



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Olivia McTaggart, Coroner, having investigated the death of Bobby William Medcraft

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

- a) The identity of the deceased is Bobby William Medcraft, date of birth 16 October 1996.
- b) Mr Medcraft was 23 years of age and lived in South Burnie at the time of his death. He was a carer for his mother, Leeanne Medcraft, who suffered from rheumatoid arthritis and osteoarthritis. Mr Medcraft was in a significant relationship with Kalinda Morrison and together, they have a son born in 2017. Mr Medcraft had a history of alcohol and drug use. He had not been diagnosed with any medical conditions, although his mother considered that he suffered from depression following the passing of his grandmother in 2016.

On the evening of Saturday 28 March 2020, Mr Medcraft had been consuming alcohol with friends Kayden Morrison and Jake McDonald as well as his partner, Kalinda Morrison. During the evening and into the early hours of 29 March 2020, a feud developed between Mr Medcraft's group and a group of other people, including Lucas Ford, Kelsey Ford, Cody Sheehan and Michael Hanlon ("the offenders"). The feud culminated in an incident occurring in Ritchie Avenue in Burnie just before 4.00am on Sunday 29 March 2020. At that time, the offenders approached Mr Medcraft with the intention of inflicting violence upon him. Mr Medcraft was alone and tried to escape from the offenders. However, he was brought to the ground and subjected to serious violence in the form of punches and kicks by Mr Hanlon, at least punches by Mr Ford and at least kicks by Mr Sheehan. Very shortly following this attack, Mr Sheehan struck Mr Medcraft on the back of his right leg behind the knee with a large steel-bladed sword which he had in his possession. The blow was inflicted with the intent of causing serious harm to Mr Medcraft.

The laceration to Mr Medcraft's right leg was 18 centimetres in length and caused a deep incision of the soft tissues of the distal right thigh and cartilage of the knee joint. The laceration also caused incision of multiple blood vessels, including complete transection of the popliteal artery and vein. Despite being resuscitated at the scene and transported to the North West Regional Hospital, he died later that morning as a result of hypovolaemic shock due to exsanguination (acute blood loss).

The offenders were charged with murder but acquitted of that crime by a jury. Instead, all were found guilty of manslaughter. On 5 December 2022, they were sentenced by Pearce J in the Supreme Court as follows:

- Cody Sheehan - imprisonment for eight years;
- Lucas Ford- imprisonment for six and a half years;
- Michael Hanlon - imprisonment for five and half years; and
- Kelsey Ford - imprisonment for five years.

Each sentence was ordered to commence from 29 March 2020, and each offender was ordered ineligible for parole until serving half of their respective sentence.

I have annexed to this finding the Comments on Passing Sentence of Pearce J which set out in detail the factual circumstances surrounding Mr Medcraft's death.

- c) Mr Medcraft's cause of death was exsanguination due to a chop injury of his posterior right leg using a steel-bladed sword, inflicted by another person.
- d) Mr Medcraft died on 29 March 2020 at the North West Regional Hospital, Burnie in Tasmania.

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

- The Police Report of Death for the Coroner;
- Affidavits as to identity and life extinct;
- Affidavit and covering report of investigating officer Acting Sergeant Claire Lucas;
- Affidavit of Kalinda Maree Morrison, partner of Mr Medcraft;
- Affidavit of Leeanne Medcraft, mother of Mr Medcraft;
- Report of the forensic pathologist who conducted the autopsy;

- Toxicology report of Forensic Science Service Tasmania;
- Patient Health Summary from Valley Road Medical Centre;
- Records from the Tasmanian Health Service; and
- Supreme Court of Tasmania, comments on passing sentence of Pearce J dated 5 December 2022.

Comments

The evidence gathered in the investigation concerning the circumstances of Mr Medcraft's death is consistent with the guilty verdict in respect of each of the offenders and the factual findings made by Pearce J in sentencing the offenders.

Further, this finding is not inconsistent with the determination of the matter by the criminal proceedings as required by Section 25 (4) of the *Coroners Act 1995*.

I extend my appreciation to investigating officer Detective Acting Sergeant Claire Lucas for her investigation and report.

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

I convey my sincere condolences to the family and loved ones of Mr Medcraft.

Dated: 18 April 2024 at Hobart in the State of Tasmania.

