



# OFFICE OF THE STATE CORONER

## FINDINGS OF INQUEST

CITATION: **Inquest into the death of Charles Ross Maxwell Morgan**

TITLE OF COURT: Coroners Court

JURISDICTION: Brisbane

FILE NO(s): 2012/81

DELIVERED ON: 15 March 2013

DELIVERED AT: Brisbane

HEARING DATE(s): 18 January 2013, 7 March 2013

FINDINGS OF: John Lock, Brisbane Coroner

CATCHWORDS: Coroners: inquest, train overrun, suicide or accident

### REPRESENTATION:

Counsel Assisting: Ms E Cooper of Counsel i/b Office of State Coroner

For Iris Suzanne Morgan: Ms M Rinaudo Lewis, Lawyer with Aboriginal and Torres Strait Islander Legal Service

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## ***Introduction***

1. Charles Ross Maxwell Morgan was aged 18.
2. In the early morning of 8 January 2012, Charles was with a group of young people at the Zillmere Railway Station. At 0415 he suffered from fatal injuries when he was run over by a train about 325m north of Zillmere Railway Station. As the train rounded a bend the driver observed a male person lying in a curled position on the train line. The train driver applied emergency braking but was unable to stop the train before it struck the male person.
3. Members of Charles' family have expressed concern about the circumstances of his death and whether it was a case of suicide. They have heard many rumours including that an altercation took place and believe not all that happened that morning has been told.
4. Given there was some uncertainty as to the circumstances of Charles' death I decided to hold an inquest.

## ***Issues for Inquest***

5. The issues for determination at the inquest were set down at a pre-inquest hearing and were:
  - The findings required by s. 45 (2) of the *Coroners Act 2003*; namely the identity of the deceased person, when, where and how he died and what caused his death.
  - The circumstances leading to the death, in particular, whether or not the deceased committed suicide, whether this was an accidental death or if some third party was involved.

## ***Personal Information about Charles***

6. Charles was a young aboriginal man. He was born in Sydney. His birth father was incarcerated at the time and there were issues concerning his biological mother's drug use and neglect. Accordingly, from the age of six weeks he was voluntarily placed in the care of his grandfather, Charles Morgan and his wife Iris Suzanne (Sue) Morgan. Charles considered them to be his parents. His biological mother only contacted the family once (in 1994) and his father has never been in contact. When he was 18, Charles changed his surname from Bates (his father's birth name) to Morgan.
7. His mother, Iris Suzanne Morgan (Sue) acknowledged that Charles was not perfect and like most teenagers got into strife. They would argue about some of the choices he made but they never felt he would harm himself. He was a polite, well mannered young man with a good heart. It would seem he had many friends, two of whom, Grant Saunders and Jerome Leedy, were with him on the night/morning he died.

8. Charles was receiving a disability pension as a result of learning difficulties and some cognitive impairment that had been assessed through Centrelink. This did cause him at times to be frustrated and he had trouble retaining new information.
9. On 2 January 2012, he apparently broke his big toe when he impulsively kicked it on concrete at the back of his house when he was arguing with his mother. He was in a lot of pain and could not walk properly.
10. Sue stated that Charles was neither suicidal nor depressed. He had been seeing a psychologist for anger management issues as a result of breaching a domestic violence order. She said he was a social drinker and only once wiped himself out, which had resulted in the domestic violence incident. She did say that Charles consumed cannabis at least weekly.
11. I formed a very clear impression from hearing Sue give evidence and observing the other members of the family in court including Charles Senior and his three siblings, that Charles had received the benefit of a very loving and supportive family environment.

