



CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION: Inquest into the death of Jayden Joseph Penno-Tompsett

TITLE OF COURT: Coroners Court of Queensland

JURISDICTION: CAIRNS

FILE NO(s): 2018/527

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FINDINGS OF: Nerida Wilson, Northern Coroner

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REPRESENTATION

Counsel Assisting: Mr J. Crawfoot

Counsel for Ms R. Penno:
(next of kin Mother) Mr A. Raeburn i/b Townsville
Community Legal Service

Counsel for Queensland Police
Union and P. Edwards, G. Burns,
K. Sutherland, J. Whitehead: Mr S. Hollands

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Publication

Section 45 of the *Coroners Act 2003* ('the Act') provides that when an inquest is held, the coroner's written findings must be given to the family of the person in relation to whom the inquest has been held, each of the persons or organisations granted leave to appear at the inquest, and to officials with responsibility over any areas the subject of recommendations. These are my 24 page findings in relation to Jayden Joseph Penno-Tompsett, they will be distributed in accordance with the requirements of the Act and published on the website of the Coroners Court of Queensland.

Relevant Legislation

1. Pursuant to s.45 of the Coroners Act 2003 I must, if possible, make findings as to:
 1. Who the deceased person is;
 2. How the person died;
 3. When the person died;
 4. Where the person died; and
 5. What caused the person to die
2. I must not include within those findings any statement that a person is, or may be:
 - a) Guilty of an offence; or
 - b) Civilly liable for something.

Standard of Proof

3. The particulars a Coroner must, if possible, find under section 45, need only be made to the civil standard but on the sliding Briginshaw scale. That may well result in different standards being necessary for the various matters a coroner is required to find. For example, the exact time and place of death may have little significance and could be made on the balance of probabilities. However, the gravity of a finding that the death was caused by the actions of a nominated person would mean that a standard approaching the criminal standard should be applied because even though no criminal charge or sanction necessarily flows from such a finding, the seriousness of it and the potential harm to the

reputation of that person requires a greater degree of satisfaction before it can be safely made.

4. The paragraph above was specifically contemplated by the Court of Appeal with apparent approval. The Court went on to state:

Two things must be kept in mind here. First, as Lord Lane CJ said in R v South London Coroner; ex parte Thompson, in a passage referred to with evident approval by Toohey J in Annetts v McCann: ...an inquest is a fact finding exercise and not a method of apportioning guilt ... In an inquest it should never be forgotten that there are no parties, there is no indictment, there is no prosecution, there is no defence, there is no trial, simply an attempt to establish facts. It is an inquisitorial process, a process of investigation quite unlike a trial where the prosecutor accuses and the accused defends, the judge holding the balance or the ring, whichever metaphor one chooses to use. Secondly, the application of the sliding scale of satisfaction test explained in Briginshaw v Briginshaw does not require a tribunal of fact to treat hypotheses that are reasonably available on the evidence as precluding it from reaching the conclusion that a particular fact is more probable than not.”

Issues for Inquest

5. The following issues were set for inquest:
- i. The findings required by section 45(1) & (2) of the Coroners Act 2003, namely; whether or not Jayden Joseph Penno-Tompsett is in fact deceased and, if so, how, when and where he died and what caused his death; and*
 - ii. The circumstances surrounding the death*

Witnesses required to give evidence in public interest that would tend to incriminate (s39 Coroners Act 2003)

6. Pursuant to section 39(2) Coroners Act 2003 I considered that it was in the public interest for the following witnesses to give evidence that would otherwise tend to incriminate them and I required them to give evidence:
- Witness 7 (identity subject to non publication order)
 - Jed Wakefield
 - Callan McDougall
 - Timothy Westcott

- Lucas Tattersall
7. Their evidence, and any derivative evidence, is not admissible against them in any other proceeding, other than a proceeding for perjury.

