

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Inquest into the Death of Shane Hubczak

Delivered On:	8 MARCH 2011
Delivered At:	MELBOURNE
Hearing Dates:	8 MARCH 2011
Findings of:	CORONER K.M.W. PARKINSON
Place of death/Suspected death:	BACCHUS MARSH
Counsel Assisting	LEADING SENIOR CONSTABLE

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

In the Coroners Court of Victoria at Melbourne

I Kim M. W. Parkinson Coroner, having investigated the death of:

Details of deceased:

Surname: HUBCZAK
First name: SHANE
Address: 44 Shea Street, Bacchus Marsh, Victoria 3340

**AND having held an inquest in relation to this death on 8 March 2011
at Melbourne**

find that the identity of the deceased was Shane Stephen Hubczak
and the death occurred on 28 July 2010
at 44 Shea Street, Bacchus Marsh. Victoria. 3340

from:

1a. Combined Drug Toxicity (Heroin, Alprazolam, Methadone)

In the following circumstances:

1. A summary inquest was conducted into the death of Mr Shane Hubczak on 8 March 2011 at Melbourne. The circumstances of Mr Hubczak's death have been the subject of investigation by Victoria Police. As Mr Hubczak was in the custody of police shortly before his death, the coroner determined that it was necessary and appropriate for an inquest by

summary to be conducted into the death. An investigation was undertaken by Victoria Police Ethical Standards Division as a result of the earlier police involvement and a report of that investigation and its conclusions has been made available to the coroner by the investigating officer, Detective Senior Sergeant Harrison.

2. Mr Hubczak was 33 years of age. He was born on 17 August, 1976. Mr Hubczak had a history of substance abuse.
3. On 25 July, 2010, Mr Hubczak was driving his motor vehicle and was intercepted by police and pursued. The pursuit ended when Mr Hubczak collided with another vehicle. He was arrested and after complaining of pain during the interview at Bacchus Marsh police station, he was transported by police to the Bacchus Marsh and then Royal Melbourne Hospital. Police left Mr Hubczak at the hospital. He was examined by Dr Eibihadi and treated for minor soft tissue injuries. After X-ray examination, a CT scan was recommended by medical staff, however Mr Hubczak refused further treatment and he was discharged from hospital in the early hours of 26 July 2010. He was collected from the Bacchus Marsh railway station at 9.00am on 26 July by his partner Ms Rebecca Kendall.
4. Ms Kendall stated that on the following day, 27 July 2010, Mr Hubczak left home at approximately 3.00pm. When she collected him at approximately 5.00pm, he advised her that he had taken half a gram of heroin and 15 Xanax (alprazolam) tablets. He appeared drug affected and in some pain. When they arrived home, Mr Hubczak went to bed. Ms Kendall last spoke to him some time between 1.15am and 2.00am on 28 July 2010.
5. Ms Kendall located Mr Hubczak unresponsive at approximately 1.30pm on 28 July 2010. Police and ambulance attended and resuscitation attempts were unsuccessful. Mr Hubczak was deceased. Police report no suspicious circumstances.

6. An empty bottle of prescription medication Xanax (alprazolam) was located under the bed where Mr Hubczak was located.
7. Dr Julie Anne Teague, Forensic Pathology Registrar with the Victorian Institute of Forensic Medicine conducted an autopsy and provided a report to the Coroner. Dr Teague reported:

“Toxicological analysis of blood revealed:

- a. 6-monoacetylmorphine, which is an immediate compound in the conversion of heroin to morphine. Codeine was also present and is a common contaminant of heroin.*
- b. Methadone was detected. Medical records document methadone prescription.*
- c. Alprazolam is a triazolobenzodiazepine derivative. It was documented as prescribed.*
- d. Delta -9- tetrahydrocannabinol (THC). THC is one of the main psychoactive ingredients of the dried leaves or extract of the plant Cannabis sativa.*

A number of central nervous system depressants were identified. Presence of multiple central nervous system depressants amplifies the effect of the others. The combined effect of these drugs is consistent with death occurring as a result of combined drug toxicity. The mechanism of death may be a decreased rate of breathing culminating in respiratory arrest, decreased heart rate culminating in cardiac arrest, or complications of loss of consciousness (such as positional asphyxia, hypothermia etc). The most common mechanism of death is respiratory arrest due to the decreased rate of breathing as a direct result of central nervous system depression”.

8. The pathologist reported that there were no injuries or natural disease process, which may have caused or contributed to death and that no significant injury, or injury definitively related to the motor car collision was identified.

9. I am satisfied that the circumstances of the police custody or pursuit and the injuries sustained in the collision were not contributing factors to Mr Hubczak's death.

10. I find that Mr Hubczak died on 28 July 2010 as a result of combined drug toxicity (heroin, alprazolam, methadone) and that his death was accidental.

Signature:



Kim M. W. Parkinson

Coroner



8 March, 2011