Olivia McTaggart
Coroner

Annexure A**STATE OF TASMANIA v CODY SHEEHAN, LUCAS FORD, MICHAEL HANLON AND KELSEY FORD
5 DECEMBER 2022
COMMENTS ON PASSING SENTENCE PEARCE J**

Cody Sheehan, Lucas Ford, Michael Hanlon and Kelsey Ford were all found guilty by a jury of manslaughter. All were charged with murder but acquitted of that crime. Another man, Geoffrey Deverall, was acquitted of any crime. The charges arose from the death of Bobby Medcraft. Mr Medcraft died as a result an injury inflicted by Mr Sheehan in Ritchie Avenue in Burnie just before 4 am on Sunday 29 March 2020. Mr Sheehan struck Mr Medcraft on the back of his right leg behind the knee with a sword. The blow caused a severe wound. The major blood vessels in Mr Medcraft's leg were severed and he died from acute blood loss. At trial Mr Sheehan admitted having struck Mr Medcraft with the sword but claimed to have acted in self-defence. It follows from the verdict that the majority of the jury was satisfied beyond reasonable doubt that his act was not justified by self-defence. The State did not contend that Mr Sheehan intended to kill Mr Medcraft. Thus, it also follows from the verdict of not guilty to murder that a majority of the jury was not satisfied beyond reasonable doubt that Mr Sheehan intended harm he knew to be likely to kill Mr Medcraft or that Mr Sheehan knew or ought to have known that his unlawful act was likely to kill Mr Medcraft. He is thus to be sentenced on the basis that the act of striking Mr Medcraft with the sword which caused his death was an act intended to cause bodily harm, an act commonly known to cause bodily harm, or an unlawful act which a reasonable person would have realised was exposing Mr Medcraft to an appreciable risk of serious injury. Mr Sheehan having been found guilty of manslaughter, Lucas Ford, Michael Hanlon and Kelsey Ford are to be sentenced on the basis that they either aided or abetted that crime or that the crime of manslaughter was of such a nature that its commission was a probable consequence of the carrying out of their common intention to unlawfully assault Mr Medcraft. Subject to those matters, it is for me to find facts for sentence. I may only make findings adverse to an accused if satisfied beyond reasonable doubt they have been proved and I may only make findings of fact in favour of an accused if they are proved on the balance of probabilities. The death of Mr Medcraft was the culmination of a series of events which commenced during the previous evening with contact between Lucas Ford and a man named Luc Buckley on the social media application called Snapchat. The contact was initiated by Mr Buckley. I think that it was unintentional in the sense that Mr Buckley intended to communicate with someone else, but it matters not. Mr Ford did not welcome the message he received. What followed was a very unfriendly social media exchange between those two men. On that night Jake McDonald, a friend of Mr Buckley's, was drinking and socialising with Mr Medcraft at his home in Burnie. Mr Medcraft's partner, Kalinda Morrison, and her brother Kayden Morrison were also there.

Through social media Mr McDonald learned of Mr Ford's angry response to Mr Buckley's message and, worried for Mr Buckley, contacted Mr Ford by phone. Mr Medcraft heard something of what was said and became involved. From then on, the communications which continued were mostly between Mr Medcraft and Mr Ford in the form of phone and social media messages and phone calls which became increasingly angry and aggressive. They exchanged mutual threats of violence, neither man apparently prepared to back down and desist. The situation progressed to the stage that Mr Medcraft, with Mr Morrison and Mr McDonald, resolved to go looking for Mr Ford to fight him. He, with Mr Morrison and Mr McDonald, were first driven by a female engaged on a local ride sharing arrangement to Ulverstone where they picked up Mr Buckley. Much was made at trial about an axe and a knife which Mr Buckley brought with him from Ulverstone, but they are irrelevant to the issues I am to determine other than to give some inferential indication of Mr Medcraft's state of mind. Those weapons were never produced in the presence of the defendants who did not know about them. Mr Medcraft and his three companions went to Lucas Ford's home. They unlawfully entered the house but found no-one there and decided to look for Mr Ford at his sister's house in Thorne Street. Kelsey Ford lived there with her then partner Tyler Bakes and her two very young children. While his companions stood back Mr Medcraft knocked on the door. Mr Medcraft was a very large man. In a manner which I am satisfied was frightening, intimidating and aggressive Mr Medcraft demanded to know where Lucas Ford was while making threats towards him and others. While this was happening Mr Bakes contacted his friend Cody Sheehan and asked for help. Mr Sheehan had been in bed but lived nearby. He was driven by his partner Tamiaka McCauley-Close and soon arrived. In the street outside Kelsey Ford's house he confronted Mr Medcraft who aggressively removed his shirt as if to fight. I am satisfied that in the course of that confrontation, although no violence occurred, Mr Medcraft threatened to stab Cody Sheehan in the face or brain. Lucas Ford was also notified of the presence of Mr Medcraft and his associates. At the time Mr Ford was with his partner and Mr Deverall at the home of Mr Hanlon and his partner, not far away. They had also been drinking and socialising. Lucas Ford arrived at his sister's house with Mr Hanlon and Mr Deverall at about the same time as the police, who happened to be in the area and saw the commotion on the street. Other police officers were called and the situation was diffused. Mr Medcraft and his companions were sent on their way. Mr Medcraft, Mr Morrison and Mr Buckley left in the car in which they had been driven. Mr Morrison was taken home to Ritchie Avenue, where he lived with his mother. Mr Medcraft was taken to his home in a different part of Burnie. Mr Buckley was driven back to Ulverstone. Mr McDonald found his way to Mr Medcraft's home on a skate board which had been stolen by him or one of his group from Lucas Ford's house. Mr Sheehan and Ms McCauley-Close went back to their home. Mr Ford, Ms Ford, Mr Hanlon and Mr Deverall stayed at Thorne Street. Despite having been advised by the police to go home and notify the police in the event of further trouble they, during the next hour or so, decided to take a different course. Principally at the instigation of Lucas Ford