### ***Relationship with Lydia Quail***

12. Charles had been in a relationship for some years with his girlfriend, Lydia Quail. She described him as funny but he had bad anger issues and liked to go drinking and smoking cannabis. When he was angry he would call her names and had also abused her in the past. Physical violence had become more frequent and he had punched, slapped and kicked her. Police took out a domestic violence order against him in April 2011, and he was to have no contact with her or come near her.
13. Since the order was in place Lydia had reported him to police because he had come to her house a couple of times. He also hit her and smashed a window at her house. This was reported in October 2011. She told police that she still had other contact with him but had not reported this to police.
14. In December 2010, Lydia Quail became pregnant and Charles was the father. She was still at school and wanted to finish her schooling so she terminated the pregnancy. Charles was with her when the abortion took place. He did not like the idea of the abortion and Lydia says their relationship changed after this. He started drinking more and going out with his mates.
15. Lydia told police he would consume alcohol every week-end but she rarely was with him when he was drinking. She said he had been smoking cannabis every day for the past year or so.
16. The relationship was highly volatile, to say the least. Part of the evidence included a download of Charles' mobile, which included many text and other messages indicating a constant to and froing, with extraordinary

abuse and accusations of being unfaithful followed by messages of kindness and love. They were constantly breaking up and then invariably getting back together.

17. Lydia said they fought every second day about silly things. The volatility of the relationship seemed to be part and parcel of Charles' life.

### ***Expressions of self harm/suicide***

18. Lydia told police that Charles had spoken to her about suicide and would often say that if she left him he would kill himself. He had said that only about three times and she believed he was quite serious. The last occasion had only been a couple weeks previously. On this occasion he made reference to 'See you in the next life'.
19. Around Boxing Day 2011, Lydia received a long and rambling letter from Charles saying how sorry he was and how he was trying to be better. He made reference in that letter as to 'See you in the next Life'.
20. His friend Grant Saunders said Charles had said at times he would hang himself but they would talk it through and he had no doubt Charles would not do that.
21. His long term GP, Dr Davison told police there was no evidence he was ever suicidal or that he would self harm. Admittedly, Dr Davison acknowledged that he thought Charles put him in the same category as his mother, but he was generally comfortable with his mother being present when he spoke to Charles. Unsurprisingly for a young male, Charles also acknowledged in one of the MMS messages he sent to Lydia that he was not always honest when answering important questions put to him by Dr Davison when his mother was present. However, the context for this does not appear to be with reference to suicidal ideation but more in relation to issues concerning the aggression.
22. Charles had been seeing a psychologist, Dr Michael Johnstone of Better Life Psychology. He provided information to the coroner and police and said he had seen Charles for six sessions to address several issues in his life, particularly his aggressive outbursts and substance abuse. He stated that Charles would become aggressive and believes this may have been connected to his frustration at not fully being able to process all that was happening around him.
23. In relation to his alcohol and cannabis consumption, Charles reported he had been drinking alcohol excessively and using cannabis over several years. During October 2011 he had begun to limit his drug intake and alcohol consumption, especially the amount of rum that he drank. The psychologist asked Charles whether he was having thoughts of suicide and he said no and that he would never do this because of the impact it would have on his family.

24. Dr Johnstone said Charles understood that in the past he had acted too quickly before he really understood what was happening and this had led to poor choices. Cognitive Behavioural Therapy, acceptance and commitment therapy and mindfulness techniques, were used to help him understand how situations affected him and how he could build a stronger sense of self worth and choose to feel and act differently. The psychologist said that Charles' mother had reported he had been relating better with his family, was less angry at home and was contributing in a more positive way.

### ***Autopsy results***

25. An external only autopsy examination showed widespread injuries with fractures to the skull, neck, left scapular, left ribs and limbs.
26. There was an amputation of the right foot and near amputations involving the left leg.
27. External examination found some minor injuries such as abrasions which could have resulted from other mechanisms and a minor previous assault could not be excluded.
28. Dr Milne considered the cause of death was due to multiple injuries as a result of a train overrun. Based on the degree of haemorrhage seen on the CT scan, he was alive when he was struck by the train. All the injuries found at autopsy could have resulted from the train overrun and the more severe injuries were entirely consistent with such a mechanism.

