CORONERS COURT
OF NEW SOUTH WALES

Inquest:	Inquest into the death of Andrew Fergusson
Hearing dates:	21 October 2026
Date of findings:	21 October 2026
Place of findings:	Coroners Court, Lidcombe
Findings of:	Judge R. Hosking, Deputy State Coroner
Catchwords:	CORONIAL LAW - Time of death; cause of death, manner of death, delayed treatment.
File number:	2024/16812
Representation:	Counsel Assisting the Coroner: Tracey Stevens of Counsel instructed by Eloise Ridley of the NSW Crown Solicitor's Office
Findings:	**Identity of deceased**: Andrew Fergusson **Date of death**: Between 12.21am and 5.54pm on 12 January 2024 **Place of death**: 5 York Street, Sydney **Manner of death**: Misadventure (unintentional drug overdose) **Cause of death**: Mixed drug toxicity (heroin, methylamphetamine and gamma-hydroxybutyrate).
Recommendations:	I direct that the brief of evidence and the transcript of this inquest be sent to the Sydney City Police Area Command to conduct further investigations and consult with the Unsolved Homicide Unit.
Publication orders:	Non-publication orders apply to the evidence in this inquest. A copy of the orders made by Judge Hosking are available upon request from the Court Registry.

Introduction 4
The role of the coroner 4
The issues examined at the inquest 4
Evidence 5
Background 5
Andrew's death 8
The coronial investigation 10
Victoria Sylvaney 10
Adam Jesse 13
Post-mortem examination 14
Report of Dr Robertson, pharmacologist and forensic toxicologist, 29 April 2026 15
Issues 16
Findings required pursuant to section 81 of the Act 16
Time and date of death 16
Manner (circumstances) of death 17
Findings: Andrew's likely movements at the York Hotel on 11 and 12 January 2024 18
Whether consideration ought to be given to the application of s 78(1) of the Act 18
Concluding remarks 19
Statutory findings required by s 81(1) 19

Introduction

1 Andrew was born on 26 March 1980 to Jennifer and Douglas Fergusson (deceased) and died on 12 January 2024. These are the findings following the inquest into Andrew's death held at the Coroners Court at Lidcombe on 21 October 2026.

The role of the coroner

2 The role of the coroner is to make findings as to the identity of the nominated person and in relation to the place and date of their death. The coroner is also to address issues concerning the manner and cause of the person's death.[1] A coroner may make recommendations, arising from the evidence, in relation to matters that have the capacity to improve public health and safety in the future.[2]

The issues examined at the inquest

3 The issues identified in the coronial investigation to be examined at the inquest are outlined below.

(1) Findings required pursuant to section 81 of the Act: the identity of the deceased; the time, date and place of death; the cause and manner of death.

(2) What were Andrew's likely movements at the York Hotel on 11 and 12 January 2024 (including in relation to his interactions with Victoria Sylvaney and Adam Jesse and his use of drugs)?

(3) Whether the available evidence indicates that consideration ought to be given to the application of section 78(1) of the Act.

[1] S 81 of the *Coroners Act 2009* (NSW) (**the Act**).
[2] S 82 of the Act.

Evidence

4 A 3-volume brief of evidence (Ex: 1); covert surveillance material (Ex: 2) and sensitive material (Ex:3) was tendered to the Court. In addition, oral evidence was received from the Officer-in-Charge of the coronial investigation, Sgt. Bachar Abda.

5 A subpoena to give evidence was issued on Victoria Sylvaney. Victoria failed to appear in accordance with the subpoena. I declined to issue a warrant for Victoria's arrest and to adjourn the hearing in circumstances where I considered it unlikely Victoria would give credible evidence which would advance the coronial investigation.

Background

6 Andrew grew up the eldest of 3 children. Andrew's mother and siblings attended the inquest with the mother of his children.

7 On finishing school Andrew became a landscape gardener establishing the company, Great Sydney Gardens. Andrew's family described him as charismatic, witty and popular. He was an avid sports fan. He had a big heart and cherished his sons most of all.

8 Sadly, Andrew commenced using drugs in his 20s and his use escalated over time.

9 In around 2006 to 2007, Andrew moved in with his parents in Northbridge. Andrew's drug use was evident at this time. On at least two occasions emergency services were called to the house and ambulances attended and treated Andrew for overdoses on heroin and on at least one of these occasions, Andrew was admitted to hospital overnight.

