



CORONERS COURT OF QUEENSLAND

FINDINGS OF INVESTIGATION

CITATION: **Non-inquest findings into the death of Mr S**

TITLE OF COURT: Coroners Court

JURISDICTION: Cairns

FILE NO(s): 2012/4673

DELIVERED ON: 20 February 2017

FINDINGS OF: Kevin Priestly, Coroner

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Introduction

Mr S was 32 years of age when he was killed by his partner, Ms Samantha Sweeney on 24 December 2012. They had been in a relationship since at least 2009 and had two children, though the children were not in the care of Mr S or Ms Sweeney. There was an extensive history of domestic violence in the relationship.

Surrounding circumstances

On Sunday, 23 December 2012, Mr S and Ms Sweeney went to work as early morning cleaners at the Overlander Hotel, Mt Isa. They finished work at 11am, and started drinking with some work colleagues at the Cooper City Caravan Park. Toxicology results reveal Mr S also used amphetamines and cannabis. Mr S and Ms Sweeney partied for most of the day. A taxi driver collected Mr S and Ms Sweeney at around 8:30pm and dropped them off at their residence, situated on the property of Mr S's aunt, Ms H. In a statement to police, the taxi driver described Ms Sweeney as 'pretty drunk' but otherwise not saying too much. Mr S talked about rehab he was attending, and how 'they were getting their life together'. The taxi driver described Mr S and Ms Sweeney as getting on well.

A number of witnesses provided statements to police about what they heard over the following hours. Ms H heard raised voices at around 12am to 12:30am. She went outside with a torch, but the voices had stopped. She then saw Mr S run in her direction, yelling 'call the ambulance'. He collapsed on the front patio, lying in a pool of blood. The ambulance was called, as was the police. Resuscitation was attempted for a prolonged period, and Mr S was pronounced deceased at 1:30am.

As to what happened between Mr Sweeney and Mr S before his death, Ms Sweeney was interviewed by a forensic psychiatrist after the event. She told him that she could not recall heading back to their accommodation that night. Ms Sweeney recalled Mr S grabbing her and dragging her along the ground, before urinating on her and hosing it off. He then took off her wet clothes, apologised, and tried to comfort and calm her. Ms Sweeney walked away, and Mr S became angry, yelling out into the night. Ms Sweeney recalled he was talking to the darkness, asking questions such as 'should I get rid of her? I think she's got to go'. Ms Sweeney became very frightened, started looking around for something to protect herself, and came upon the knife.

Mr S approached Ms Sweeney and they ended up facing one another. Ms Sweeney, armed with the knife, told Mr S to 'back off'. He started to back off, saying things like 'it is alright. It will be okay'. He then closed on Ms Sweeney, and stepped into her personal space. Ms Sweeney described to the forensic psychiatrist what was going through her mind. She thought if he got the knife from her, 'I'd be fucked...he'd use it on me or belt the fuck out of me'. Ms Sweeney described how she knew Mr S's soothing words were simply a pretext to disarm her. Ms Sweeney knew he would be angry, violent and hurt her.

Ms Sweeney said that Mr S came closer, and asked for the knife. Thinking he was going to grab it from her, Ms Sweeney turned her head, looked away, and stabbed out at Mr S. Ms Sweeney did not know if she had hit Mr S with the knife. He walked away, calling Ms Sweeney names as he retreated. Ms Sweeney lay down on the ground and kept the knife handy in case Mr S came back. Upon further thought, Ms Sweeney decided it might be better to put the knife somewhere else, so that Mr S could not find it. She hid the knife, and it was subsequently located by police.

Autopsy results

A full internal autopsy examination was conducted on 29 December 2012 by a forensic pathologist, concluding death was due to a stab wound to the chest.

Examination showed the following:

- a stab wound to the left front of the chest, associated with damage to the heart;
- collections of blood in the sac surrounding the heart and left side of the chest;
- collapse of the left lung;
- scratch or shallow cut marks over the trunk and right face/neck; and
- probable sites of recent blood vessel access in both elbow folds.

The forensic pathologist reported the cause of death was most probably complications from the stab wound to the chest, the most serious was a perforation of the heart and associated blood loss. The possible contribution of concurrent alcohol and/or other drug toxicity was investigated, revealing the blood alcohol level of 122mg/100mL.

Criminal proceedings

Ms Sweeney was charged with the murder of Mr S. On 3 March 2015, Ms Sweeney pleaded guilty in the Supreme Court at Mt Isa to manslaughter. His Honour Justice Henry accepted that the killing occurred in the context of an abusive and violent relationship so as to preserve Ms Sweeney's life.

Ms Sweeney was sentenced to seven years imprisonment. Significant pre-sentence custody was declared as time already served, and as such a parole eligibility date was set for 24 April 2015.

Ms Sweeney was released from custody on parole, and on 19 October 2015 was found deceased in her unit at Garbutt. I have separately made my findings in relation to her death.

Coronial investigation

At the time of Mr S's death, a Domestic and Family Violence Protection Order (DFVPO) was current between Ms Sweeney and him. The Domestic and Family Violence Death Review Unit within the Coroners Court conducted a review and concluded that, despite an extensive history of violence between the couple, there were limited opportunities to intervene prior to Mr S's death. Only a relatively small number of episodes of domestic violence between the couple were ever reported to police or other support services. Ms Sweeney

demonstrated a reluctance to engage with services regarding her experiences of domestic violence which limited the capacity of services to meaningfully engage with, and support her prior to Mr S's death.

The review made it clear that, despite the no contact condition on the Order, Ms Sweeney and Mr S continued to work and live together. It is also clear that, despite the injuries Ms Sweeney received in the context of the domestic violence, she routinely refused hospital treatment and for charges to be laid against Mr S.

In the months leading up to Mr S's death, Ms Sweeney requested the no contact condition be removed on the basis that the couple were trying to reconcile and they were working together on the relationship.

Conclusions

On the morning of 24 December 2012, Ms Sweeney killed Mr S at their residence at Mt Isa, inflicting a stab wound to the chest while the victim of a prolonged assault. Ms Sweeney obtained the knife to protect herself from further assault. The Supreme Court held that Ms Sweeney ultimately stabbed Mr S so as to preserve her own life.

Domestic violence is an issue of prominence at the current time with much ongoing development in the area. The report completed by the Special Taskforce on Domestic and Family Violence, chaired by The Honourable Dame Quentin Bryce, has now been available to the Queensland Government since September 2015. The Report's 140 recommendations for reducing domestic and family violence are extensive and cut across universal, primary and secondary systems; government, community and business sectors; and policy, funding and legislation. The Queensland Government has committed to the implementation of each recommendation.

Given the limited opportunities for system or service contact with Ms Sweeney and Mr S in the lead up to this death, I am satisfied that there were minimal opportunities to prevent this death. The death was comprehensively investigated by the Queensland Police Service, and criminal proceedings were concluded.

No further investigation is required.

Findings required by s. 45

Identity of the deceased – Mr S

Place of death – The Gap, Mt Isa, 4825

Date of death– 24 December 2012

Cause of death –

- 1(a) Stab wound to chest
2. Alcohol and methylamphetamine intoxication

I close the investigation.

Kevin Priestly
Coroner
CAIRNS
20 February 2017