



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 Dylan Rhys Graham

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

- (a) The identity of the deceased is Dylan Rhys Graham;
- (b) The circumstances of Mr Graham's death are described as below;
- (c) I cannot determine the cause of Mr Graham's death;
- (d) Mr Graham died between 24 and 26 May 2015 at Elizabeth Street Pier, Hobart, Tasmania; and
- (e) Mr Graham was born in Tasmania on 28 September 1990 and was aged 24 years at the time of his death.

In making the above findings I have had regard to the evidence gained in the investigation into Mr Graham's death. The evidence comprises the police report of death; an opinion of the forensic pathologist as to cause of death; relevant police and witness affidavits and medical records.

I make the following further findings.

Dylan Rhys Graham was born on 28 September 1990 in Tasmania. Mr Graham was single and has a son, Sylvester, from a previous relationship. He did not have contact with his former partner or his son.

Mr Graham was employed at the Wrest Point Casino as a sous chef.

At about 2.00pm on Sunday 24 May 2015 Mr Graham attended the Mill on Morrison restaurant near the Hobart waterfront for an informal private gathering. Mr Graham was in company with his house mates, Ashley Johnson and Jacob Gourlay, amongst others. Mr Gourlay and Mr Graham shared several bottles of wine at the gathering. Mr Graham told Mr Gourlay that he had consumed some wine prior to Mr Gourlay arriving. Mr Gourlay stated that they did not eat at the Mill on Morrison as the kitchen was closed.

Between approximately 6.00pm and 7.00pm the same evening Mr Graham, Mr Gourlay and Mr Johnson left the Mill on Morrison and went to the bar T42 on Elizabeth Street Pier. In his affidavit for the coronial investigation, Mr Gourlay described his own condition as *"pretty drunk"* and indicated that Mr Graham was quite drunk and *"wasn't too far off tripping over things"*. He stated that Mr Graham would often drink heavily to the point that he would almost pass out.

Mr Johnson stated in his affidavit that the duty manager at T42, Ramesh Marcandan, approached him at some point and asked whether Mr Graham was in his group. Mr Marcandan indicated that, if Mr Graham was not with the group, then his alcohol supply would be cut off due to his level of intoxication. Mr Johnson discussed this with Mr Graham but believed this warning had no effect upon his rate of alcohol consumption.

Both Mr Johnson and Mr Gourlay left T42 at different times during the evening. Mr Graham did not leave with them. Mr Johnson is shown on the T42 CCTV footage leaving that venue at 8.54pm and appearing to leave the area. Mr Johnson stated in his affidavit that when he left T42 Mr Graham was still present with Mr Gourlay and three others. Mr Gourlay indicated that he did not know when he left T42 but that he left with two others from the group. Mr Gourlay did not recall the last time he saw Mr Graham. None of the persons present with Mr Graham at T42 had any cause for concern regarding his safety on that evening.

Mr Graham is last shown on the CCTV footage at 8.31pm leaving the inside of T42 when he appears to enter the outside smoker's area on the Salamanca side with two drinks in hand. In the footage he appears noticeably intoxicated. Neither Mr Gourlay nor Mr Johnson saw Mr Graham again. They were unconcerned about not seeing him over the following two days as they kept different hours in the hospitality industry.

At about 6.45pm on Tuesday 26 May 2015 a group of divers from the Tasmanian University Dive Club were diving in the water around the Elizabeth Street Pier. Two of the divers were Nicolas Mutarelli and Millicent Banner. Mr Mutarelli had a GoPro camera positioned on his head for filming. Both divers observed a human body on the floor of the river on the Salamanca side of Elizabeth Street Pier. The body was lying flat on its back on the river bed. Mr Mutarelli and Ms Banner surfaced from the water, made a rough note of their location, and notified other dive members. The person in charge of the dive, Andrew Bain, telephoned police to report the finding of the body.

Police arrived on scene at approximately 7.56pm and were met by Mr Bain, Mr Mutarelli and Ms Banner. Mr Mutarelli showed police the location where he had located the body, which was approximately 10-15 metres from the edge of the pier and in a depth of water of approximately 10 metres. A review of Mr Mutarelli's GoPro footage of the discovery of the body was undertaken by the police officers.

At 9.45pm police divers entered the water and located the body. They noted that it was badly decomposed from the neck down and that there were no visible signs of clothing on it apart from a pair of shoes. The body was retrieved by police and conveyed to the mortuary. A search of the river bed was again conducted but no further evidence was found.

On 27 May 2015 the deceased was identified by fingerprints as Dylan Rhys Graham.

A post-mortem examination was conducted by Dr Donald Ritchey, forensic pathologist. Dr Ritchey was unable to determine cause of death due to extensive post-mortem scavenging by marine life. A toxicology report prepared by Forensic Science Service Tasmania identified alcohol in Mr Graham's blood and vitreous humour at high levels. Dr Ritchey noted that in the preserved tissues of Mr Graham there is no evidence of trauma or natural disease to explain his death. However, given the absence of a large quantity of tissue, especially of the neck and lower face, Dr Ritchey could not exclude several causes of death, including assault.

From the accounts of his friends and family, Mr Graham did not give any indication that he intended to intentionally end his life. His medical records do not provide any indication that Mr Graham would consider suicide and he did not leave any notes. I am satisfied that he did not enter the water with the intention of ending his life.

There is no available evidence to indicate any involvement of another party in the death of Mr Graham. However, there are no witnesses to the event of Mr Graham entering the water. Investigating officers made efforts to obtain CCTV footage from all possible sources but unfortunately no other useful footage, other than that obtained from T42, was available. Mr Graham's phone was last used at 2.28pm on 24 May 2015. The investigating officers believe that Mr Graham's phone was lost in the river.

It remains possible that Mr Graham may have been involved in an altercation with another person before his death, and received injuries arising from it. However, the most likely scenario is that, in a state of high intoxication, he accidentally fell into the water on the evening of 24 May 2015 and drowned. Mr Gourlay stated in his affidavit that Mr Graham was in the habit of urinating from the wharf when intoxicated, such an action appearing consistent with the circumstances of Mr Graham's disappearance and position in the water when found.

Comments and Recommendations:

The circumstances of Mr Graham'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 Graham.

Dated: 10 April 2017 at Hobart in the state of Tasmania.

Olivia McTaggart
Coroner