



# MAGISTRATES COURT *of* TASMANIA

## CORONIAL DIVISION

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### **Record of Investigation into Death (Without Inquest)**

*Coroners Act 1995*  
*Coroners Rules 2006*  
*Rule 11*

I, Robert Webster, Coroner, having investigated the deaths of Brady Leigh Nunn, Andrew Stuart Everett and Madilyn Beth Baird

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

- a) The identity of the deceased is Brady Leigh Nunn;
- b) Mr Nunn died as a result of multiple injuries sustained in a motor vehicle crash;
- c) Mr Nunn's cause of death was multiple head, chest, pelvic and limb injuries; and
- d) Mr Nunn died on 27 August 2022 on South Arm Road near Clifton Beach in Tasmania.

**And I find, pursuant to Section 28(1) of the Coroners Act 1995, that**

- e) The identity of the deceased is Andrew Stuart Everett;
- f) Mr Everett died as a result of multiple injuries sustained in a motor vehicle crash;
- g) Mr Everett's cause of death was multiple head, chest, pelvic and limb injuries; and
- h) Mr Everett died on 27 August 2022 on South Arm Road near Clifton Beach in Tasmania.

**And I find, pursuant to Section 28(1) of the Coroners Act 1995, that**

- i) The identity of the deceased is Madilyn Beth Baird;
- j) Ms Baird died as a result of multiple injuries sustained in a motor vehicle crash;
- k) Ms Baird's cause of death was multiple head, chest, pelvic and limb injuries; and
- l) Ms Baird died on 27 August 2022 on South Arm Road near Clifton Beach in Tasmania.

## Introduction

This investigation concerns a fatal two vehicle crash that occurred on South Arm Road near Clifton Beach in the vicinity of 1710 South Arm Road. The crash occurred at approximately 5:10pm on Saturday, 27 August 2022.

The weather at the time the crash was fine, the road was dry and the bitumen surface was in good repair. The road was subject to a 100 km/h speed limit.

The crash involved a northbound blue Toyota Corolla registration number EJ 2386 (the Toyota) and a southbound black VW Golf registration number FD 3259 (the VW). The driver of the Toyota was Bradley Nunn, the front seat passenger in that vehicle was Andrew Everett and the rear left seat passenger was Madilyn Baird. The driver of the VW was Tyrone Shadwick and his front seat passenger was Zoe Sheehan. The occupants of both vehicles were wearing their seat belts. Both drivers were licensed to drive a motor car. Both vehicles were registered.

In making the above findings I have had regard to all the evidence obtained in this investigation which includes:

- The Police Reports of Death for the Coroner;
- Affidavits confirming identification of each deceased;
- Affidavits of the forensic pathologist Dr Andrew Reid;
- Affidavits of the forensic scientist Mr Neil McLachlan – Troup of Forensic Science Service Tasmania;
- Electronic patient care records obtained from Ambulance Tasmania (AT);
- Medical records with respect to each deceased person obtained from the Tasmanian Health Service;
- Affidavit of Tyrone Shadwick;
- Affidavit of Zoe Sheehan;
- Affidavit of Janelle Smith;
- Affidavit of Jack Sheehan;
- Affidavit of Damien Wallace;
- affidavit of Lewis Russell;
- Affidavit of Kellie Nunn;
- Affidavit of Stuart Everett;
- Affidavit of Brendan Baird;
- Affidavit of Constable Tania Curtis;
- Affidavit Senior Sergeant Adam Archer;

- Affidavit of Kelly Cordwell, Tasmania Police (rank not stated);
- Affidavit of Benjamin Hunt;
- Report of Matthew Stirling, principal analyst, traffic engineering, Department of State Growth; and
- Plans, photographs, and forensic evidence.

## **Background**

Mr Nunn was 27 years of age (date of birth 23 March 1995), his mother believes he was in an on and off again relationship and he resided with his maternal grandmother at the date of his death. He is the child of Kellie Nunn and Christopher Poole. He has never had a relationship with Mr Poole. Mr Nunn has an older brother and two other half-brothers with whom he has no relationship as they are his father's children.

Mr Nunn and Mr Everett have been friends since their school days. According to Kellie Nunn they went through primary and high school together. Mr Nunn had worked at an oyster farm but at the time of his death he was an apprentice baker and was two and a half years into a six-year part-time apprenticeship.

Mr Nunn was in a relationship with Renae Woolley for about four years. They had two daughters aged six and four but that relationship ended about two years after Mr Nunn's youngest daughter was born.