and Kelsey Ford they decided to go looking for Mr Medcraft. Their motive for doing so was in issue at trial. Although Mr Medcraft had gone home to bed, it was suggested that he and Ms Morrison continued to send phone and social media messages extending the conflict and that Ms Ford was concerned about the possibility that he may return to her home, with his companions, intent on violence. I find that this was not the reason Kelsey Ford and the others then acted as they did. Even as Mr Medcraft left Thorne Street members of the Ford group began to make inquiries about where he was going. He was the principal focus of their ongoing attention and the attempts to locate him were persistent and insistent. The suggestion that they left Thorne Street, thereby leaving Mr Bakes and the two children in the house, because of the possibility that Mr Medcraft and others may turn up there, is so implausible and illogical that it may be dismissed as a reasonable possibility. I am satisfied beyond reasonable doubt that the dominant motivation for Lucas Ford and Kelsey Ford to leave her home in her car, with Mr Hanlon and Mr Deverall, was to find Mr Medcraft and to exact retribution through violence for his actions earlier that evening. All of their respective partners urged them not to go. That is so, I find, because the likelihood of violence was obvious to all present. The advice was disregarded. It might be that the plan, at that stage, was confined to locating Mr Medcraft so that Lucas Ford alone could fight him. Mr Hanlon also agreed to go. He claimed to the police 3 that he was there to make up the numbers in case that they were confronted by the same four men who had presented themselves to Thorne Street earlier. Even if that played a part in his initial thinking the situation soon changed. Those four persons left Thorne Street in Kelsey Ford's car. She was driving. Lucas Ford was in the front passenger seat. Mr Deverall and Mr Sheehan were in the back. There is no evidence that they took weapons. However they then went to Mr Sheehan's house. He was not present when the plan to look for Mr Medcraft was initiated. He was not party to the steps taken to locate him. However he was contacted by Lucas Ford and asked to go with them and he agreed. I am in no doubt that Mr Sheehan thereby joined in the purpose shared then by at least Kelsey and Lucas Ford. He was asked, I find by Lucas Ford, if he had a bat to bring. Mr Sheehan located at least one cricket bat, a small red one, from under his house. He said in evidence, unchallenged, that he brought two cricket bats although a second bat was never located. On his own initiative he also brought with him a sword in a sheath. I am satisfied that while at the house Ms McCauley-Close asked Ms Ford, and Ms Ford agreed, to make sure she made a video of what was about to occur. The only plausible explanation for such a course was that it would provide some form of record of what both females expected to be the infliction of violence on Mr Medcraft. After leaving Mr Sheehan's house, Kelsey Ford drove to Mr Medcraft's home. By then Mr Medcraft knew from messages which were sent that they were coming. He and Mr McDonald and Ms Morrison got into Ms Morrison's small red car and left. Mr McDonald was driving. Ms Morrison was wearing her pyjamas and dressing gown and Mr Medcraft had no shoes on. The only rational inference when all of the evidence is considered is that they were trying to escape. As they were driving from their street Ms Ford and the

others arrived in Ms Ford's car and saw them. Mr McDonald drove towards Mr Morrison's home in Ritchie Avenue although at that point no-one in Kelsey Ford's car could have known where they were going or why. The car chase which followed is more cogent evidence of the aggressive and violent intent of at least Kelsey Ford and Lucas Ford. Kelsey Ford drove close behind the red car, sounding her horn and flashing the headlights onto high beam. She deliberately rammed into the back of it. I regard her evidence that she contacted the rear of the red car only as a result of Mr McDonald unexpectedly and suddenly applying the brakes as a falsehood aimed at diverting the jury from her true motivation. On the way Lucas Ford shouted abusive demands at the occupants of the other car to stop. At one point Kelsey Ford drove alongside the red car so close as to enable Lucas Ford to lean out the front passenger window and smash the rear window of the other car with the small bat Mr Sheehan had provided. When the red car eventually arrived at Ritchie Avenue Mr McDonald did not immediately stop. Instead he drove around the block still being pursued by Ms Ford. In the meantime Kayden Morrison had been told what was happening. He called "000" to summon the police thereby dispelling any suggestion that his intention was to be a willing participant in a violent confrontation. Just as he did so the red car pulled up at the kerb across the road from his home. Ms Ford stopped her car immediately alongside, so close that the two cars came into contact and the red car was blocked in. The driver side door of the red car and the passenger side door of Ms Ford's car could not be opened. There could be no doubt that earlier in the evening, in the phone and social media exchanges with Mr Ford, and especially by his conduct at Kelsey Ford's house, Mr Medcraft made serious threats of violence towards Mr Ford and others and behaved in a highly threatening and aggressive way towards Mr Sheehan. However, in the circumstances I have described, it is fanciful to suggest that Mr Medcraft, when he was in the red car and when he arrived at 4 Ritchie Avenue, was still the aggressor, or that his presence at Ritchie Avenue was by reason of some implicit understanding that there would be a consensual fight with Lucas Ford. He had gone home to bed. More than an hour had passed. His earlier transport had gone. Mr Morrison had gone home, all factors completely inconsistent with an intention to return. Not all of that may have been apparent to the defendants before they arrived at Mr Medcraft's home, but their conduct once they found the red car and after they arrived at Ritchie Avenue is completely inconsistent with an intention confined to safeguarding the home at Thorne Street. The evidence establishes that only two or three minutes elapsed between arrival of the cars at Ritchie Avenue and the arrival of the police. By the time the police arrived Mr Medcraft had already been mortally wounded. It is not possible to make precise findings about all that occurred during that interim period but some findings can be made. I am satisfied that it was the occupants of the car being driven by Kelsey Ford who were the aggressors. Lucas Ford and Kelsey Ford were the primary creators of the situation for violence although for reasons I will later explain Lucas Ford carries most responsibility for the plan. As soon as the car in which Mr Medcraft was travelling came to a stop Mr Medcraft removed himself from the front passenger seat. Lucas Ford climbed out

