



## FINDING OF INQUEST

*An Inquest taken on behalf of our Sovereign King at Adelaide in the State of South Australia, on the 12<sup>th</sup> day of October 2023 and the 27<sup>th</sup> day of September 2024, by the Coroners Court of the said State, constituted of Ian Lansell White, Deputy State Coroner, into the death of Dale Christopher Wilson.*

*The said Court finds that Dale Christopher Wilson aged 24 years, late of 41/62 Seaview Avenue, Wirrina Cove, South Australia died at Williss Drive, Normanville South Australia, on the 29<sup>th</sup> day of July 2019 as a result of an unascertained cause. The said Court finds that the circumstances of his death were as follows:*

### **1. Introduction**

- 1.1. On Monday 29 July 2019 Dale Christopher Wilson died in a car accident at Normanville. He was the sole occupant of a blue 1997 VT Holden Commodore sedan<sup>1</sup> that hit a tree on Williss Drive, previously known as Main South Road.
- 1.2. The impact of the Commodore with the tree was substantial due to high speed and a loss of control resulting from Mr Wilson's dangerous driving. The Commodore burst into flames almost immediately upon impact. Mr Wilson was trapped inside during the fire and unable to be rescued.

### **2. Cause of death**

- 2.1. Mr Wilson's cause of death was not able to be precisely determined due to the circumstances of the accident. The opinion of Dr Stephen Wills, forensic pathologist at Forensic Science SA,<sup>2</sup> was that '*his death was due to the impact with the tree or was*

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<sup>1</sup> the Commodore

<sup>2</sup> FSSA

*very rapid in the fire. Awareness during the fire appears very unlikely. He may have been influenced by methylamphetamine and cannabis at the time of his death’.*<sup>3</sup>

- 2.2. This opinion was formed by Dr Wills after he performed a post-mortem examination on Mr Wilson on 2 August 2019. At this examination a sample of his blood was taken and later analysed by FSSA. The testing of the sample revealed the presence of a high level of methylamphetamine and cannabis. These illicit drugs are well known to have an adverse effect on the ability to drive and, particularly for methylamphetamine, to cause a driver to make dangerous and/or reckless decisions whilst driving.<sup>4</sup>
- 2.3. Mr Wilson was 24 years old at the time of his death.
- 2.4. Based on the above information, in particular Dr Wills’ opinion, I find the cause of death should formally be recorded as unascertained.

### **3. Personal history**

- 3.1. Mr Wilson had a troubled life. His mother, Ms Donna Cakebread, provided a statement to South Australia Police.<sup>5</sup> This statement,<sup>6</sup> together with a handwritten letter dated 26 October 2023, provided details of her son’s life. Mr Wilson was the youngest of her three children, all born during her marriage to Mr Leslie Wilson. He was born on 27 January 1995.
- 3.2. His mother and father separated in 2002. Her children remained with her in the family home. In about 2007, Mr Wilson left to live with his father in Willunga for one year before returning. Ms Cakebread remarried in 2011 and moved to Seacliff Park. Mr Wilson stayed with her and unfortunately had difficult teenage years which caused him to have conflict with his mother.
- 3.3. He left Willunga High School at year 11. His school life was marred by mental health issues and general difficulties in that environment. Upon leaving school he periodically stayed with his mother for the years that followed. He became homeless at times and used illicit drugs. On two occasions he attempted to take his own life. In March 2019 he moved to Worrina Cove.

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<sup>3</sup> Exhibit C2a

<sup>4</sup> Exhibit C33a, pages 15-16

<sup>5</sup> SAPOL

<sup>6</sup> Exhibit C13

- 3.4. His work history was spasmodic, and his financial position was mostly supported by unemployment benefits. His mental health history was complex and linked to a chronic back condition. He received counselling during his high school years, as well as physical treatment for his back.
- 3.5. He had a daily habit of smoking cannabis to help with his pain and sleep.

