



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Robert Webster, Coroner, having investigated the death of Tristram Craig Parr

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

- a) The identity of the deceased is Tristram Craig Parr (Mr Parr);
- b) Mr Parr died as a result of sustaining multiple injuries when as a pedestrian he was hit by a motor vehicle;
- c) Mr Parr's cause of death was complete transection of the vertebral column from the base of the skull; and
- d) Mr Parr died on 20 November 2020 at Granton, Tasmania.

Introduction

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

- The Police Report of Death for the Coroner;
- Affidavits as to identity and life extinct;
- An affidavit of the forensic pathologist, Dr Donald Ritchey;
- Ambulance Tasmania (AT) electronic patient care record;
- Forensic Science Service Tasmania toxicological and analytical report of the Forensic scientist Mr Neil McLachlan-Troup;
- The medical records of Mr Parr obtained from the Derwent Valley Medical Centre;
- Affidavit of Mr Benjamin Hunt;
- Affidavit of Mr Geoffrey Johnson;
- Affidavit of Mr Brian Williams;
- Affidavit of Mr Graeme Jetson;

- Affidavit of Ms Tammy Mollross;
- Affidavit of Mr Alexander Woodham;
- Affidavit of Mr Oscar Fuentes;
- Affidavit of Mr Christopher Bromley;
- Affidavit of Mr James Hutchins;
- Affidavit of Ms Janine Parr;
- Affidavit and report of Senior Constable Kelly Cordwell;
- Affidavit of First Class Constable Dean Walker;
- Affidavit of Constable Ian Bellette;
- Affidavit of Constable Nicholas Monk;
- Affidavit of First Class Constable Angela Ghedini; and
- Forensic and photographic evidence.

Background

Mr Parr was 29 years of age, he was single, he did not have any children and he was a university student at the date of his death. He resided with his flatmates Mr Bromley and Mr Hutchins in West Hobart.

He had little to do with his father only meeting him once when he was nine years of age. He had a sister who was 16 years younger than him. He studied medicine for a number of years but he was in more recent times studying to be a teacher.

Mr Parr's mother, Janine, says he did not have any health issues. Approximately four years ago her mother passed away and Mr Parr did not take her death well. He developed depression and was prescribed medication. He had also seen a psychologist but she believed at the time of the accident he was back to his normal self.

Ms Parr says her son had a car but it was at her place. He would walk or catch a bus and sometimes he would ride a skateboard. When walking he would walk long distances of up to 10 km.

Ms Parr last saw her son when he and Mr Bromley attended her home to celebrate his sister's birthday on 8 November 2020. Thereafter, she was in contact with him by text and had planned to meet him on 23 November 2020.

Mr Bromley and Mr Hutchins both went to high school with Mr Parr at New Norfolk. They confirmed Mr Parr either walked or caught buses, and he ordinarily wore dark clothing. He liked to have a drink and go out although Mr Bromley says he had cut down on his drinking

and consumption of marijuana in recent times. His friend, Mr Johnson, describes Mr Parr as a good and bright character who took good care of his friends.

Mr Parr's medical records confirm he was in good health.

The Circumstances Leading to Mr Parr's Death

On the evening of 20 November 2020, Mr Parr caught a bus from Hobart to Bridgewater with Mr Johnson. They visited their friend Brian Williams. They would visit each other regularly. Mr Johnson and Mr Parr arrived at Mr Williams' home at about 5.00 pm. Mr Williams says they started drinking "*pretty much as soon as he arrived.*" Mr Williams says Mr Parr always drank cask wine. There were about 15 people present and they talked, listened to music and consumed alcohol. Mr Hutchins says he understood Mr Parr would leave Bridgewater early because a mutual friend was having a birthday party the next day and they both intended to attend that party.

Mr Williams confirms Mr Parr left the party at about 9.00 pm. Mr Williams says Mr Parr was in a good mood and a video taken by Mr Williams' girlfriend showing Mr Parr saying goodbye to Mr Williams' brother confirms that was the case. Mr Parr was wearing black clothing and a black backpack. Mr Williams says Mr Parr told him he was going to catch the bus. There was a bus service from Cowle Road which is near to Mr Williams' home. Mr Parr also told Mr Johnson he intended to catch the bus home.

The bus timetable for Bridgewater on the evening of the crash indicates buses left Cowle Road hourly from 7:00 pm to 10:00 pm. If Mr Parr did not leave Mr Williams' home until 9:00 pm then it is likely he missed the 9:00 pm bus from Cowle Road and he would have had to wait until the 10:00 pm bus. Perhaps it was because of this that he decided to walk. Mr Parr's friends say it was common for him to walk although a walk from Bridgewater to his home in West Hobart was not a distance he had been known to walk previously.

