



FINDING OF INQUEST

An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 29th day of November 2005 and the 25th day of January 2006, by the Coroner's Court of the said State, constituted of Mark Frederick Johns, State Coroner, into the death of Daniel Aaron Greenland.

The said Court finds that Daniel Aaron Greenland aged 18 years, late of 99 Dawkins Road Lewiston died at the Lyell McEwin Hospital, South Australia on the 3rd day of February 2003 as a result of a gunshot wound to the head. The said Court finds that the circumstances of his death were as follows:

1. Introduction and reason for Inquest

- 1.1. Daniel Aaron Greenland died on 3 February 2003. He was eighteen years old and died as a result of a gunshot wound to the head. In the early hours of the morning of 3 February 2003 Mr Greenland had shot his stepmother, Nicolene Mammone, at 99 Dawkins Road Lewiston. At the time, Mr Greenland was residing at that address with his stepmother and natural father, Fernando Mammone.
- 1.2. After shooting his stepmother, Mr Greenland left that address and a police search was commenced.
- 1.3. Police eventually located a shed on a block of land at Two Wells at about 4:45 pm on the afternoon of 3 February 2003. The police suspected, on the basis of information received from Mr Paul Cooper, a relative of Mr Greenland, that Mr Greenland may have been hiding himself on the block of land at Two Wells.

- 1.4. Police established cordon points to secure the block of land and the surrounding area and the Star Group were called in. A negotiator attempted to make contact with Mr Greenland but no response was received from the man in the shed. After some time police officers entered the shed and discovered Mr Greenland inside the shed, with a gunshot wound to his head. A 22-calibre rifle was lying on top of Mr Greenland with the barrel pointing towards his upper body. It appeared that Mr Greenland had shot himself.
- 1.5. There was only one witness at the inquest – Detective Senior Constable Peter Allen Biermann. Detective Biermann has been a police officer for twenty-two years and a detective for fifteen years. In February 2003 he was assigned to conduct an investigation into the death of Mr Greenland. At that time Detective Biermann was posted to the Holden Hill Criminal Investigation Branch and was conducting the investigation on behalf of the Major Crime Branch of South Australia Police.
- 1.6. The narrative as it appears hereunder is taken from the evidence of Detective Biermann except where otherwise appears.
- 1.7. Mr Greenland resided at 99 Dawkins Road Lewiston with his stepmother and natural father at the time of his death. He had a job at that time at a chicken factory, which involved him working a night shift. It was the habit of Mr Greenland's stepmother to drive Mr Greenland to his place of employment at Wingfield at around midnight on the days on which he worked.
- 1.8. At around midnight on the morning of 3 February 2003 Mr Greenland's stepmother, Nicolene Mammone, prepared to drive Mr Greenland to work.
- 1.9. Mr Greenland's shift commenced at about 1:00 am. Shortly after Mr Greenland and his stepmother left the house to drive to Mr Greenland's place of work, Mr Greenland told his stepmother that he had to return to the house for something he had forgotten and would only be a short time. He returned shortly thereafter, and produced a rifle, which he discharged in the direction of his stepmother. She suffered a gunshot wound to the upper body in the chest area. Mr Mammone called for police to attend and uniformed patrols were deployed to the scene. The Elizabeth CIB and members of the Star Group were subsequently called in.

- 1.10. Nicolene Mammone later told police that after Mr Greenland fired the first shot at her, she fell to the ground. He approached her and attempted to fire a second shot at close range, but the weapon appeared not to fire despite his efforts. She got up and pushed the barrel of the gun away. He then hit her on the face. She could not recall if he hit her with his hand or the gun. He ran away down the driveway and she moved to the side of the car. However, he came back up the driveway again, but she screamed out for Mr Mammone to come. He emerged from the house, and she and he managed to get back inside the house before Mr Greenland fired a second shot.
- 1.11. Mr Greenland had left the scene with his weapon, and so police exercised some caution in approaching the scene and did not extract Nicolene Mammone from the scene until about 2:44 am. She was then conveyed to the Royal Adelaide Hospital. She survived her injuries.

