

IN THE CORONERS COURT  
AT GYMPIE  
IN THE STATE OF QUEENSLAND

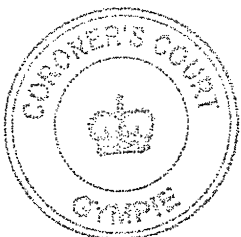
No GYMP-COR-8/2006

In the matter of:

AN INQUEST INTO THE DEATH OF SEBASTIAN LUKE PAUL GALLAHER

REPORT OF CORONER J C PARKER

DATE OF PUBLICATION: 15 MAY 2008

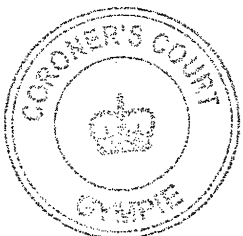


On 1 February 2008 I held an inquest into the tragic and untimely death of Sebastian Luke Paul Gallaher who died on 11 April 2006 at the age of 14. Sebastian was born on 12 May 1991 and died at his home at 51 Pine Street, Gympie.

I was ably assisted in the inquest by Sgt Jason Todman, and Mr. Michael Gallaher, the father of Sebastian appeared for the family assisted by Ms C.A Elkenhans. Various statements and reports were tendered and a total of 24 exhibits were admitted.

Cassandra Anne-Louise Powell provided a statement and addendum statement and was called for cross examination. Ms Powell was 22 years of age and an acquaintance of the Gallaher family. The thrust of her evidence was to the effect that on Monday 10 April 2006 she had been at the Freemasons Hotel, had consumed approximately seven or eight cans of bourbon and cola and had left the hotel at approximately 8 pm to walk home. On her way home she passed by 51 Pine Street and dropped in to see whoever was there. She recalls there being at the house Sebastian, Sebastian's young friend whose name she could not recall, Colleen Brown, and some other children, presumably siblings of Sebastian and Ms Brown's children. She recalled talking with Colleen for a time and then engaging in some playful wrestling and general joking about with Sebastian. She says they were joking around and tickling and poking each other and at one point Sebastian lifted her onto his shoulders. She was struggling and trying to get down and in the process the two of them fell to the floor. They wrestled around on the floor for a time and at one point Ms Powell said she had given Sebastian a "dead leg" by punching him in the top of the leg. She believed that she had fallen more heavily than Sebastian and could not recall any occasion where his head struck the floor or any other piece of furniture. There was no ill feeling or aggression in their play fighting and I accept that that was the case.

After a time Sebastian's mother arrived home and asked Ms Powell to leave. Ms Powell set out to walk home and Sebastian and his friend offered to accompany her on their bikes and did so. They stayed for a short while at Ms Powell's home and then left to



return to 51 Pine Street. Ms Powell indicates that she did not notice anything unusual about Sebastian or any signs of ill-health.

Colleen Lesley Brown, aged 29 at the time, was a friend of the Gallahers and was staying with them at 51 Pine Street at the time of Sebastian's death. In her initial statement to Police given 11 April 2006 she made no reference to the wrestling incident and I conclude from that that she did not regard it as particularly significant at the time it occurred. In a subsequent statement given 16 September 2006 Ms Brown stated that Ms Powell arrived between 8 pm and 9 pm, and that she was drunk at the time she arrived. She had sat at the table and talked to Ms Brown, and a short time later Sebastian had come out of his bedroom, entered the kitchen and after a short time began to tickle Ms Powell in the ribs. She said that Ms Powell pushed him away and that Sebastian then picked up Ms Powell and put her over his right shoulder. Ms Powell was wriggling and kicking her legs out and Sebastian had said "Stop it or I'll drop you." At some point the two of them fell with Sebastian falling backwards and Ms Powell landing on top of him. Ms Brown said she observed Sebastian hit his head on something near the freezer but could not remember what it was. She remembered the two continuing to wrestle on the ground and said that Ms Powell was punching and kicking Sebastian with medium force. Sebastian got up and walked off and did not seem to be upset or injured in any way. He went and sat quietly watching TV. She said that Margaret Gallaher arrived home shortly after this and Cassandra Powell left with Sebastian and Cory going with her to walk her home.

Detective Acting Snr Sgt Gregg Norman Davey was the police investigator in this matter. His investigations were in my view thorough and his report, now Exhibit 4 in these proceedings, was comprehensive. He ascertained that Sebastian had no diagnosed medical conditions but was said to suffer from Attention Deficit Hyperactive Disorder for which he had been prescribed Dexamphetamine, but was often non-compliant.

Sebastian was a student at James Nash State High School enrolled in Grade 9 and was an enthusiastic participant in Rugby League, playing for the Gympie Devils. Sebastian was



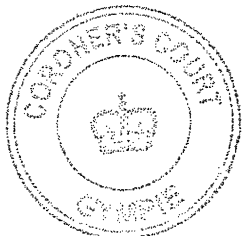
well cared for and Snr Sgt Davey formed the view that his mother and father were good parents.

