



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION



Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Andrew McKee, Coroner, having investigated the death of Mark Andrew Jenkins

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

- a) The identity of the deceased is Mark Andrew Jenkins;
- b) Mr Jenkins died as a result of traumatic injuries he sustained in a collision between himself and another motor vehicle after he lost control of his motorcycle and fell from it;
- c) The cause of death was multiple traumatic injuries; and
- d) Mr Jenkins died on 1 November 2017 at Launceston in Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Jenkins' death.

That evidence comprises the following:

- a) The opinion of the forensic pathologist who conducted the autopsy;
- b) Relevant police and witness statements and affidavits;
- c) An affidavit of First Class Constable Nigel Housego, a crash scene investigator;
- d) An affidavit of Michael Leonard a Transport Inspector with the Department of State Growth;
- e) Toxicology reports prepared by Forensic Science Service Tasmania;
- f) Forensic evidence.

Mr Jenkins was born in Launceston on 25 January 1976 and was aged 41 at the date of his death. He was the fourth child of Vonda and Ernest Jenkins. Mr Jenkins attended South George Town primary school and Port Dalrymple School. He did not complete his secondary education.

Upon leaving school he obtained employment at a Rolfe Voss supermarket and then at a vineyard. He then worked in the forestry industry. He completed a trade as a rigger/crane driver and obtained employment with Ron's Crane Hire.

Mr Jenkins was married to Alicia Moore. The couple had two children and Mr Jenkins had another child to a previous relationship.

Circumstances Surrounding the Death

A consideration of the sworn affidavits of the various witnesses in the coronial investigation enable me to make the following findings regarding Mr Jenkins' activities on the day of his death, and the manner of his driving shortly prior to the collision.

On 1 November 2017 Mr Jenkins travelled to the home of Lucinda Lucas and Kyle Wooley at Westbury with one of his daughters. Ms Moore and their other daughter were already at Mr Wooley's home. Mr Jenkins arrived at approximately 11.30am.

Mr Jenkins had lunch at the Westbury pub with his family and friends. After lunch Mr Jenkins, along with his family and friends, visited a friend of Mr Wooley's. Mr Jenkins was at that individual's home for at least three hours. During that time he was observed by Ms Moore to consume four or five pre-mixed cans of Jack Daniels whiskey.

Mr Jenkins, Ms Moore and their daughters then travelled from Westbury to the home of a friend of Ms Moore's at Prospect. Mr Jenkins then left that address and travelled to meet his friend, Tyler Forbes, to go on a pre-arranged motorcycle ride.

Mr Forbes was riding a motorcycle he had borrowed from his employer and Mr Jenkins was riding a motorcycle owned by Mr Forbes, a grey Yamaha MT09. The Yamaha motorcycle was unregistered. Both Mr Forbes and Mr Jenkins were aware of the registration status of the motorcycle. Mr Forbes was also aware that Mr Jenkins did not hold a motorcycle licence. Mr Forbes, in his affidavit, expressed the view that Mr Jenkins was an experienced and capable motorcycle rider. He held this view notwithstanding the fact Mr Jenkins had never held a motorcycle licence.

Mr Jenkins' decision to ride an unregistered motorcycle without the appropriate licence is in keeping with his significant history of breaching the road rules of this State.

The pair rode to Lefroy to visit a friend of Mr Jenkins', Anthony Henry. They did not consume any alcohol at Mr Henry's home. They stayed for an hour then returned to Launceston. Mr

Forbes returned the motorcycle he was riding to his employer and collected his utility. Mr Jenkins continued to ride the Yamaha motorcycle. They agreed to meet back at Mr Forbes' home.

Mr Forbes followed Mr Jenkins down York Street. They stopped for a red light at the intersection of York and Margaret Streets. Mr Jenkins turned left into Margaret Street. Mr Forbes was delayed in traffic and last observed Mr Jenkins turning right into Frederick Street. The next time Mr Forbes saw Mr Jenkins was at the scene of the collision.

The next person to observe Mr Jenkins was Ms Deven Mountney as she drove along Frederick Street. As she approached the top of Frederick Street she noticed the headlight of a motorcycle a few metres behind her car. As Ms Mountney entered the straight section of roadway on Hillside Crescent, Mr Jenkins overtook her at high speed and continued to accelerate away from her. The motorcycle's engine was revving loudly. She estimated Mr Jenkins' speed to be 100km/h.

Her observations as to the revving of the motorcycle were corroborated by other witnesses who heard the motorcycle travelling on Frederick and Hillside Crescent. One of those witnesses was an off-duty police officer who has experience in the traffic section of Tasmania Police. He was of the view that the motorcycle was travelling well above, and possibly double, the speed limit. He based this observation on the high revving of the engine and the rider changing up gears.

