

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: 2008 / 5319

**FINDING INTO DEATH WITH INQUEST**

*Form 37 Rule 60(1)*  
*Section 67 of the Coroners Act 2008*

**Inquest into the Death of: SHANE GREGORY HUNT**

Delivered On: 6 March 2014

Delivered At: Coroners Court of Victoria  
Level 11, 222 Exhibition Street, Melbourne

Hearing Dates: 4 February 2013

Findings of: JUDGE IAN L GRAY, STATE CORONER

Representation: Mr A Brown on behalf of K Incedon (later Western  
Suburbs Legal Service)

Police Coronial Support Unit      Leading Senior Constable Tania Cristiano

I, JUDGE IAN L GRAY State Coroner, having investigated the death of SHANE GREGORY HUNT

AND having held an inquest in relation to this death on 4 February 2013  
at MELBOURNE

find that the identity of the deceased was SHANE GREGORY HUNT

born on 5 February 1960

and the death occurred 27 November 2008

at The Alfred Hospital, Commercial Road, Prahran

**from:**

1 (a) HEAD INJURY

**in the following circumstances:**

**Summary**

1. On the evening of Wednesday 26 November 2008, Shane Hunt had a domestic argument with his wife resulting in him leaving their Wedge Street, Werribee property. Mr Hunt then walked to a unit approximately a kilometre away, at 2/12 Puli Street, Werribee where he was involved in an altercation with Dean Chevalier (40 years old) and Jamie Watkins (16 years old). It is alleged by both Mr Chevalier and Mr Watkins that Mr Hunt stabbed them with a box cutter during an altercation. During the fight Mr Watkins picked up a wrench and struck Mr Hunt a number of times to the head. Mr Hunt then left the Puli Street premises and walked home where he collapsed down the side of his house. He was found in the morning by his wife, who called an ambulance. Mr Hunt was conveyed to hospital where he later died from the injuries to his head.

**Background**

2. Shane Gregory Hunt was born on 5 February 1960 in Victoria. He had a twin brother, Douglas Hunt and they were adopted out when Mr Hunt was four years old. As part of his adoptive family Mr Hunt was one of six siblings, which included his twin brother, another male and three females. All siblings were adopted. His adoptive parents lived in Werribee where Mr Hunt grew up. He never made contact with his biological parents after being adopted.

3. Mr Hunt attended school in Altona then went to high school in Laverton until Year 11. After leaving school he commenced an apprenticeship in carpentry and continued working in the building industry all his life.
4. In 1980 Mr Hunt married Anne Jones, this marriage lasted until 1987. In 1990 he had a son with Ms Jones, Jake Hunt-Jones.
5. Whilst he was with Ms Jones, Mr Hunt met and started seeing Ms Karen Incledon, in 1985. Mr Hunt then left his first wife and moved in with Ms Incledon, renting a house in Hoppers Crossing. They later moved to their current address in Wedge Street, Werribee. Mr Hunt had two daughters with Ms Incledon, Molly Incledon-Hunt (8 years old) and Amba Incledon-Hunt (9 years old).
6. At the time of his death Mr Hunt had his own business doing small maintenance and building jobs.

#### **The Evidence and Submissions**

7. It is clear on the medical evidence that Mr Hunt died from injuries to his head. Those injuries were clearly sustained on the evening of Wednesday 26 November 2008. The circumstances were fully investigated by police and persons present at the scene where the injuries were sustained were interviewed. No one was charged with assaulting Mr Hunt and it was the view of the Office of Public Prosecutions (OPP) that there was no reasonable prospect of conviction of either Mr Chevalier or Mr Watkins because it would be unlikely that the Crown could negate self-defence on their part. The reason for this conclusion was that the investigation revealed, and the evidence supported, that Mr Hunt assaulted both Mr Chevalier and Mr Watkins during the altercation at 2/12 Puli Street, Werribee.
8. The next of kin, through her solicitors, challenged aspects of the investigation and the conclusions of the investigators. They asserted, in essence, that Mr Chevalier was not acting in self-defence and that he acted excessively in defending himself during the fighting with Mr Hunt. The argument was put that this excessive self-defence should have led to the conclusion that he (and possibly others) should have been charged with Mr Hunt's murder or manslaughter. I do not accept these submissions.
9. Detective Senior Sergeant (DSS) Ronald Iddles gave evidence in the inquest. He is a police officer of extensive experience in dealing with homicide matters. He was not personally involved in the investigation. He was asked by my predecessor, Judge Coate (now Justice Coate), to review the brief in light of the fact the OPP had concluded that self defence could

not be negated. He was asked to make an independent assessment of the material in the brief. He was not asked to conduct a further investigation.

