



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 Jordan Marcellus Smith

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

- a) The identity of the deceased is Jordan Marcellus Smith;
- b) Mr Smith died as a result of multiple traumatic injuries sustained in a collision between a motorcycle ridden by himself and another motor vehicle;
- c) Mr Smith's cause of death was multiple traumatic injuries; and
- d) Mr Smith died on 26 January 2018 at Grass Tree Hill Road, Richmond, Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mr Smith's death. That evidence is comprised of the following:

- a) An opinion of the forensic pathologist who conducted the autopsy;
- b) Relevant police and witness affidavits;
- c) An affidavit of Senior Constable Cordwell a crash scene investigator;
- d) An affidavit of Sergeant Carrick a crash scene investigator;
- e) An affidavit of Paul Wells a Transport Inspector with the Department of State Growth;
- f) Toxicology reports prepared by Forensic Science Services Tasmania and;
- g) Forensic evidence.

Mr Smith was born on 13 April 1994 at Calvary Hospital in Hobart and was 23 years of age at the date of his death. He was the second of four children born to the relationship of Cindy and Marcellus Smith. Mr Smith was educated at St John's Catholic Church in Richmond, St Virgil's College, Kingaroy in Queensland and he completed his secondary education at Campania High School.

After completing his secondary education Mr Smith obtained employment in the hospitality industry. At the date of his death he was undertaking an apprenticeship as a chef at Frogmore Creek in Cambridge.

Approximately 12 months prior to his death Mr Smith entered into a relationship with Ms Molly Foster.

Mr Smith had been riding motorcycles since an early age and had ridden motorcycles all of his life. Mr Smith had a P2 motorcycle licence.

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 Smith's activities on the day of his death and the manner of his driving shortly prior to the collision.

On 26 January 2018 Mr Smith attended an Australia Day party hosted by his mother at her residence at Franklin Street Richmond. Mr Smith arrived at his mother's home at around 10.00am. Mr Smith had brought a sixpack of Cascade beer with him to the party.

Mr Smith socialised with others throughout the day and he was responsible for cooking the barbecue. Mrs Smith believes that during the day Mr Smith and other persons present at the party attended the Richmond Arms Hotel. Mrs Smith recalls that he left her residence at approximately 5.30pm. In her affidavit she stated that Mr Smith "appeared fine", I infer that to be a reference to his level of sobriety and him not appearing intoxicated. The investigating officer Senior Constable Cordwell was unable to obtain witness statements from other persons who attended the party as Mrs Smith did not provide the names of other guests to her despite repeated requests. In any event their observations of Mr Smith's level of sobriety would not add much to the evidence I currently have before me. The best evidence I have in relation to Mr Smith's appearance, in the context of his sobriety, is the observations of Mr William Casey who observed Mr Smith shortly before he left the Richmond Arms Hotel.

Based on the affidavit of Mr Casey I am satisfied that after leaving his mother's residence at 5.30pm, Mr Smith attended upon the Richmond Arms Hotel. I am unable to make any finding as to whether or not Mr Smith consumed alcohol at the Richmond Arms Hotel. Mr Casey observed Mr Smith at the hotel, he did not appear intoxicated to him. Prior to leaving the hotel, Mr Smith spoke with Mr Casey. Mr Casey observed Mr Smith walk from the hotel to his motorcycle. Mr Casey remained of the view that he was not intoxicated and capable of riding a motorcycle. Mr Casey in his affidavit indicated he would have intervened if he believed Mr

Smith was intoxicated. At the time Mr Casey made these observations he had only consumed one alcoholic drink.

Based on the affidavits of Mrs Smith and Mr Casey it would appear that Mr Smith did not appear affected by alcohol. I am unable to make any finding as to the amount of alcohol that Mr Smith consumed on 26 January 2018. However, based upon the toxicology report and the recorded blood alcohol level of Mr Smith in that report, it is clear that Mr Smith consumed a considerable quantity of alcohol sometime prior to driving his motorcycle from the Richmond Arms Hotel.

After leaving the Richmond Arms Hotel, Mr Smith drove along Grass Tree Hill Road. Approximately 600 metres south of Malcolm's Hut Road his motorcycle entered the oncoming lane of traffic and collided with a vehicle being driven by Mrs Janelle Zantuck.