On their way home from a party were Mr Patrick Killalea and Ms Rachel Peck-Israel. Mr Killalea was driving his Mercedes hatchback and Ms Peck-Israel was the front seat passenger. They travelled along Brougham Street, into Denison Road, turned into Basin Road then into Lower Brougham Street. They turned left into Hillside Crescent. Mr Killalea estimates that the Mercedes was travelling at approximately 30km/h. Mr Jenkins was travelling south along Hillside Crescent when his rear brake has locked and his motorcycle has crossed the centre line. The motorcycle has then fallen over onto its side. Mr Jenkins has fallen onto the ground. The motorcycle, followed by Mr Jenkins, has collided with Mr Killalea's Mercedes.

Ms Mountney came upon the scene of the collision. She requested someone at the scene to dial 000 and request the attendance of emergency services. Ms Mountney provided first aid assistance to Mr Jenkins until an ambulance arrived. She continued to assist paramedics in the treatment of Mr Jenkins. Ms Mountney is a nurse and she should be commended for the competent assistance she provided to Mr Jenkins.

Mr Jenkins was transported from the scene of the collision to the Launceston General Hospital. Despite medical intervention he died from the injuries sustained in the collision.

I am satisfied that the attending paramedics and medical staff at the Launceston General Hospital provided appropriate medical treatment to Mr Jenkins.

Both vehicles were examined after the collision by Mr Michael Leonard, a Transport Inspector employed by State Growth. Mr Leonard reached the conclusion that both vehicles were in a roadworthy condition. Neither vehicle had any fault or failure which would have contributed to the collision. He noted that the motorcycle's tyres were under-inflated which may lead to reduced braking and cornering performance.

Crash Investigation

A thorough investigation of the collision was conducted by First Class Constable Housego, a crash investigator. Crash reconstruction and analysis indicated that Mr Jenkins was travelling south through a left hand bend on Hillside Crescent, in the left lane at a minimum speed of between 59km/h and 73km/h. The rear tyre of his motorcycle was 1.1 metres left of the continuous white centre line when the rear brake locked. The motorcycle travelled 8.9 metres with the rear brake locked for between 0.54 and 0.7 seconds crossing the centre line. The motorcycle then fell over onto its side and commenced rotating counter-clockwise while sliding across the asphalt surface. Mr Jenkins fell onto the ground and continued along the path of the motorcycle.

The Mercedes Benz hatch being driven by Mr Killalea was travelling north on Hillside Crescent at a maximum speed of between 38km/h and 43km/h. The right front wheel of Mr Killalea's car was 1.2 metres left of the centre line when the motorbike rotated approximately 90 degrees and a collision occurred between the rear of the motorcycle and the front right hand guard of the Mercedes. Mr Jenkins directly followed the path of the motorcycle and a collision then occurred between the front right guard of the Mercedes and Mr Jenkins. Mr Jenkins rebounded back into the south bound lane, approximately 4.5 metres from the point of impact.

The impact caused the forward momentum of the rear of the motorcycle to be stopped by the Mercedes' front guard and the motorcycle then commenced to roll over onto its right side and commenced rotating clockwise.

Constable Housego expressed the opinion that Mr Killalea in no way contributed to the collision and that the collision was caused solely by Mr Jenkins' actions. Mr Killalea was required to provide a sample of his blood for analysis. No alcohol was detected in his blood

sample. Neither the condition of the vehicles, the weather or road conditions contributed to the collision.

I accept the opinions expressed by Constable Housego in his affidavit sworn on 6 February 2018.

Post-Mortem Examination and Toxicology Report

A post-mortem examination was undertaken by forensic pathologist, Dr Donald Ritchey.

Dr Ritchey opined that the cause of Mr Jenkins' death was multiple traumatic injuries sustained in a motorcycle crash. I accept his opinion as to the cause of death.

Toxicology testing of samples obtained at autopsy revealed the presence of methylamphetamine and alcohol in Mr Jenkins' blood. The toxicology report showed a blood alcohol level of 0.100g/100mL and methylamphetamine at 0.12mg/L.

In summary, I find that Mr Jenkins lost control of his motorcycle on a bend and collided with the Mercedes vehicle being driven by Mr Killalea in an act of high speed driving that can only be described as reckless. At the time Mr Jenkins decided to drive in this manner, his judgement would have been impaired by the alcohol and methylamphetamine he had consumed. Both of these substances alone can significantly impair driving performances.

Findings, Comments and Recommendations

I have decided not to hold a public inquest into this death because my investigation has been sufficient to disclose the identity of the deceased, the date, place, cause of death, relevant circumstances concerning how his death occurred and the particulars needed to register his death under the *Births, Deaths and Marriages Registration Act 1999*. I do not consider that the holding of a public inquest would elicit any significant information further to that disclosed by the investigation conducted by me. The circumstances of the death do not require me to make any further comment or to make any recommendations.

I convey my sincere condolences to Mr Jenkins' family and loved ones.

Dated: 9 September 2019 at Hobart in the State of Tasmania.

Andrew McKee
Coroner