



MAGISTRATES COURT *of* TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Leigh Mackey, Coroner, having investigated the death of Adrian Walter Garcia

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

- a) The identity of the deceased is Adrian Walter Garcia (date of birth 10 June 1969). Mr Garcia was 51 years of age at the time of his death and was in a relationship with Carolyn Nevin, with whom he was engaged to be married. Mr Beau Abel is the partner of Carolyn's daughter, Natasha Tiedemann, and Mr Braydon Kelleher was the grandson of Carolyn and the son of Natasha. Beau and Braydon resided at Walker Street in Sorell. Natasha died on 4 March 2021 due to cancer. Mr Garcia was an alcoholic. He was known to become abusive when drinking. His mother was protected from him by a restraint order.

- b) On 10 March 2021 Carolyn met Mr Garcia at St George's Square (park) in Sorell. The park is in the centre of Sorell, on the Tasman Highway and opposite the Pembroke Hotel. Carolyn arrived at the park at approximately 2.15pm and found Mr Garcia sitting under a tree drinking vodka and, on her assessment, heavily intoxicated.¹ They argued, and Mr Garcia made comments that were abusive of her, and derogatory of her recently deceased daughter, Natasha.

Upset Carolyn left Mr Garcia in the park and went to the Walker Street house where she told Beau and Braydon what had occurred and requested them to come back to the park with her. Beau, and Braydon left the Walker Street house and walked to the park to find Mr Garcia. Carolyn accompanied them. They were upset and angry. Beau armed himself with a long aluminium broom handle and Braydon with a baseball bat.

¹ Record of interview of Carolyn Nevin.

The trio arrived at the park at approximately 3pm and found Mr Garcia still sitting under a tree. He was heavily intoxicated. Two bottles of vodka with only 1/3 a bottle of vodka remaining in one were next to him. He did not move from his position sitting on the ground under the tree. He was struck to the left arm by Beau with the pole and then to the head three times by Braydon wielding the baseball bat with some force. After the first strike with the baseball bat Mr Garcia became prone on the ground and the remaining blows from Braydon struck him in that position. Mr Garcia had not been physically violent, nor had he threatened physical violence to Beau, Braydon or Carolyn prior to being assaulted.

The assault of Mr Garcia was witnessed by several school children who had finished their school day and were waiting at a bus stop to catch a bus home and other members of the public who were going about their business in the centre of Sorell. The incident was distressing to those that observed it and to those who went to Mr Garcia's medical aid following the departure of Beau, Braydon and Carolyn, from the park. Their distress was compounded by threats made by Braydon to witnesses as he departed the park.

Mr Garcia was taken to the emergency department of the Royal Hobart Hospital (RHH) where he was assessed as having extradural and subdural haematomas and pneumocephalus. His Glasgow Coma Scale (GCS) score was 3 and he was taken to theatre for emergency left hemicraniectomy and evacuation of the acute subdural haematoma and right craniotomy and evacuation of the extradural haematoma. Following surgery Mr Garcia was managed in the intensive care unit of the RHH until his transfer to a ward on 30 March 2021. He required ongoing mechanical ventilation, and his neurological condition did not improve. In consultation with the treating team and considering his poor functional outcome from the assault Mr Garcia's family made the difficult but reasonable decision to change the goals of his care to palliative and he died on 2 May 2021.

Toxicological testing of a sample of Mr Garcia's blood, vitreous humour and urine was undertaken following his death and did not detect the presence of alcohol or drugs. This did not reflect that Mr Garcia did not have alcohol or other substances in his blood when he was assaulted. During the period he had survived the assault and received inpatient care prior to the taking of samples of body fluids after his death, any drugs or

alcohol that had been in his system would have been eliminated from his body.²

Beau pleaded guilty to the assault of Mr Garcia and was sentenced in the Supreme Court of Tasmania on 13 December 2022 by Justice Geason, as he then was on the basis of striking him to the upper limb with the pole, thereby reducing his capacity to defend himself, a capacity already significantly depleted by his intoxication. Geason J imposed three months imprisonment wholly suspended. Braydon was convicted of the murder of Mr Garcia following trial and was sentenced by Geason J on 23 February 2023 to 16 years imprisonment. Geason J sentenced Braydon on the basis that his intention was to confront Mr Garcia and that he took the baseball bat for the purpose of using it if necessary for that purpose. His purpose was not to kill Mr Garcia. He regretted his actions and made full admissions about what he had done.

- c) Dr Donald Ritchey, Forensic Pathologist, performed an autopsy on Mr Garcia's body. Mr Garcia's cause of death was blunt trauma of the head causing multiple calvarial and basal skull fractures, acute left side subdural haematoma with mass effect, right epidural haematoma and brain contusions of the ventral surfaces of the frontal and temporal lobes.³ Advanced centriacinar emphysema and atherosclerotic coronary vascular disease were also identified at autopsy.⁴ I accept Dr Ritchey's opinion and find that the cause of Mr Garcia's death was traumatic brain injuries resulting from Braydon's assault of him.
- d) Mr Garcia died on 2 May 2021 at Hobart, Tasmania.

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

- The Police Report of Death for the Coroner;
- The Tasmanian Government Death Report to Coroner;
- Affidavits confirming identity;
- Affidavit of Dr Donald Ritchey MD, MSc, American Board Pathology (Anatomic, Clinical and Forensic Pathology), FRCPA, sworn 29 July 2021;

² Affidavit of Mr McLachlan-Troup, forensic scientist, sworn 22 July 2021 p1.

³ Affidavit of Dr Donald Ritchey MD, MSc, American Board Pathology (Anatomic, Clinical and Forensic Pathology), FRCPA, sworn 29 July 2021 p9.

⁴ Affidavit of Dr Donald Ritchey MD, MSc, American Board Pathology (Anatomic, Clinical and Forensic Pathology), FRCPA, sworn 29 July 2021 p9.

- Affidavit of Mr McLachlan-Troup sworn 22 July 2021;
- Royal Hobart Hospital medical records;
- Statutory declarations of attending and investigating police including body worn camera footage and photographs;
- Statutory declaration of Chelsea Johnson declared 3 April 2021;
- Statutory declaration of Patrick McDonald declared 20 April 2021;
- Statutory declaration of Marsha Batchelor declared 11 March 2021;
- Statutory declaration of Mia Graham declared 6 April 2021;
- Statutory declaration of Joanne Daniels declared on 10 March 2021;
- Statutory declaration of Lacey Gillies declared 10 March 2021;
- Statutory declaration of Holly Pennington declared 10 March 2021;
- Statutory declaration of Jason Tiedemann declared 10 March 2021;
- Statutory declaration of Richard Power declared 22 April 2021;
- Police records of interview Beau Abel, Braydon Kelleher, and Carolyn Nevin;
- CCTV footage;
- Prosecution file; and
- Comments on passing sentence for Beau Abel and Braydon Kelleher.

Comments and Recommendations

I extend my appreciation to investigating officer Detective Constable Craig Stockdale for his investigation and report.

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

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

Dated: 23 March 2026 at Hobart, in the State of Tasmania.

Leigh Mackey
Coroner