10 After these events Andrew attempted, unsuccessfully, to control his relationship with drugs.

11 In 2015, Andrew started a relationship with Kate Donnellan. Kate reports that during these early times Andrew used cocaine about two or three times per month and consumed alcohol around four times a week.

12 In 2017, Andrew's father died. Andrew's drug and alcohol use increased following his father's death. He was prescribed anti-anxiety and anti-depressant medications.

13 Between 2018 and 2020, Andrew and Kate had two sons.

14 In 2021 Kate suffered a miscarriage and around that time Andrew was drinking more than usual and started gambling. Andrew's father's estate was distributed and Andrew was a beneficiary. He asked his mother to keep his share because he could not trust himself in relation to gambling. He also indicated to his mother that his and Kate's relationship was deteriorating.

15 Andrew's life began to spiral and his drug use increased.

(1) In May 2022, Andrew was admitted to hospital for a GHB[3] overdose. Once discharged from hospital, he was referred for follow up with neurology services, as he was reported to have had a previous 'episode' recently where he lost consciousness at work.

(2) In June 2022, Andrew was again admitted to hospital after taking GHB.

(3) Around July 2022, Andrew spent three weeks in a drug rehabilitation facility. He left the facility against medical advice and resumed taking drugs.

(4) On 1 October 2022, Andrew was admitted to hospital for another GHB overdose.

[3] Gamma-hydroxybutyrate.

16 Around November 2022, Andrew began a relationship with Victoria Sylvaney though he was still spending time with Kate.

17 In March 2023, Andrew was taken to hospital by ambulance after a neighbour saw him behaving erratically. On admission he admitted to using GHB and methamphetamine.

18 By mid-2023 Andrew was no longer living with Kate and had returned to live with his mother. Victoria occasionally spent time there and Andrew's mother suspecting that they were using drugs at night while at her house.

19 In April 2023, Andrew was charged with driving while having methylamphetamine in his blood.

20 In late September 2023, one of Andrew's employees, Reese Thomson, began driving him to work and Reese noticed that Andrew was using drugs[4] on the way to work and at work.

21 On 5 December 2023, Reese drove to Andrew's mother's house to pick him up for work. He found Andrew on the floor breathing but not moving. Victoria was present at the house. Reese left Andrew there, with Victoria, and went to work. Reese says that when he returned 13 hours later he found Andrew in the same position, with Victoria still present. Reese said that he was concerned and tried to wake Andrew up. He said that Andrew suddenly started tensing up and shaking violently. Reese thought that Andrew had a ‘really bad seizure’ that lasted about 30 seconds. Reese said that he placed Andrew in the recovery position but did not call an ambulance because Andrew had previously told him that he did not want an ambulance called. Reese said that Andrew eventually ‘came to’ and became aggressive so he left.

22 On 13 December 2023, police attended Andrew's mother's house following a call by Victoria (who said that she had seen someone on the balcony). At this

[4] Smoking ice, injecting heroin, using GHB and taking Xanax pills.

time Andrew was seen to be on the floor and 'passed out', though apparently did not require treatment.

23 On 18 December 2023, Andrew's mother arrived home to find the glass shower screen shattered. Victoria told her that Andrew had gone through the screen and his mother told them that they had to move out. It seems that from this point onwards, Andrew and Victoria stayed at various hotels and motels around Sydney city area.

24 On 28-29 December 2023, Victoria called a friend to obtain drugs. Her friend visited and Andrew, having taken 5-6ml of GHB, was seen jumping around and yelling. Victoria left leaving her friend to try and calm Andrew down.

25 On 1 January 2024, Andrew and Victoria moved to the York Hotel, 5 York Street, Sydney. Reese said that he attended the York Hotel several times during this period and observed that Andrew was regularly using drugs.

26 On 6 January 2024, Adam Jesse and Sian Isaac met with Victoria at the York Hotel for the purpose of selling her drugs. At this time Victoria recorded a short video of Andrew in which he appears to be under the influence of drugs, likely GHB.

