



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2022 005336

FINDING INTO DEATH WITHOUT INQUEST

Form 38 Rule 63(2)

Section 67 of the Coroners Act 2008

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| Findings of: | Coroner Simon McGregor |
| Deceased: | Jordan Riley Heyman |
| Date of birth: | 13 July 2009 |
| Date of death: | 15 September 2022 |
| Cause of death: | 1(a) MULTIPLE INJURIES SUSTAINED IN A MOTOR VEHICLE INCIDENT (PEDESTRIAN) |
| Place of death: | 24 Banon Street, Wallan, Victoria, 3756 |
| Keywords: | Motor vehicle collision, pedestrian |

INTRODUCTION

1. On 15 September 2022, Jordan Riley Heyman was 13 years old when he was hit by a runaway motor vehicle. At the time of his death, Jordan lived at 24 Banon Street, Wallan, Victoria, with his family.
2. Jordan was in his first year of high school. He had diagnoses of attention deficit hyperactivity disorder, dyslexia, anxiety and social pragmatic communication disorder. Whilst his favourite pastime was playing video games, he was also a kind and loving older brother.¹

THE CORONIAL INVESTIGATION

3. Jordan's death was reported to the Coroner as it fell within the definition of a reportable death in the *Coroners Act 2008* (**the Act**). Reportable deaths include deaths that are unexpected, unnatural or violent or result from accident or injury.
4. The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death, and surrounding circumstances. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.
5. Under the Act, coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of comments or recommendations in appropriate cases about any matter connected to the death under investigation.
6. Victoria Police assigned an officer to be the Coroner's Investigator for the investigation of Jordan's death. The Coroner's Investigator conducted inquiries on my behalf, including taking statements from witnesses, first responders, the forensic pathologist and investigating officers – and submitted a coronial brief of evidence.
7. This finding draws on the totality of the coronial investigation into the death of Jordan Riley Heyman including evidence contained in the coronial brief. Whilst I have reviewed all the material, I will only refer to that which is directly relevant to my findings or necessary for

¹ Statement of Samantha Heyman, Coronial Brief.

narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.²

8. In considering the issues associated with this Finding, I have also been mindful of Jordan's basic human rights to dignity and wellbeing, as espoused in the *Charter of Human Rights and Responsibilities Act 2006* (Vic), in particular sections 8, 9 and 10.

MATTERS IN RELATION TO WHICH A FINDING MUST, IF POSSIBLE, BE MADE

Circumstances in which the death occurred

9. On Thursday 15 September 2022, Jordan's mother, Samantha Heyman, picked him up from the bus stop after school. His three younger siblings were also in the car. He was going to stay overnight with his grandmother Sandra Smith before spending the weekend gaming at a friend's house. Samantha had borrowed Sandra's automatic silver 2005 Ford Falcon sedan to help effect these arrangements.³
10. The family returned to their home at 24 Banon St, Wallan at about 4:15 pm. Banon Street is in a residential area, so has a default speed limit of 50 kilometres per hour. It is a two-way street that runs east-west and is approximately 7 metres wide. Albeit unevenly, the land slopes generally from north to south, so that the family home is on the uphill side of the street. The car was parked in the sloping driveway because the motorised garage door was not working properly and could not be opened.⁴
11. Whilst Jordan packed his bags for the weekend, Samantha showered the other three children and got them into their pyjamas.⁵
12. At 4:45 pm, Samantha and all four children left the house to get back in the car to drive to Sandra's house. The driveway was very steep, so Samantha believes she left the vehicle with its transmission in 'park' and with its handbrake engaged. She asked Jordan to take out the rubbish bins for collection onto their nature strip. Whilst she was buckling in the three younger

² Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about, individuals unless the evidence provides a comfortable level of satisfaction as to those matters taking into account the consequences of such findings or comments.

³ Statement of Samantha Heyman, Coronial Brief.

⁴ Statement of Samantha Heyman, Coronial Brief.

⁵ *Ibid.*

- children, she noticed Jordan struggling with one of the bins, so she told him to wait and she would come and help him.⁶
13. The two struck up a short conversation at the bottom of the driveway but after only a few seconds, Samantha heard a ‘loud click’ and noticed the car rolling down the driveway towards them. She screamed at Jordan to move and pushed him out of the way before moving out of the way herself.⁷ As the car passed Samantha, she saw Jordan get hit by the back of the car. He yelled out ‘Mum’ as he was seemingly dragged under the vehicle. Samantha tried to stop the vehicle but could not. The car rolled down the driveway at a slight angle, knocking over a rubbish bin, and turning across the suburban street, before finally coming to rest on the roadway.
 14. Samantha immediately ran inside to get her mobile phone and called 000. She told them she could hear Jordan taking really long deep breaths but she could not see his face due to his position under the car.⁸
 15. Samantha’s neighbour Shari Andreula initially did not think much of it when she heard the noise of a rubbish bin falling over, but became alarmed when she recognised Samantha’s yelling, and so ran to assist. Shari suspected that Jordan had already died when she first looked at him, but in any event was unable to free him from underneath the vehicle. Shari called Sandra and told her there had been an accident and asked her to come as soon as possible.
 16. Shari and another neighbour moved the three younger children from the car to inside the house so they did not have to see Jordan’s trapped body. In this process, Shari distinctly remembers unbuckling all three of them from their car seats.⁹
 17. First responder and CFA volunteer Dylan Jordan attended the scene at approximately 4:50 pm, at which time he observed one child unrestrained in the back of the car, but this could well have been after the child removal process had commenced.¹⁰
 18. The first ambulance crew attended the scene by 5:09 pm but detected no signs of life, indicating Jordan had passed quickly after the accident.¹¹

⁶ Ibid.