10. His evidence was “I read all the material in the brief and I came to the conclusion, based on the material in the brief, that the likely prospect of any conviction was basically nil, that there was an issue of self-defence which couldn’t have been negated. The accounts that were given by both James and Dean were predominantly consistent with the crime scene finding, the medical evidence, Dean going to the doctor on the 28<sup>th</sup> and again explaining to the doctor what had happened. So I took the view basically the same as the OPP.”<sup>1</sup>
11. In relation to the family’s concern about “excessive force as part of the self defence” he gave his opinion as “It sometimes can be a subjective view as to what excessive force is. In the past though you’ve got to ask yourself, is it in proportion to what you’re trying to achieve? So here’s the situation where Dean says, “help me. Help me.” He doesn’t see the knife but he sees blood coming from his head. He picks up a wrench, because he believes in his own mind that Dean is going to be killed. So in all those circumstances, I don’t think it’s excessive, but again, if I’m wrong, that’s a matter for this jurisdiction.”<sup>2</sup>
12. DSS Iddles was also asked about other charges that may have been applicable and might have met the family’s concerns. On this point he said “The issue is always self-defence. You could talk about conduct likely to endanger life, a whole range of assault charges but the issue of self-defence is alive in all of those charges.”<sup>3</sup>
13. The forensic evidence referred to by DSS Iddles was set out in the investigating member’s statement and his evidence during the inquest. The inquest brief (Exhibit 2) contains all of the relevant evidence including the forensic evidence. It also contains statements of doctors who saw and reported on the injuries sustained by Mr Watkins and Mr Chevalier. It also contains a summary of the statements made by Mr Chevalier and Mr Watkins.
14. Ultimately, in the light of all of the evidence I accept that it would be unlikely that self-defence on the part of Mr Chevalier and/or Mr Watkins would be negated. Therefore I accept the rationale of the OPP decision. In those circumstances I will not be making a referral to the OPP pursuant to s.49 of the Coroners Act 2008. While neither Mr Chevalier or Mr Watkins gave evidence at the inquest I accept the summary of their statements as

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<sup>1</sup> Transcript of Inquest 4/2/13 – pg 68.

<sup>2</sup> Ibid, pg 69.

<sup>3</sup> Ibid, pg 70.

given by Detective Acting Senior Sergeant (DSS) Nigel L'Estrange. I accept his conclusion that "the injuries sustained by both Chevalier and Watkins are consistent with the version of events detailed in their interviews with police."

15. The key elements of the forensic evidence support the conclusion that Mr Hunt died as a result of a head injuries sustained in a fight with Mr Chevalier and Mr Watkins, a fight in which he was the aggressor and they were defending themselves. Dr Tan observed the injuries on Mr Chevalier and Mr Watkins and said that it was difficult to age the injuries, but all observed injuries could have occurred around the time of the incident in question. In his opinion the injuries were consistent with having being caused by a bladed or similarly sharp-edged surface.<sup>4</sup>
16. There is also evidence that Mr Hunt's clothing was seized at the Alfred Hospital and in the pocket of his pants was a metal, blue and silver coloured box cutter. This was consistent with the description given by Mr Chevalier and with the injuries sustained by Mr Chevalier and Mr Watkins. In addition, Mr Wayne Mann made a statement in which he said he heard shouting coming from the address in Puli Street, went to his rear yard and observed Mr Chevalier attempting to defend himself from an unknown male.
17. The nature and extent of the head injuries sustained by Mr Hunt and inflicted by Mr Watkins (in self-defence) supports the conclusion that the long handled wrench<sup>5</sup>, was the instrument causing the lethal damage. As the evidence states "A multiple DNA profile from at least three people was obtained from the wrench handle. The Deceased, Chevalier and Watkins were all contributors to this DNA profile;"<sup>6</sup>
18. The damage appears to have been done by the wrench head. DNA at two points on the head did not match that of Mr Chevalier, but as the summary concludes, "The third area of blood staining on the wrench contained the DNA profiles of at least three people and matched the DNA profiles of the Deceased, Chevalier. Watkins can be excluded from this DNA profile;"<sup>7</sup> I infer that this reference to the wrench means the wrench head, because it is stated earlier in the summary that blood staining was observed on three areas of the head of the wrench. Two of those are referred to by reference to the wrench head, the third is simply

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<sup>4</sup> Inquest brief summary pg 19

<sup>5</sup> Photograph 46, Photographic exhibits

<sup>6</sup> Inquest brief summary pg 21.

<sup>7</sup> Ibid.

referred to by reference to “the wrench”. In my opinion, and as a matter of logic this reference should be interpreted as a reference to the wrench head.

19. I note also that the DNA on the handle of the box cutter matched the DNA profile of Mr Hunt.

**Medical Evidence – post mortem examination.**

20. Dr Sarah Parsons conducted the port mortem on 28 November at 10.00am. She concluded that the cause of death was head injury. What follows is a summary of her report:-

“There were a number of lacerations and surgical incisions to the head that had been closed with a series of staples and sutures. The Deceased had areas of bruising to his left forehead, right forehead, bridge of the nose, centre of the chin and above the right and left eyebrow.

His feet were caked in blood and he had a bruise and laceration to his upper and lower lip.

There was bruising and abrasions to the knuckles of the right and left hands.