Witnesses called to give oral evidence

1. Ms Rachel Penno
2. Detective Sergeant Peter Edwards
3. Sergeant Kirsty Sutherland
4. Senior Sergeant Jim Whitehead
5. Mr Lionel Murphy
6. Mr Lloyd Lavery
7. Witness 7
8. Jed Wakefield
9. Callan McDougall
10. Timothy Westcott
11. Lucas Tattersall

Background

8. Jayden Joseph Penno-Tompsett was born on 23 September 1995 and was aged 22 years at the time of his disappearance on 31 December 2017.
9. Jayden lived in Newcastle for most, if not all of his life, and had a very close knit and wide circle of friends, many from his school years. He lived mostly with his mother, having returned from Western Australia earlier in 2017 where he lived for a period of time with his father. Mr Thompsett recounted (in a closing statement to the Inquest) the time with his son as a very happy and important time for them. His mother described Jayden as a young man with a beautiful and generous nature.
10. Regrettably at the time of his disappearance Jayden was beset by a number of personal stressors, including his recent loss of employment, conflict with his family, including stealing his mother's car, conflict with other persons, including a neighbour who apparently chased him with a shovel, a relationship breakup and loss of his driver's licence. He had fallen back in with an old crowd upon returning from Western Australia and re-engaged in illicit drug use.

11. Not long prior to his disappearance Jayden's family became worried about his declining mental health and his concerned mother set about delivering him to the Emergency Department of the Mater Hospital in Newcastle for a mental health assessment. Jayden bolted from the vehicle when his mother stopped at traffic lights adjacent to the hospital and essentially, he 'did a runner' before admission to the hospital.
12. His mother later located him and returned him home. Jayden was resistant to any mental health intervention fearing he would be involuntarily admitted, and he therefore chose to actively avoid police.
13. On 14 December 2017 overwhelmed by the events of his life he had threatened to jump off Red Head Bluff to take his life.
14. From 14 December 2017 he maintained only limited verbal communication with his family and was not thereafter seen by them, refusing to present himself at either the family home or the local police station. He was by then formally registered in NSW as a missing person and he remained a missing person in New South Wales at the time he departed for Queensland. NSW Police records indicate they engaged with Jayden on 4 occasions between the months of November and December 2017 (immediately prior to his departure from NSW), all involving matters of his mental health and welfare.
15. Jayden's mother in her evidence indicated that she became aware that Jayden owed money to drug suppliers at the time he left NSW for drugs purchased by him on 'tick' (credit). Her concern in that regard led to her long held belief that Jayden's disappearance could have something to do with retribution sought by others.
16. Jayden's mother Ms Rachel Penno presented as a candid and concerned mother and witness. She has been a staunch advocate for her son since his disappearance and remains unrelenting in her quest to find him, and to obtain the truth about these circumstances of his disappearance. She continues to hold a view that foul play was involved in Jayden's disappearance.
17. There is an acceptance by both Ms Penno and Mr Thompsett that Jayden is deceased.
18. Ms Penno's provided a background to Jayden's life and it is helpful to recount some of that evidence.
19. Jayden was hyperactive from a young age. At aged 16 years he became involved with drugs including the use of 'ice' and marijuana. His behaviours when under the influence of those illicit substances changed his personality. He would become irrational, including on occasion smashing up his mother's house.

20. Ms Penno said his behaviour would often manifest as mood swings and could result in rage. He would act impulsively, and this was often expressed through his bike racing where his mother said he was fearless. He apparently loved the adrenaline rush and was admitted to hospital on many occasions with broken bones,
21. His mother says that by age 16 years Jayden came to the attention of Police. He managed to get off 'ice', replacing it with marijuana.
22. Ms Penno recounted that Jayden expressed suicidal ideation from the age of 16 while he was still at school. He also became involved with a bad crowd and started hanging out at a skate park in a rough area.
23. Although she tried, she could not persuade Jayden to connect with mental health services and therefore he has never been formally diagnosed or treated.
24. Ms Penno and her son were experiencing a difficult patch in their relationship prior to him departing NSW. He had stolen her car and wouldn't return it and she found a bag of pills in her house and made him get rid of them. She was also very aware and quite concerned about Jayden's pattern of obtaining employment and then blowing up at work, getting the sack, and then reverting to drug taking, usually on tic while waiting for his unemployment benefits to come through.
25. I was left with the impression of a mother who was as supportive to the extent that she could be, as she witnessed the chaos of Jayden's life, whilst remaining unwavering in her love and support for him. In her statement to the court at the conclusion of Inquest Ms Penno declared that her life 'ceased to exist' when Jayden disappeared. None present at inquest would doubt that.
26. I can reasonably infer from the evidence that as at the commencement of the road trip to Cairns, Jayden was mentally quite vulnerable and suffering a period of mental instability. I accept that, against the backdrop of his drug use, Jayden was emotionally unstable and prone to outbursts