Mr Everett was 28 years of age (date of birth 21 March 1994) and he had been in a relationship with Ms Baird for approximately 12 months at the date of their deaths. Mr Everett is the son of Andrew and Heather Everett. He had an older sister and brother and two stepsisters. He resided with his brother for the three years prior to his death and Ms Baird had lived with them for the last 12 months. Mr Everett was a healthy adult.

Stuart Everett confirms his son went to Rokeby Primary School with Mr Nunn but they went to different high schools. They both liked to drive to different places and go fishing and they often went to South Arm so he says both of them would have been familiar with South Arm Road as they had travelled it many times before.

Mr Everett worked for Stornoway for the 18 months prior to his death. Before that he worked on an oyster farm for a couple of years. He enjoyed his work.

Ms Baird was 19 years of age (date of birth 26 May 2003) and she lived with Mr Everett at the date of her death. Ms Baird is the daughter of Brendan and Robyn Baird and she was born in Queensland. She has an older sister. The family moved to Tasmania three or four

years prior to Ms Baird's death but up until that time Ms Baird was educated in Queensland until year 10 after which she attended Elizabeth College in Hobart for two years.

Ms Baird's employment consisted of work at Subway in Hobart and at the Observatory Bar on the Hobart waterfront. She was not working at the time of the crash.

### **Circumstances leading to death**

On Saturday 27 August 2022, Kellie Nunn located her son at Kettering between 12:00pm and 1:00pm using Snapchat. At around 3:00pm Mr Nunn attended the home of Ms Baird and Mr Everett in Howrah. All three of them left Howrah in Mr Nunn's vehicle and drove to South Arm. Mr Nunn told his mother a few days before the crash that he and Mr Everett were going to go fishing. There are no witnesses to account for their movements in the South Arm area before the crash.

Jenelle Smith was travelling north on South Arm Road from her home. She was at the commencement of a long straight section of road on the northern side of Sandville Place. About halfway along the straight was a minivan which was also travelling north. Ms Smith observed the Toyota overtake the van and as it went back into the northbound lane it narrowly avoided a southbound vehicle. In her view the Toyota was travelling well in excess of the speed limit which she found difficult to estimate but she says the car was swaying from side to side like it was floating. She had a view of the Toyota for three to four seconds. She was concerned it was going to crash. Moments later she came across the crash scene and stopped to assist.

Jack Sheehan, the brother of Zoe Sheehan who was a passenger in the VW, was driving towards South Arm that afternoon. He did not know he was travelling a few kilometres in front of his sister and her partner Mr Shadwick. Mr Sheehan was on the southern side of the Clifton Beach turnoff and had travelled through some corners. He says there was a dip in the road and then he saw the Toyota coming towards him. He says the Toyota was travelling at well over 100 km/h. He only saw the Toyota for a second or two but he, like Ms Smith, says it looked like it was floating because it was going so fast.

Tyrone Shadwick and Zoe Sheehan were travelling in the VW south towards South Arm. They had been shopping at Eastlands at Rosny and were driving to visit Ms Sheehan's parents at their home in South Arm. Mr Shadwick first observed the Toyota when he was in his lane at which time that vehicle was almost pointing back towards South Arm. Ms Sheehan saw the Toyota coming around the corner heading towards the bank on their side of the road. She believes their VW was travelling at between 90 and 95 km/h and she recalls their car slowed before impact.

Damien Wallace was travelling south towards South Arm when he came across the crash. He is a registered nurse. He noted the Toyota was severely crushed and formed the view the occupants could not have survived. He noted one occupant had an open fracture which had not bled confirming in his mind that the person's heart had stopped immediately after the crash. Mr Wallace assisted Ms Sheehan and Mr Shadwick. He undid Mr Shadwick's seatbelt as he was complaining of sore hips. He noted Ms Sheehan was more alert than Mr Shadwick and he recalls Ms Sheehan saying something like "*they just came straight at us.*"

Lewis Russell is a volunteer firefighter at the Lauderdale fire station. At 5:18pm he received a page from FireComm, requesting personnel to attend a road crash rescue on South Arm Road. He responded to the page and attended the scene. On arrival police and ambulance were already in attendance. He immediately went to assist with assessing the status of each of the occupants of the vehicles. He observed a male lying on the side of the road who had been removed from one of the vehicles and had been pronounced deceased. He checked for a pulse on the deceased male who was behind the steering wheel of the Toyota and observed this male to be clutching a mobile phone. It is clear Mr Russell has observed the front seat passenger Mr Everett in the driver's seating position and not the driver, Mr Nunn, who had already been removed and placed on the roadway. The force of the crash had pushed Mr Everett into the driver's seating position.