2. The Search

- 2.1. The Star Group then commenced to search by a grid pattern, the local area. CIB patrols also commenced enquiries at the homes of relatives of Daniel Greenland at premises he was known to frequent and also his work address at Wingfield.
- 2.2. Detective Biermann expressed the opinion that in the time available to police and on the available information they had, police undertook all reasonable searches and enquiries in an effort to locate Mr Greenland.
- 2.3. During the course of their enquiries, police conducted a search of the Dawkins Road premises where the incident had occurred, and they located a number of weapons and some cannabis plants. Mr Fernando Mammone was reported by police in relation to the cannabis plants and the firearms.
- 2.4. At about 12:50 pm on 3 February 2003, police issued a media release seeking public assistance for information as to the whereabouts of Mr Greenland. At that stage, despite extensive searches, police had not managed to find Mr Greenland.
- 2.5. Later in that afternoon, as a result of some information provided by Mr Paul Cooper, police were informed that there was a shed on a property where Mr Greenland may have gone. Mr Cooper did not know the address but said he would be able to take police to the location.

- 2.6. This information was provided to Senior Constable Byrne who accepted Mr Cooper's offer to show him the location of the property.
- 2.7. As noted above, the block in question was located at Two Wells, which was a relatively short drive from the Dawkins Road property. Mr Cooper accompanied Senior Constable Byrne in the latter's police vehicle which was a marked car.
- 2.8. On arriving at the block, Senior Constable Byrne saw the shed and he noted the movement of what appeared to be a male person in or near the entrance to a small iron shed located towards the rear of the property.
- 2.9. No further sightings were made of this person until members of the Star Group physically entered the shed later that evening. No member of police saw any person enter or exit the shed between Constable Byrne's initial sighting, and the entry by Star Group later that evening. Senior Constable Byrne maintained constant observations of the shed from the time he first sighted the person.
- 2.10. From the time at which Senior Constable Byrne first sighted the person in the shed until the shed was entered by police later that evening, either Senior Constable Byrne or other police officers had the shed under constant observation.
- 2.11. Senior Constable Byrne had parked his police vehicle in a clear line of sight of the doorway of the shed.
- 2.12. The doorway of the shed was facing the road on which Senior Constable Byrne's car was first parked when he saw the male person. That road was Kathleen Road.
- 2.13. Once Senior Constable Byrne had sighted the person he believed may have been Mr Greenland, he made some arrangements in relation to removing Mr Cooper from the scene. He arranged for Fernando Mammone to attend at the location and convey Mr Cooper back to the address at Dawkins Road.
- 2.14. Senior Constable Byrne also made contact with the Forward Commander for the incident and also police communications and reported his observations.
- 2.15. In fact there were two Forward Commanders during the course of the incident because of a change of shifts. Sergeant Garrett was the first Forward Commander and Sergeant Giacomelli the second.

- 2.16. Sergeant Garrett set up initial cordon points around the area surrounding the block.
- 2.17. The initial cordon points that had been established were not appropriate and after a report from one of the police vehicles involved in the cordon Sergeant Giacomelli revised the positions of the cordon points to adjust the cordon so that it would include the whole of the subject area.
- 2.18. At approximately 5:40 pm on 3 February 2003 officers of the Star Group started to arrive. Those officers had their own separate Tactical Commander.
- 2.19. At 6:00 pm Detective Chief Inspector Smith assumed the role of Forward Commander, and members of the Star Group were deployed into the area immediately surrounding the shed at approximately 6:10 pm.
- 2.20. A police negotiator, Detective Pettinau arrived at 6:17 pm together with senior Constable Newitt. Both of these officers moved to a forward position in the yard of a house adjoining the block of land and at a distance some 50 to 60 metres away from the shed. The property on which the negotiators were situated was separated from the block of land that included the shed by a high fence, and accordingly, the negotiators did not have a line of sight.
- 2.21. Star Group were deployed into the inner cordon area because of the nature of their training.
- 2.22. The final cordon positions were established at 5:30 pm. In my opinion, the final cordon was established within a very reasonable timeframe having regard to the circumstances in which police were operating.
- 2.23. The negotiator, Detective Pettinau, used a megaphone in order to attempt to establish contact with Mr Greenland. She followed standard protocols in introducing herself on a first name basis, expressing concern for Mr Greenland's safety and welfare, and requesting that he give some sign of his safety or that he was alive and well. Detective Pettinau also conveyed over the megaphone that Mr Greenland's stepmother was alive and that the situation may not be as bad as he might have thought.

