



FINDING OF INQUEST

An Inquest taken on behalf of our Sovereign Lady the Queen at Adelaide in the State of South Australia, on the 10th day of September 2008, the 13th, 14th, 17th and 20th days of October 2008 and the 3rd and 13th days of November 2008, by the Coroner's Court of the said State, constituted of Mark Frederick Johns, State Coroner, into the death of Edward James Wilson.

The said Court finds that Edward James Wilson aged 29 years, late of South Australia died at the Royal Adelaide Hospital, North Terrace, Adelaide, South Australia on the 14th day of November 2005 as a result of air embolus complicating gunshot wound to chest. The said Court finds that the circumstances of his death were as follows:

1. Introduction and cause of death

- 1.1. Mr Wilson was involved in an exchange of gunfire with two police officers on Sunday morning, 13 November 2005. As a result of this confrontation, he sustained two gunshot wounds. Neither of the wounds resulted in severe blood loss and Mr Wilson was medically stabilised and transferred to the Royal Adelaide Hospital shortly after the shooting. However, some hours later, in the evening of Sunday, 13 November 2005, he experienced a sudden collapse and cardiac arrest. During emergency surgery it was found that the left ventricle of his heart was not functioning, although the right side of the heart was. At autopsy, Professor Byard was unable to determine an anatomical cause of death. However, by correlating the clinico-pathological information Professor Byard expressed the opinion that the most likely cause of death was 'air embolus complicating gunshot wounds to chest'¹ and I so find.

¹ Exhibit C104

2. Background

- 2.1. Mr Wilson was 29 years of age. He was born Edwards James Kelly at the Royal Women's Hospital in Brisbane on 5 October 1976. His parents separated when he was 6 months of age. Subsequently, his mother married another man called Keith David Wilson and formally changed Edward's surname accordingly. In 1985 the family moved to South Australia. From the age of 14 years Edward Wilson started to become rebellious and his mother had difficulty controlling him. He was reported by the local police for various minor offences and in 1991 he moved to Adelaide alone. He was a ward of the State in 1992 and 1993 and was at that time living in Adelaide.
- 2.2. Mr Wilson had an extensive criminal history dating from 1992. He spent a total of 5 years and 9 months in prison as a result of his offending. That is a cumulative figure – there were three separate periods of imprisonment of varying lengths.
- 2.3. During the 1990s, Mr Wilson was known to police as a prolific illegal user of motor vehicles and for numerous break and enter offences involving clothing stores. Mr Wilson was known to be a drug user. He regularly used methamphetamines, cannabis and ecstasy. He had also been arrested for possession of heroin and was known to have been on the methadone program and the bupromorphine program in 2002.
- 2.4. Mr Wilson was last released from incarceration in April 2005. During the ensuing months he was suspected by police of being involved in a series of serious criminal trespass, illegal uses and thefts from motor vehicles. He was also suspected to have been involved in the production of amphetamines during this period.

3. The events of Saturday, 12 November and early morning Sunday, 13 November 2005

- 3.1. As a result of his drug connections, Mr Wilson met Leah Synnerdahl. Ms Synnerdahl is a drug user. On Saturday, 12 November 2005 Mr Wilson drove Ms Synnerdahl to Mellor Court, Gilberton so that Ms Synnerdahl could obtain some drugs from a resident of a group of units at that address by the name of Alan Yale. An incident occurred there, the exact nature of which is not clear, but it probably involved the supply of drugs. This incident was followed by another encounter at the same address at about 7am the following morning, 13 November 2005.