Andrew's death

27 On the evening of 11 January 2024, Adam met with Victoria and Andrew at the York Hotel. At around 10:10pm the CCTV footage shows Adam entering the hotel room. In his ERISP, Adam describes Andrew tipping his backpack upside down and blue Xanax pills spilling out onto the table and the floor. Then he said:

> Anyway, then, so him, he, he must've gotten up to put them away or done something but anyway like, me and Victoria, and the next minute he's back again sitting on the same place on the lounge. Now, as I'm, now probably within about probably five minutes before I'm about to get up and go um, Andrew's gone from talking with us normally, coherent to basically being on one knee on the ground, with his head on the ground um, just starting to make noises like, "Mmm, mmm." That, that, and yeah. Like, I'm thinking, "What's he had?" Like, you know?

> From what I know of what people, when they take stuff, that's, looks to me like a G overdose or something like that. I just seen one, did not see him take anything. Um, you know? So but I, that's what I'd assumed. Now, I saw, I said, “Vic, I've got to go. You, he's going to be right, isn't he?” And she, he's, “He’ll be all right won't he?” And he was breathing, oh, I thought I could check if he was breathing but he was making noises. So when someone's making noises like, “Mmm.” You know? That’s, they’re, they are, they're all good. So I, I was like, “O.K. I'm going to get up and go. See you Vic uh, Vic.”

28 Adam’s evidence is consistent with Andrew moving away from the lounge where Adam and Victoria were (potentially going to the bathroom which is what Victoria indicated was his habit) and returning drug affected. This evidence supports that the drugs taken by Andrew while Adam was present at the hotel, were self-administered.

29 At 12.21am on 12 January 2024, Adam left the hotel room.

30 At 6.30am on 12 January 2024, Reese tried to call Andrew multiple times but he did not answer. Reese then called the York Hotel and was put through to Andrew's room. He spoke to Victoria who reportedly said to Reese: ‘He's like that day.’[5] Around this time Reese asked Victoria if he could come and get the keys for the shed (so he could work).

31 At 7:52am the CCTV footage shows that Victoria went down to the lobby. She then returned to the room at 7.55am and placed the ‘do not disturb’ sign on the door to the hotel room.

32 At 8.09am, Reese is seen on the CCTV to arrive at the door to the hotel room. Victoria spoke with him and likely handed him the keys. Reese did not see Andrew and the hotel room was seen to be dark.

33 At about 5.03pm, Victoria messaged Adam using Signal. She said she had an emergency and asked him for help.

[5] This was considered by investigating police to be a reference to Andrew's drug induced state on 5 December 2023.

34 At about 5.38pm Adam arrived at the hotel room. He says that Andrew was there and was cold and blue when he arrived.

35 At about 5.42pm Adam called emergency services. He then performed CPR on Andrew, following the instructions of the operator.

36 At around 5:52pm an ambulance arrived at the scene. Intensive Care Paramedic Lawrence Perkin said that when he arrived, Andrew looked like he had not been breathing for some time. He appeared cyanosed, had dependent lividity, and felt cold. At 5.54pm Andrew was declared deceased.

The coronial investigation

Victoria Sylvaney

37 Victoria provided investigating police with different accounts as to what happened and what state Andrew was in during the lead up to his death. While at the scene, she told paramedic Lawrence Perkin:

> I last saw him awake six hours before I went to sleep and woke up to find him like this.

38 She also told Constable Lauren McCudden that Andrew had been fine when she went to sleep and that she had woken up 'about an hour ago.' She did not answer when Constable Nicola Thompson asked her what time she had gone to sleep.

39 Victoria told Senior Constable Brianna O'Brien that Andrew had been sitting in the lounge eating ice cream. She said she went to sleep around 8:30am. She woke up around 1:30pm and noticed Andrew on the ground. She put a blanket on him and tried to wake him. She said he was cold and a weird colour.

40 Victoria outlined the events that follow in her record of interview with police on 12 January 2024.

(1) She called Adam at about 6pm.

(2) Sometime on 11 January 2024, before Adam arrived[6], Andrew came out of the bathroom and was a bit funny and sweating and she got angry at him, she thought he had heroin.

(3) Adam came to the hotel about 10:00pm and stayed for an hour, this was the first time Adam had met Andrew. Andrew was fine when Adam left, he was acting tired and started watching sport.

