

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: 2013 / 4033

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of: EOIN STEPHEN MURRAY

Delivered On: 27 November 2015

Delivered At: Coroners Court of Victoria
65 Kavanagh Street, Southbank

Hearing Dates: 25 August 2015

Findings of: JUDGE IAN L GRAY, STATE CORONER

Police Coronial Support Unit Leading Senior Constable Amanda Maybury

I, JUDGE IAN L GRAY State Coroner, having investigated the death of Eoin Murray

AND having held an inquest in relation to this death on 25 August 2015

at Melbourne

find that the identity of the deceased was EOIN STEPHEN MURRAY

born on 26 November 1982

and the death occurred 12 September 2013

at Royal Melbourne Hospital, 300 Grattan Street, Parkville, Victoria

from:

1 (a) HEAD INJURIES

in the following circumstances:

Brief History

1. The incident leading to the death of Mr Eoin Murray occurred at about 5.53 am on Saturday 7 September 2013 in Nicholson Street, Fitzroy.
2. On 6 September 2013, Mr Murray had attended the Sydney Swans football match at the Melbourne Cricket Ground (MCG). He then attended a function at Churches in Church Street Richmond. He later went to The Jewel in Brunswick and My Eon Bar in Brunswick.
3. At an unknown time, Mr Murray left the My Eon Bar without telling friends that he was leaving and it was not known whether he left with anyone or took a taxi.
4. Mr Murray was seen, on the footpath at the intersection of Nicholson Street and Cecil Street, Fitzroy at about 5.30 am by Ms Nicole Saunders. Ms Saunders is a nurse and she was bike riding at the time and saw someone on the ground. She said in her statement:-

"I then hopped off my bike and I said open your eyes mate. I tapped him on the cheek. I said, wake up you are asleep on the footpath you need to wake up. The male on the ground then opened his eyes and looked around himself. He then closed his eyes. At that point the other cyclist left the area. I formed the opinion that he was drunk. It is not uncommon in Fitzroy at that time of the morning to see drunks in the area. It is more rare that they are on the ground like that though.

*I would describe the male on the ground as being about 27-30 years old, Caucasian appearance, he wasn't overly tall, medium to small build, had a shaved head on about what I would class as number 4 (clippers) and I think clean shaven. He was wearing jeans dark blue, red checked shirt and a black jacket."*¹

¹ Inquest brief pg. 67 – Statement of Nicole Saunders

5. Shortly afterwards, in Nicholson Street there was a verbal and physical interaction between Mr Murray and Mr Alexander Lazaridis. At about 5.53 am Mr Murray went to the ground striking his head on the edge of a bluestone gutter. A number of people then became involved in endeavouring to assist both Mr Murray and Mr Lazaridis, to deal with Mr Murray's injuries. A 000 call was made and an ambulance came to the scene, initially not stopping, and then coming to Mr Murray.
6. Mr Murray was conveyed to Royal Melbourne Hospital. He was rushed into emergency and was found to have sustained severe head injuries. He was found to have sustained a right subdural and subarachnoid haemorrhage, with midline shift and transtentorial herniation. There was also a right occipital/petrous temporal fracture. He was then taken into surgery where he underwent bilateral decompressive craniectomy and other procedures. He remained on life support in intensive care until 12 September 2013 when a decision was made to withdraw physiological supports. He died a short time later. Before his death, his organs were harvested for organ donation.
7. Mr Lazaridis was questioned by police about his interaction with Mr Murray, was requested to submit to forensic procedures and was formally interviewed. Neither he nor any other person was charged with any offence relating to the incident or Mr Murray's death.

The Inquest

8. At inquest the focus was on seeking to clarify the interaction between Mr Murray and Mr Lazaridis. This was not a case where there were any system issues. The question was: What was it that caused Mr Murray to fall to the gutter and to sustain the head injury which proved fatal?
9. A number of civilians made witness statements. Some were called to give evidence at the inquest. They were:-
 - Mr Barry Moran
 - Ms Nicole Kennedy
 - Ms Lucy Foster
 - Constable Kristy Drake
 - Constable Joel Butler
 - Detective Senior Constable Matthew Archer

Detective Senior Constable Cameron Merrett – Coroner’s Investigator.