⁷ Ibid.

⁸ Ibid.

⁹ Statement of Shari Andruela, Coronial Brief.

¹⁰ Statements of Dylan Jordan, Coronial Brief.

¹¹ Statement of Michael Atkinson, Coronial Brief.

19. In the immediate aftermath, emergency services personnel observed that the car engine was cold, indicating it had not been started up prior to the accident.¹² The keys were not in the vehicle's ignition, but the car's transmission was in neutral and the handbrake was in its upper position, indicating it had been applied.¹³
20. A vehicle inspection conducted by Acting Sergeant Daniel Pearce from the Victoria Police Collision Reconstruction and Mechanical Investigation Unit did not reveal any relevant faults or failures, including that of the transmission and the handbrake.¹⁴ Acting Sergeant Pearce simulated the approximate sloping conditions of the driveway by parking the vehicle on a tilt tray tow truck and found that if the vehicle transmission was in neutral, the handbrake would not hold the vehicle stationary if applied to seven 'clicks' or less.
21. Although the car's transmission was found to be in neutral immediately after the accident, numerous people had access to the scene, including for the purposes of extracting the three other children, so I cannot be satisfied to the *Briginshaw* standard of proof that Samantha inadvertently left it in that position, or that one of the children was in fact unrestrained within the car, inadvertently knocked the transmission out of park into the neutral position, then clipped themselves into a car seat by the time Shari came to get them out. I note also the possibility that while Jordan was loading his overnight bags into the front passenger footwell, one of those bags may have knocked or pulled the transmission from park to neutral without him noticing¹⁵ as he was focused on attending to the bins, but I am equally unable to be satisfied to the requisite standard that this is in fact what occurred.
22. Whilst the body worn camera footage taken by attending police officers captures Samantha making various inconsistent statements theorising that one of the children may have touched the handbrake or the transmission, I find that she was most likely spontaneously attempting to reconstruct in her mind how the accident *might* have happened, rather than making discrete factual admissions about how it in fact *did* happen.¹⁶ She was clearly in shock at this point.¹⁷
23. No criminal charges were laid.¹⁸

¹² Statements of Dylan Jordan and Garth Gulliver, Coronial Brief.

¹³ Statement of Monica Lock, Coronial Brief.

¹⁴ Statement of Daniel Pearce, Coronial Brief.

¹⁵ Statement of Ty Ellis; photographs of car interior taken by Senior Constable Monica Lock, Coronial Brief.

¹⁶ Statement of Sikander Malhotra, Coronial Brief.

¹⁷ Statement of Shari Andruela, Coronial Brief.

¹⁸ Statement of Ty Ellis, Coronial Brief.

Identity of the deceased

24. On 15 September 2022, Jordan Riley Heyman, born 13 July 2009, was visually identified by his mother Samantha. Identity is not in dispute and requires no further investigation.

Medical cause of death

25. Senior Forensic Pathologist Dr Melanie Archer from the Victorian Institute of Forensic Medicine conducted an examination on 16 September 2022 and provided a written report of her findings dated 24 October 2022.
26. The examination revealed multiple head, chest and leg injuries which in Dr Archer's opinion would have caused rapid unconsciousness and death.
27. Toxicological analysis of post-mortem samples did not identify the presence of any alcohol or any common drugs or poisons.
28. Dr Archer provided an opinion that the medical cause of death was 1(a) multiple injuries sustained in a motor vehicle incident (pedestrian).
29. I accept Dr Archer's opinion.

FINDINGS AND CONCLUSION

30. Pursuant to section 67(1) of the *Coroners Act 2008* I make the following findings:
- a) the identity of the deceased was Jordan Riley Heyman, born 13 July 2009;
 - b) the death occurred on 15 September 2022 at 24 Banon Street, Wallan, Victoria, 3756, from multiple injuries sustained in a motor vehicle incident (pedestrian); and
 - c) the death occurred in the circumstances described above.

I convey my sincere condolences to Jordan's family for their loss.

Pursuant to section 73(1B) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.

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

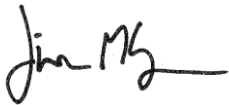
Samantha Heyman, Senior Next of Kin

Brock Heyman, Senior Next of Kin

Leading Senior Constable Matthew McPartlan, Coroner's Investigator

Senior Constable Ty Ellis, Coroner's Investigator

Signature:



Coroner Simon McGregor

Date : 08 February 2024

NOTE: Under section 83 of the *Coroners Act 2008* ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an investigation. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.