The road trip from Newcastle to Charters Towers

27. Jayden and a group of mates, comprising of 15 or 16 old school friends, made plans to meet up in Cairns for New Year's Eve 2017 and to stay on and party for a week or so together. Four of that group gave evidence at inquest and all disclosed it was no secret that the trip would involve consuming alcohol, party drugs, and illicit substances, and generally to have a 'good time'.
28. The young men aged in their 20's met at a local pub in Newcastle and utilised their Facebook chat group to make their plans. Hotels were booked in advance, and all in the group, save for Jayden and Lucas Tattersall flew from Newcastle to Cairns.

29. It was common knowledge amongst some of the group that Jayden driving to Cairns and bringing drugs with him. Ultimately Jayden connected with Lucas Tattersall, who offered the use of his car, and they decided to drive north together.
30. On the day he departed NSW Ms Penno arrived home (after some days away) to find that Jayden had tidied up her house and washed her car. She later spoke to him on Saturday 30th December. Her last text to him was at 7.52pm that same day which was unanswered, and from then her calls would go through to Jayden's message bank and all were unanswered.
31. At the time of his departure Jayden believed he was 'wanted' by New South Wales Police. There is in fact no record that Jayden was wanted on warrant and I am unable to reconcile his concern other than perhaps he believed there was some possibility he would be taken to a mental health facility by Police (as opposed to an outstanding criminal warrant).
32. Notwithstanding, Jayden also conveyed to members of his friendship group the belief that he was wanted on a warrant. That information impacted their later decision making and they delayed reporting (for 3 days) that Jayden was missing.
33. About 1.00pm on 29 December 2017, Jayden and Lucas Tattersall departed Newcastle for Cairns in Lucas' red Nissan Pulsar sedan bearing NSW registration plates CN 32 ZB. They intended to be in Cairns by 31 December 2017 in time to celebrate the incoming New Year with the group as prearranged.
34. A friend (witness 7) noted that Jayden had by the morning of the 29th December, not slept for the previous two nights and he looked 'fried'. ('fried' or 'cooked' were terms used by Jayden's friend's at inquest to describe the use / effects of illicit substances). Jayden assured his friend that he would be 'ok to drive', otherwise the friend did not hold any concerns for Jayden's safety or welfare and purchased new shoes as a gift for his trip north. The friend often took drugs with Jayden and indicated it was usual for Jayden to consume 3 to 4 points of ice at a time. (This has some significance as it corroborates the evidence later given by Lucas that during the trip with Jayden, he estimated Jayden consumed 3-4 points of ice at a time).
35. Lucas Tattersall was not known to Jayden's mother, or the old school friends meeting up with them in Cairns. Lucas gave evidence that he met Jayden approximately 18 months or so prior to this trip through a cousin. Lucas said he and Jayden 'hung out during the week and did drugs and partied on weekends'.
36. Lucas Tattersall gave evidence at Inquest. On the whole I accept his evidence. On the occasions I do not accept his evidence, I indicate so in these findings. Where I accept his evidence I also do so taking into account that anomalies in relation to dates and times are likely to be as a result of his (Lucas's) drug

affected state (reported by associates to be “fried, absolutely cooked” when he arrived in Cairns), sleep deprivation and the stress he experienced at the time of the relevant events. His evidence across sworn statements, multiple records of interviews and his oral evidence remained consistent in relation to the significant and relevant issues. I ultimately find there is no evidence at all that Lucas Tattersall harmed Jayden, nor was that a theory seriously pursued with any particularity at inquest.

