



CORONERS REGULATIONS 1996

Form 1

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21st April, 2006
Case No: 1373/05

RECORD OF INVESTIGATION INTO DEATH

I, **HEATHER SPOONER**, Coroner,

having investigated the death of CHRISTOPHER ROBERT COWTON with Inquest held at Moe on the 3rd April, 2006

find that the identity of the deceased was CHRISTOPHER ROBERT COWTON and that death occurred on 23rd April, 2005 at T-intersection Of Monash Way And Jumbuck Rd, Yinnar, Victoria 3869 from

1(a). MULTIPLE BLUNT TRAUMA, WITH THE MOST SIGNIFFICANT INJURY BEING THE BASE OF THE SKULL

in the following circumstances:

Christopher Cowton was only 21 years old when he died. He lived at home at 52 Grant Street Morwell with his parents.

At about 1.20 am on Saturday 23rd April 2005 Mr Cowton was last seen riding a 2004 model Yamaha WR 250 motorcycle registered to his brother Peter Cowton. He and his friend Bryce MacGibbon were travelling on separate bikes along Commercial Road Morwell with a police vehicle in pursuit mode behind them. Mr Cowton's bike was next observed by a passing motorist at about 6.40am in the south west paddock on Jumbuk Road near the intersection with Monash Way. His body was located later that day, at some time between 3.00 and 3.30pm nearby in the same paddock in a culvert that ran parallel to Monash Way. Mr Cowton had suffered multiple injuries and apparently died at the scene with his death being both inevitable and rapid in onset.

Police Investigations into the circumstances surrounding the death reveal that Jumbuk Road is a straight dual lane roadway running approximately north/south with provision for one lane of traffic to travel in both directions. The road is about 9.6 metres wide and is divided by a centre single white line. Vehicles travelling in either direction along Jumbuk Road face Give Way Signs erected near the intersection with Monash Way. The intersection is not a

cross road and each side of Jumbuk Road is offset from Monash Way by 26.6 metres. The road surface is bitumen and apparently in good condition. The speed limit was 80 km/h. A single tyre gauge mark was located on a concrete gutter on the south west side of the intersection. Between that mark and where the body was located 14.4 metres further south were two more gauge marks in the paddock ground. Documents tendered from the Bureau Of Meteorology indicate that it was a foggy evening.

According to evidence and witness statements tendered at the Inquest Mr Cowton had spent several hours with friends at the Yinnar Hotel the previous evening. At about midnight Mr Cowton and Mr MacGibbon were driven to Mr Cowtons home where they briefly met his parents. They collected the motorbikes and pushed them out the driveway and to the end of Grant street before starting them up. They intended to ride them to the Martin Walker Reserve at Yinnar South where they had arranged to meet friends.

Mr MacGibbon told the Inquest that Mr Cowton was riding ahead of him when he became aware of a police vehicle behind as they crossed the Jane street bridge and turned right into Commercial Road. He stated:

" Chris and I took off down commercial road with the police following us. The police had their lights on so Chris took the first left and I took the second left. The police followed me and I remember going past the back of the bus depot. I then went straight down into Polden Crescent and turned right into a Court and then rode up into a grass area behind the flats ."

According to the police evidence, aspects of their riding first came to the attention of Leading Senior Constable Stephens and his partner, Constable Bennett whilst driving a police vehicle on routine patrol. Leading Senior Constable Stephens told the inquest:

" Although I considered they were reckless in what they were doing there was no excessive speed involved at this point .After about 100 metres we came up behind them as they accelerated down Commercial Road At this point I activated the police vehicles warning lights .I do not consider these motorcycles were travelling at an excessive speed ..One of the motorcycles turned left at the first intersection that came up which was Ryan Street .I did not see the motor cycle again ."

Apparently the pursuit of Mr. Macgibbon continued as he had described until he travelled off road into parkland which effectively prevented vehicle access. The pursuit was monitored through D24 and a copy of the tape was played at the Inquest. Constable Bennett estimated that they followed the bikes for only about 30 seconds once they had put their lights on. The investigating member Senior Constable Ormerod measured the distance of

the pursuit of Mr Cowton to be 420 metres and only 320 metres from when the police lights were activated. The pursuit of Mr MacGibbon was estimated to have lasted for 1.26 kilometres. He also measured the distance from the pursuit to where Mr Cowton's body was located and found it to be about 17.51 kilometres.

The inquest found nothing untoward in the evidence about the manner in which this "elective" police pursuit occurred. It was of very short duration and came to a halt some considerable distance from where Mr. Cowton was ultimately located.

Although there was some suggestion in the evidence that Mr Cowton may not have had his headlights operating, Senior Constable Ormerod thought this unlikely given the overall distance travelled by Mr Cowton on largely unlit rural roads.

Although the exact time and circumstances of the collision may never be known, it is likely that sometime between 1.20am and 6.40am whilst travelling south on Jumbuk road with reduced visibility due to the presence of fog, Mr Cowton has failed to stop at the Give Way Sign prior to Monash Way and travelled straight across the intersection instead of taking the deviation in the road. He appears to have then collided with the concrete gutter which has caused his bike to become airborne. Mr Cowton has fallen off and come to rest in the culvert where he was later found still wearing his helmet. His bike apparently continued further on into the paddock and the evidence at Inquest indicates that it was subsequently stolen by unknown offenders before turning up a few days later in the Colleys Road sand quarry in Yinnar.

An Autopsy was performed under the supervision of Dr Grubb. In his opinion:-

"..the cause of death of this twenty-one year old man is multiple blunt trauma, with the most significant injury being the base of skull fracture.'

Toxicology testing revealed a blood alcohol level of 0.07g/100ml.

This unfortunate and premature death has occurred as a result of a collision involving Mr Cowton whilst he was out riding his motorbike at night under the influence of alcohol.