### ***Toxicology***

29. Toxicology testing showed a blood alcohol concentration equivalent to 0.079%. Alcohol was also detected in the urine at 0.103% and vitreous fluid at 0.084%.  $\Delta^9$ Tetrahydrocannabinol (THC), a constituent of cannabis, was detected in the blood at a level of 0.057 mg/kg.
30. Dr Hoskins, of the Clinical Forensic Medicine Unit was requested to provide an opinion regarding the toxicology results. In this case the relatively high level of THC was indicative of very recent use (within minutes rather than hours). The level of alcohol appears to be in the moderate range.
31. Dr Hoskins considered it likely that Charles would have been quite intoxicated however was unable to speculate just how much without knowing more about his normal drinking and smoking of cannabis patterns and other information.
32. Given what has been said about Charles' relatively frequent drinking and cannabis habits he would not be in the category of a drug and alcohol naïve person but he was certainly affected by both substances when he died.

## ***The Investigation***

33. The Forensic Crash Unit (FCU) completed a thorough investigation considering these issues and provided a report to the coroner. Queensland Rail also conducted an investigation and its report was also considered. The driver was breath tested by police with negative results.
34. Senior Constable Wade Frazer was the lead investigator. The FCU usually becomes involved in train overrun cases where it is not clear-cut that it is a suicide. Senior Constable Frazer's investigation and subsequent report was detailed and comprehensive. Charles' family openly expressed in court their appreciation and thanks to SC Frazer for the work he had performed, in particular his sensitivity and empathy in dealing with the family.
35. Charles' body was located between the train tracks and it was evident he had suffered significant and extensive injuries to both legs, particularly his left leg. He also showed signs of injuries to his right arm and his head. He was partly covered in grease with that being evident on his arms, head and clothes. No injuries inconsistent with the incident were observed.
36. A white mobile telephone was located, which was intact and was able to be turned on. A black wallet, go-card and black beanie were also found under the carriage. The beanie appeared to be stuck to the outside train track, with hair fragments also stuck to the track.

## ***CCTV Footage***

37. The Queensland Rail investigation reviewed CCTV surveillance which showed a group of male and female persons loitering on and around Zillmere Railway Station.
38. A male and female is seen to break away from a group of persons and walk towards platform three at 0227 hours where they remain for approximately 10 min. The male person was dressed in jeans, a black shirt and black beanie. The male and female walk along the length of platform three in a northerly direction before jumping off the end of the platform and walking along the rail corridor out of view at 0238 hours. No further CCTV surveillance is captured. The two persons are identified as being Charles and Shinekqwah Georgetown.
39. The CCTV footage does not record the actual incident where the train overran Charles.
40. The footage shows Charles first entering the station at 0210. At this time it appears he stumbles or trips outside of view of the camera. He then walks up the stairs with a female person who was identified as Ms Georgetown. They can then be seen coming down the stairs on the northern side of the station. They loiter with a number of other people outside and inside the entrance of the northern side of the platform. The

group then sit down and can be seen to be taking photographs of one another and smoking. Nothing appears untoward. At 0227 Ms Georgetown is seen to appear in the camera and appears to signal towards Charles. At this time he can be seen to walk towards her. They then reappear on camera at 0232 and leave at 0236 after shaking hands and cuddling some of the people.

41. On another camera at 0225 Ms Georgetown can be seen on her mobile telephone. She is then seen to walk on the platform at 0227 before Charles is seen at the bottom of the stairs at 0229. Charles is then seen on camera for a number of minutes and would appear to be upset, or unsettled. No other person is observed at this time. He then is seen to leave the view of the camera at 0232 and reappears at 0237 followed a little later by Ms Georgetown. He still looks unhappy and it is noticeable that he is walking with a prominent limp. At this time Ms Georgetown goes to walk to another part of the platform however continues to follow Charles who was walking up the length of the platform. They are both lost from view at 0238. Charles still appears to be unhappy through his non-verbal communication. Charles is seen to jump down from the platform onto the railway tracks at 0239. Ms Georgetown is also seen to jump down from the platform and they disappear from vision 14 seconds later. Charles can be seen to walk along the tracks for a short period of time before walking along the rocks between the western tracks and centre train tracks. This is the last footage seen.