37. I accept that ultimate submission of Mr Crawfoot Counsel Assisting the Inquest, that the issue of any moral failing on the part of Lucas Tattersall by not remaining in the location where Jayden was last seen or report him missing to police earlier, is a different matter entirely to whether or not he caused Jayden’s demise.

Transport of drugs to Cairns

38. It is common ground that Jayden and Lucas carried with them a quantity of illicit drugs destined for Cairns.
39. On the evidence before the court Jayden had with him:
- 1 gram of ICE and a ‘half ball’ (1/16 of an ounce or 1.75 grams) of MDMA (cut for him on the morning of Jayden’s departure by Witness 7) and a further
 - ½ oz (14 grams) ICE and 1 ounce of MDMA (28 grams) (Lucas was with him during this purchase was gave evidence the ICE and the MDMA were purchased on tick).
40. Jayden’s personal supply then comprised in total of 15 grams of ‘ice’ and 29.75 grams of MDMA.
41. He also arranged to carry a ‘one point’ of Amphetamine (also referred to as ‘gas’) and one to two points of MDMA (in black rock powder form) to Cairns for one of the friends he was to meet there.
42. Lucas carried with him approximately 100 ecstasy pills (also referred to as ‘brown Homer’s or Homer Simpson’s; or ‘pingers’) worth about \$700-\$800 which he intended to sell to the group in Cairns.

	<i>ICE</i>		<i>MDMA</i>	
	<i>Imperial Weight</i>	<i>Metric Weight</i>	<i>Imperial Weight</i>	<i>Metric Weight</i>
<i>DEWSON</i>		<i>1g</i>	<i>1 Ounce</i>	<i>28g</i>
<i>TATTERSALL</i>	<i>½ Ounce</i>	<i>14g</i>	<i>Half ball</i>	<i>1.75g</i>
<i>Friend</i>	<i>2 Points</i>	<i>0.2g</i>	<i>2 Points</i>	<i>0.2g</i>
<i>Total:</i>		<i>15.2g</i>		<i>29.95g</i>

43. On the evidence of Tattersall, it was estimated that Jayden consumed approximately 4 points of ICE every 4 hours during the 38-39 hour road trip to Charters Towers. Based on that evidence I estimate that over the course of 9 separate occasions smoking 4 points of ice on each occasion, Jayden consumed 3.6gms of 'ice'. **(4 x 9 = 36 x 0.1 = 3.6g)**.
44. On that basis, I estimate a balance of 11.4g of 'ice' remained unaccounted for at the time of Jayden's disappearance. **(15.0g less 3.6g consumed)**, in addition to the quantity he was carrying for his friend.
45. Accepted literature indicates that the use of the drug 'ice' or methamphetamine can cause anxiety, depression, paranoia and hallucinations, agitation, and aggression. The use of this illicit drug also has corresponding (adverse) physiological effects.
46. The road trip Newcastle to Charters Towers is approximately 2000 kilometres via the 'inland route'. Without stopping the trip would take 20 hours or so. Jayden and Lucas did not arrive in Charters Towers until approximately 3.00am on 31 December, almost 38 hours later. They did not at any time stop to sleep overnight, check into a hotel or rest. The delay was ultimately accounted for by regular stops (every 4 or so hours to consume drugs; purchase of drinks and food; re-fuel (one occasion having to wait for a service station to open); and to repair a broken hose, resolved by Jayden and Lucas stealing one from another vehicle to replace theirs), and travelling at well below the speed limit for significant stretches of times when travelling through kangaroo country (Lucas later told the court sometimes they would slow to 4-50kilometres per hour for several hours at a time because they were concerned hitting a kangaroo while driving).
47. Lucas in evidence says that Jayden consumed 'ice' steadily for the whole of the trip and did not sleep at all (Jayden had by then slept since approximately 27 December – two nights before his departure). Jayden smoked ice through an ice pipe and approximately 3-4 points every four hours or so. Lucas says he

himself consumed at least '2 pingers, maybe 3', and 2 points of MDMA given to him by Jayden.

48. Despite Jayden's regular consumption of 'ice' Lucas allowed Jayden to almost drive the vehicle exclusively because he was much more 'alert' than Lucas who nodded off from time to time and didn't feel safe to drive.