(4) Initially she said that Andrew went to work on 12 January. Then she said he didn't go to work and his friend who works for him had to come and collect the keys.

(5) She said that she went to asleep at around 8 o'clock and then she changed that to ‘probably 11 or 12 I finally passed out.’ Andrew was on the lounge when she went to bed and she woke up around six hours later and Andrew was on the ground; she tried to wake Andrew and then called Adam.

(6) She said that she tried to move Andrew to the recovery position and he was gurgling, Adam was doing CPR and clear liquid was coming out.

41 During the interview, Victoria denied that she had used any drugs other than marijuana. Messages on her phone indicate that she was consuming other drugs around this time, including GHB.

42 The messages that follow were extracted from Victoria’s phone (emphasis added).

[6] While the interview is not linear, at Q234 Victoria says that Jesse had gone into the bathroom and she believed he had consumed heroin.

Date and time	To	Messages
5/12/2023 12.40am	Joanna AtHooke	*Fucking Andrew broke up with me today the putrid asshole so not only have I lose my dog I'm packing all my shit up as we speak I'll steal U sum gear lol* *Oh n Bella didn't even speak to me because I'm with Andrew apparently I lost my dog because of him and you know what I did Mr 200,000 I bet he never had it to begin* *And if he does he'd hiding it from me and honestly* ***he's about to have another shot but I think it's way too big and I worry for him lol***
5/12/2023 1.37am	Adam Jesse	*I don't want to live anymore Jess my dog one one lil being that loved me Andrew has told me all day she died because of me* ***I'm planning on waiting for him to have a shot of heroin hope he doesn't accidentally have to much see he's been doing that alot lately so what can I do kind of poetic justice*** *He actually hit me today for the first time :(*
5/12/2023 2.49pm	Phoenix Delray[7]	*N chocked me lol I've got him a few good times don't u worry but he did this the same day my dog died he's crazy* *I haven't got strength to fight him back* *But I did give him a big shot of h unfortunately he survived there's more but I'm like argh* *Should I shouldn't I shoved 4 sequels up his ass just so I can get some peace*

43 An undated handwritten note was found in the hotel room after Andrew's death. It read:

> I'm o'Ding you tonight Ur Going 2 DIE.

44 The author of the note has not been identified and it is not clear when it was written.

45 Following Andrew's death, surveillance was installed in the hotel room where Victoria was staying from 13 to 19 January 2024 which revealed, amongst other

[7] Phoenix Delray was identified as Amber Butler-Forrest. Amber Butler-Forrest initially indicated she was willing to speak with investigation police but attempts to speak with her were unsuccessful.

things, that on 14 January 2024 at around 2.35pm, Victoria had a phone conversation in which she said:

> He was a cunt, I know he was a cunt, but he loved me … I waited too long … I waited too long to call an ambulance. I waited too long…
>
> I don't know why, I didn't just, cause if he was dead, he was dead, I just should've just stayed the whole night and held him, even if he was cold.

Adam Jesse

46 Adam was present at the scene when police attended. He told Constable Harrison Teasel that he had been at the hotel room the previous evening. He said he did not see Andrew take anything, but he saw a reaction to something which he assumed was heroin.

47 In his electronically recorded statement made on 12 January 2024, Adam said that:

(1) he arrived at the hotel room around 10:00-11:00pm the previous night and this was the first time he met Andrew

(2) he did not see Andrew take any drugs but saw a bag with what he believed to be heroin in it

(3) around 12:00am, Andrew went from talking normally to being on one knee on the ground, with his head on the ground, making noises, Adam believed it was a heroin or 'G' (presumably GHB) overdose, and

(4) he left soon after observing this.

48 Adam was later charged (and found not guilty) with drug supply on two occasions: on 6 January 2024 between 6.00pm and 7.30pm, supplying GHB to Victoria; and between 10.30pm on 11 January 2024 and 12.30am on 12 January 2024 supplying heroin to Andrew.

Post-mortem examination

49 Dr Pokorny conducted a post-mortem examination on 16 January 2024. She opined that Andrew's cause of death was mixed drug toxicity (heroin, methylamphetamine and gamma-hydroxybutyrate). Recent puncture marks were present in both antecubital fossae (inner elbow) and on the right wrist, together with scarring in keeping with chronic injecting drug use.