- 2.24. Detective Pettinau made continuous attempts over a period of nearly an hour to obtain a response from the person thought to be Mr Greenland. This occurred between approximately 6:53 pm and 7:45 pm.
- 2.25. During the course of these attempted communications, no response was received from the person inside the shed. The situation was reassessed and the decision was made to deploy Star Group members/officers towards the shed. The plan was to get a device known as a racial phone into the shed. This device has a phone handset at each end with a wire between them. One end is reeled out and either thrown in from a distance or placed in the premises where the person to whom police wish to speak has hidden himself or herself.
- 2.26. When the Star Group members approached the shed with the racial phone, they saw a limb of a person through the door which was partly open. They looked inside the shed and found Mr Greenland. By this time he was dead.
- 2.27. An ambulance was at the scene and ambulance officers came forward. Some medical procedures were performed at that location by the attending ambulance staff. The ambulance staff then conveyed Mr Greenland to the Lyell McEwin Hospital carrying out medical procedures en route. Mr Greenland was pronounced dead by medical staff at the Lyell McEwin Hospital.
- 2.28. Crime scene members attended the shed and took photographs and those photographs were tendered at the Inquest. The photographs depict pictures of some notes that were found on the shed. These notes were actually scratched into the paintwork on the external wall of the shed. The notes were addressed to family members and a friend of Mr Greenland. There were four notes all together. A transcription was made of those notes and was tendered at the Inquest as Exhibit C65I.
- 2.29. The location of the notes on the external wall of the shed was such that Mr Greenland would have needed to have exited the shed to have written the notes.
- 2.30. Detective Biermann was of the opinion that these notes must have been written between the shooting of Nicolene Mammone in the early hours of the morning of 3 February 2003 and the time at which Senior Constable Byrne first saw the person in the doorway of the shed at 4:45 pm that date, because Mr Greenland was not seen to

leave the shed between 4:45 pm and the time at which the Star Group officers entered the shed.

- 2.31. I have read the transcript of the four letters scratched into the front panel of the shed. One was addressed to a friend of Mr Greenland's by the name of Henry. The note is in the nature of a farewell note and contains sentiments such as the hope that Henry does not forget the author. Another is to Mr Greenland's half sister Rose in which he expresses his feelings for her and the hope that she will not forget him. A note to his father talks about how he heard voices all the time, which told him to do things, which he would not normally do, and that he could not stop them. A final letter was to "Mum" in which he hoped that the recipient was okay and said that he did not want to do it but had to and stated that he was really sorry and hoped one day she could find it in her heart to forgive him. In my opinion the note written to "Mum" is in fact intended for Nicolene Mammone who had acted in that capacity for much of Mr Greenland's short life.
- 2.32. In my opinion, the notes must have been written by Mr Greenland and they show that he had formed an intention to take his own life.
- 2.33. None of the police officers who were in the vicinity heard a gunshot. However, there are bird scarers in the surrounding district, which one or two officers referred to. However, no officer heard a gunshot from the vicinity of the shed.
- 2.34. A statement was given to police by Henry Shephardson, the friend to whom Mr Greenland had written one of his notes. Mr Shephardson said that he and Mr Greenland had been reported by police for larceny just before Christmas 2002, some six weeks before the incident. Mr Greenland had not told his father or stepmother about this. He had apparently had one court appearance prior to his death. He had not obtained any legal representation. He was also in debt for the purchase of a Lancer motor vehicle which he had crashed and which was in for repair.

3. The Weapon Used by Mr Greenland

- 3.1. The weapon that was found with Mr Greenland's body was a Winchester Model 190 self loading calibre 22 Long Rifle. The serial number of the weapon had been obliterated from the underside of the receiver by deep over stamping, and recovery of the obliterated number was not possible. The weapon was subjected to a number of

standard safety tests by Senior Constable Peter Alan Lawrence, who is a member of the Ballistics Section and has been since 1976.