of the front passenger window of the other car. Mr Hanlon and Mr Deverall and Mr Sheehan, likely in that order, emerged from the back seat of the car they had travelled in. Various witnesses heard a bottle break. Glass from a broken bottle was found on the footpath just behind the cars. The type of bottle was consistent with packaging subsequently found in Kelsey Ford's car. There was other evidence giving rise to the alternate possibility that the bottle might have come from the red car. Lucas Ford and Geoffrey Deverall both suffered lacerations to their hands, Mr Deverall to his right thumb and Mr Ford between the first and second joint of his right middle finger. It was part of the defence case that Mr Medcraft broke a bottle and used it as a weapon against Lucas Ford. I am unable to determine where the bottle came from, who broke it, why it was broken or how it was used. Mr Sheehan gave evidence that Lucas Ford told him he had been stabbed. Other comments were made to the police at the scene that one or more of them had been stabbed. I have no confidence that the comments were truthful because other statements were made which were obvious lies. Karen Agar was watching from across the road through the front bedroom window of her home at 5 Ritchie Avenue. Her evidence was that she saw a person wearing a black singlet or black T-shirt standing near the open passenger door of the red car before smashing a bottle on the driveway. That person may have been Lucas Ford. It may have been Mr McDonald. Ms Agar was plainly an honest witness. It is possible that she may have been mistaken but if her evidence is true, the person who broke the bottle could not have been Mr Medcraft because he was wearing a light coloured top. Mrs Agar described a large man wearing a light coloured top and distinguished him from the others. To further confuse the situation DNA strongly matching Mr Medcraft's was found on the neck of the broken bottle. Even if it was Mr Medcraft who broke the bottle, I am satisfied that he did so because, by then, he was the person being pursued and he was defending himself. In any event, for reasons which will become apparent, I regard the matter of the broken bottle as of little significance. Jake McDonald gave evidence that Mr Medcraft was first confronted by Lucas Ford somewhere near where the cars were parked. Mr McDonald said that after he removed himself from the red car he went past Mr Medcraft and began to fight with Mr Ford and that fight travelled onto the front yard of the house at 6 Ritchie Avenue, next to Mr Morrison's house at number 4. That evidence tends to be confirmed by the later discovery of his hat in that area. However, he then moved back along the road outside number 2 Ritchie Avenue 5 where he was seen by the occupant of that house engaging with Mr Deverall. As the cars arrived Hayden Morrison emerged from his home carrying two steak knives. He confronted a man who the evidence establishes was Mr Hanlon, but Mr Hanlon chased him off down the road where Mr Morrison fell and somehow cut his hand. Mr Morrison left the knives he had been carrying well down the road away from the others and disappeared back to his own house. Evidence that he did so is strongly confirmed by the scientific evidence of the presence of his blood there. The point of this lengthy description is to explain my finding that, at the critical time, Mr Medcraft was alone when confronted by Mr Ford, Mr Hanlon and Mr Sheehan. Mrs Agar's account of what she saw is compelling. In her evidence

