State of Tasmania.

Olivia McTaggart
Coroner