Arrival at Puma Service Station Charters Towers

49. At approximately 3.00am on 31 December 2017 CCTV captures footage of Jayden and Lucas stopping at a Puma service station just outside Charters Towers. Both disembark from the car Jayden is driving on arrival and departure.
50. Jayden attempts to wash the side of the car (apparently trying to wash off road kill); they both go into, and re-emerge from the service station with drinks; Jayden is seen with his mobile phone flashlight looking outside and inside the vehicle; Lucas re-enters the car and exits again and appears to be frustrated which he later says is because he had to go back in for cigarettes at Jayden's insistence). They then depart. That is the last independent vision or evidence available depicting Jayden. From that point on the only available version is provided by Lucas.

Leaving the Puma Service Station

51. Sometime after 3.00am upon leaving the Puma Service Station at Charters Towers, and within a half hour or so, Lucas describes Jayden becoming distressed at the possibility that he has dropped or lost his 'ice' stash (which was previously stored in the centre console of the vehicle). Jayden's distress escalated and the evidence is he remained in a heightened, if not frenzied state for several hours thereafter. Jayden drove around the township of Charters Towers and would then stop and get out of the vehicle and try and find the drugs on the roadway or footpaths, and he continued on and on in this way for approximately 5 or 6 hours.
52. By this time (from the description provided by Lucas) Jayden was whipped into a frenzy of sorts and his driving became more erratic, and faster, and the distances covered greater and greater. (Lucas described his vehicle's suspension as 'stuffed' at the end because of the fashion it was driven by Jayden at high speeds over potholes).
53. Jayden was by then 'off his head' with stress at the possibility that his 'ice' stash was missing. He was angry and irrational. I take into account that Jayden had not slept for almost 4 days and had steadily consumed 'ice' and other drugs during the 38-39 hour trip to Charters Towers. Lucas says it is likely Jayden last

consumed drugs prior to the Puma around midnight. At the time of these events before and after sunrise on 31 December, Jayden was likely to be suffering the effects of coming 'down' from ice.

54. The accepted literature on those effects indicates that withdrawal from ice can include feeling confused, anxious, or agitated, angry or upset and associated with cravings. Associated adverse physiological effects of an overdose may include stroke, heart attack, unconsciousness, death.
55. I infer that Jayden was suffering the extreme effects of coming off his bender which by then had lasted almost 48 (or more), and many days of no sleep. He was in a very bad way. The only evidence as to hydration is the stop at the Puma at 3.00am for a sports drink. There is no evidence that Jayden took in any fluids from that point.

Drugs unable to be located

56. Eventually they came to stop in a rural location on the outskirts of Charters Towers. The late December terrain can only be described as dry and harsh, and the nearby properties comprised areas ranging from 50 acres blocks to several hundred acres. Jayden remained convinced, if not paranoid, that his 'ice' stash was lost, although he did on one occasion blame Lucas, which was apparently quickly deflected.
57. I consider that Jayden's paranoia about the loss of the 'ice' was not misplaced. If Jayden had consumed as much as 4 points every 4 hours in a 38 hour period, he had consumed approximately 3.6 grams. My previous calculation that he started with 15 grams of ice would then leave a balance of 11.4 grams.
58. The remaining 'ice' has not ever been located or accounted for. Lucas in evidence said it was possible that Jayden had smoked his stash. Lucas denies knowing of the whereabouts of the remainder of the ice.
59. I do not accept Lucas's evidence on this point (I also accept that the exact quantities were not clarified with Lucas in evidence and his evidence may have been different if the amount of 15grams was put to him).
60. It is unlikely if not improbable that Jayden smoked the whole quantity of ice carried by him (or even double that estimated by Lucas).
61. Lucas in his evidence referred to Jayden becoming extremely stressed at the prospect of arriving in Cairns without the stash "you don't know what those people are capable of". The drugs were purchased on 'tick' and by then Jayden owed people money. His mother confirmed in evidence she has always been concerned his disappearance might be attributed to some type of retaliation or retribution for non-payment of drugs. I found no evidence of such retaliation or retribution.