she described the "bigger guy with the white shirt on", which I find was Mr Medcraft, as being in the middle of the road. She said that there were others around him and that he made a run for it. She told the jury that "they all chased him and knocked him down and kicked the shit out of him." She described the man as having run towards the place which the evidence establishes was where Mr Medcraft was later found. Mrs Agar's evidence is strongly consistent with the contemporaneous statements she made to the "000" call operator. She said, in a way which plainly expressed her great concern about the situation: "he's down and they're all onto him", "they're all on to one person", "there's four on to one", "he's just ran into the ... and now they've got him on the ground, now they're kicking him, oh my God." Mrs Agar was likely wrong if her statements are to be taken as meaning that there were four or more people surrounding Mr Medcraft after he went to the ground. There could only have been three. However I find the substance of her account to be credible and reliable. Some things Kalinda Morrison said about what happened at Ritchie Avenue could not have been true, but the essential part of her description is strongly corroborated by what Mrs Agar said and by other evidence. She accurately described Mr Hanlon as having chased and tripped her brother Kayden on the road. She described Mr Medcraft as being on the ground in the garden bed being kicked by Mr Hanlon. She described Mr Medcraft's head, as he was being kicked, coming into contact with a rock in the garden bed which can be seen in the photos the police took later. Jake McDonald said that he saw Mr Medcraft lying in the garden bed between number 4 and number 6 Ritchie Avenue. He said that Mr Medcraft had his hands over his head trying to protect himself as he was being kicked and punched in the head by Lucas Ford and another man I am satisfied was Mr Hanlon. He said that Lucas Ford was leaning over Mr Medcraft and punching him in the side and the back of the head. He also described the presence of a third man at that location at that time. Mr McDonald's credibility was strongly attacked by various defence counsel during the trial but I am satisfied beyond reasonable doubt of the truthfulness of this part of his account. It is strongly corroborated by the evidence of Mrs Agar and Kalinda Morrison, by the undisputed evidence that Mr Medcraft was found in the location Mr McDonald described, by Mr Hanlon's admission that he applied force to Mr Medcraft and by the very powerful scientific evidence arising from the analysis of the presence and pattern of Mr Medcraft's blood variously on the shoes and clothing of Mr Ford, Mr Hanlon and Mr Sheehan. Mr McDonald's evidence is also supported by evidence of other injuries suffered by Mr Medcraft. The post mortem examination disclosed the presence of two one centimetre lacerations on each side of Mr Medcraft's upper scalp, matching the location of two subgaleal haematomas. A subgaleal haematoma is a collection of blood between the scalp and the skull where the scalp has been torn away from the skull. The presence of the haematomas indicated, in Dr Ritchey's unchallenged opinion, the application of significant blunt force. Dr Ritchey thought that a kick to the head may generate the force to cause such and injury. He thought it may possibly be caused by a punch but less likely that such force had been applied because it would very likely have been very painful to the person who inflicted the

punch and resulted in injury. 6 I am satisfied beyond reasonable doubt that Mr Medcraft was outnumbered by Mr Ford, Mr Hanlon and Mr Sheehan. If he was holding a glass bottle at all, he abandoned it across the road and was chased and brought to the ground in the garden bed where he was ultimately found. There he was subjected to serious violence in the form of punches and kicks by Mr Hanlon, at least punches by Mr Ford and at least kicks by Mr Sheehan. This all leads to the question of why and in what circumstances the fatal blow was inflicted by Mr Sheehan. The nature of the weapon which caused the wound and the nature of the wound itself are both relevant. Mr Sheehan claimed that the sword did not belong to him but he had been in possession of it for some time and had showed it off to at least one other person. The handle and blade are part of a single piece of metal which is obviously steel. The handle is finished with wooden sections and wrapped in cord. At each end of the handle the metal is fashioned into the shape of a skull. The blade of the sword is red and black. It has dual edges which are very sharp and which taper to a sharp point. From about half way up the blade each edge is broken by an indentation with barbed edges, and then by wave shapes continuing to the base of the handle. Overall the sword is about 67 centimetres long. It is not light or flimsy. The forensic pathologist Dr Ritchie, when giving evidence, stated that he was impressed by the weight of it and that it had in his opinion sufficient mass to produce a forceful impact. The incised wound suffered by Mr Medcraft is behind his right knee and is very deep. The blow not only cut Mr Medcraft's clothing and skin, but extended through the subcutaneous tissue and fat, completely severing the hamstring muscle, the major blood vessels and nerves to expose the cartilage at the back of the knee joint, where the tibia and femur meet. The photographs depict a widely gaping wound extending across the entire width of Mr Medcraft's leg. Dr Ritchey described the wound as having being caused by a chopping motion with a sharp instrument with sufficient mass to be able to deliver a great deal of impact when wielded in such a fashion. His opinion was that the injury was caused by a single blow. Apart from what Dr Ritchey referred to as a skin tag at one end of the wound it is straight, and runs directly across the back of the knee. He thought that the skin tag could have been caused in any number of ways, including from the irregularities on the blade of the sword but also from movement when the blow was struck. Having held the sword myself I have no hesitation in concluding that anyone who picked it up would understand from its size, shape and weight that it was capable of inflicting very serious injury to a person struck forcefully with the blade. The prosecution case was that Mr Medcraft was struck as he lay face down in the garden bed. It was Mr Sheehan's case that he struck Mr Medcraft when he was standing and that the jury's verdict is consistent with the application of unreasonable force in self-defence. I find myself unable to determine beyond reasonable doubt whether Mr Medcraft was lying or standing when the blow was struck. However, leaving aside that a finding of excessive self-defence is inconsistent with the guilty verdict against the co-accused, I am satisfied beyond reasonable doubt that whether Mr Medcraft was lying or standing Mr Sheehan did not act in self-defence at all. The evidence is almost entirely consistent with the

