

**FORM 37**

Rule 60(1)

**FINDING INTO DEATH WITH INQUEST**

*Section 67 of the Coroners Act 2008*

**Court reference:** 4131/08

**Inquest into the Death of DARREN JAMES D'ARCY**

**Place of death:** Lyall Street, Cranbourne, Victoria 3977

**Hearing Dates:** 13 September 2010

**Appearances:** Senior Sergeant Jenny Brumby, PCSU, Assisting the Coroner

**Findings of:** AUDREY JAMIESON, Coroner

**Delivered On:** 11 October 2010

**Delivered At:** Melbourne

FORM 37

Rule 60(1)

**FINDING INTO DEATH WITH INQUEST**

*Section 67 of the Coroners Act 2008*

**Court reference:** 4131/08

In the Coroners Court of Victoria at Melbourne

I, AUDREY JAMIESON, Coroner

having investigated the death of:

**Details of deceased:**

Surname: D'ARCY

First name: DARREN

Address: 10/15 Lyall Street, Cranbourne, Victoria, 3977

AND having held an inquest in relation to this death on 13 September 2010 at Melbourne

find that the identity of the deceased was DARREN JAMES D'ARCY

and death occurred on 13 September 2008

at Lyall Street, Cranbourne, Victoria 3977

from:

1(a) MULTIPLE INJURIES SUSTAINED IN A BIKE INCIDENT

in the following circumstances:

**BACKGROUND CIRCUMSTANCES**

Mr Darren James D'Arcy was born on 13 September 1967. It was his 41st birthday on the day of his death. He was unemployed at the time. Previous employment included work as a delivery driver.

Mr D'Arcy lived at Unit 10, 15 Lyall Street, Cranbourne with his defacto partner of 4 years, Ms Jasna Arifovic.

**SURROUNDING CIRCUMSTANCES**

On Saturday 13 September 2008, at approximately 1.15pm, Mr D'Arcy was riding a bicycle in an easterly direction along Lyall Street, Cranbourne, between Codrington Street and Russell Street. He was returning to his residential address having earlier ridden to the Cranbourne shops on High Street, Cranbourne. He was not wearing a bicycle helmet.

Ms Jacinta Allan was driving a Ford Territory Station Wagon in the same direction, approaching Mr D'Arcy from behind. At approximately 97 metres from the intersection of Codrington Street and approximately 3.7 metres from the entrance to his residential driveway, Ms Allan's vehicle collided with Mr D'Arcy's bicycle resulting in him initially being thrown onto the bonnet of the vehicle while it travelled onto the northern nature strip where the bicycle was thrown clear. Mr D'Arcy was then dragged under the station wagon where he remained when the vehicle came to rest. He sustained fatal injuries and died at the scene of the collision.

Attending Ambulance Paramedics were unable to render any assistance.

## **INVESTIGATION**

### **Medical investigation:**

Dr Sarah Parsons, Forensic Pathologist, at the Victorian Institute of Forensic Medicine, performed an autopsy. Anatomical findings included multiple injuries to the head, chest and spine consistent with the stated circumstances.

Toxicological analysis detected a blood alcohol level of 0.04 grams/100 mL, a vitreous humour alcohol level of 0.05 grams/100 mL, diazepam and nordiazepam, venlafaxine and doxylamine at levels consistent with therapeutic use, as well as  $\Delta$ -9 tetrahydrocannabinol (THC) at levels suggesting recent use of cannabis.

Dr Parsons attributed the cause of death to multiple injuries sustained in a bike incident.

### **Police Investigation:**

Senior Constable (S/C) Chris Tetof of the Casey Traffic Management Unit (TMU) completed the investigation and prepared a brief of evidence for the coroner. In the course of his investigation, S/C Tetof liaised with the Major Collision Investigation Unit (MCIU) and the Mechanical Investigation Unit of Victoria Police.

The investigation identified that Lyall Street is a highway defined by the *Road Safety Act 1986* and is situated in a residential area with a 50 km/hour default speed limit. The street is made of sealed bitumen and is in good condition. At the time of the collision the road was dry, weather was fine, visibility was good and traffic flow was light.

A mechanical inspection of Ms Allan's Ford Territory by Senior Sergeant Robert Le Guier of the Mechanical Investigation Unit did not reveal any fault that could have caused or contributed to the collision.

Ms Allan reported that Mr D'Arcy had been riding erratically however this allegation could not be corroborated by other sources:

Ms Jacinta Allan was charged with the summary offence of careless driving under section 65 *Road Safety Act 1986*. On 17 November 2009, in the Magistrates' Court at Dandenong, Ms Allen pleaded guilty to the charge. She was convicted and fined \$1000.00.

## INQUEST

An Inquest was held pursuant to section 52(2)(a) *Coroners Act 2008*. Section (3)(b) did not apply as Ms Allan was not charged with an indictable offence. She did however plead guilty to the offence as charged and the matter was dealt with in the criminal jurisdiction. No outstanding matters were identified.

Having regard to section 7 *Coroners Act 2008*, the Inquest was dealt with by way of Summary from Senior Sergeant Jenny Brumby from the Police Coronial Support Unit (PCSU). No witnesses were summoned.

## FINDINGS & COMMENTS

Mr D'Arcy's death highlights public health and safety issues associated with the riding of a bicycle.

Mr D'Arcy exposed himself to great risk. He was riding a bicycle on a highway without a helmet. He had been drinking alcohol and the presence of THC in blood, suggests recent use of cannabis. The effects of cannabis include impairment of skills used controlling a vehicle such as reduced cognitive and psychomotor functions. The presence of alcohol, cannabis and the absence of a bicycle helmet are a potentially lethal combination. A bicycle rider with reduced cognitive and psychomotor functions exposes themselves to greater risk of serious injury or death by increasing the risk of coming into contact with motor vehicles or the road surface. The absence of a helmet further increases the risk of head injury in such circumstances.

The identified public health and safety message should not be diminished by the actual facts of this case. There is no substantiated evidence that Mr D'Arcy's psychomotor and cognitive functions were impaired while he was riding the bicycle. There is no evidence that he contributed to the reason or reasons for the Ford Territory colliding with him and Ms Allan pleaded guilty to careless driving. In addition, Mr D'Arcy's injuries were sustained in a manner and to an extent that it is highly probable that the presence of a bicycle helmet would have made no difference to the outcome.

I find that **Darren James D'Arcy** died from multiple injuries sustained when the bicycle he was riding was struck by a motor vehicle driven by Ms Jacinta Allan.

Signature:

AUDREY JAMIESON  
CORONER

11th October, 2010



### DISTRIBUTION OF FINDING:

Ms Jasna Arifovic  
Mr Wayne D'Arcy  
Senior Constable C. Tetof, Casey TMU