62. I find that ultimately Jayden did not make his way to Cairns to 'face the music' by those to whom he owed money, and there was no evidence such person/s were waiting for him in Cairns.
63. There was also no evidence that interested persons either followed him to Charters Towers or were waiting for him there. However, I absolutely accept that his anxiety and stress about the loss of the drugs was real. It has not ever been resolved if the drugs were in fact lost, or simply misplaced in the car or on his person when he walked away. Lucas denies taking the ice or of its whereabouts. There was no evidence before the Inquest that the 'ice' ever came to light again.
64. By now, the evidence placed both Jayden and Lucas in the vicinity of Stockroute Road and Acacia Vale Road Breddan (on the outskirts of Charters Towers and approximately 10 to 11 kilometres from the town centre) sometime at around 9.00am or within the hour prior. It was at that time Lucas describes they were both off their heads with anger, frustration, and fatigue. The issues of the missing drugs had not resolved within the intervening 5 to 6 hours after leaving the Puma. Lucas described Jayden as unstable. At inquest Jayden's friend Jed Wakefield deposed that under the influence of drugs, Jayden could be erratic and confrontational. Later when Tattersall arrived in Cairns, Jed told him that Jayden's behaviour was not out of character "*I've been through that before with Penno*".

Jayden walks off

65. Jayden eventually parked the vehicle on the dirt road, grabbed his MDMA and wallet and smashed his phone on the ground, leaving it there and walking off. He had no water with him. Lucas at first followed and tried to convince Jayden to calm down and finish the drive to Cairns. Jayden told him to 'leave me the fuck alone' and that he needed time to sit down and think about what to do. At that point Lucas returned to the car.
66. Lucas last saw Jayden no more than 50 metres from his vehicle, walking towards a fenced paddock. Lucas listened to the car radio for about 15 minutes or so waiting for Jayden to return, before driving away to find water. In evidence Lucas said he did not assume anything bad was going to happen
67. That was the last known sighting of Jayden. Jayden has not been seen or heard from since.
68. By then conditions had become extremely hot. The Bureau of Meteorology recorded temperatures approaching and reaching 40 degrees Celsius for the days in question including on the 31st. Lucas had by then run out of water and drove onto a nearby property owned by a Mr Lionel Murphy.

Stop for water at Murphy property

69. Mr Lionel Murphy a 62 year old employed man who owned property at 684 Stockroute Rd Charters Towers provided a statement to police and gave evidence at Inquest. He recalled the event clearly and was an excellent witness. Mr Murphy had a tap and a rain gauge positioned inside the front double gates to his property. On 31 December 2017 sometime between 9.30am and 10.00am he and his wife were attending to yard work at the house and he looked up to see a red car at his front gates bearing yellow NSW plates. He saw the vehicle drive in and veer towards the tap. He let his dog out of the yard and started to walk towards the motor vehicle. Mr Murphy arrived at the tap and his evidence can be summarised best as:

“I saw a boy with a water bottle in his hand. He was driving a red Nissan Pulsar, a young bloke, about 20, short, 10 stone, burnt fairly red wearing shorts and thongs and had short brownish hair. He had a 600 ml bottle which looked empty. The tap only produced dirty water so I said don’t drink that I’ll go and get you some rain water. I then said to him you are a fair bit off the beaten track, where you going? He (Lucas) replied either that he was looking for his sister’s friend or his sister (don’t recall which). I returned with the water and he hadn’t moved from the car. I again said he was a fair bit off the main road and gave him directions back to the Flinders Highway (towards the Burton’s house) or right to get back into town. He appeared nervous, kept looking around and not at me”.

70. Mr Murphy did not see Lucas again. He recognised the vehicle and came forward when Queensland Police later ran the story of Jayden’s disappearance in the Northern Miner newspaper (which wasn’t printed for 10 days due to the holiday period).
71. Mr Murphy described the weather conditions on the day as ‘hot and sunny as hell’, and the area did not receive any rain until mid-January. The Burdekin River was the closest major water source and it was some 3-4 kilometres away from the Murphy property.
72. Mr Murphy said there were houses within 400 metres of his in any direction. He confirmed that a property with a ‘cow skull’ attached to a fence was located about 500 metres down the road from him (this became important when police were trying to retrace Lucas’s (and Jayden’s) movements based on a mud map Lucas had provided them recording this waypoint).