### **Investigation**

Sergeant Parish from Bellerive and Constable Hitchen from Clarence Plains police stations were tasked to attend the scene which they secured on their arrival. AT received the call to attend this crash at 5:14pm and ambulance personnel arrived at 5:33pm. Constable Cordwell arrived at 6:33pm. She conducted a scene examination with the assistance of Forensic Services Officers Senior Constable Curtis and Constable Hartill. Tyre marks, gouge marks and other relevant evidence was marked, photographed and measured.

The road where the crash occurred had multiple curves and crests on approach from the north and the south. The crash occurred on the exit of a right-hand curve for the Toyota. Both lanes of the roadway were divided by double white parallel continuous lines and they were boarded with white fog lines, sealed edges and a gravel verge. Both the north and southbound lanes were 3 m wide. There was a small upward embankment on the western side of the road and a grass verge that fell away to the east on the eastern side of the roadway. Guideposts were appropriately placed on both sides of the roadway indicating the nature of the curve. The speed limit was noted and tests conducted in a northerly direction in the northbound lane determined the coefficient of friction to be .9. This is a high frictional

value for a dry bitumen road which provides good friction or grip between the tyres and the road surface.

Tyre marks located at the scene made by the Toyota were identified as yaw marks.<sup>1</sup> On the southern side of the resting positions of the vehicles were two distinct tyre marks and a faint mark. The easternmost mark which was most obvious commenced on the edge of the northbound lane and continued in a curve for approximately 34.8 m. The mark crossed the centreline and concluded in the southbound lane to the rear of the Toyota. This mark was made by the rear left tyre which indicates the rear of the vehicle was tracking outside the front. The westernmost mark was identified in the southbound lane. This mark was visible from the western side of the centrelines and continued for approximately 24.1 m north-west. This mark concluded in the area of rest of the Toyota on the edge of the southbound lane. This mark was made by the front left tyre. After her examination of these tyre marks Constable Cordwell was satisfied they were made by a vehicle in yaw. She noted striations within the tyre marks indicating the wheels were rotating and not under maximum braking. The gouge marks in the road surface indicated the point of impact which was in the southbound lane. Both vehicles were severely damaged.

After impact both vehicles came to rest on the edge of the southbound lane. The front of the Toyota was resting in the gravel verge in the drain, facing east, whereas the majority of the VW remained in the southbound lane, facing south, with only the front passenger side wheel resting on the sealed shoulder. Constable Cordwell inspected each deceased and noted there was a strong smell of alcohol detected on Mr Nunn.<sup>2</sup> She noted both Mr Shadwick and Ms Sheehan sustained serious injuries. They were taken to the Royal Hobart Hospital for treatment.

Constable Cordwell conducted two speed analyses using evidence and data she obtained from the scene. The first calculation was to ascertain the critical curve speed for a northbound vehicle and the second was to obtain the speed of the vehicle at the point at which it lost control, using a yaw speed analysis calculation. From these calculations she determined at the time the yaw marks became visible on the road surface the tyre was travelling at a minimum speed of approximately 126 km/h. This speed was slightly less than the critical curve speed of 135 km/h; that is a northbound vehicle travelling at a speed less than that figure should be able to safely negotiate the right-hand curve while staying wholly within its lane without the vehicle side slipping or entering yaw.

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<sup>1</sup> Yaw is a term applied to sideways movement of a vehicle, indicating the rear wheels have begun to track outside the path of the front wheels, or outside their normal path. Such marks are identified by striations within the tyre mark, these marks are angled toward the direction of side slip.

<sup>2</sup> I attended the scene of this crash and can confirm Mr Nunn smelt strongly of alcohol.

Despite the calculated speed being slightly lower than the critical curve speed Constable Cordwell says it was possible loss of control was a result of exceeding the critical curve speed. She says had the vehicle exceeded the critical curve speed and continued northbound while beginning to rotate, it would have begun to lose speed over the length of the yaw. The vehicle would have been side slipping for a distance before the tyres generated sufficient heat from the sideslip to leave visible yaw marks on the road surface. This would account for the calculated yaw speed being slightly below the calculated critical curve speed.

Alternatively for the initial loss of control there may have been excessive right-hand steering input causing the vehicle to exceed the lateral acceleration factor and so that it began to slip sideways. This is a possibility given the speed of the vehicle, the fact Mr Nunn was negotiating a right-hand curve on a crest and was intoxicated.