- 3.2. At that time, Ms Synnerdahl and Mr Wilson attended Mellor Court, Gilberton. They drove there in a black Nissan Silvia, a vehicle that had been stolen from Stanley Street, North Adelaide in the evening of 10 November 2005². There is no evidence to prove that Mr Wilson stole the vehicle. However, given Mr Wilson's extensive criminal history, particularly in motor vehicle theft, and the circumstance that Mr Wilson was driving the vehicle several days later, it is more probable than not that it had been stolen by Mr Wilson that night. Alan Yale approached Ms Synnerdahl in the vehicle. Mr Wilson became aggressive and argued with Mr Yale. He then got out of the vehicle and threatened Mr Yale with a sawn-off rifle. Mr Wilson demanded that Mr Yale take him to Mr Yale's unit. After some prevarication, Mr Yale led Mr Wilson to the unit but ran into his bedroom and shut himself in there. Mr Wilson tried to kick the door down and then discharged one shot from the firearm through the bedroom door. No person was injured as a result of this shot. Mr Yale moved from the door and Mr Wilson was able to gain entry to the bedroom. He stole Mr Yale's car keys, one hundred dollars in cash, two ecstasy tablets and a key ring. Mr Wilson then left the unit and accosted two other persons outside, stealing a mobile phone from one of them. He left with Ms Synnerdahl in the stolen Nissan Silvia.
- 3.3. At this point, Mr Yale rang the triple zero emergency number and reported that there had been a shooting. Police officers from Holden Hill CIB were despatched to Gilberton where they commenced investigations. Those officers were subsequently joined by Detective Senior Constable Robert Lengyel, Senior Constable Craig Johnston and Detective Senior Constable Alex Grimaldi of Holden Hill CIB. Those three officers were present at 7 Kings Avenue, Burnside when Mr Wilson was shot and wounded later that morning. All three officers gave evidence at the Inquest.
- 3.4. On arriving at the Gilberton address, the three officers to whom I have just referred were briefed on the situation by other members of Holden Hill CIB. They learnt that the officers in attendance had heard different accounts from Mr Yale of what had occurred earlier that morning. Detective Lengyel said that Mr Yale was clearly trying to avoid implicating himself in drug dealing. Senior Constable Johnston gave evidence that he thought that Mr Yale was not telling the truth and was under the influence of cannabis. Detective Grimaldi formed a similar view.

² See Exhibit C17a

- 3.5. Although all police at the scene were dubious about Mr Yale's credibility, there was no doubt that a firearm had been used by a male person who had arrived in a black vehicle with a woman and that person had left the scene. It was clearly necessary for police to further investigate. The evidence established, and I find, that Mr Yale offered to take police to the address at which he believed the woman, who he identified to police only by the name 'Leah' lived. This offer was accepted and officers Lengyel, Johnston and Grimaldi took Mr Yale in a police vehicle so that he could assist them in identifying the address. It became apparent within a fairly short time that Mr Yale was not at all certain of the correct address. According to Detective Lengyel, Mr Yale said that he had only been to Leah's address twice before and then only at night³. Senior Constable Johnston formed the view that Mr Yale was very unreliable, and that he would probably just pick any address at random⁴. Senior Constable Johnston described Mr Yale as being very jumpy and behaving as if he was affected by drugs. Detective Grimaldi said that as they drove through certain backstreets in Burnside, Mr Yale was 'humming and harrang'⁵ and picking out houses but changing his mind a lot. Detective Lengyel said that Mr Yale identified two houses in Hill Street, Burnside which were possibilities although he was not confident. After this he directed police to another street, Kings Avenue, Burnside and identified a house at number 7. The impression gained by Detective Grimaldi was that Mr Yale did not definitively identify the address at 7 Kings Avenue, but that he was more confident of that address than the two in Hill Street.
- 3.6. As the group drove past these various houses the officers kept an eye out for any sign of the black Nissan Silvia. However, it was not sighted near any of the houses. In particular, it was not seen at the address at 7 Kings Avenue, Burnside nor in the near vicinity. Mr Yale told the officers that Leah had worked at the Feathers Hotel in the past but he did not seem to think she was currently working there.
- 3.7. The three officers returned with Mr Yale to Holden Hill Police Station where he was required to give a statement. Detective Lengyel caused computer searches to be carried out in relation to any information that might be held by South Australia Police about a woman called Leah at any of the addresses that had been identified by Mr

³ Transcript, page 51

⁴ Transcript, page 100

⁵ Transcript, page 150

Yale. The searches were carried out by Senior Constable Karran⁶. He conducted a number of checks on 7 Kings Avenue, Burnside and the whole of that street to try to find a woman by the name of Leah who may have lived at the address or in the street. He found no person named Leah as a result of those checks. He conducted checks on other police databases looking for any person named Leah who may have links to the Burnside address. He also conducted checks on the two other streets at Detective Lengyel's request, again searching for a person named Leah living on those streets but without any result. From all the checks conducted there was nothing to suggest that a Leah was living, or had at any time been recorded as living at 7 Kings Avenue, Burnside.