10. The civilian witnesses gave evidence broadly consistently with their statements. None were eye witnesses to the interaction between Mr Lazaridis and Mr Murray. All became involved afterwards in endeavouring to assist Mr Murray. The witnesses were broadly credible and consistent. They had all done their best to help on the day and to assist the investigation. I acknowledge their helpful participation in the inquest.
11. The evidence of the police officers was credible and helpful, although I note that there appears to have been a lack of detailed forensic examination of the fence immediately adjacent to where Mr Murray fell.
12. Mr Murray’s problem was his level of intoxication. The toxicology report revealed a reading of 0.06g/100ml or ethanol (alcohol). Dr Morris Odell of the Victorian Institute of Forensic Medicine (VIFM) was asked to prepare an additional report dealing with the issue of intoxication. In his report, dated 18 June 2015, he set out the background, dealt with the issue of “Conversion of Blood Alcohol Levels” and ultimately expressed the following opinion:

*“Subject to the uncertainties relating to drinking time, hospital treatment and conversion of blood alcohol units, it can be calculated that Mr Murray had a total body content of alcohol equivalent to a blood alcohol concentration between approximately 0.13% and 0.21% at the time he fell.”*²
13. Other drugs included anti-epileptic medication and drugs given medically upon arrival in hospital. I note that investigators established that Mr Murray had been taking anti-depressants for anxiety and had also recently used ecstasy when holidaying in New South Wales, and had a fit/seizure requiring medical intervention at that time. On the evidence he had been told by doctors not to consume illicit drugs due to the reaction that he had on that occasion causing him to have a fit. I note Ms Saunders’ evidence that in her opinion, Mr Murray appeared to be drunk. Mr Lazaridis’ evidence was that Mr Murray appeared to be heavily intoxicated at the time they first came into contact.
14. The medical examiners report revealed extensive bruising of the scalp and a right occipital fracture 95mm in length. It contained the comment that

*“...findings at post mortem neuropathological examination are the consequence of brain swelling and raised intra cranial pressure following subdural haemorrhage and subsequent decompressive craniectomies.”*³

² Inquest brief, pg. 91-03 – Report of Dr Morris Odell

³ Inquest brief, pg. 26 - Medical Examiners Report

15. The member of the Police Coronial Support Unit (PCSU) assisting me, Leading Senior Constable (LSC) Amanda Maybury sought additional advice from the forensic pathologist. This related to photographs of two injuries. Dr Bedford's supplementary report dated 18 May 2015 stated:-

"Injury (1) – around the ear. It is very difficult to give any accurate time frame as to when this injury occurred also noting that similar findings can be found following blood tracking down from the surgical site in the head.

Injury (2) – upper right arm. Again it is difficult to give an accurate time frame as to when this injury occurred. It is at least a few days old which would be consistent with it happening around the time of the "incident". As to its root cause, it is a case of blunt force trauma with significant impact to the upper arm. I would be very much guessing as to the origin of the trauma but it would include things such as potentially hitting the edge of the curbing.

*In summary these are very on specific findings and therefore it is difficult to determine with any accuracy the time of their origin or of their specific causation."*⁴

16. On the medical and forensic evidence it is clear that it was the head injury, and no other injuries, that caused Mr Murray's death.

Evidence of Mr Alexander Lazaridis

17. Mr Lazaridis gave evidence under a Certificate of Indemnity (section 57 of the *Coroners Act* 2008). He was extensively examined and cross-examined. The purpose of this was to explore in as much detail as possible the exact nature of the interaction between he and Mr Murray, who did what, and whether any of Mr Lazaridis' actions caused Mr Murray to fall - in short, whether Mr Lazaridis assaulted him, pushed him off balance, or otherwise was causally responsible for the fall to the gutter and the head injuries.
18. Mr Lazaridis said that he was up early on 7 September 2013, getting ready to go to the country. He was loading his ute which was parked outside his address on Nicholson Street. He stated the time of day as "*being between 5 and 6⁵*". He said he saw a car in Nicholson Street, heard a scrape and looked at the vehicle which was a taxi. On looking up he became aware that the taxi driver had the lights of the vehicle shining onto the west side of Nicholson Street. That was the opposite side to where Mr Lazaridis lived. He stated that the light picked up "*something black lying on the ground kind of.*"⁶ He was not sure what it was, but went up and had a look. On getting closer he became aware that it was a person on the ground. (The person on the ground was in fact Mr Murray). He described the person's

⁴ Inquest brief pg. 28-01 – Supplementary Report of Dr Paul Bedford

⁵ Inquest transcript pg. 80

⁶ Inquest transcript pg. 81

disposition on the ground in relation to the surrounding features. Mr Lazaridis said that he tried to rouse the person. He said he *"slapped him initially very lightly"*⁷. He slapped him again, the person groaned and Mr Lazaridis said he was *"quite relieved"* to wake the person up. Mr Lazaridis said he thought the person had *"overdosed or something"*⁸. Asked if he could smell alcohol on Mr Murray, he said *"I got close enough but I couldn't smell, again, or see any injuries on the man, so...I helped him up"*⁹.

