

**FORM 37**

Rule 60(1)

**FINDING INTO DEATH WITH INQUEST**

*Section 67 of the Coroners Act 2008*

**Court reference:** 2429/07

**Inquest into the Death of ANTONY RUSSELL BARNES**

Delivered On: 15th March 2011

Delivered At: Coroners Court, Melbourne

Hearing Dates: 15th March 2011

Findings of: CORONER JOHN OLLE

Place of death/

Suspected death: Royal Melbourne Hospital, Grattan Street, Parkville, Victoria 3052

PCSU: Acting Sergeant Tania Cristiano

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

*Section 67 of the Coroners Act 2008*

**Court reference:** 2429/07

In the Coroners Court of Victoria at Melbourne.

I, JOHN OLLE, Coroner

having investigated the death of:

**Details of deceased:**

Surname: BARNES

First name: ANTONY

Address: 34/33-51 Darlington Drive, Banora Point, New South Wales 2486

AND having held an inquest in relation to this death on 15th March 2011  
at Melbourne

find that the identity of the deceased was ANTONY RUSSELL BARNES

and death occurred on 27th June, 2007

at Royal Melbourne Hospital, Grattan Street, Parkville, Victoria 3052

from

1a. HEAD INJURY

In the following circumstances:

1. Antony Russell Barnes was aged 38 years at the time of his death. He lived at 34/33-51 Darlington Drive, Banora Point.
2. The coronial brief has fully addressed the circumstances of death of Mr Barnes.
3. The following summary is comprehensive and accurate:

*"The information below contains a summary outlining the circumstances and a brief summary of the investigation undertaken in relation to the death of Antony Barnes. The incident occurring at Meadow Heights on 23.06.2007.*

### *Summary of incident*

*The deceased in this matter was a 38 year old male who normally resided at Unit 34, 33-51 Darlington Drive, Banora Point, New South Wales with his natural parents. He was employed as a furniture removalist by Grollos transport and removals. On Friday the 22nd of June, 2007 the deceased was working in company with his colleagues loading the removalist truck in Williamstown prior to returning to Yale Court. The truck returned and was parked outside Julian Hills house at about 6.30 PM. After showering the deceased shared a six pack of Victoria Bitter stubbies with David Jones, the driver of the removalist van.*

*At about 7.30 PM the group with the deceased went to the Coolaroo Tavern in Barry Road, Dallas where they continued drinking alcohol. During the night it was estimated that the group each consumed two jugs of beer each and a number of shots of black sambuca spirit.*

*After closing time at the hotel the group got into the car driven by Halina Kennedy, the girlfriend of Julian Hill. They then drove towards the city searching for a hotel which was open to purchase more alcohol. Shortly after this the group was able to purchase a six pack of Victoria Bitter stubbies from the Court House Hotel in Brunswick. At this time David Jones handed Julian Hill and the deceased a stubby of beer each and then returned to Yale Court with Halina Kennedy to get some sleep. Mr Hill and Mr Barns then walked to the Bridey O'Reilys hotel in Brunswick. On arriving at this location the staff refused entry to the hotel for Mr Barns because of his level of intoxication. About twenty minutes later Mr Hill and Mr Barns attempted to gain entry to the hotel again but were refused entry due to their intoxication.*

*A taxi was then hailed from outside the hotel where Mr Hill and Mr Barns were then driven to the city. Whilst driving to the city the taxi stopped near Princes Park where Mr Barns left the taxi to urinate. The pair then drove in the taxi to the King Street area. On arrival at King Street, Mr Hill and Mr Barns attempted to get into the Goldfingers Club but were refused entry due to the state of intoxication of Mr Barns. Mr Hill and Mr Barns then went to the Dallas Bar where they were admitted and continued to drink alcohol.*

*Mr Barns and Mr Hill were seen to leave the Dallas Bar at about 3.57 AM and walk in a Northerly direction along King Street. The pair were captured by closed Circuit Television Cameras walking past Lonsdale Street out of camera view.*

*At some point Mr Hill and Mr Barns have hailed a Taxi to be driven home to Meadow Heights. Checks conducted with the Taxi companies do not reveal any bookings which were made by telephone. It is not known at what point the pair hailed a Taxi and it is not known which route the taxi took Mr Hill and Mr Barns to Yale Court, Meadow Heights.*