Lucas continues to search in vicinity of Charters Towers

73. Lucas then says he continued to search for Jayden in the area and could not locate him. He was by then screaming his name out and worried. He says by then he was also low on fuel due to the 5-6 hour run a round earlier and went back in to Charters Towers to refuel. He says he continued to look for Jayden and by then had relayed the circumstances to Jayden's cousin Tim Westcott who was waiting for Jayden in Cairns and expected him to arrive by that evening.
74. Tim was concerned that any report to police might be premature and would attract unwanted attention, operating under the mistaken belief that Jayden was wanted on a warrant in NSW (and also in the knowledge that Jayden travelled with illicit drugs).
75. Tim sent Jayden messages earlier in the road trip and nothing in their exchanges alarmed him, however he was concerned the trip was taking longer than expected. (I formed a view this was out of genuine concern, and not because he was eager for the drugs carried by Jayden). By then Tim realised that Jayden was fatigued, under the influence of drugs and had experienced a number of unexpected delays (including to fix the broken hose or pipe). Tim also did not know Lucas.
76. After several hours driving around and not locating Jayden, Lucas made the decision to drive on to Cairns. Lucas says he did so because he was running low on money, did not know if he would have enough to buy fuel and had nowhere to stay. He had never been to Charters Towers, he did not know anyone, and he hoped that Jayden would reappear. I accept (and refer to the text messages and phone log records in evidence) that Lucas was discouraged by Jayden's friends not to report to police at that time for fear of dobbing him in knowing he had drugs onboard. By then Lucas was also fatigued having not slept for over 48 hours and he was affected by drugs (he says he consumed 2 or 3 ecstasy pills and 2 points of MDMA during the 38 hour drive). I am inclined to a view that the estimate of consumption is likely to be an underestimate by Lucas.
77. In any event taking his circumstances into account I do not believe Lucas himself was of right mind at the time Jayden disappeared, and for the hours before and after. I have no doubt his capacity to make good decisions was affected and his capacity to exercise any independent judgement was impacted by the advices received from Jayden's friends in Cairns to keep driving. Relevant witnesses at Inquest conceded that Jayden had a history of blowing up and walking away and then returning to them with 'a story'. They also conveyed that impression to Lucas in order to reassure him. Lucas says his instinct was to contact police however Tim told him there was a warrant out and not to go to the cops, instead give him a couple of days.

78. I accept the events as described by Lucas, about Jayden's implosion and his walk off from the Breddan location (sometime between 8.00 and 9.00am) on 31 December 2017. That conduct is entirely within Jayden's character profile and in keeping with views of a number of those close to him.
79. Jayden's cousin Tim, the person considered to have the closest relationship with him in evidence said that when taking 'ice' Jayden would initially be happy but then if coming down or triggered he would 'go off and then calm down'. During verbal arguments he was pretty 'stern on his opinion' he would '*tell you to fuck off; and walk away then later clam down.*'
80. Neither Lucas, Jayden nor Jayden's friends had any local knowledge of Charters Towers. At inquest it became obvious that the friends already on the ground in Cairns assumed he had available to him, some form of public transport (a train was suggested), that he could access to travel to Cairns. There is no passenger train service to Cairns from that location. The misunderstanding that Jayden walked off in an urban location with access to the same amenities as Newcastle led his friends into error. The picture in their mind, while in Cairns absorbing the information relayed to them by Lucas in Charters Towers, and the options they thought open to Jayden to travel to Cairns "he always turns up" (or would 'pop up' as one witness hoped) was very different to the reality.
81. Charters Towers is located 1300 kilometres north west of Brisbane and 134 kilometres west of the nearest major regional centre of Townsville. It is a centre for beef and mining, and hosts a number of boarding schools for remote and regional families. 'The Towers' as it is also known has a population of approximately 8000 people. The climate is described as 'hot semi-arid'. The highest recorded temperature in January is recorded to be 44.9 degrees Celsius, and the average rainfall for the month of December is 78.7 millimetres. For those who do not live in Charters Towers the climate and conditions are likely to be considered inhospitable at that time of year.

