



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

Coroners Act 1995
Coroners Rules 2006
Rule 11

I, Simon Cooper, Coroner, having investigated the death of Akira James Lynd-Carroll.

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

- a) The identity of the deceased is Akira James Lynd-Carroll, born 10 September 2007;
- b) Akira died as a result of being hit by falling tree;
- c) The cause of Akira's death was multiple blunt injuries; and
- d) Akira died, aged 7 years, died on 23 August 2015 at the Royal Hobart Hospital, Hobart, Tasmania.

In making the above findings I have had regard to the evidence gained in the investigation into Akira's death. The evidence includes:

- Police Report of Death for the Coroner;
- Affidavit confirming identity – Leah Adams;
- Declaration of life extinct – Dr Sanoj Ali;
- Report – Dr Donald Ritchey, Forensic Pathologist;
- Report – Forensic Science Service Tasmania;
- Death Registration Statement;
- Comments on Passing Sentence – Joshua George Hector Clark;
- Appeal Material – Joshua George Hector Clark; and
- Prosecution file, photographic and forensic evidence.

Akira died when, on 22 August 2015, he was struck by a tree felled by Joshua George Hector Clark. At the time, Akira was with his mother (who was in a relationship of sorts with Clark) and his brother and sister. The group were in a remote area north of New Norfolk on land owned by Forestry Tasmania. Clark was there to cut wood, unlawfully, for sale.

Clark so inexpertly felled the tree that it struck the vehicle in which he had told Akira, his siblings and their mother to stay, which was parked on a road too close to the tree. While Akira's mother and brother were uninjured, and his sister received minor injuries, Akira suffered massive, un-survivable, head injuries.

He was transported by helicopter to the Royal Hobart Hospital, but could not be saved and died the following day.

An autopsy performed by highly experienced Forensic Pathologist Dr Donald Ritchey determined Akira had extensive injuries of the head, skull and brain, including to the brain stem. Dr Ritchey expressed the opinion that the injuries were consistent with him having been hit by a tree or the branch of a tree when it fell.

Clark was charged with, and convicted of, Akira's manslaughter and sentenced to 4 years and 9 months in prison. He unsuccessfully appealed that sentence.

Comments and Recommendations

The circumstances of Akira's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*. In reaching this conclusion, I do not overlook the fact that Clark was illegally collecting firewood for sale when he caused Akira's death. I note that the theft of wood from forest reserves is apparently a significant problem. However, I do not consider the illegality *per se* had sufficient causal nexus with Akira's death. Rather, I consider his death was the result of Clark's culpable negligence in relation to how he felled the tree which struck and killed Akira.

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

Dated: 7 March 2024 at Hobart, in the State of Tasmania.

Simon Cooper

Coroner