50 Further, microscopic examination revealed acute bronchopneumonia in the lungs (inflammation in the lungs), suggesting a period of reduced consciousness and respiratory depression prior to death.

51 Andrew's toxicology analysis recorded:

(1) Morphine and its metabolites: 6-monoacetylmorphine in the urine indicated that this derived from the administration of heroin. The detected level was 'relatively modest' but within the range considered 'potentially lethal.' Given the potential period of reduced consciousness prior to death, the level may initially have been considerably higher than detected post-mortem.

(2) Codeine and its metabolite: Often seen as a contaminant of street heroin.

(3) Methylamphetamine and its metabolite amphetamine: The detected levels were within the range considered 'potentially lethal.'

(4) 4-Hydroxybutoanoic acid (gamma-hydroxybutyrate (GHB)): The blood level was within the range that may be seen as the result of a post-mortem artefact. However, the urine levels, which are considered more reliable, were within the range reported with GHB fatalities. It was noted that the interpretation of post-mortem GHB levels is difficult as the drug is known to be unstable and can rise in concentration in the blood post-mortem as well as being produced endogenously (within the body).

(5) Sertraline: Detected at a supratherapeutic level (a level higher than would normally be used for treatment).

(6) Alprazolam: Detected at a concentration consistent with therapeutic use.

(7) Clonazepam metabolite: Detected at a concentration consistent with therapeutic use.

52 Consistent with the opinion of Dr Pokorny I find that Andrew's cause of death was mixed drug toxicity (heroin, methylamphetamine and gamma-hydroxybutyrate).

Report of Dr Robertson, pharmacologist and forensic toxicologist, 29 April 2026

53 The salient aspects of Dr Robertson's opinion are summarised below.

(1) Taking into account the toxicology analysis results and the autopsy report, it is more likely than not that the mechanism of death was progressive central nervous system depression that progressed to respiratory depression and loss of consciousness. Loss of consciousness would progress to coma, cardiac arrest and death over a period of hours.

(2) Depending on the dose of drug used and the order of drug use, Andrew may have rapidly progressed from being awake, to light and then heavy sleep for a period of time prior to death. This is more likely if an 'overdose' of heroin was used. Conversely, if a low dose of heroin was used followed by a high dose of GHB, the above progression may have been more protracted i.e. 30 minutes or more.

(3) The use of methylamphetamine would not have materially impaired the ability to communicate and may have resulted in a period of subjective sobriety if the drug was used at or about the time of heroin and GHB use.

(4) The likely quantities of heroin, methylamphetamine and GHB ingested by Andrew and the time at which they were ingested cannot be determined with any reliability.

54 Dr Robertson's report is consistent with the evidence that Andrew was alive when Adam left the hotel room and subsequently deteriorated.

Issues

Findings required pursuant to section 81 of the Act

55 It is not controversial that Andrew died at 5 York Street, Sydney from mixed drug toxicity (heroin, methylamphetamine and gamma-hydroxybutyrate).

Time and date of death

56 While Adam reported that Andrew was drug affected when he left the hotel room, there is no evidence to suggest that he was not alive at 12.21am on 12 January 2024 when Adam is seen leaving the room on CCTV.

57 It is unclear whether Andrew was alive at 8.09am on 12 January 2024 when Reese attended the hotel room to retrieve the keys. In a recorded conversation between Victoria and Sian, Victoria said:

> Like I need the key for the thing and I just completely threw them…
>
> I think that's when. I think that maybe after he'd died maybe.

This evidence is disjointed and vague and couldn't be relied upon to establish that Andrew was deceased at that point.

58 Victoria messaged Adam at 5.04pm on 12 January 2024 saying, 'I have an emergency and I don't know what to do.' In the conversation with Sian referred to above, Victoria confirms that Andrew was not 'awake' at the time she was on the phone to Jesse.