Sgt Davey's enquiries revealed that after leaving Cassandra Powell's house Sebastian and his friend had returned to 51 Pine Street, watched DVDs for a time and that Sebastian had then retired to bed in his own room. He was seen by others in the house at approximately 1.30 am when he got up to get a drink of water. When Sebastian did not emerge from his bedroom in the morning, the other members of the family assumed he was sleeping in, as apparently he often did. At approximately midday on 11 April 2006 one of Sebastian's cousins and a friend had entered his bedroom to retrieve a CD and observed him to be face down on his bed. They observed blood on his pillow and mentioned this fact to his brother Ian Gallaher. Ian stated to the children that his brother often had nosebleeds and not to be concerned. There was no further check made on Sebastian at this time. At approximately 3.40 pm Sebastian's sister went into the room and observed the blood on the pillow and notified her mother. Mrs. Gallaher went into the room and attempted to rouse Sebastian but without success. Triple zero was called and QAS attended promptly but discovered that Sebastian was deceased, displaying rigor mortis and post mortem lividity.

I am satisfied that the responses by both QAS and Police were prompt and appropriate.

Life was declared extinct at 5.40 pm at Gympie General Hospital Emergency Department. It is not possible to establish a precise time of death. It is clear that Sebastian was still alive at approximately 1.30 am on the 11 April 2006 when he got up for a drink of water.

Government medical officer Dr. George Springhall attended the scene at the request of Police. He states in his report, now Exhibit 14:



“ It is my opinion that there are no signs of external violence to the body and it appears that the deceased had died lying face down on the bed at some time during the preceding evening”.

On 12 April 2006 at the John Tonge Centre an autopsy was performed by Nathan Milne, a specialist pathologist. Dr. Milne is a graduate of the University of Queensland in medicine and is a Fellow of the Royal College of Pathologists of Australasia and is employed as a staff forensic pathologist at Qld. Health Scientific Services (Forensic Pathology) in Brisbane. In his report dated 6 July 2006 Dr. Milne stated:

“In my opinion, the cause of death is subarachnoid haemorrhage resulting from rupture of a berry aneurysm. A berry aneurysm is a naturally occurring abnormality of an artery at the base of the brain. There is outpouching and weakening of the wall which predisposes to rupture which can occur at any time. Ruptured berry aneurysms usually occur in adults, but also rarely occur in children. There were no findings to suggest involvement of a third party.”

As a result of concerns expressed by the family of Sebastian, in particular a view that the wrestling incident must have had something to do with his death, Snr Sgt Davey provided to Dr. Milne the various statements given by Colleen Brown, the only eye witness to the wrestling, and a letter written by Michael Gallaher, Sebastian's father. Dr. Milne reviewed the account of the incident with Ms Powell and provided a supplementary report which is found in Exhibit 3. In particular, having reviewed that evidence, he stated:

“As detailed in my post-mortem report dated 06/07/2006 the cause of death was subarachnoid haemorrhage. Examination of the brain by a specialist Neuropathologist identified a ruptured aneurysm as the cause of the haemorrhage. This is a naturally occurring abnormality of an artery at the base of the brain. The only injury to the head was a small bruise near the right eye. There were no



bruises of the scalp, fractures of the skull or injuries to the brain. Any trauma that he received was therefore minor.

Subarachnoid haemorrhage resulting from a ruptured aneurysm is a well-recognised natural occurrence. Aneurysms are thin walled and therefore weak and prone to rupture. Rupture can occur at any time, but it is more likely to do so at times of high blood pressure.

In this case a ruptured aneurysm was confirmed, and this was therefore the cause of the subarachnoid haemorrhage. The finding of a ruptured aneurysm with an associated history of trauma can make interpretation difficult. Theoretically, the stress of being involved in an altercation could cause a rise in blood pressure, predisposing the aneurysm to rupture. There are rare cases where the timing of events may implicate trauma as the cause of the ruptured aneurysm. This would require the person to collapse a very short time following the trauma, In this particular case, this did not occur. The deceased was last seen alive at least four hours after the incident. He also walked the female home after the incident.

After considering the additional information, my opinion as originally stated remains unchanged. I believe the cause of death was subarachnoid haemorrhage resulting from a ruptured berry aneurysm. It is my opinion that the minor trauma occurring the previous night was coincidental.”

It is understandable that Sebastian’s family, in their grief, might well believe that his death resulted from the earlier incident involving Ms Powell. After all, he was an otherwise fit and healthy young man, used to playing vigorous sport such as Rugby League, and apart from his ADHD, had no other significant medical history. However, I am satisfied after a close consideration of all evidence available, that no responsibility should be sheeted home to Ms Powell. The wrestling and play fighting which took place, and I am satisfied that it was no more than that, did not cause or contribute to the



rupturing of the berry aneurysm. What took place between Sebastian and Ms Powell was consensual and could not be classed an assault. I am satisfied that Sebastian had a pre-existing condition pre-disposing him to such a rupturing and the fact that it occurred following upon the incident with Ms Powell was co-incidental.

In conclusion then, in accordance with my duties under the *Coroner's Act 2003*, I find that the deceased person was Sebastian Luke Paul Gallaher, that Sebastian died in his bedroom at his home at 51 Pine Street, Gympie on 11 April 2006. His life was declared extinct at 5.40 pm on that date at Gympie Hospital, Queensland and it is most likely that he died somewhere between 1 am and 3.40 pm on that date. The cause of his death was a subarachnoid haemorrhage due to, or as a result of a ruptured berry aneurysm. I find that there are no suspicious circumstances surrounding his death and there is no cause to refer any person for prosecution for any matters arising out of his death.

John Parker  
Coroner  
15 May 2008