State's case except in one respect which I think is important and which I cannot reconcile. As to whether Mr Medcraft was face up or face down in the garden bed the evidence is equivocal. Mr Sheehan told the jury that Mr Medcraft, after being struck, went to the ground face first although I have serious doubts about most of Mr Sheehan's evidence. Mr McDonald described Mr Medcraft as lying face down when he was being punched and kicked. He said that he observed a person standing at Mr Medcraft's legs deliver a downward blow with an object. His account may be true but it is so vague and uncertain and I am left with a doubt about whether what he saw was the fatal blow. When the police arrived Mr Medcraft was lying on his back. For that reason the gaping wound behind his knee was somewhat obscured. Kalinda Morrison described Mr Ford as being over Mr Medcraft punching him in the stomach which tends to suggest that Mr Medcraft was on his back. There is no evidence that Mr Medcraft was rolled over by any person and no evidence that he rolled over himself, although it is possible he may have done so. Mr Medcraft must have been struck either on or immediately adjacent to the garden bed because his hamstring was completely severed he could not have moved once the injury was inflicted and, if he were standing, he would have quickly fallen to the ground. There was no sign of serious blood loss on either side of the garden bed and Dr Ritchey's evidence was that once the blood vessels were severed the bleeding would have been copious and rapid, including jets of blood emanating from the artery with every beat of Mr Medcraft's heart. If he was lying on his back that may explain why the wound was not noticed and why blood was not more widespread. The only evidence of when the sword was removed from the car at Ritchie Avenue came from Mr Sheehan. He said that he got out of the car in which he arrived without the sword but, after hearing the glass break and having been told by Lucas Ford that he had been stabbed, he returned to retrieve the sword. He said that he walked to Mr Ford, swinging the sword as he did so to stop anyone from coming near him, at which time "Mr Medcraft come from the left side of me, straight across, and that's when I swung the knife back-handed at his legs." He did not suggest that he believed that force was necessary to defend anyone other than himself. I find his account of how and why he struck Mr Medcraft to be untrue and I reject it. He said nothing at the scene or to the police later about acting in self-defence when, if that were true, it would have been in the forefront of his mind. Instead, he lied about having used the sword at all. Although he claimed to have been tired and confused during his police interview he falsely told the police that because he had remained in the car he had no knowledge of how Mr Medcraft came to be on the ground. His evidence at trial was that when interviewed by the police he was not even sure that he had cut Mr Medcraft but had later come to the realisation that he must have done so. Mr Sheehan's account at trial was completely inconsistent with what I find to be his reason for being at Ritchie Avenue. I reject his evidence that he carried the sword only because he was afraid and thought he may need it for protection. His account does not explain how he came to be near Mr Medcraft at the garden bed, well away from the cars. Nor does it provide any plausible explanation for how a wound such as the one suffered by Mr Medcraft could have been inflicted.

Assuming Mr Medcraft to have been standing when the blow was struck, it would have been necessary for Mr Sheehan to be in a position to deliver a forceful chopping type blow to the back of Mr Medcraft's knee which, from the angle of the wound, must have been with a horizontal blade. That is not only inconsistent with the type of backhanded motion from a standing position which Mr Sheehan described but is also completely inconsistent with a defensive blow. It is possible that Mr Sheehan struck Mr Medcraft when he was face down in the garden bed as he and Mr Hanlon and Mr Ford were punching and kicking him. However I cannot exclude as a reasonable possibility that he struck Mr Medcraft when Mr Medcraft stood on or near the garden bed possibly even for the purpose of bringing him to the ground, or preventing him from escape or simply to injure him as retribution as part of the joint attack. Whichever is true, it was a deliberate and unjustified blow inflicted as part of the attack on Mr Medcraft. It was not a blow struck from panic or fear or in self-defence. I find that Mr Sheehan was one of the persons, the others being Mr Ford and Mr Hanlon, who targeted Mr Medcraft and pursued him to the garden bed for the purpose of inflicting serious violence upon him and that Mr Sheehan struck Mr Medcraft with the sword in the prosecution of that purpose. I find that the blow struck by Mr Sheehan was intended by him to cause bodily harm. Moreover, taking into account the nature of the weapon and the amount of force required to cause the shocking wound suffered by Mr Medcraft, the blow could only have been inflicted with the intention to cause serious disabling injury. I would sentence Mr Sheehan on the basis that the jury was not satisfied beyond reasonable doubt that he, according to the actual state of knowledge, intelligence and capacity he actually possessed, ought to have known that the blow was likely to cause death. I think that most people would appreciate that there was a real chance that death from blood loss would result from a blow struck with that weapon with enough force to cause such a grave wound, even a wound to that part of the leg. In that regard Mr Sheehan was fortunate to have escaped a verdict of guilty of murder. I am in no doubt that he realised that he had injured Mr Medcraft with the sword as he intended because it was, with Mr Medcraft's blood on it, hidden back in the car by either him or Mr Ford just before the police arrived. Despite that, I think it is reasonably possible that Mr Sheehan, although deliberately striking Mr Medcraft intending to injure Mr Medcraft and knowing that he had done so, did not realise quite how serious the damage he had done actually was. I was asked to take into account that only one blow was struck with the sword, but even if that were so the act was committed in the context of a joint attack in which Mr Sheehan committed other acts of serious violence to Mr Medcraft. Having found that the crime committed by Mr Sheehan was manslaughter, the jury must have been satisfied beyond reasonable doubt that each of Mr Ford, Mr Hanlon and Ms Ford either aided or abetted the manslaughter, or were deemed to have committed the crime by operation of the Code, s 4. That latter pathway to guilt required satisfaction that it may well happen from the carrying out of the common purpose to which that person was a party that one of the group would do an act which resulted in Mr Medcraft's death and which was either intended or commonly known to cause bodily harm. I