There were no witnesses to the collision other than Mrs Zantuck, her husband and her elderly mother.

Immediately after the collision an ambulance was called. A passing motorist and Mr Scott Zantuck performed CPR upon Mr Smith until an ambulance arrived. Paramedics provided treatment to Mr Smith. Unfortunately, despite medical intervention, Mr Smith was pronounced dead at the scene.

Both vehicles were inspected after the collision by Mr Paul Wells, a transport inspector. The motorcycle driven by Mr Smith was in a roadworthy condition. The vehicle driven by Mrs Zantuck was not in a roadworthy condition due to the fact it had non-compliant tyres fitted to the front of the vehicle. The front tyres were below the minimum tread depth on their centre sections and the left front tyre on its outer section. I note that Senior Constable Cordwell indicated in her affidavit that the non-compliant tyres fitted to the vehicle driven by Mrs Zantuck had no influence on the outcome of the collision.

Crash Investigation

A thorough investigation of the collision was conducted by Senior Constable Cordwell, an experienced crash scene investigator. Crash reconstruction and analysis indicated that Mr Smith's motorcycle, whilst travelling on a sweeping bend on Grass Tree Hill Road, has entered the oncoming lane of traffic and collided head on with the vehicle being driven by Mrs Zantuck. Mr Smith has been thrown from his motorcycle and landed on the roadway. The road and weather conditions did not contribute to the collision. At the point of impact Mrs Zantuck was entirely within her lane. Evidence at the scene would indicate she had attempted to move to the left hand side of the roadway. She was prevented from moving off the roadway on the left

hand side by Armco railing. Neither Mr Smith or Mrs Zantuck were speeding. The permissible speed on that section of the roadway is 100km/h. Mrs Zantuck was travelling at a minimum speed of between 47 and 51 km/h and Mr Smith was travelling at a minimum speed of 61 km/h.

Post-Mortem Examination and Toxicology Report

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

Dr Ritchey opined that the cause of death of Mr Smith was multiple traumatic injuries sustained in a motorcycle crash. An internal examination showed that he had suffered severe neck and chest injuries and these injuries would have caused near instantaneous death. I accept Dr Ritchey's opinion as to cause of death.

Toxicology testing of samples obtained at autopsy revealed the presence of alcohol in Mr Smith's blood. That report indicates that Mr Smith had alcohol in his cavity blood at 0.181 g/100mL and in his vitreous humour at 0.194g/100mL.

The author of the report made the following comments regarding Mr Smith's elevated blood alcohol reading:

“an elevated blood alcohol concentration was identified, this may have been in part, artificially elevated due to the analysis of a central (cavity) blood sample. However as the vitreous humour concentration is still highly elevated, this suggests that the blood alcohol concentration is also highly elevated. Ethanol is a central nervous system (CNS) depressant. In general, the effects of ethanol on the CNS are proportional to its concentration in the blood and cognitive sensory and motor disturbances (for example mild decreases of muscular incoordination, slow reaction times, visual impairment) increase as the blood alcohol concentration increases. At higher concentrations, there is loss of critical judgement, incoordination, reduced perception and awareness, impaired balance, decrease in activity including sedation and sleep, nausea and vomiting, reduced responsiveness and decreased intellectual performance. When alcohol is used by drivers, there are delayed and impaired reactions to driving situations which are caused by the depression of psychomotor and cognitive function. There is also increased risk taking and increased speed. Alcohol has acute effects on body systems other than the CNS causing a feeling of warmth through dilation of blood vessels (but a loss of body heat to cold environments), irritation to the gastrointestinal tract, increased urine formation, and damage to the liver.”

Given the blood alcohol concentration of Mr Smith I am satisfied that the effects of alcohol upon drivers identified in the toxicology report above would have been applicable to Mr Smith.

In summary, I find that Mr Smith whilst riding his motorcycle on Grass Tree Hill Road has entered the oncoming lane of traffic and collided head on with a vehicle being driven by Ms

Zantuck. I find that his judgement and ability to safely drive a motorcycle would have been impaired by the alcohol he had consumed.

Comments and Recommendations

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

The circumstances of Mr Smith'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 Smith.

Dated: 11 September 2019 at Hobart Coroners Court in the State of Tasmania.

Andrew McKee
Coroner