



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Simon Cooper, Coroner, having investigated the death of Luke Johnstone.

Find, pursuant to Section 28(1) of the Coroners Act 1995, that.

- a) The identity of the deceased is Luke Johnstone;
- b) Mr Johnstone died as a result of injuries sustained by him as driver, and sole occupant, of a vehicle involved in a head on motor vehicle crash;
- c) The cause of Mr Johnstone's death was multiple injuries, including basal skull fractures, cervical vertebral fractures, facial fractures, multiple bilateral rib fractures, bilateral pneumothoraces, comminuted right femur and ankle fractures; and
- d) Mr Johnstone died on 25 May 2023 at Lindisfarne, Tasmania.

In making the above findings I have had regard to the evidence gained in the investigation into Mr Johnstone's death. The evidence includes:

- Police Report of Death for the Coroner;
- Affidavits establishing identity (including fingerprint evidence);
- Report – Dr Donald Ritchey, Forensic Pathologist;
- Report – Forensic Science Service Tasmania;
- Medical Records – Longford surgery;
- Records – Ambulance Tasmania;
- Affidavit – Danielle Slore, sworn 21 June 2023;
- Southern District Crash Investigation Services – Collision Analysis report – May 2023;
- Affidavit – Craig Shepherd, Transport Safety and Investigation Officer, sworn 14 September 2023;
- Tasmania Police – Radio Dispatch Services – Radio Communications Transcript;

- Internal Investigations – Witness Recorded Interview – Sgt Steven Dine, 26 May 2023;
- Statutory Declaration – Sgt Steven Dine, declared 26 May 2023;
- Affidavit – Constable Jessica Newell, sworn 10 June 2023;
- Affidavit – Senior Constable Matthew Duncan, sworn 7 August 2023;
- Affidavit – Sebastien Gammon, sworn 2 June 2023;
- Statutory Declaration – First Class Constable Erika Dias, declared 6 June 2023;
- Affidavit – Detective Senior Constable Rosemary Cassidy, sworn 1 June 2023;
- Statutory Declaration – Constable Sean Bennett, declared 15 June 2023;
- Affidavit – Sergeant Olivia Ortuso, sworn 6 June 2023;
- Affidavit – Sergeant Ricky Bain, sworn 21 June 2023;
- Affidavit – Constable Imogen Lane, sworn 10 June 2023;
- Affidavit – Senior Constable Annabel Curtis, sworn 23 June 2023;
- Affidavit – Kelly Goodwin, Tasmania Police (rank not stated) sworn 16 June 2023;
- Affidavit – First Class Constable Joshua McCarthy, sworn 12 June 2023;
- Affidavit – Senior Constable Sean Pedder, sworn 7 June 2023;
- Affidavit – Senior Constable Mehdi Mohammadi, sworn 7 June 2023;
- Affidavit – Constable Sophie Storer, sworn 12 July 2023;
- Affidavit – Constable Tania Curtis, APM, sworn 5 June and 15 November 2023;
- Affidavit – Senior Constable Jimi Morris, sworn 3 November 2023;
- Affidavit – First Class Constable Laura Bestwick, sworn 10 July 2023;
- Affidavit – First Class Constable Joseph Cook, sworn 15 June 2023;
- Affidavit – Constable Scott Hartill, Crime Scene Examination, Forensic Services, sworn 5 June 2023 (and scene photographs);
- Affidavit – Debra Heron, sworn 10 July 2023;
- Affidavit – Kiera Free, sworn 26 May 2023;
- Affidavit – Ronald Verdouw, sworn 25 May 2023;
- Affidavit – Peter Helm, sworn 1 June 2023;
- Affidavit – Carolyn Allen, sworn 14 June 2023;
- Affidavit – Belinda Oakley, sworn 4 October 2023;
- Affidavit – Yojia Xiao, sworn 25 May 2023;
- Affidavit – Grace Cumming, sworn 8 June 2023;
- Affidavit – John Fawcett, sworn 8 June 2023;
- Affidavit – Amber Johns, sworn 25 May 2023
- Statutory Declaration – Christian Johnson, declared 25 May 2023; and

- CCTV and body worn camera footage.

Mr Johnstone died when the vehicle he was driving at high speed (approximately 150kph), in a general southerly direction on the East Derwent Highway, Lindisfarne, and while under the influence of alcohol and methamphetamine, crossed into the wrong lane and collided with a vehicle travelling north. Fortunately, the occupants of that vehicle were only slightly injured.

He was not wearing a seatbelt.

I am satisfied that weather conditions, mechanical defect or the road surface did not cause or contribute in any way to the happening of the crash.

It seems likely that Mr Johnstone saw a police car, stationary by the side of the highway, conducting speed checks a few kilometres north of where the crash happened. It also seems likely that as a consequence of seeing that police vehicle he increased his speed even more (he had been detected speeding).

I am completely satisfied that the actions of all police involved on the evening of 25 May 2023 in the lead up to, and in the aftermath of, the crash in which Mr Johnstone died were entirely appropriate.

There are no suspicious circumstances, anomalies or inconsistencies associate with his death.

Comments and Recommendations

The circumstances of Mr Johnstone's death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.

Dated: 28 June 2024 at Hobart, in the State of Tasmania.

Simon Cooper

Coroner