4. The events at 7 Kings Avenue, Burnside

- 4.1. At this point Detectives Lengyel and Grimaldi and Senior Constable Johnston decided that they would physically attend at the addresses nominated by Mr Yale. They regarded this task as a general enquiry intended to exclude these addresses from the investigation. Detective Lengyel said that he did not believe that he would obtain any information helpful to the investigation at any of the addresses that had been identified by Mr Yale because of Detective Lengyel's assessment of Mr Yale's credibility. The other two officers had reached a similar view but it was common ground that it was necessary to exclude the addresses as they had been nominated.
- 4.2. As a result of this, the three officers attended again at 7 Kings Avenue, Burnside because it was the last of the addresses nominated by Mr Yale. They noted that the Nissan Silvia vehicle was not in the driveway. The evidence of the three officers establishes that Detective Grimaldi walked down the driveway towards a carport at the rear of the property. Detective Lengyel and Senior Constable Johnston walked down a diagonal path from the driveway leading to the front door of the premises. 7 Kings Avenue, Burnside is an ordinary suburban house in an older style. It has a driveway leading down the right hand side of the allotment as one looks at it from the street. Immediately to the left of the driveway is the house which can be approached by the diagonal path I have mentioned. That path leads through an area planted in shrubs and trees. These shrubs and trees give an impression of being somewhat overgrown. I have seen photographs of the premises which were admitted as Exhibit C40c. The house is single fronted with a bedroom to the right of the front door and a

⁶ Exhibit C27a

central passageway leading directly from the front door. To the left of this is another front room. The doorway and the front room to the left of it are set back approximately 2 metres from the alignment of the front bedroom to the right of the doorway. The area immediately outside the doorway forms a porch. The front bedroom has a window in the wall facing the street. When the officers approached the house, the blinds to that bedroom were drawn.

- 4.3. Detective Lengyel and Senior Constable Johnston approached the front door and knocked on it. It was opened by a man who was later identified as Ms Synnerdahl's brother. Detective Lengyel identified himself and asked if there was a person called Leah at the house. The man did not fit the description of the male offender and accordingly Detective Lengyel had no reason to be concerned at that point. Ms Synnerdahl's brother responded to this enquiry affirmatively. He turned and approached a doorway immediately to the right, just inside the front door. This doorway led to the front bedroom, which I have already described. He knocked on the bedroom door saying words to the effect of 'Leah, it's the police'. A woman who I find was Ms Synnerdahl came out of the bedroom and closed the door behind her. Detective Lengyel stepped further into the house and asked her if she knew about the shooting which had taken place at Gilberton that morning.
- 4.4. He was still uncertain if this person was the Leah he was looking for. He had a level of concern but he noted that the woman looked dishevelled and was rubbing her eyes. She denied any knowledge of the incident at Gilberton and said she had been asleep all morning. She then became abusive and aggressive.
- 4.5. In the meantime, Detective Grimaldi had walked down the driveway to the right of the house and approached the carport which is attached to the house at the rear. He found that there was a curtain of green shade cloth hanging from the fascia at the front of the carport which had not been clearly apparent when he had first sighted the carport from the top of the driveway. When he reached the shade cloth curtain he pulled it aside and entered the area under the carport. He saw a black Nissan Silvia which matched the description from the Gilberton incident. He went to the front door of the house to inform Detective Lengyel and Senior Constable Johnston that the vehicle was there. When he reached the front door Detective Lengyel and Senior Constable Johnston were already inside the house with Detective Lengyel further inside and Senior Constable Johnston just behind him. Detective Grimaldi saw that

Detective Lengyel was talking to a woman. He went to the doorway and quietly told Senior Constable Johnston that he had found the vehicle. Senior Constable Johnston made a gesture which acknowledged that he had understood this communication. Detective Grimaldi then decided to return to the vehicle to see if he could find the gun inside it. He did not know at that stage who the female was. He went back to the vehicle and found nothing from an external inspection.