*On arrival at Yale Court there was some dispute in the Taxi between Mr Hill and the Taxi Driver. Mr Hill had previously lost his telephone and continued to search the Taxi believing that the mobile telephone may have been in the Taxi. At this time Mr Barns had left the taxi to urinate behind the removalist van.*

*It is alleged by Mr Hill that the taxi then turned around at the top of the court and in doing so, when Mr Hill has got out of the taxi he has had his left foot run over. It is alleged that Mr Hill then called out to Mr Barns to stop the taxi. Mr Hill states that Mr Barns then came out from behind the truck and has placed his hands on the bonnet of the taxi to stop it. It is alleged that the taxi stopped momentarily and then accelerated away from the scene.*

*Mr Hill states that Mr Barns was struck by the taxi and has rolled over the bonnet of the taxi and over the roof of the taxi and onto the ground behind where he has landed on the road surface.*

*As a result of being struck by the vehicle Mr Barns was admitted to the Royal Melbourne Hospital with life threatening injuries and died from head injuries 4 days later. Mr Hill sustained fractures to his left foot.*

*The identity of the taxi and the driver involved in this incident is unknown.*

*The clothing of Mr Barns, when examined identified on his jeans, a smear of yellow paint on the left inner knee section. Examination of this paint by the Chemical Trace Unit at the Victoria Police Forensic Services Centre has revealed the composition of this paint is typical of 'respray' automotive refinishing paint in its composition. It is possible that this paint was transferred from a vehicle (Taxi) which was previously damaged and subsequently repaired. It is further believed by members of the Major Collision Investigation Unit that the Taxi would have sustained some damage as a result of the collision with Mr Barns.*

*A number of vehicles of interest were identified using varied investigative techniques to include them in this field.*

### *Examination of vehicles of interest.*

*On 29 August 2007 members from the Broadmeadows Crime Investigation Unit with support from the Victoria Police Forensic Science Centre (VPFSC), Major Collision Investigation Unit and Fawkner District Support Unit conducted an operation with the mission to locate and examine the identified vehicles of interest and interview the owners of these vehicles. The purpose of the examination of the vehicles to confirm the whereabouts of the vehicles in question at the time of the collision involving Mr Barns and who was in possession of the vehicle.*

*In total six vehicles of interest were identified as being vehicles of further examination. The vehicles were examined for damage and photographed by members of the Major Collision Investigation Unit, (MCIU).*

*Of these six vehicles it was identified that two vehicles warranted further examination. As a result of the examination by the MCIU and the information previously known, a Crimes Act section 465 search warrant was applied for and granted for the purpose of forensically examining the vehicles in question.*

*The application for the search warrants was granted at the Broadmeadows Magistrates' Court and the warrants were executed on the VPFSC where the vehicles had been towed. The vehicles were then subjected to detailed forensic testing as I will further explain.*

*As part of the operation each of the owners of the vehicles subjected to inspection were questioned and a statement was obtained detailing the driver of the vehicle on 23 June 2007 and the obtaining of records to corroborate this fact.*

*A meeting was held at the VPFSC with members from this office as well as Crime Scent Unit, represented by Sergeant Rod Oldfield and Chemical Trace Section, forensic officer Peter Ross. It was explained to these members what we knew in relation to the collision as well as what examination needed to be conducted on each of the vehicles. Members from VPFSC stated that they would conduct a thorough examination of the vehicles and subject the paintwork to testing in that it would be compared to the paint located on the jeans worn by the deceased Mr Barns.*

### *Summary of forensic examination of vehicles*

*The examination of the vehicles of interest was exhaustive and has included examination involving members from the Crime Scene Unit, Fingerprints and Chemical Trace as well as the expert opinions of current and former members of the Major Collision Investigation Unit.*

*The vehicles examined cannot be completely excluded from the investigation. There is however no direct identifiable link between the vehicles examined and the deceased. Scientific officer Peter Ross has indicated that comparison of the paint samples taken was able to show reproducible differences between that of the paint located on the victims clothing and that of the samples taken from the vehicles examined. From a scientific perspective there is no identifiable forensic nexus between that of the victim Mr Barns and the specific vehicles in question.*