am satisfied beyond reasonable doubt that Mr Ford and Mr Hanlon, by their actions, encouraged Mr Sheehan to apply force to Mr Medcraft intending that the force cause bodily harm, and that the harm so caused resulted in his death. In other words, they encouraged the intentional application of force intended to injure from which death resulted. That Mr Ford and Mr Hanlon shared that intention is amply demonstrated by the force they applied themselves. I am also satisfied beyond reasonable doubt that it was a probable consequence of their common intention to apply serious force to Mr Medcraft that Mr Sheehan would cause Mr Medcraft's death by applying force to him intending to cause bodily harm. To any reasonable observer it would have been apparent that there was a real chance that death may result from the type of force which was being inflicted by all three men. I am not satisfied beyond reasonable doubt that either Mr Hanlon or Mr Ford realised that Mr Sheehan intended to use the sword in the way he did. For that reason I regard their culpability as lower than Mr Sheehan's. But I am satisfied that they both knew the sword had been introduced into the car. Resort to use of a weapon which had been brought to a violent conflict was something which could well have happened. They are deemed to have done the act done by Mr Sheehan because Mr Medcraft's death was as a result of being struck with a sword by a person intending injury, and such a blow was something which may well have happened in the course of the carrying out of their common purpose to inflict serious harm. The blows inflicted by Mr Hanlon and Mr Ford to Mr Medcraft, especially to his head, were such that they could readily have independently resulted in death or grave injury. Infliction of violence by use of the sword was a different way of achieving the intended result, albeit that it carried a greater chance of causing death. Their respective counsel argued that I should find that Mr Sheehan struck Mr Medcraft when he was standing up. If that were so and was not, as I have found, a blow struck in self-defence, then Mr Ford and Mr Hanlon's culpability would be even greater. The evidence that Mr Ford and Mr Hanlon struck Mr Medcraft while he was on the ground is overwhelming. If Mr Sheehan had been struck with the sword while standing and before falling to the ground, it would be inconceivable that Mr Ford and Mr Hanlon would not have seen it, and it would be greatly aggravating that they continued to kick and punch him after having observed the infliction of such an injury. Taking into account the burden and standard of proof, because I cannot be satisfied beyond reasonable doubt that Mr Sheehan did strike Mr Medcraft when he was standing, I would sentence Mr Ford and Mr Hanlon on the basis that between them they brought Mr Medcraft to the ground, and while they were kicking and punching him while he was on the ground lying face down, Mr Sheehan produced the sword and struck Mr Medcraft. I cannot be satisfied beyond reasonable doubt that Mr Ford and Mr Hanlon intended or expected that Mr Sheehan would use the sword in such a violent manner but, viewed objectively, there was a real chance that he would do so. They are thus deemed to have committed his act for the reasons I have already explained. My inability to make findings on the precise circumstances in which the blow was inflicted beyond reasonable doubt does not affect my assessment of Mr Sheehan's culpability. In