#### **4. Circumstances of the fatal accident**

- 4.1. On the afternoon of Monday, 29 July 2019 Mr Wilson was driving the Commodore on the streets of Normanville when he was noticed by Brevet Sergeant Darren Brown, a local SAPOL officer.<sup>7</sup> They were known to each other and, according to Ms Cakebread, Mr Wilson '*liked him*'.<sup>8</sup> BS Brown was driving a marked SAPOL patrol vehicle when he noticed the Commodore turning across his path. He did not recognise the driver as Mr Wilson.
- 4.2. An unfortunate complication arose in that BS Brown mistakenly noted the registration of the Commodore as (SA) WED-304 rather than (SA) WCD-304. He then conducted a registration check on the mistaken number which, by chance, generally fitted the description of the Commodore, and found it had not been registered since 2003. This was a legal basis for BS Brown to attempt to stop the Commodore. He activated the emergency lights as an indicator that Mr Wilson should stop.
- 4.3. I accept his explanation that had he recognised him, he simply would have caught up with Mr Wilson later at his home address and done no more at that the time. He was aware generally of Mr Wilson's struggles with mental health which would have also influenced a calm approach to dealing with Mr Wilson if he had recognised him that day.
- 4.4. BS Brown was some distance behind the Commodore with cars in between them. He continued to follow Mr Wilson at a distance before losing sight of him for a time. He then deactivated the emergency lights. When he saw the Commodore again, it was doing a '*sustained wheelspin*'<sup>9</sup> on the side of the road.<sup>10</sup>

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<sup>7</sup> BS Brown

<sup>8</sup> Exhibit C13, page 7

<sup>9</sup> AKA burnout

<sup>10</sup> Exhibit C15, affidavit of BS Brown 8 October 2019

- 4.5. BS Brown re-activated the emergency lights and approached the Commodore. It took off quickly, clearly exceeding the speed limit of 50 kilometres per hour. BS Brown decided not to conduct a pursuit of the Commodore. This was a correct decision in the circumstances, including that the Commodore was heading to a busy intersection with many businesses in its proximity. He deactivated the emergency lights and generally followed the direction of the Commodore once it turned into Main South Road.
- 4.6. Shortly thereafter he saw *'in the distance a cloud of black smoke and immediately thought the worst believing there had been a crash'*. By the time he arrived at the accident scene, the Commodore was alight. He was unable *'to get close to the Commodore due to the fire and was unable to extinguish it or assist in any way'*.<sup>11</sup>
- 4.7. A number of civilians provided statements to SAPOL concerning Mr Wilson's driving just prior to the accident. It is not necessary to go into detail about the observations they made, other than to say Mr Wilson was driving dangerously, erratically and at extremely high speed in the short time between the wheelspin, as described, and the accident. It is fortunate during this period of driving that Mr Wilson did not cause harm to any member of the public, in particular other motorists he encountered shortly before his death.
- 4.8. I believe the very high level of methylamphetamine detected in Mr Wilson's blood was a relevant link to his various poor decisions. In particular, his driving at excess speed and the dangerous attempt to pass another car, caused him to lose control of the Commodore on the straight section of road and collide with a tree.
- 4.9. The immediate aftermath of the intense fire engulfing the Commodore was very likely due to it having an LPG tank fitted.

## **5. SAPOL investigation**

- 5.1. SAPOL conducted two investigations into Mr Wilson's death, namely one for the purpose of reporting his death to the Coroner,<sup>12</sup> and secondly into noting the physical evidence of the accident, together with relevant background information of Mr Wilson.<sup>13</sup>

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<sup>11</sup> Exhibit C15

<sup>12</sup> Exhibit C33a - Report of Detective Senior Sergeant David Gordge of Major Crash Investigation Unit and attachments - 'the Coroner's Report'

<sup>13</sup> Exhibit C24 - Report of investigating officer Detective Brevet Sergeant Ian Maskall

5.2. I also refer to the SAPOL expert reconstruction of the circumstances of the accident based on the physical evidence conducted by Sergeant Mark Fulcher who concluded that:

‘Although I am unable to calculate the speed of the vehicle at the time it lost control, it is my opinion the vehicle was likely to have been travelling at speed far in excess of the posted speed limit of 80 Kilometres per hour.’<sup>14</sup>