- 4.6. He returned to the front of the house and as he went past the window of the front bedroom he could hear a noise coming from the window. He saw that a blind had been partly raised on one of the panes furthest from the front door. He was not aware of what Detective Lengyel and Senior Constable Johnston were doing at that time. He looked inside the window and saw a male standing at the window trying to open it. In a loud voice he said 'we are the police, come out with your hands on your head'. His intention in speaking loudly was to make himself heard to the male, but also to make himself heard by his colleagues. The male stepped away from the window and Detective Grimaldi saw a bed behind him with a sawn-off rifle lying on it. He then yelled out words to the effect 'there's a gun' to let Detective Lengyel and Senior Constable Johnston know what he had seen. He then moved to the front door.
- 4.7. In the meantime, Detective Lengyel had asked to see inside the bedroom, the door of which Leah had closed. She did not cooperate and he pushed her aside to see who was inside the bedroom. On opening the door he saw the male who had also been seen by Detective Grimaldi from outside. This male was Mr Wilson. Detective Lengyel said that Mr Wilson was walking towards him and was holding a sawn-off rifle at waist level which was pointed towards Detective Lengyel. Detective Lengyel said that he made eye contact with Mr Wilson, dropped the papers he was holding and drew his service revolver. He yelled words to the effect 'police, put your gun down, put your gun down' and moved backwards out of the bedroom, through the door and towards the front door. Mr Wilson followed him and as he came out of the bedroom doorway he turned to the left and turned the gun to the left at the same time. Detective Lengyel said he then heard a gunshot. He retreated further and went down on his haunches trying to avoid being shot. He was on one knee immediately to the right hand side of the front door of the house and just inside. The door hinges from its right hand side and accordingly, the door being partially open, he was in a confined space bordered by the door and the wall of the front bedroom. Detective Lengyel said

he had continuous eye contact with Mr Wilson and the latter continued moving towards him. At this point Detective Lengyel shot Mr Wilson through the chest. Detective Lengyel said that he thought that Mr Wilson had shot at him and was surprised that he had missed. He thought that Mr Wilson was going to kill him. He said that he could not withdraw any further and was trapped in the corner. Detective Lengyel said that as he had opened the bedroom door he heard Detective Grimaldi yelling out words to the effect 'he's inside, he's got a gun' but by that stage Detective Lengyel was actually in the bedroom and Mr Wilson was moving towards him. Detective Lengyel said that there was less than a minute between their arrival at the front door and the discharge of his service revolver.

- 4.8. Senior Constable Johnston in the meantime had stepped outside the house after being informed by Detective Grimaldi that the vehicle was present at the house. He had attempted to impart that information to Detective Lengyel quietly but it is not clear that Detective Lengyel heard him. After seeing Detective Grimaldi move back down the driveway Senior Constable Johnston's attention was drawn to some movement at the bedroom window. At this point Detective Grimaldi returned around the side of the house. Senior Constable Johnston returned to the front door with the intention of telling Detective Lengyel that someone was trying to get out of the bedroom window. By this time, Detective Lengyel had his firearm drawn and was backing out of the bedroom and Senior Constable Johnston had heard Detective Grimaldi shout out about the gun. As Detective Lengyel backed out, Senior Constable Johnston heard what he described as a 'loud pop'. He said that he did not fully comprehend what the popping sound was but he instinctively realised that it was a gun firing. He said that it sounded different to a SAPOL service revolver. He said it sounded like a low calibre weapon.
- 4.9. Detective Lengyel said that after he fired his gun at Mr Wilson's chest, the latter continued to move towards the front door, pushing it shut. He turned, dropped the gun and moved up the hallway before collapsing on the floor. At this point Detective Lengyel heard banging on the front door from Detective Grimaldi and Senior Constable Johnston trying to get in.
- 4.10. After seeing Mr Wilson from outside the bedroom window Detective Grimaldi said that he moved to the front door to back up Detective Lengyel and Senior Constable Johnston. He recalled passing Senior Constable Johnston on his way back to the front

