



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 Nicholas Brian King

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

- a) The identity of the deceased is Nicholas Brian King;
- b) Mr King died in the circumstances set out in this finding;
- c) The cause of death was mixed drug toxicity (methadone, diazepam, morphine, gabapentin and THC); and
- d) Mr King died on 4 July 2019 at Hobart, Tasmania.

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

- The Police Report of Death for the Coroner;
- An opinion of the forensic pathologist regarding cause of death;
- Toxicology report regarding substances in Mr King's blood at the time of his death;
- General practitioner records for Mr King;
- Affidavit of Mrs Mary (Bronwen) King, Mr King's mother;
- Affidavit of Harriet King, Mr King's sister;
- Affidavits of Peter Cornish, Mark Stanley, Ismet Jesenkovic and Caleb Lupton - friends and associates of Mr King;
- Affidavits of four attending and investigating police officers, including scene photographs;
- Mr King's record of convictions; and
- Paperwork provided by Mrs King.

Nicholas Brian King was born in the United Kingdom on 22 February 1968 and was aged 51 years at the time of his death. He has a daughter, Leah Nethery-King, who was born on 4 April 2012. He was separated from Leah's mother and, at the time of his death, he was attempting to re-establish regular contact with Leah.

Mr King commenced using drugs in his late teens and spent the majority of his adult life addicted to drugs and abusing methylamphetamine. During his life he attended a number of drug rehabilitation clinics in both the United Kingdom and Australia.

In April 2019, he returned to Tasmania after a 15-month stay at Odyssey House, a drug rehabilitation clinic in Sydney. After his return, he commenced living at Bethlehem House, a residential facility for homeless men. It appears that he then began using drugs again.

In May 2020 Mr King moved to the north-west of the state to live with Caleb Lupton, a friend he had known since his youth. In his affidavit, Mr Lupton said that he saw no evidence that Mr King was using illicit drugs, except cannabis, whilst he was living in his house.

Mr King was under the regular care of his general practitioner in Hobart. He received ongoing prescription medication for chronic neck pain as well as anxiety and depression. There is no evidence in the investigation that Mr King had ever engaged in self-harm or was prone to suicidal thoughts.

Three days before his death, on 30 June 2019, Mr King travelled to Hobart where he spent time with Leah and also performed a day's labouring work for Mr Lupton's mother.

In the afternoon of 3 July 2019, Mr King visited friends, Mark Stanley and Peter Cornish, who lived in a unit in Harrington Street. He had regularly stayed with them, without incident, and was welcome provided that he did not use drugs.

During the evening, Mr King stayed up talking to Mr Stanley until about 4.00am. Mr King became somewhat upset during this time, saying that his ex-partner did not allow him to spend enough time with his daughter. Mr Stanley eventually went to bed, leaving Mr King still watching television.

Mr Cornish and Mr Stanley both awoke at 9.00am on 4 July 2019. Upon waking up, they noticed that the bathroom door was closed and assumed that Mr King was using the facilities. Mr King did not come out of the bathroom and they were unable to raise him. They therefore opened the door and saw Mr King slumped on the toilet in the bathroom, unresponsive.

Mr Cornish and Mr Stanley then contacted Ambulance Tasmania and performed CPR on Mr King until the arrival of the ambulance. The paramedics arrived and observed that Mr King was in a state of cardiac arrest upon arrival. Despite resuscitation efforts, Mr King passed away.

Police officers arrived on the scene and commenced an investigation.

Mr King was observed with his pants around his ankles, blood coming out of his nostrils and a small needle in his left inner elbow. A syringe was observed near him with an unknown substance inside.

At autopsy, the forensic pathologist, Dr Donald Ritchey, found that Mr King died of mixed drug toxicity, having ingested methadone, diazepam, morphine, gabapentin and THC. These substances were found in his blood through toxicological testing. In particular, the concentration of methadone was found to be within the reported fatal range. Dr Ritchey commented in his report that the combination of methadone (an opioid) and diazepam (a benzodiazepine) is especially dangerous in causing central nervous system depression and death by respiratory arrest.

I find that, shortly before his death, Mr King injected himself intravenously with one or more of the substances described above. Some may have been taken orally. I note that he visited his general practitioner on 2 July, two days before his death, and was given a prescription for diazepam tablets. I cannot determine the source of the illicitly obtained methadone, the most toxic substance in his blood.

I am satisfied that Mr King did not intend to end his life and his death due to drug toxicity was unintentional. The occupants of the unit were not aware that Mr King intended to use drugs whilst a guest in their house and were not aware that he had brought drugs with him.

Unfortunately, Mr King struggled with illicit drug addiction for most of his life and was not able to overcome this issue, despite his attempts to do so.

Comments and Recommendations

I extend my appreciation to investigating officer Constable Annabel Curtis for her investigation and report.

The circumstances of Mr King'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 King.

Dated: 10 September 2021 at Hobart Coroners Court in the State of Tasmania.

Olivia McTaggart
Coroner