5.3. Based on the evidence gathered in those reports SAPOL concluded the following, namely:

1. Mr Wilson was unlicensed at the time of his death.
2. He was wearing a seatbelt at the time of the accident.
3. The Commodore had been purchased in the weeks prior to 29 July 2019 by Ms Cakebread and given to Mr Wilson. It was registered and Mr Wilson was due to transfer the ownership details but had failed to do so by this date.
4. The search conducted by BS Brown on the incorrect number plate of the Commodore produced a result that ‘*coincidentally matched the description of the Commodore sedan and revealed that the vehicle was unregistered*’.<sup>15</sup>
5. BS Brown’s ‘*actions prior to the collision were reasonable in the circumstances. It appears from witness accounts that Wilson was driving dangerously, even though police were not pursuing him at the time. Accounts from B/Sgt Brown indicate that Mr Wilson may have been trying to bait police into chasing him by doing the “burn out”... shortly before the collision. Indications are that Mr Wilson had every intention to evade police even if there was an attempt to stop him*’.<sup>16</sup>
6. Mr Wilson’s death was a direct outcome of his dangerous driving which resulted in the Commodore colliding with a tree at excessive speed and bursting into flames. He lost control when he dangerously overtook a vehicle travelling in the same direction on the passenger’s side. This meant he took the Commodore along the road’s ‘*eastern dirt shoulder where it lost control and commenced to rotate in an*

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<sup>14</sup> Exhibit C30, page 40

<sup>15</sup> Exhibit C33a, page 11

<sup>16</sup> Exhibit C33a, page 4

*anticlockwise direction, and the rear of the vehicle collided with a large tree, on the eastern verge. The Holden sedan ignited after impact with the tree...'.<sup>17</sup>*

- 5.4. I have closely read the Coroner's Report and the two other SAPOL reports mentioned above. I agree with their conclusions about the circumstances of the accident and the assessment of BS Brown's actions.
- 5.5. In other words, BS Brown cannot and should not be held responsible for the actions of Mr Wilson when their paths first crossed that afternoon.

## **6. The aftermath of Mr Wilson's death**

- 6.1. Mr Wilson is missed by his family. His mother expressed that she suffers flashbacks, anxiety and depression as a result of his death. The relationship with her other children has also suffered. She reported that they have suffered as well. She feels '*a piece of my heart has been ripped away from me*'.<sup>18</sup>
- 6.2. BS Brown was greatly affected by what he saw at the accident site. Only weeks before he had been to Mr Wilson's house and noted that he was stressed due to lack of money. The day after this visit, he returned to the house to take Mr Wilson to the bus stop so he could get to Blanchetown where he hoped to live next. Mr Wilson thanked him for the lift.

## **7. Summary and conclusion**

- 7.1. This Inquest was conducted as required by law. Due to the circumstances of Mr Wilson's driving, the facts lead to a conclusion that he was seeking to evade apprehension by SAPOL, despite the fact no active pursuit was happening.
- 7.2. Pursuant to the Coroners Act 2003,<sup>19</sup> this deems him at law to have died in custody. A mandatory Inquest is required under the Act into the cause or circumstances of his death.
- 7.3. I have already described the circumstances of his death, which I have linked with poor decisions about his driving, most likely due to the effects of methylamphetamine and cannabis intoxication. I have found that no one else is to blame for his death other than

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<sup>17</sup> Exhibit C33d

<sup>18</sup> Handwritten note to Court dated 26 October 2023

<sup>19</sup> The Act

himself. I note he may have also been in a state of panic due to a belief of his mother that he was scared at the prospect of 'going back to gaol'.<sup>20</sup>

- 7.4. I confirm that the cause of death is unascertained due to the reasons and opinion of Dr Wills, as already noted.
- 7.5. I find that the SAPOL investigations were thorough and fair. I agree with their conclusions about the accident, and the particulars of the actions of Mr Wilson and BS Brown are sound.
- 7.6. I make no recommendations.

*Key Words: Death in Custody; Police; Motor Vehicle Accident*

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

*Seal the 27<sup>th</sup> day of September, 2024.*

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*Deputy State Coroner*

Inquest Number 09/2023 (1545/2019)

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<sup>20</sup> Exhibit C13