### ***The Night of Charles' Death***

42. Police investigated the possible involvement of Victor Gordon with whom it had been alleged there were some ill feelings. Gordon told police he had last spoken to Charles about three months prior to death. He was at a friend's house at Stafford with his cousin on the night of the incident.
43. On the night of the incident Lydia Quail was not with him. He had sent her a text message that day saying there was a party at Zillmere and that he wanted to meet up with her that night but she did not want to. She heard from him every 45 min to an hour during the night. He started texting her messages, which sounded angry and drunk. She turned off her telephone at midnight. When she woke up she found six messages from him.
44. It is apparent that Charles attended the party at Zillmere and was consuming alcohol although it appears he was not highly intoxicated. At a time closer to his death he smoked some cannabis.
45. Sometime after midnight a group from the party met at the Zillmere Railway Station. One of the members of the group was Charles' close friend, Grant Saunders. Grant said that Charles seemed to be happy and was having a good time at the party. They left the party at about midnight and were planning to walk to Chermiside but then changed their minds and decided to head to Zillmere Railway Station to see who was out.



46. He said that a group of them then 'chilled out' until about 2am at the station. He recalls Charles left with Shinekqwah and said that they were going to Carseldine. Grant then went to his cousin's house and stayed the night.
47. Grant also recalls that sometime in the morning between 0330 and 0430 he received about five or six calls from Jerome Leedy. He eventually answered one and Jerome said in response to his query why he was calling 'I think Chook got hit by a train'. He repeated this a few times. Grant said he was half asleep and thought Jerome was bluffing. He recalls the sun was just coming up when he got the call from Jerome. Grant says that Jerome has never spoken to him about what happened that evening.

### ***Evidence of Shinekqwah Georgetown and Jerome Leedy***

48. Given Shinekqwah and Jerome were most likely the last people to see Charles, their evidence was important to understand what had occurred in the short period of time leading up to his death and to provide some answers and finality for the family.
49. Unfortunately Jerome Leedy made himself unavailable to provide a statement to police despite numerous requests for him to contact them. Shinekqwah's statements were also inconsistent in some respects.
50. The inconsistencies and the failure to provide information were one of the significant reasons why an inquest was held.
51. Both of them gave evidence at the inquest and it has to be said that I had a very distinct impression they were not being as open and transparent about the events that occurred as they could be.
52. At the same time I have no reason to think that this was as a result of them hiding evidence of their direct involvement in Charles' death. Rather I suspect they feel some guilt in relation to their actions that evening in leaving Charles by himself sitting on the railway track.
53. Shinekqwah Georgetown initially told police that sometime after 0245 Charles told her that Jerome Leedy (her ex-boyfriend) had called him and wanted to meet him on the train tracks between Zillmere and Carseldine stations. She walked with Charles, in a northerly direction up the left side of the train tracks and met Jerome about 100m north of the platform at Zillmere Railway Station. Jerome and Charles were talking for about 10 min. She told police at about 0320 Jerome and she started talking and walked off. She said Charles was sitting down with his knees up in the middle of the tracks on the left. She did not recall which direction he was facing and he seemed happy at the time. She and Jerome then continued to walk along the railway tracks and did not see Charles again that morning.

54. The CCTV footage seemed to give different times to those in her statement and she was asked by police if she could explain the differences but she said that the times she gave in her statement were the ones she thought were right.
55. She was also asked to clarify some of the details about the night of the incident, and she confirmed they had walked up the tracks to meet Jerome after Charles had received a text message from Jerome. She said she and Charles were fine and when the footage was shown to her where police thought Charles was unhappy with her she stated everything was fine. She further stated that once they met Jerome Charles spoke for 10 min with him. She stated she was not standing near them at the time and didn't know what they were talking about. She said that they were not arguing and no person was drunk nor was anyone consuming any cannabis, rather they were just talking. She said Charles was sitting by himself when they walked off and she thought he would have been fine and would have walked back to everyone else at the train station.
56. In evidence she said that Charles took a telephone call from Jerome and was going to meet him and she said she would go with him as she wanted to see Jerome and talk to him. Charles seemed to be happy that he was also going to see Jerome and he had not made any mention of his troubles with Lydia. She said that Charles was not annoyed about the arrangement that had been made. She says that when Jerome and he met along the train lines they hugged each other and were talking for a bit and Charles appeared to be happy. She said they were on the tracks for 15 min. She then started talking to Jerome about how they missed each other and they moved off towards Carseldine. She said that Charles knew they were going to Carseldine and he seemed chilled out and was not angry or annoyed. She didn't believe he appeared tired or affected by alcohol or drugs. She said he was going to meet up with Jerome later.
57. She then said she spent an hour and a bit at Carseldine QUT with Jerome and he then took her to the train station and she caught the first train back. She said that as she passed towards Zillmere she saw a train stopped and was hoping it was not Charlie.
58. She then gave some confusing evidence about how she became aware of the train having stopped and commented that Jerome was with her when they first thought that and they both freaked out.
59. The evidence was such that the timeline she was providing just did not make any sense and there appeared to be an hour gap.
60. At the conclusion of evidence the court adjourned for submissions. In the short period of time before resuming Senior Constable Frazer took an unusual, but highly helpful step in approaching Shinekqwah and her mother outside of court. As a result she was re-called as it was believed