While Constable Cordwell says either option is a reason as to why there was a loss of control, she says it is clear that excessive speed was a significant contributing factor in the initial loss of control. I agree.

The mobile phones of the three occupants of the Toyota were recovered at the scene of the crash. Each of them was too damaged for a forensic examination to be undertaken.

The Toyota and the VW were examined by Mr Hunt, an experienced automotive mechanic, on 29 and 30 August 2022. He found the Toyota to be unroadworthy prior to impact due to the right rear tyre being below the minimum tread depth requirement. Constable Cordwell noted that defect at the scene but says the road conditions at the time were fine and dry and therefore she does not believe the low tread on this tyre contributed to the crash. Again, I agree with her assessment. In relation to the VW Mr Hunt found that to be non-compliant prior to impact due to the main battery being unrestrained but he said that defect did not contribute to the accident. I accept his opinion in that regard.

Dr Reid performed a post-mortem examination on Mr Nunn on 29 August 2022. As a result of that examination, the results of a post-mortem CT scan and the results of histology, microbiology and toxicology he determined the cause of death was multiple head, chest, pelvic and limb injuries sustained in this crash. I accept his opinion.

Dr Reid performed a post-mortem examination on Mr Everett on 29 August 2022. As a result of that examination, the results of a post-mortem CT scan and the results of microbiology and toxicology he determined the cause of death was multiple head, chest, pelvic and limb injuries sustained in this crash. I accept his opinion.

Dr Reid performed a post-mortem examination on Ms Baird on 29 August 2022. As a result of that examination, the results of a post-mortem CT scan and the results of microbiology and toxicology he determined the cause of death was multiple head, chest, pelvic and limb injuries sustained in this crash. I accept his opinion.

Testing of Mr Nunn's blood returned a blood alcohol concentration (BAC) of .277 g/100mL and a vitreous humour alcohol concentration (VAC) of 0.080 g /100 mL. The concentration of alcohol in vitreous humour is approximately 1.2 times of that in blood. These results therefore suggested to Mr McLachlan-Troup that the blood sample has been contaminated most likely due to trauma caused by the crash. However a BAC of 0.080 g/100 mL alone has the potential to impair driving performance and increase the relative crash risk. A person with a BAC between 0.075 and 0.12 g of alcohol/100mL being involved in a crash is approximately 5 to 12 times that of a driver with no alcohol in his or her body.

Testing of Mr Everett's blood returned a BAC of 0.141 g/100 mL and a VAC of 0.140 g/100 mL. Given the closeness of the results I find that Mr Everett's blood sample was not contaminated and these results accurately reflect the amount of alcohol in his blood.

Ms Baird returned a low BAC of 0.018 g per 100 mL of blood and Mr Shadwick returned a negative reading both for alcohol and illicit drugs. He did have some drugs in his blood however I find those drugs were administered by ambulance personnel and by staff at the Royal Hobart Hospital.

The Department of State Growth reviewed South Arm Road in the area of this crash on 1 September 2022. As a result of that review it identified motorists were failing to negotiate the winding road alignment in the vicinity of the crash. The site distance to the road or an oncoming vehicle at the crash location is restricted. The speed limit, for a 5 km section of the road from Sandford to south of Clifton Beach Road, had been approved for a reduction from 100 to 80 km/h prior to the crash. The provision of winding road warning signs on both approaches would warn motorists of the upcoming alignment. These recommendations were made in late 2022 and the speed limit was subsequently reduced and the curve warning signage has been installed. Given these changes there is no need for me to make any recommendations.

### **Comments and Recommendations**

I am satisfied that this tragic crash was solely caused by Mr Nunn driving at excessive speed while intoxicated. He lost control of his vehicle while attempting to negotiate a right-hand bend. Mr Shadwick who was driving wholly within his lane and who was travelling at a speed

and in a manner appropriate for the circumstances had a very limited time to observe the impending collision and attempt to avoid it. Unfortunately, he was unable to do so.

I extend my appreciation to investigating officer Constable Kelly Cordwell for her very thorough investigation and report.

The circumstances of the deaths of Mr Nunn, Mr Everett and Ms Baird are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995* given the reduction in speed and installation of the signage referred to above.

I convey my sincere condolences to the family and loved ones of all deceased.

**Dated:** 8 July 2024 at Hobart, in the State of Tasmania.

**Magistrate Robert Webster**  
**Coroner**