



# MAGISTRATES COURT of TASMANIA

## CORONIAL DIVISION



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## Record of Investigation into Death (With Inquest)

Coroners Act 1995  
Coroners Rules 2006  
Rule 11

I, Simon Cooper, Coroner, have investigated the death of Carmel Nettlefold

With an Inquest held at Hobart on 11 March 2016.

### Introduction

Carmel Nettlefold died in the Royal Hobart Hospital on 8 October 2014. She had been admitted to hospital as a result of injuries sustained when she was pushed to the roadway by Robert Frederick Bowden at New Town on the morning of 4 October 2014.

When she was pushed to the ground Mrs Nettlefold struck her head. She sustained terrible injuries from which she never recovered.

Section 21 of the *Coroners Act* 1995 provides that a coroner has jurisdiction to investigate a death if it appears to a coroner that the death is a reportable one. Mrs Nettlefold's death is reportable in terms of the Act because it occurred in Tasmania, and was one that resulted from violence and resulted directly from injury.

Section 24 of the Act provides that "a coroner who has jurisdiction to investigate a death must hold an inquest... [i]f the coroner suspects homicide". The circumstances of Mrs Nettlefold's death lead me to suspect that she was the victim of homicide and as such an inquest was held.

The findings a coroner must make after investigating a death (whether or not an inquest is held) are set out in section 28 of the Act. Section 28 (4) provides:

"a coroner must not include in a finding or comment any statement that a person is or may be guilty of an offence".

In the context of this inquest it is important to bear that statutory prohibition in mind.

The standard to which a coroner must be satisfied is the civil standard of proof, that is to say, on the balance of probabilities.

The evidence with respect to my findings was not in dispute.

### **Formal Findings**

My formal findings in respect of Mrs Nettlefold's death are as follows:

- a) The identity of the deceased is Carmel Nettlefold;
- b) Mrs Nettlefold died in the circumstances set out further in this finding;
- c) Mrs Nettlefold died as a result of traumatic closed head injury sustained when she was pushed to the ground by Robert Frederick Bowden at New Town in Tasmania on 4 October 2014;
- d) Mrs Nettlefold died on 8 October 2014 at the Royal Hobart Hospital at Hobart in Tasmania; and
- e) Mrs Nettlefold was born in Toowoomba, Queensland on 24 January 1943; she was aged 71 years; she was a widow and retired at the date of her death.

### **Circumstances Surrounding the Death**

At about 8.45am on Saturday 4 October 2014 Mrs Nettlefold was walking along New Town Road at the intersection of that road with Argyle Street. She stopped at the traffic lights, standing on a traffic island.

Witnesses saw her standing with her back towards the road when, for no reason, Robert Frederick Bowden pushed her forcefully with both hands to her chest causing her to fall backwards onto the road. Mrs Nettlefold was not able to brace herself and the back of her head hit the road. Bowden fled the scene. He made no attempt to determine whether Mrs Nettlefold was injured or not or to render her any assistance. Bowden and Mrs Nettlefold were completely unknown to each other.

Witnesses rushed to her assistance and called for the help of the emergency services. An ambulance from the Tasmanian Ambulance Service arrived at 9.00am. Mrs Nettlefold was treated at the scene before she was transported to the Department of Emergency Medicine at the Royal Hobart Hospital. She was in a critical condition. She was assessed and scans were performed. Bleeding was found on her brain. She was immediately transferred to the neurosurgical ward for treatment and further scans. Her condition worsened and it was determined that surgery was not an option.

She was treated with palliative care. Sadly her condition deteriorated and in the early hours of 8 October 2014 Mrs Nettlefold died.

After formal identification an autopsy on her body was undertaken by forensic pathologist, Dr Donald McGillivray Ritchey. Dr Ritchey expressed the opinion, which I accept, that the cause of her death was a traumatic closed head injury sustained when her head struck the ground as described above. A toxicological analysis of samples taken from Mrs Nettlefold's body at autopsy was unremarkable.

Bowden was very quickly apprehended by police. He was charged and detained on 4 October 2014. On 29 April 2015, after pleading guilty to one count of the manslaughter of Mrs Nettlefold, Bowden was sentenced to eight years imprisonment with effect from 4 October 2014. A non-parole period of five years was fixed.

It is quite apparent that the terrible loss of Mrs Nettlefold is felt very keenly by all those who loved her.

#### **Comments and Recommendations**

The circumstances of Mrs Nettlefold'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 wish to convey my sincere condolences to the family of Mrs Carmel Nettlefold.

Dated: 24 March 2016 at Hobart in the State of Tasmania.

**Simon Cooper**  
**Coroner**