59 Paramedic Perkin said in his statement that at 5.54pm when he knelt down next to Andrew:

> From the colour of his face, he looked like he had not been breathing for some time. He appeared cyanosed which means purple around the face and mouth. Via radio I informed our control that the Patient was code which means cardiac arrest. I placed the defibrillator pads on the patient and turned the monitor on, while placing the pads I noticed the patient had dependent lividity which suggested to me that he had been deceased for some time.
>
> Dependent lividity is the pooling of the blood in the lower part of the body which looks like discolouration of the skin in a purple colour. My knowledge of Dependent lividity would suggest that the patient has been deceased **for an hour or longer**. Upon touching the patient to place the pads on I felt he was colder than a well perfused person would be, but I did note it was a very hot day and the room was very warm [emphasis added].

60 This evidence is indicative of Andrew being deceased at or around 5pm when Victoria reached out to Adam. However, the evidence is imprecise and provided to the court as a perception rather than an independent considered opinion. In the circumstances, I consider it appropriate to rely upon the time at which Andrew was pronounced deceased (5.54pm) as the latest time he could have possibly remained alive.

61 On the available evidence, I find that Andrew died between 12.21am on 12 January 2024 and 5.54pm.

Manner (circumstances) of death

62 Adam's evidence was that Andrew left the lounge and on his return appeared to be drug affected [see paragraphs 27-28].

63 Victoria's evidence was that Andrew consumed drugs in the bathroom prior to Adam's attendance [see para 40(1)].

64 While inconsistent as to Adam's presence, there is no evidence to suggest that anyone administered the drugs causing to Andrew. There is also no evidence that suggests that Andrew self-administered drugs with any suicidal intention.

65 Accordingly, I find Andrew's manner of death was: Misadventure (unintentional drug overdose).

Findings: Andrew's likely movements at the York Hotel on 11 and 12 January 2024

66 My findings follow.

(1) At around 10.10pm on 11 January 2024, Adam met with Victoria and Andrew at the York Hotel. While Adam was there, Andrew left the vicinity of the couch where Adam and Victoria were and returned drug affected.

(2) At 12.21am on 12 January 2024 Adam left the hotel room and I find that Andrew was alive when Adam left.

(3) At 8.09am, Victoria opened the door to Reese but Reese did not see Andrew at this time and I am unable to determine if Andrew was still alive at this point.

(4) At about 5.38pm when Adam arrived at the hotel room, Andrew was cold and blue.

(5) Andrew was declared deceased at 5.54pm.

(6) Andrew's post-mortem toxicology analysis establishes that within a short period prior to his death he consumed heroin, methylamphetamine and gamma-hydroxybutyrate. I am unable to determine on the evidence adduced precisely when these drugs were consumed and in what quantities.

Whether consideration ought to be given to the application of s 78(1) of the Act

67 Unfortunately, notwithstanding the extensive investigation, I am unable to determine the precise time of Andrew's death or whether there was a missed opportunity to call an ambulance prior to 5.42pm on 12 January 2024.[8] Given the uncertainty as to Andrew's time of death, I am unable to determine at what

[8] Which is when Adam called triple-0 from the hotel room.

point his death may have been preventable if medical assistance had been sought and obtained.

68 In these circumstances, the evidence adduced at the inquest does not meet the requirements for any referral pursuant to s 78(1) of the Act.

69 However, given the open question of whether, with appropriate medical assistance, Andrew's death may have been preventable, I direct that the brief of evidence and the transcript of this inquest be sent to the Sydney City Police Area Command to conduct further investigations and consult with the Unsolved Homicide Unit.

Concluding remarks

70 I will close by conveying to Andrew's family, and particularly to Andrew's boys, my sympathy for the loss of Andrew.

71 I thank the Assisting team for their outstanding support in the conduct of this inquest. I also thank John Fennel for the pro bono assistance that he provided Victoria.

72 I thank the officer in charge, Sgt. Bachar Adba for his work in conducting the investigation and compiling the brief of evidence which was supplemented by the Assisting team.

Statutory findings required by s 81(1)

73 As a result of considering all the documentary and the oral evidence heard at the inquest, I make the following findings:

Identity of deceased: Andrew Fergusson

Date of death: Between 12.21am and 5.54pm on 12 January 2024

Place of death: 5 York Street, Sydney

Manner of death: Misadventure (unintentional drug overdose)

Cause of death: Mixed drug toxicity (heroin, methylamphetamine and gamma-hydroxybutyrate).

I close this inquest.



Judge R Hosking
Deputy State Coroner
Lidcombe

****