light of my overall findings it makes no difference whether Mr Medcraft was lying or standing when struck with the sword. In either case Mr Sheehan's act was violent and unjustified and committed with an intention to cause disabling injury. I am not satisfied beyond reasonable doubt that Kelsey Ford either aided or abetted Mr Sheehan's crime. Ms Morrison said that Ms Ford physically prevented her from interfering in the assault being perpetrated by Mr Ford, Mr Hanlon and Mr Sheehan, but I cannot be satisfied that she did so intending to enable or encourage such violence. However I am satisfied, as the jury must have been, that she was party to the common purpose to inflict serious violence on Mr Medcraft and that the crime which was ultimately committed was of such a nature that it may well have happened in prosecution of that purpose. She tried to film what was happening as she had been asked, although her attempt was unsuccessful. As with her brother I find it inconceivable that she was not aware of the sword when it came into the car. As with her brother and Mr Hanlon, I cannot be satisfied that she realised that Mr Sheehan would use the sword as he did. However she shared the intention to inflict serious violence on Mr Medcraft as retribution for his earlier conduct and, although she played a lesser role in the attack, she is deemed to have committed the act which killed Mr Medcraft because the result, accompanied by the guilty state of mind, was something which may well have happened when the plan she was party to was carried out. To my mind there was an obvious risk that a sword brought to a confrontation in which serious violence was intended would be used by someone to inflict the violence. It is my responsibility when sentencing to condemn violence of the nature perpetrated on this night and to make clear not only to the defendants but to others what the likely consequences will be. I do not for one moment condone Mr Medcraft's conduct earlier in the evening but it does nothing to excuse or lessen the wrongfulness of what followed. It was for the police to enforce the law and to protect the community. Mr Medcraft's death has had an understandably devastating effect on his family. No sentence can make up for the loss of his life. I have received and read a victim impact statement from his mother. She suffered the shock of learning of her only son's death and his loss has and will have a significant and permanent 10 emotional and psychological effect on her. As a result of his death his child has permanently lost a parent. As I have already pointed out, however, the defendants must be sentenced only for the crime of which they were found guilty, and not a different crime. I turn to the matters personal to the defendants. Cody Sheehan is now 34. He attended secondary school but had difficulty with literacy. For most of his life he has been medicated for ADHD. Despite his difficulties he has been in relatively constant employment in vegetable processing or forestry. He has had two long term relationships, and there are four children from the first. He was an active parent for all of them. He has some relatively minor prior convictions but no record which suggests that he presents a serious threat of violence. Nevertheless his actions on this night resulted in the death of a man and his conduct following the crime did nothing to lessen its impact. I accept that he now appreciates the seriousness and consequences of his actions. Mr Ford is now 31. He has no relevant prior convictions. He comes from a stable family. Before going

into custody he had full time employment which it seems will remain available to him following his release. He also had care of his daughter and maintained a good relationship with her mother. I accept that he now regrets the impact of his conduct, especially on Mr Medcraft's child, although he displayed no remorse at the time. By his actions he encouraged the application of force intended to result in disabling injury. Though his acts did not result in Mr Medcraft's death, he inflicted serious violence himself in the context of a joint targeted attack. He was the person who was primarily responsible for the plan to find and assault Mr Medcraft which ultimately led to Mr Medcraft's death. I regard his culpability as high, though not as high as Mr Sheehan's. Mr Hanlon is 54. He has no relevant prior convictions and comes from a background of stable skilled employment which is likely to remain available to him on his release. He has managed so far to retain his home although it is subject to a mortgage. I accept that for part of the evening he acted as something of a moderating influence, but that was certainly not the case at the critical time when he participated in the joint attack and inflicted serious violence on Mr Medcraft while party to the shared intention to do so. He was not, unlike Lucas Ford, a principal driver of the situation. Kelsey Ford is now 24. She was only 21 when the crime was committed and had no relevant criminal record. She came from a close family. Before having children she held employment. Her two children were, at the time, aged 1 and 2. Although the impact on close family members is part of the price to be paid for serious crime I would accept that removal from her children at such a critical stage in their development would add significantly to the burden that prison would impose on her. She played a real and knowing part in the plan to find and assault Mr Medcraft. What occurred was a crime which may well have happened in the carrying out of that shared purpose, but went beyond, I am satisfied, what she contemplated. A report from Dr O'Donnell indicates that Ms Ford is of low intelligence, bordering on intellectual disability. I am satisfied that Ms Ford's low intelligence is relevant to sentence in that it lessened her ability to fully appreciate the likely consequences of her own action and the actions of others. It is a factor which moderates although does not remove the need for general deterrence when sentencing her. It may also have increased her impulsivity and made her susceptible to the influence of others, but in those two respects her actions on this occasion were considered over a period of time and she played an active part in the lead up to the events. Her brother's influence may have played some part but in most respects she was making her own decisions. 11 Each accused has been in custody since 29 March 2020. None pleaded guilty but of course they were all acquitted of murder. Cody Sheehan you are convicted of manslaughter and sentenced to imprisonment for eight years from 29 March 2020. I order that you not be eligible for parole until you have served half of that sentence. Lucas Ford, you are convicted of manslaughter and sentenced to imprisonment for six and a half years from 29 March 2020. I order that you not be eligible for parole until you have served half of that sentence. Michael Hanlon, you are convicted of manslaughter and sentenced to imprisonment for five and a half years from 29 March 2020. I order that you not be eligible for parole until you have served half of that sentence.

Kelsey Ford, you are convicted of manslaughter and sentenced to imprisonment for five years from 29 March 2020. I order that you not be eligible for parole until you have served half of that sentence.