Mr Jetson was driving his Nissan Navara and crossed the Bridgewater Bridge at around 9.20 pm. On the southern side of the bridge he flicked his lights at an oncoming car because the lights on that vehicle were affecting his visibility. Just after he passed that car he saw a pedestrian 20 to 30 m in front of him in his lane but left of the centre of his lane. The pedestrian did not react and kept walking but he did move over to the left to allow Mr Jetson to pass. Mr Jetson pulled up beside him and wound down his passenger window and asked him what he was doing and whether he wanted to get run over. He says the pedestrian mumbled something back but he could not hear as he is deaf in his left ear. Mr Jetson confirmed the pedestrian was wearing black clothing and a dark or black backpack. He said he almost did not see him.

Ms Mollross was driving a Holden Barina south from Brighton. She says the weather was good, it was dark and the road was dry. She was driving on the Brooker Highway at Granton and was in the left of the two southbound lanes heading up a slight hill. There were no cars in front or coming towards her. There was a merge lane on the left from Granton and she saw a pedestrian about 50 m in front of her. It seems she only saw him because he turned his head to look over his shoulder. She was driving toward the end of the Armco railing and the pedestrian was on the painted traffic island between the merge lane and the two southbound lanes. She confirmed the pedestrian was wearing dark clothing and a dark backpack. She says the pedestrian was difficult to see because there are no street lights in the area.

Mr Woodham was also driving south on the Brooker Highway from Brighton at this time. He says there was no moonlight or street light. He travelled past the Black Snake Lane overpass and observed a pedestrian on the left side of the road. The pedestrian was nearly on the ramp from Black Snake Lane. He was wearing dark coloured jeans and a dark top. The pedestrian was only 10 m away from Mr Woodham when he got a glimpse of him in his headlights. He did not expect pedestrians to be on that section of the roadway.

On the evening of the crash Mr Fuentes attended Preachers bar at Salamanca for after work drinks. He left the bar to drive home to Granton shortly after 8.00 pm. He left home again after receiving a text message at 9.29 pm from his partner asking him to pick her up from work in Hobart. He drove his white Isuzu utility. He began checking over his right shoulder while driving on the ramp from Black Snake Lane in preparation to merge into the southbound lanes of the Brooker Highway. He then heard a loud bang and felt an impact to the left front of his vehicle. He believes he was travelling at about 80 km/h at the time but he was accelerating at the time of the impact. He saw a black mass travel over the front of his bonnet and windscreen. He immediately slowed and stopped his vehicle. He saw a mass on the roadway which he believed was a person and immediately dialled 000. He commenced CPR until emergency services arrived at the scene. Mr Fuentes was removed from the scene by police and a blood sample was taken at the Royal Hobart Hospital at 11.09 pm. That sample was subsequently analysed by Forensic Science Service Tasmania. Alcohol and drugs were not detected in that blood sample.

Investigation

(i) AT Records

AT received the call to attend at 9.40 pm. A crew was immediately dispatched and arrived at the scene at 9.47 pm. On arrival Tasmania police were already on the scene and CPR was in progress. Officers observed that Mr Parr had sustained significant injuries and therefore a decision was made to cease CPR because Mr Parr had already passed away.

(ii) Post Mortem Examination

Dr Ritchey performed a post-mortem examination on 23 November 2020. This consisted of both an external and internal examination together with routine sections being taken for histological examination and blood was taken for toxicological testing. In addition a post-mortem CT scan was performed. Dr Ritchey says the autopsy revealed a normally developed and nourished adult man with widespread abrasions of the face, chest, abdomen and extremities. There was a severe injury to the head which consisted of widespread scalp bruising and bleeding around the brain. There was also complete transection of the vertebral column from the base of the skull and an associated laceration of the brain stem that resulted in near instantaneous death. In addition blunt trauma to the thorax and abdomen had caused a number of contusions and other soft tissue injuries. Blunt trauma to the arms and legs caused a number of contusions and a very severe right arm injury at the level of the elbow. I accept Dr Ritchey's opinion as to the cause of death.

(iii) Toxicology

In his report Mr Neil McLachlan-Troup says that blood testing he performed on the sample taken from Mr Parr was positive for alcohol and cannabis. The alcohol reading was 0.186 g per 100 mL of blood. Mr McLachlan-Troup says a blood alcohol concentration at that level has the potential to significantly impair psycho motor performance. He says it has been estimated in the scientific literature that the relative risk of a driver with a blood alcohol concentration of 0.180 g per 100 mL being involved in a crash is approximately 50 times that of a driver with nil blood alcohol. Although Mr Parr was not driving, this evidence suggests his psycho motor and cognitive abilities would have been significantly impaired. I accept the opinions expressed in Mr McLachlan-Troup's report.

(iv) Vehicle Inspection and Examination

Mr Hunt is an automotive mechanic with in excess of 15 years' experience in the automotive industry. He is employed as a transport safety and investigation officer by the Department of State Growth. Mr Hunt inspected Mr Fuentes' motor vehicle on 23 November 2020. As a result of his inspection he says he was unable to locate any defects which may have caused or contributed to the crash. He considered the vehicle to have been in a roadworthy condition prior to the crash.

(v) Crash Investigation

Senior Constable Cordwell arrived at the scene of the crash at 10:58 pm in the company of Senior Constable Adam Hall from crash investigation services. They walked through the scene

and marked relevant evidence. On their arrival it was dark, the weather was fine and the road was dry. The road at the crash location had a general north south orientation and the bitumen was in good repair.