door. As he came around the corner of the bedroom wall he could see inside the front door and could see Detective Lengyel still inside the house crouching against the wall in the hallway. In the meantime he had heard what he thought was a shotgun being discharged. He described the sound as being unlike the sound of a SAPOL issue revolver. His vision of Detective Lengyel was then obscured by the male he had seen through the bedroom window – Mr Wilson. Mr Wilson was standing in the front door and appeared to Detective Grimaldi to be holding it with his left hand. Mr Wilson had the shotgun in his right hand at waist height and it was levelled in Detective Grimaldi's direction. Detective Grimaldi thought that Mr Wilson was going to shoot him and discharged his service revolver. Almost immediately the front door shut and the bullet fired by Detective Grimaldi went through the frosted glass panel in the front door. Detective Grimaldi then saw through the frosted glass a male person's silhouette fall to the ground. He and Senior Constable Johnston immediately ran to the front door to get in.

- 4.11. Detective Lengyel opened the front door to allow his colleagues inside the house. He was not injured from the bullet discharged by the sawn-off rifle.
- 4.12. During this action Ms Synnerdahl had moved to a bathroom to the right of the house and further down the hallway. Her brother had moved to a room at the back of the house to which the hallway leads.
- 4.13. Senior Constable Johnston called for an ambulance using the police radio and the officers began to administer first aid to Mr Wilson, who was conscious at the time. Mr Wilson was resisting the officers' attempts however they managed to place him in the coma position. Mr Wilson experienced difficulty breathing in this position and the officers moved him into a sitting position for fear that he may have lung damage.
- 4.14. The bullet discharged by Detective Grimaldi's gun was not seen by him to hit Mr Wilson because the door was closed immediately upon the weapon being discharged. A scene reconstruction was carried out after the shooting by crime scene police. It demonstrated that there was a hole in the glass panel of the front door caused by the shot fired by Detective Grimaldi. The projectile was found to have hit a sliding doorway at the end of the hallway and was lying at the foot of that doorway on the carpet. Mr Wilson was found to have had four gunshot wounds to his upper body. Three of those wounds were on his chest and the fourth was on the front part of his

upper arm, immediately below shoulder level. Subsequent investigations by Professor Byard revealed that three of the wounds were caused by a single projectile. The wound to the upper right arm was a glancing, gouging, superficial wound. It was caused by a projectile which gouged across the arm, went into the right side of the chest and emerged at a point in line approximately with the midline of the chest.

5. Mr Wilson's treatment at the Royal Adelaide Hospital

- 5.1. Immediately after the shooting Mr Wilson was semi-conscious. Intensive Care Paramedic Robert Snell described him as being in an altered state of consciousness. He was not fully alert and oriented. He was having difficulty breathing and oxygen was applied by the paramedics. Their main objective was to remove him from the scene as soon as possible and deliver him to the Royal Adelaide Hospital. The hospital was advised to be ready for a patient with a penetrating wound. Mr Snell said that the period from his arrival to the ambulance leaving for the Royal Adelaide Hospital with Mr Wilson was approximately 5 minutes.
- 5.2. Dr Peter Bautz is a consultant and general trauma surgeon with extensive experience in gunshot wounds, having practised in South Africa before coming to Australia. He said that he was present when Mr Wilson arrived at the Royal Adelaide Hospital. Mr Wilson was oriented and had a very high heart rate at 110 beats per minute. He was breathing very fast at 40 respirations per minute. The initial indications were that he had a lung injury or perhaps a heart or vascular injury. Soon after his arrival, his respiratory status deteriorated and his oxygen saturations dropped as low as 82% despite the fact that he was breathing 100% oxygen⁷. It was clear that Mr Wilson had a significant problem with exchanging gas across the lung membrane⁸. As a result, he was intubated and placed on mechanical ventilation. After this his oxygen saturations stabilised at 98% to 100%. Chest drains were inserted and as Mr Wilson was in a stable condition and had no immediate need for emergency surgery he was transferred to the Intensive Care Unit (ICU)⁹.
- 5.3. From the imaging that had been performed to that point it was clear that there was no projectile in Mr Wilson's lung nor in his abdomen. One of the bullets had travelled from front to back through his chest, missing his lungs and lodging in his right