- 3.2. He is well qualified for the task of examining firearms and making ballistic tests (see Exhibit C60). He obtained three live rounds that had been removed from the magazine of the Winchester rifle. He obtained the rifle itself, and he was given two spent projectiles, one of which was removed from the left parietal of Mr Greenland's body and the other of which was removed from Nicolene Mammone.
- 3.3. He test fired the Winchester using ammunition of the same kind as the live rounds removed from the magazine of the Winchester. He found that the rifle fired correctly, but failed to eject the spent case or reload a live round from the magazine. This was because the 22 Long ammunition lacks the power of the 22 Long Rifle ammunition for which the firearm was designed. This is consistent with the story given by Nicolene Mammone that when Mr Greenland went to fire a second round at her just after firing the first round into her chest, the weapon appeared not to discharge despite Mr Greenland's attempts at pulling the trigger.
- 3.4. Senior Constable Lawrence compared the markings on the spent projectile that was test fired by him and the projectile recovered from Mr Greenland's body and found that the general rifling characteristics were similar, and thus they may have been fired from the Winchester rifle, but could not be conclusively eliminated or identified to it. He carried out the same comparison with the projectile recovered from Nicolene Mammone, and found that the general rifling characteristics were similar, and thus the projectiles may have been fired from the Winchester rifle, but could not be conclusively eliminated or identified to it.
- 3.5. In the circumstances I find that the weapon that was used for the shooting of Nicolene Mammone must have been the same weapon that was used by Mr Greenland to take his own life.

4. Conclusions

- 4.1. I find that Senior Constable Byrne was the last person to see Mr Greenland alive.

- 4.2. I find that Mr Greenland had attended at the shed with the intention of taking his life and had scratched the suicide notes onto the external wall of the shed before the arrival of Senior Constable Byrne.
- 4.3. I find that police responded appropriately to this incident. I was provided with copies of the Incident Management and Operational Safety Training Manual which makes reference to high risk incidents and how they are to be handled.
- 4.4. I find that police correctly identified this as a high risk incident and responded accordingly.
- 4.5. I find that Mr Greenland's death was not contributed to by the actions of the police, or anyone else involved in the events of 3 February 2003.
- 4.6. I find that the police could not reasonably have been expected to have taken any other action that would have prevented Mr Greenland from harming himself. I make that finding because Mr Greenland had, as I have already found, formed the intention of taking his own life before police arrived at the scene.
- 4.7. Some suggestion was made at the Inquest that Senior Constable Byrne may have acted inappropriately by taking Mr Paul Cooper into his vehicle into what turned out to be a high risk situation. However, at the time that Senior Constable Byrne made the decision to accept Mr Cooper's offer to show him the location of the shed, he had no reason to suspect that he was necessarily entering a high risk situation. Furthermore, it was necessary to act with all speed. In the circumstances, I do not consider that any criticism can be levelled at Senior Constable Byrne for accepting Mr Cooper's invitation. Furthermore, action was taken promptly to remove Mr Cooper from the scene and any danger that might have presented itself.
- 4.8. I find that police complied with general orders and safely and effectively managed the situation with which they were presented. In my opinion there was nothing more that police could have done to have prevented the death of Mr Greenland.
- 4.9. A question was raised as to the preservation of evidence at the scene and the actions of an officer in clearing Mr Greenland's weapon before it was seized by Crime Scene Officers. I find that that issue is beyond the scope of this inquiry, and make no finding in relation to it.

- 4.10. Some evidence was presented at the Inquest which might cast some light on the reasons why Mr Greenland acted in the way he did. The reference in one of the suicide notes to hearing voices provides some evidence of a psychotic condition particularly bearing in mind that the same note referred to his need to obey the voices. Some of Mr Greenland's medical records from his early childhood were tendered. A review of those notes indicates that he did not have an easy or a happy childhood. The notes indicate some admissions at which allegations of child abuse were made. At some of the admissions a history was given which was consistent with physical assaults but when lines of enquiry were pursued informants changed their stories suggesting that the physical injuries that were visible had occurred by accident.
- 4.11. It is difficult to escape the conclusion that Mr Greenland was handled roughly in his early childhood. It may be that these early experiences accounted for the events of 3 February 2003. However, Mr Greenland's immediate past history was certainly not one of violence. He was not a violent person and the events of 3 February 2003 certainly seemed to be out of character for him. I am unable to ascertain any convincing reason why he acted as he did on 3 February 2003.

Key Words: Death in custody; Gunshot wound; Police; Self-inflicted injury

In witness whereof the said Coroner has hereunto set and subscribed his hand and

Seal the 25th day of January, 2006.

State Coroner