that she could provide some other information, which she had not previously provided to the police or to the court, and which would explain some of the confusing aspects of the evidence. I suspect that Shinekqwah was not being deliberately untruthful or unhelpful but rather there may be some mild intellectual impairment, which contributed to her confusion.

61. What she then told the court was that she and Jerome spent some 20 minutes on a nearby grassy knoll and then they decided to walk off towards Carseldine. She says that at the time Charles was still sitting on the railway track. As they approached the campus they heard the sound of screeching brakes from a train.
62. A number of attempts were made to speak to Jerome Leedy however this was unsuccessful. Police had been unable to locate him and his mother had told police that the death of Charles had hit him hard and he had refused to speak about it even to her.
63. Eventually Jerome was able to be contacted and gave a statement in very recent times. He said that he had not gone to the party at Zillmere that night. He received a telephone call from Charles on his mobile late in the night and he said he was at Zillmere Railway Station with his ex-girlfriend Shinekqwah Georgetown. They decided to meet halfway along the railway tracks between Carseldine and Zillmere stations.
64. They met approximately 300 metres from the Zillmere Railway Station. Jerome says he shared a premixed alcoholic drink with both of them. He recalls Charles was drunk by the way he was talking. He then told Charles that he and his ex-girlfriend were going. Charles did not want to come with them and he sat down on the tracks and they walked off. He later walked his ex-girlfriend back to Carseldine where she caught a train.
65. He said that when he left Charles he seemed happy and showed no signs of being depressed. There was nothing that caused him any concern. He said they were close and Charles would have told him if anything was the matter. Sometimes Charles would get angry, mainly about girlfriend problems, but at this particular time he did not appear to be angry or upset about anything that he knew of. In his statement he said later that morning he received a telephone call from his mother telling him what had happened to Charles.
66. In his evidence Jerome said he was talking to Charles that evening and understood he was with Shinekqwah. He wanted to see her again and meet up and he wanted to meet her halfway along the track. He then said they spoke to each other for five or 10 minutes and then he left to go back to Carseldine. Charles was not angry, upset or tired. Charles said he was going to go back to Zillmere.

67. Jerome was asked why he telephoned Grant early that morning expressing concerns about Charles (given his statement to police suggested he only found out from his mother later that morning) and he said that he had seen the train stopped and he had a suspicion that it might be Charles because he was on the tracks when they left him. He said he had no issues about him going off with his ex-girlfriend. He did not appear to be upset.

### **SMS Messages**

68. The police located Charles' mobile telephone at the scene. A forensic examination produced a 156 page document, which outlines all information stored within the phone. There were a significant number of SMS messages stretching from 24 December 2011 to the day that Charles died particularly between himself and his girlfriend Lydia Quail (referred to in the text messages as 'Bubba').
69. The text messages clearly indicate there were difficulties within the relationship as Charles appears to plead with her. One of the messages sent on 7 January 2012 corroborates what she had previously said about him wanting to kill himself if she left him. The message at 0632 on 7 January stated that he *'didn't cheat and I would kill myself if you left me but you didn't and that's what I swore our baby's abortion on and you've got to always put it back on me'*.
70. There is a reference to concerns that he had cheated on her. At 0635 he said *'Lydia I have never cheated on you that's the thing and if you love me and mean it then work this out'*.
71. At 1100 she wrote *'Hope you have fun at that party tonight. See you. That's it for me. Don't call me above any more don't ring me cause its all shit'*.
72. Then follows a series of hurtful messages from Charles to Lydia who does not respond.
73. At 1700 he sent a message *'N if u wanna work things oxt tomoz is gunna be the only chance becoz ur not the only 1 going sumwea on Monday aye'*. This message may suggest that at least at the time he still had plans.
74. In a message received at 1259 on 8 January Lydia said *'you know Charlie I don't think you want to work it out. I think you rather stay how we are fighting and angry. 2012 is worse than last year and it's not changing'*.