⁷ Transcript, page 325

⁸ Transcript, page 325

⁹ Transcript, page 293

shoulder. There was no sign of the other projectile. It was this latter projectile that was subsequently found in the house as I have described above. There was no damage to any of the major blood vessels and the appropriate course was to allow him to stabilise at that point. The medical expectation was that he would survive.

- 5.4. Such was the position at around lunchtime on that Sunday. However, Mr Wilson suffered a cardiac collapse shortly before 7pm the same day. Dr Hockley, an Intensivist and Senior Registrar in the ICU in 2005, was called at that time. Mr Wilson was bradycardic, his heart rate having dropped to 40 beats per minute. Atropine was administered with fluid boluses and adrenaline. This was followed by a complete cardiovascular collapse. Dr Hockley contacted Dr Bautz and requested that he attend as soon as possible. Dr Bautz arrived shortly afterwards. It was Dr Hockley's opinion that the most likely explanation for the collapse was a pericardial tamponade. Dr Bautz agreed with this hypothesis and a thoracotomy was performed to expose the heart and exclude a pericardial tamponade. The heart and the lung were exposed and it was clear that there was no pericardial tamponade. The pericardium was opened and the heart was exposed. Only then did it become apparent that the left ventricle of the heart was not working properly. The doctors then performed internal cardiac massage and were able to re-establish cardiac output. Internal cardiac massage was performed for approximately one hour during which the cardiothoracic theatre was prepared in order that Mr Wilson could be placed on cardiopulmonary bypass. This occurred and when Mr Wilson had been placed on effective bypass the internal cardiac massage was stopped. During that procedure the middle lobe of the right lung was removed, it having been found to be severely contused. In the result, the surgeons were unable to withdraw the cardiopulmonary bypass equipment successfully and after several attempts to do this Mr Wilson died.
- 5.5. Dr Hockley said that when he first exposed Mr Wilson's heart for internal cardiac massage he saw that the right side of the heart was contracting vigorously but the left side of the heart was not at all. It was making some minor sluggish movements and was quite dilated¹⁰. Dr Hockley said that when he opened¹⁰ the heart he saw air in the coronary arteries¹¹. He said that his clinical impression at the time was that Mr Wilson had an air embolus or air passing from the pulmonary vessels into the left side of the heart.

¹⁰ Transcript, page 335

¹¹ Transcript, page 335

- 5.6. It was the general consensus of the medical witnesses that the very severe injuries to Mr Wilson's lung caused a defect in the air spaces of the lung which allowed air to escape under the pressure of positive ventilation into his pulmonary arteries. Only a very small amount of air is required to produce a fatal outcome. Professor Byard was of the opinion that it would not have been possible for the clinicians at the hospital to detect the air embolus, nor to prevent it. Once the embolus occurred events unfolded very quickly, with heart failure soon after.
- 5.7. The extensive lung injuries were not caused by a direct penetrating wound from a projectile. Rather, they were the result of a blast effect of a projectile passing in close proximity to the lung. In fact, the projectile in question had passed very close to the lung and the kinetic energy from the projectile was transferred to the soft tissue surrounding the path of the bullet. Much of this was lung tissue with the result that there was extensive contusion of the excised portion of the right lung. This was found at autopsy to have a consistency entirely unlike that normally found in a lung. Rather than being pliable and spongy, it had the consistency of a solid organ such as a liver. Professor Byard's conclusion was that the pulmonary embolus was a rare and unfortunate outcome which could not have been expected¹². As Dr Bautz observed, a pulmonary embolus in this situation is very uncommon and it occurs in only 4% or 5% of cases¹³.