19. Mr Lazaridis' next action was to take Mr Murray to the front of a house with couches on the veranda and ask him to sit down there. A little later Mr Lazaridis noticed that Mr Murray *"stumbled out the front gate"*¹⁰. He thought Mr Murray banged into a tree. He described Mr Murray as staggering at that point in time, he said:

*"...he seemed to be again trying to gain his balance but was tumbling forward, like his hands were outstretched in front of him. And, um, yes, and he disappeared behind the tree and the car, so it looked like he had impacted. And he'd laid there for some time. Um, I couldn't give you an exact time but it seemed a while."*¹¹

20. Mr Lazaridis kept an eye on Mr Murray. He said he was able to see what he was describing in evidence from the street lighting illuminating the scene. He said he saw Mr Murray go to a blue SAAB parked in the street and that he was, in Mr Lazaridis' opinion *"more or less trying to balance himself"*¹², he also said *"But it did to me at the time look like he was trying to, um, yank the window open..."*¹³. Mr Lazaridis said that he did not have a direct view of Mr Murray in the vicinity of the blue SAAB but that he could *"see his shape, his head and the like but not his entire body...which was obscured by the car itself."*¹⁴

21. Asked about his assessment of Mr Murray's condition at the point in time when he took him into the front yard of the house, Mr Lazaridis said:

*"I thought he was a danger to himself because he did fall over on occasion. But did you think he was under the influence of alcohol or what was your assessment?---Well - well, that was - or drugs definitely. Alcohol or drugs. Because I've seen people, um, drop on drugs and, um, yeah, initially that's my perception, that he was on something or other. I actually thought he may have overdosed on heroin initially because of his lack of, um - well, for lack of a better term, reply to my striking him initially to, um, rouse him."*¹⁵

⁷ Inquest transcript pg. 84

⁸ Inquest transcript pg. 84

⁹ Inquest transcript pg. 85

¹⁰ Inquest transcript pg. 86

¹¹ Inquest transcript pg. 87

¹² Inquest transcript pg. 90

¹³ Inquest transcript pg. 90

¹⁴ Inquest transcript pg. 91

¹⁵ Inquest transcript pg. 92

22. He insisted that he was trying to encourage Mr Murray to “*get away from the car*”¹⁶. He agreed that he was probably talking loudly to him.
23. Mr Lazaridis’ evidence was somewhat confused and intemperate. However, I considered him to be reasonably credible overall. I accept that Mr Lazaridis was originally trying to assist Mr Murray, firstly by getting him off the ground when he first saw him, and then by assisting him into the property with the couches on the front veranda. He clearly regretted the engagement with Mr Murray. I am satisfied that he was also trying to find out what Mr Murray was doing, based on a belief that Mr Murray might have been interfering with a motor vehicle
24. Although there were some internal inconsistencies and a degree of confusion within his evidence, overall Mr Lazaridis was sufficiently clear about what he did and why. He was adamant that he did not “push” Mr Murray or apply any force to him before Mr Murray fell backwards. He denied that he said to the police that he had “pushed” Mr Murray. Ultimately in my view, there is some doubt about whether he did actually say that he had specifically “pushed” Mr Murray in his conversations with police. Given Mr Lazaridis’ record of interview and the dynamics of the scene, it is improbable in my view that he would have admitted categorically pushing Mr Murray. It seems to me that there may have been a misinterpretation of his answers when questioned by police. It may also be that the notes they made of what he said contain misrepresentations or misinterpretations of what he was trying to convey.
25. Mr Lazaridis demonstrated a number of times the nature of the physical interaction between them. He implied that both had put their hands up in front of them and that one or both were moving backwards – perhaps reeling backwards. In my opinion, the probable physical scenario was that Mr Lazaridis verbally confronted Mr Murray, Mr Murray being intoxicated and unsteady came towards Mr Lazaridis, there was some degree of physical contact (possibly minor in nature), and given Mr Murray’s intoxication the distinct likelihood is that this physical interaction led to him stumbling or falling backwards. I do not find that Mr Lazaridis deliberately assaulted, or directly “pushed” Mr Murray to the ground. It follows that I do not find that Mr Lazaridis caused the death of Mr Murray.
26. Ultimately, in my opinion, Mr Murray’s death was a tragic accident.

¹⁶ Inquest transcript pg. 94

27. At the conclusion of the inquest, it was noted that Mr Murray was an organ donor. I acknowledged the presence of his sister during the inquest and trust that the reference to her brother being an organ donor gave her and the family some consolation.

I extend my sincere condolences to the family and friends of Mr Eoin Murray.

I direct that a copy of this finding be provided to the following:

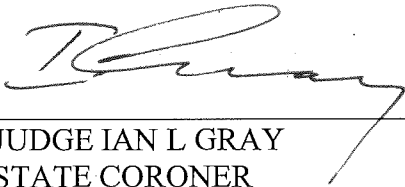
Mr Stephen Murray, Senior Next of Kin

Ms Laura Murray

Ms Kellie Gumm, Trauma Program Manager, Royal Melbourne Hospital

Leading Senior Constable Amanda Maybury

Signature:



JUDGE IAN L GRAY
STATE CORONER

Date:

27/11/15.