### **Further Evidence**

75. At the conclusion of hearing the evidence and the submissions, I indicated I would hand my decision down the following week. A few days later my office received information from the legal representatives for the family, which indicated that Jahmal Hegarty-Bolger had told them that he

was present during a conversation with Kerrod Meredith-Creed who had relayed information of a conversation he had with Ms Georgetown indicating there was a physical altercation with Charles that evening.

76. Jahmal had provided a statement previously, which was part of the brief of evidence but he was not called to give evidence because the statement did not reveal any other relevant information which was not already known. He confirmed that he spoke to Charles during the night and he seemed to be in a good mood and normal. They were drinking beers and he believes Charles would have had some cannabis but seemed okay.
77. I requested that the police approach Jahmal and Kerrod and obtain statements from them. Those statements have now been provided to the legal representatives for the family.
78. In his addendum statement Jahmal stated he left Zillmere Railway Station with Grant not long after Charles spoke to Jerome on the telephone. Charles had said he was going to walk the tracks to go to Carseldine Railway Station but he convinced him to go on the road because he had a broken toe. When he left he thought Charles and Ms Georgetown were walking on Zillmere Road.
79. He recalls Grant getting a few telephone calls on his mobile early in the morning but he was half asleep and did not know who had made the calls.
80. A few weeks after Charles died he saw Kerrod at Chermshire Shopping Centre. He does not remember exactly what he said but he recalls that Kerrod had been talking to Ms Georgetown on Facebook about what had happened. He knows Jerome and Charles were good mates but they would have the odd fight every now and then but they would be mates again the next day like nothing happened. As far as he knew there was no problem between them at the time Charles died. He said he would have heard about any problems because the group was all pretty close.
81. Kerrod Meredith-Creed had also walked to Zillmere Railway Station after the police had come and shut the party down. He only stayed a little while and Charles seemed fine. Charles was not overly drunk but he had seen him smoking cannabis at the party. He said that he knew Charles was on and off with his girlfriend and he was ringing her that night but he also seemed okay.
82. He later heard about what had happened to Charles. That morning he also received a telephone call from Ms Georgetown but he does not recall that conversation.
83. He attended Charles' wake and he had a conversation with her and she said that she and Charles walked on the railway tracks to meet up with Jerome. She said they had stayed drinking for a couple of hours and that

she and Jerome started having sex. The last time she saw Charles he was walking on the railway tracks towards Zillmere at about four o'clock in the morning. He says he did not have a conversation with anyone which suggested that Jerome and Charles had been fighting the night they left him.

## **Conclusions**

84. There are a number of possibilities that could explain the circumstances of Charles' death.
85. Firstly, after being left by Ms Georgetown and Jerome Leedy he fell asleep whilst intoxicated and was struck by the train. The evidence indicates that whilst he was intoxicated, this would not explain a loss of consciousness and the choice of where to sleep was unusual.
86. Secondly, because Charles was intoxicated he fell and knocked himself unconscious and landed on the rails where he was struck by the train. Again the statements from persons who were with him and the CCTV footage do not indicate that he was heavily intoxicated.
87. Thirdly, that he was assaulted by a person and left on the train lines. There is no evidence of an assault or of any other persons walking along the train track at the time.
88. Fourthly, prior to becoming intoxicated he had formed suicidal intent, he then consumed alcohol and cannabis to ease the process.
89. Fifthly, that he decided to kill himself after he became intoxicated.
90. The evidence that this was a case of suicide has some support although if it was suicide it is more likely it was an impulsive act whilst intoxicated and there had been no prior intent. The indicators for this are that he was a young male. There was a degree of intoxication through alcohol and cannabis. There is evidence that he was somewhat agitated around the time that the incident occurred. There is also evidence that he had previously said he would kill himself if his girlfriend left him. One such statement was contained in a SMS message as late as the day before he died. Charles was clearly exchanging numerous text messages with his girlfriend when she said that this was the end for her. He had continued to send text messages to her during the evening however she did not reply until just after midnight. The method of train overrun, where death is usually inevitable is another factor.
91. Substance abuse and disrupted interpersonal relations are associated with a significantly increased suicide risk, particularly in young indigenous men. All of those factors are well recognised risk factors for impulsive suicide, especially in someone who his psychologist considered was inclined to aggressive outbursts and who could be frustrated when he was unable to control or process all that was happening around him.