6. Conclusions

- 6.1. On a consideration of the events that occurred at the Royal Adelaide Hospital and the evidence, particularly of Professor Byard, it is my opinion that Mr Wilson's collapse could not have been anticipated by the clinicians. Indeed, he would have been expected to survive following the assessment and initial stabilisation. There was no deficiency in his treatment. Indeed, all concerned did all they reasonably could and the resuscitation after his sudden collapse involved quite heroic efforts to sustain his life.
- 6.2. I conclude in relation to the actions of the police officers that Senior Constable Johnston and Detectives Lengyel and Grimaldi acted appropriately and fulfilled their duties exactly as they should have done. In the course of the investigation into this matter, which was conscientiously and thoroughly carried out by Detective Chief

¹² Transcript, page 246

¹³ Transcript, page 301

Inspector Paul Greathead, the possibility that the officers should have treated the visit to 7 Kings Avenue, Burnside as a high risk tasking, and obtained permission from other senior officers, and possibly the State Duty Officer, was raised. In my view a balance has to be drawn between the exercise by officers of appropriate investigative initiative and the exercise of caution in appropriate cases. In this case the officers reasonably believed that they were unlikely to be confronted with a situation of danger at any of the houses that had been so tentatively and uncertainly pointed out by Mr Yale. The officers had formed a view that none of the houses would yield a result and their reason for attending was to exclude them from the investigation given that they had been marked out by Mr Yale. It would not have been appropriate to ignore the premises altogether in the investigation. Nor would it have seemed appropriate to place the premises under surveillance in the hope that they might be excluded from contention in that way. In my view, the officers acted appropriately, reasonably and diligently. Unfortunately, they were placed in a situation of mortal danger with a very distressing outcome. Detectives Lengyel and Grimaldi were placed in the invidious position of having to discharge their firearms in what they quite reasonably regarded as a situation of self-defence. No doubt this episode has been very distressing for them. It was clear that the experience of giving evidence in this Court was not an easy one for either of the officers. They were more than equal to the task however, and each of them gave their evidence openly and with obvious sincerity. I hope they will be able to put this incident behind them and continue with their policing careers in the knowledge that they acted appropriately in the execution of their duties. It is a grave thing to discharge a weapon at another human being and might lead to anguish and rumination. In this case that should not be so. Detectives Lengyel and Grimaldi are entitled to put this incident behind them and get on with their careers.

- 6.3. Mr Wilson had an unfortunate upbringing. Some reference to this is made in sentencing remarks of two Judges of the District Court in sentencing him in 1996 and 2001. Interestingly, in the latter incident there is reference to an impetuous assault and robbery by Mr Wilson of a person who he asserted owed him money in connection with a drug transaction. This has a familiar ring considering the circumstances in which Mr Wilson came to the attention of police on 12 November 2005. Mr Wilson had little or no respect for authority. His attitude to the police is evident from tattoos present on the back of the fingers of each hand: the letters 'COPS' were present on the back of the fingers of the right hand and the letters

‘SUCK’ were present on the back of the fingers of the left hand¹⁴. Unfortunately, it appears that Mr Wilson was likely to be involved in an incident in which either he or someone else would be severely injured as his criminal behaviour intensified in the last weeks of his life. The discharging of the firearm in Gilberton through a closed door which was obviously being blocked by Mr Yale on the other side, could well have resulted in Mr Yale’s death or serious injury. Mr Wilson showed a reckless disregard for Mr Yale’s life. The police officers who attended 7 Kings Avenue, Burnside were aware of this and had every reason to fear for their lives when he brandished the sawn-off rifle in their direction and discharged it.

7. Recommendations

- 7.1. It will be apparent from all I have said that there is no need for me to make any recommendation in relation to this matter.

Key Words: Death in Custody; Gunshot Wound; Police

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

Seal the 13th day of November, 2008.

State Coroner

Inquest Number 29/2008 (2905/2005)

¹⁴ See autopsy report of Professor Byard, Exhibit C104