At the scene the Brooker Highway has two lanes for vehicles travelling south towards Hobart and a single lane for vehicles travelling towards Bridgewater. There is a single southbound lane entering onto the Brooker Highway from Black Snake Road at Granton. The exit lane from Black Snake Road measured 4.2 m wide, the eastern most southbound lane is 3.3 m wide and the western most southbound lane is 3.4 m wide.

The north and southbound lanes were divided by brifen fencing. The exit lane had a slight upward gradient to the south on its approach to the two southbound lanes. The exit lane was initially delineated by Armco railing then a raised concrete island. Finally a painted island divided the exit lane from the eastern or left southbound lane. At the conclusion of the painted island is a section of intermittent lines for merging. The intermittent lines continued for 100 m concluding at the eastern fog line.

The first incident mark identified was a scuff mark which was 2.2 m west of the painted island and approximately 2 m east of the painted road edge. The mark measured 1.15 m in length. It concluded 3.7 m from the northern end of the painted island. This mark is consistent with having been made by a boot with a dark soul. The boot scuff marks indicate Mr Parr's position on the road at the time of impact. Senior Constable Cordwell's report then sets out the position of a number of other marks on the roadway. Mr Parr had come to rest within the merged lane approximately 45 m from the commencement of the boot scuff mark. About 66 m south of Mr Parr's resting position was Mr Fuentes' vehicle. There was a short 10 m scuff mark in the gravel to the rear left of the vehicle indicating it was under heavy braking just prior to coming to rest. Examination of Mr Parr's boots identified scuff marks to the left boot, both on the soul under the toes and on the inner edge running along the big toe. The scuff mark identified at the scene is consistent with having been made by the left boot.

After examining the scene, Mr Parr, and Mr Fuentes' vehicle and the damage to it, Senior Constable Cordwell says there is no scene evidence to contradict the speed Mr Fuentes says he was travelling at. The speed limit for this area was 100 km/h and there is no evidence to suggest Mr Fuentes was exceeding that limit. Mr Fuentes says he did not see Mr Parr prior to impact. There is no evidence at the scene indicative of any evasive action being taken prior to impact; although evidence of pre-impact braking would be difficult to identify if it had occurred at all as the vehicle is fitted with anti-lock brakes. In addition the airbags did not deploy and therefore no crash data could be downloaded from the vehicle's airbag control module.

On 16 April 2021 Senior Constable Hall and Senior Constable Cordwell conducted visibility testing at the scene of this crash. Senior Constable Hall was dressed in black clothing similar to that worn by Mr Parr and Senior Constable Cordwell drove a Ford Ranger four-wheel-drive similar to Mr Fuentes' vehicle which he drove on the evening of this crash. Testing was conducted in similar weather and lighting conditions to that which existed on the evening of the crash. Having conducted those tests and after taking into account the evidence of Mr Fuentes, Mr Jetson, Ms Mollross and Mr Woodham, Senior Constable Cordwell has concluded the collision occurred at approximately 21:40 hours on 20 November 2020 when Mr Parr, dressed in black clothing and carrying a black backpack, was walking in the centre of the merged lane from Granton on to the Brooker Highway. He was struck from behind by Mr Fuentes' vehicle at approximately 80 km/h while he was accelerating in a 100 km/h zone. At the time of impact it was probable Mr Fuentes was conducting a head check over his right shoulder as he was preparing to merge into the southbound lanes onto the Brooker Highway. Visibility testing identified a pedestrian dressed in dark clothing at this location on the highway is difficult to see even when the pedestrian's position on the roadway is known. Mr Fuentes would not reasonably be expecting to encounter a pedestrian on the highway in the centre of his lane. The highway was dark with no direct street light at the scene and there is no designated path for pedestrians to utilise nor is it a road intended for pedestrians.

Mr Parr had an alcohol reading of .186 and cannabis was present in his blood. Witnesses say he appeared indifferent to the presence of vehicles on the highway. Mr Fuentes was appropriately licensed, sober and by all accounts driving appropriately. His vehicle was registered and roadworthy. There is absolutely no evidence to suggest Mr Parr was suicidal at the time of the crash. He was known for walking long distances in favour of driving but it was very uncommon for him to walk from Bridgewater to West Hobart where he lived.

Conclusion, Comments and Recommendations

Tragically in this case it is likely Mr Parr missed the bus which was scheduled to leave Cowle Road at approximately 9:00 pm. Having missed the bus he made the decision, which was no doubt influenced by his level of intoxication, to walk home. The journey home was a dangerous one given his state of sobriety, his dark clothing and his apparent indifference to vehicles travelling on this busy roadway.

I extend my appreciation to investigating officer Senior Constable Kelly Cordwell for her very thorough investigation and report.

The circumstances of Mr Parr'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 Parr.

Dated: 6 September 2022 at Hobart in the State of Tasmania.

Robert Webster

Coroner