92. The difficulty is that the evidence of Ms Georgetown and Jerome Leedy, the last persons to see him, was not provided openly or in a transparent manner. It took two statements, her evidence in court and then a subsequent recall to give evidence for Ms Georgetown's evidence to approach a semblance of form which made some sense of a timeline. She failed to tell the court everything she knew until she was pressed. Accepting a court room may be a difficult forum for a young woman, and given there may have been some embarrassing aspects for her, it was still fairly apparent this was important evidence.
93. Jerome clearly knows more than he was prepared to say in court. Again this might be because he has some guilt about leaving Charles and there may be some embarrassing aspects for him about what happened between him and Ms Georgetown, but there are still some gaps.
94. The evidence does not suggest their direct third party involvement and I would exclude there was any assault, but I am not at all satisfied with what they had to say.
95. The possibility of Charles falling over on the tracks and hitting his head cannot be absolutely excluded but appears unlikely given the absence of specific injuries and his position on the track.
96. One particular scenario springs to mind. This is that Jerome Leedy and Ms Georgetown left Charles at the track, whilst they went over to the grassy knoll. Perhaps Jerome was intending to come back to him, as there was some mention of them going back to his friend's house, but instead he headed off elsewhere with Ms Georgetown. That scenario leaves open the possibility that Charles was left waiting where he was on the track, expecting Jerome to return, maybe smoked some more cannabis and combined with natural tiredness given the early hour of the morning, he did fall asleep, notwithstanding how uncomfortable it may have been.
97. The position on the track gives some support to this. Supporting this was not a case of suicide is that although Charles had been engaged in a series of volatile text messages with Lydia and she had expressed she wanted to end the relationship, this appears to be the norm for their relationship over many years and they always got back together. During the night he appeared to be happy to all of his friends and by this time most of the angry text messages had been completed. One message suggested a future plan. The last message he received from Lydia was certainly not saying they would get back together and questioned whether he wanted to try, but did not dismiss that possibility altogether. He did not respond. Charles also knew he had the support of a loving family and many friends.
98. When this matter was initially reported to me by police, I recall that the circumstances even then led me to think that you could not automatically

conclude this was a case of suicide and a scenario of him having fallen asleep on the train tracks was a distinct possibility at that time. A later consideration of the evidence may have pointed more strongly towards suicide given the volatile relationship issues, but after hearing evidence in this inquest including that of his family and friends and the unsatisfactory evidence of the last two persons who saw him, I am unable to come to a conclusion as to what is more likely and that aspect of the finding unfortunately must remain open.

### ***Findings required by s45***

**Identity of the deceased** – Charles Ross Maxwell Morgan

**How he died** – Charles was moderately intoxicated with alcohol and cannabis. At some time in the early morning and before 0410 hours he lay down on the railway tracks near Zillmere Railway Station as a train approached. He was run over and suffered fatal injuries. I am unable to conclude whether this was an intentional act to take his own life or if it was an accident in the context of him falling asleep.

**Place of death** – Zillmere Railway QLD AUSTRALIA

**Date of death**– 08 January 2012

**Cause of death** – 1(a) Multiple injuries  
1(b) Train over-run

I offer my condolences to Charles' family and friends.

I close the inquest.

John Lock  
Brisbane Coroner  
BRISBANE  
15 March 2013