Examination of the Deceased’s skull showed there appeared to be three sites of blunt force trauma with bruising, associated lacerations and underlying skull fractures.

Dr Parsons was provided with a photograph of the wrench/shifter used in the assault. She stated one or all of the head injuries may have been caused by trauma inflicted by the wrench and that it is possible some of them may have also been caused by the Deceased striking his head during a fall.

The Deceased’s brain was sent for neuropathological examination, which revealed extensive acute head injury with intracerebral, subarachnoid, subdural and brainstem haemorrhages.

The bruises on both hands of the Deceased would be consistent with offensive/defensive injuries.”<sup>8</sup>

21. My predecessor asked Dr Parsons to prepare a supplementary report which she did on 20 October 2011, and as a result of the request from the solicitors for the next of kin she prepared a further report dated 25 September 2013. The two supplementary reports are appended to these findings.

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<sup>8</sup> Ibid pg 9 – 10.

22. I accept the conclusions reached by Dr Parsons and I am satisfied on the balance of probabilities that the head injuries sustained by Mr Hunt are, to use her language “more likely to have been caused by direct blunt force trauma with an instrument such as the wrench”. I note that she cannot “entirely exclude” that any one of the injuries has been caused by a fall. I also note that there were in fact three separate sites of blunt force trauma to the head and that the injury to the hands/arms were in keeping with offensive/defensive injuries.
23. In a written submission dated 20 February 2014, the Western Suburbs Legal Service Inc., on behalf of Ms Incledon, made further comments in relation to the medical evidence. These dealt with the issues covered by Dr Parsons in the supplementary report dated 25 September 2013, and some other earlier medical evidence. Ultimately the submission made by Western Suburbs Legal Service is “the weight of the evidence allows the inference to be drawn that the deceased suffered more injuries than accounted for by the witnesses.”<sup>9</sup> They sought an opportunity to question Dr Parsons further about these matters. However, I do not intend to re-open the inquest for that purpose. I accept the evidence of Dr Parsons that no T4 fracture was identified on the post mortem CT scan or at autopsy. In my opinion this puts to rest any questions arising from the statement of Registrar of Neurosurgery, Dr Deepal Attanayake.<sup>10</sup> Dr Attanayake’s brief summary of the radiological evidence included the sentence “un displaced fractures involving lamina and facet joint of T4”.<sup>11</sup> However this has been considered again by Dr Parsons in conjunction with Dr Chris O’Donnell (Radiologist) and as indicated above, Dr Parsons has categorically stated that no T4 fracture was identified on the post mortem CT scan, or at autopsy. I accept Dr Parsons evidence on the point and note that Western Suburbs Legal Service acknowledges that Dr Parsons “may be saying that her further thorough analysis shows that there is no damage to the T4”<sup>12</sup>. That is clearly correct.
24. Ultimately I am not persuaded that “the weight of the evidence allows the inference to be drawn that the deceased suffered more injuries than accounted for by the witnesses”.<sup>13</sup> Even if there were “more injuries than accounted for” by Watkins and Chevalier, I am satisfied on

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<sup>9</sup> Submission by Western Suburbs Legal Service dated 20 February 2014 page 2

<sup>10</sup> Statement of Dr Deepal Attanayake page 193 of Inquest Brief

<sup>11</sup> Ibid page 195

<sup>12</sup> Submission by Western Suburbs Legal Service dated 20 February 2014 page 2

<sup>13</sup> Ibid

the basis of Dr Parsons' evidence that Mr Hunt died as a result of being struck to the head by a blunt instrument. This is the medical cause of Mr Hunt's death.

25. On the whole of the evidence I find that Mr Hunt died as a result of sustaining blows to the head causing the injuries described by Dr Parsons and revealed on the post mortem CT scans, (the evidence of Dr Chris O'Donnell, Radiologist). I am satisfied that having sustained the injuries Mr Hunt walked home leaving a trail of blood and died next to his house.
26. The next of kin was concerned about the barbie dolls found on Mr Hunt. In my opinion the barbie dolls have no significance, certainly no relevance to the circumstances of Mr Hunt's death, and no conclusions or implications can be drawn from the finding of them. I accept that from time to time Mr Hunt picked up the barbie dolls belonging to his daughter and put them in the waistband of his trousers as he moved around his property.
27. I extend my sincere condolences to Ms Incedon and family.

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

Ms Karen Incedon

Western Suburbs Legal Service

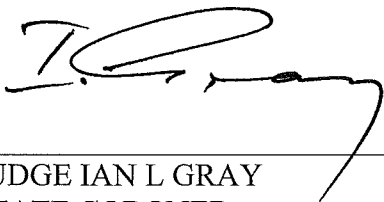
Leading Senior Constable Tania Cristiano

Mr Andrew Purcell, Interested party

Ms Anne Jones, Interested party

Mr Jake Hunt-Jones, Interested party

Signature:



JUDGE IAN L GRAY  
STATE CORONER

Date:

28/2/2014