*I have further liaised with collision reconstruction expert Senior Constable Glen Urquhart (MCIU) who has examined the photographs of the vehicles of interest. He has indicated that based on the examination of these photographs and in consultation with members of the MCIU who have inspected the vehicles of interest first hand, he cannot provide specific indicators which will inculpate either of these vehicles as being the vehicle involved in the collision with Mr Barns and Mr Hill. He has stated that the science of collision reconstruction is more exacting and less precise as the speed of the collision decreases. In this instance it is the evidence of the witness Julian Hill that the offending vehicle was stationary prior to acceleration and striking the victim Mr Barns.*

*The examination of the collision scene conducted by Senior Constable Dave Mair of the MCIU did not reveal any other physical evidence or debris at the location of the alleged collision which would lead to the identification of the vehicle involved with the collision with Mr Barns and Mr Hill. Apart from the paint smear on the jeans of Mr Barns there was no evidence located at the scene which could be associated with any vehicle. The clothing of Mr Barns did not contain any glass fragments which would be consistent with a collision involving a pedestrian resulting in a cracked or broken windscreen.*

*Investigators believe one possibility is that the paint transfer to the clothing of Mr Barns occurred at a different location involving a different vehicle. This would explain the lack of chemical similarity between the paint on the clothing of Mr Barns and the paint on the vehicles of interest.*

*Ongoing investigation and appeals through the media for information in relation to the collision have not provided any credible information or further avenues of enquiry which could advance the investigation.*

*At this point in time the investigation remains unsolved.*

*The investigation has not identified any person who is responsible for the death of Antony Barns or the injury sustained to his associate Julian Hill which occurred at the same time."*

## Medical Management

4. The Clinical Liaison Service (CLS)<sup>1</sup>, conducted a review of the medical management of Mr Barns.
5. CLS did not identify any association between the cause of death and healthcare management in the hospital.

## Post Mortem Medical Investigation

6. On the 28th June 2007, Dr Katherine White, Forensic Pathologist at the Victorian Institute of Forensic Medicine, performed an autopsy on the body of Antony Russell Barns.
7. Dr White found the cause of death to be head injury.
8. Dr White commented:

*"A statement that was made to Police by Julian Hill, a friend of the deceased was provided to me by Brent Smith, Victoria Police, Homicide. In the statement, the friend of the deceased indicates that the deceased was intoxicated on the evening of 22/06/07. After alighting from the taxi, Mr Hill indicates that the taxi drove over his left foot. He then saw the deceased in the middle of the road in the headlights from the taxi. He states that he heard the cab screech and slow to nearly a stop and that he saw the deceased place his hands on the bonnet of the cab for a second. He then states that the cab either came to a stop and then took off. He states that he saw the deceased in the air and tumbling over the roof, after the taxi moved off. He is not sure if the deceased hit the boot on the way down but says he subsequently hit the road.*

*The cause of death is as a result of a head injury. There are no lacerations, bruising or abrasions on the external surface of the scalp. Subgaleal haemorrhage is however seen under the scalp overlying the right parietal bone and left temporal bone. Fractures of the base of skull are present and a fracture extending into the left side of the occipital bone.*

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<sup>1</sup> The role of the Clinical Liaison Service (CLS) was to assist the Coroner's investigation into the nature and extent of deaths, which occurred during the provision of healthcare, and identify potential system factors in healthcare related deaths. CLS personnel comprised of practising Physicians and Clinical Research Nurses who drew on their medical, nursing and research experiences, skills and knowledge to independently evaluate clinical evidence for the investigation of reportable healthcare deaths and to assist in identifying remediable factors that may assist in prevention and risk management in health services settings. In 2010, the Clinical Liaison Services ceased to exist and the Health and Medical Investigation Team (HMIT), a division of the Coroners Prevention Unit was established.

*Given the paucity of scalp injury, the head injuries are most consistent with a fall from the deceased's height i.e. from standing. Such a fall may have been potentiated by intoxication with alcohol and possible interaction with the taxi. Injury no 12 is an abrasion consistent with being sustained by blunt impact.*

*Post-mortem toxicological analysis has revealed the presence of ethanol (alcohol) at level of 0.20 g/100 ml. For comparison, the legal limit for blood ethanol for fully licensed car drivers is 0.05 g/100ml. The Midazolam present is likely to represent therapeutic usage in the emergency situation."*

## **Finding**

I find the cause of death of Antony Russell Barns to be head injury.

Signature:

John Olle  
Coroner

15th March 2011