Lucas arrives in Cairns

82. Lucas again spoke with Tim after leaving Charters Towers and reported that he had not found Jayden. Tim urged Lucas to turn around and head back to Charters Towers to look again, which he did. Number plate recognition records provided by Queensland Police confirm that Lucas was 86 kilometres or so out of Charters Towers (at the township of Calcium) when he turned around and returned to Charters Towers.
83. When again he could not locate Jayden, Lucas again spoke with members of the Cairns group he was told to drive on to Cairns where they had a bed for

him. The drive to Cairns from Charters Towers via Townsville is almost 500 kilometres.

84. By the time Lucas arrived in Cairns at 9.00pm the group were already out on the town partying. Most attended Gilligan's, a local nightclub and partied, consuming drugs and alcohol until the venue closed at 5.00a.m. They then returned to various hotels and continued to consume drugs and alcohol for most of New Year's Day, before sleeping on the night of the 1st December, and some not then waking until lunchtime on the 2nd of December. At inquest, witnesses described themselves as 'fried' or 'cooked' for the period from New Year's Eve until waking on 2nd January.
85. Lucas says he in fact did not initially meet up with Jayden's friends. They had already dispersed by the time he arrived and so he attended The Woolshed another local nightclub. He says he met up with a person not previously known to him and drank alcohol and consumed drugs. He then met up with Jayden's friends after closing time and continued to party with them in a hotel room throughout the 1st December, sleeping that evening and waking at lunchtime on the 2nd December. It appears common ground that many of the group visited a local swimming hole that afternoon.
86. I accept that sometime during this period (and prior to formally reporting to Police) the group made calls to the Charters Towers Hospital to establish if Jayden had been admitted there.

The Queensland Police Missing Person Investigation

87. It was not until the 3rd of December that members of the group became sufficiently concerned to contact the police. By the afternoon of 3rd December Queensland Police commenced an investigation into Jayden's disappearance code-named Operation Quebec Dunay.
88. The investigating officer Detective Sergeant Edwards gave evidence at Inquest and confirmed that a police investigation commenced on 3 January 2018 the day Jayden was reported missing by his parents (who had been alerted via one of Jayden's friends in Newcastle of concerns amongst his friends communicated via Facebook).
89. Detective Sergeant Edwards confirmed that Jayden was last seen in Charters Towers and that the last to see him was Lucas Tattersall.
90. Lucas Tattersall was confirmed as being the only person in the vehicle on 31 December, when he was sighted in Calcium (presumably en route to Cairns) at 11.46 am. Number plate recognition cameras then pick Lucas up in the township of Charters Towers at 12.45pm suggesting he turned around at the request of Jayden's cousin and returned to Charters Towers. When he could

not locate Jayden he turned around and drove to Cairns through the township of Calcium (detected at 2.47pm on 31 December) and through Cardwell at 7.04pm that evening which fits with his approximate 9.00pm arrival into Cairns.

91. Lucas's movements have been corroborated by police.
92. Unfortunately as at the commencement of Inquest Ms Penno was not aware that the phone records within the Brief of Evidence show UTC time which is Co-ordinated Universal Time and required adding 10 hours to each entry to accurately reflect the time of each phone or data entry. She therefore had been unable to previously reconcile various aspects of the investigation and many of her concerns about Lucas's movements were alleviated when she became aware of the adjustment. Ms Penno was also unaware of the existence of the police investigation log (170 pages) until inquest and many of her concerns and criticisms about the police investigation were resolved when she considered that document. Ms Penno returned to the witnesses box on Day 2 and said she did not realise the extent of the police investigation until receiving that document.
93. Det Sergeant Edwards confirmed that Lucas voluntarily provided his car to police to search and examine. Police located an ice pipe in a bag that belonged to Jayden) and two iphones belonging to Jayden (a model 4 and 5). Both phones were damaged.
94. Lucas returned to Charters Towers to assist police with their enquiries. He drove around with police trying to identify landmarks of assistance and then prepared a hand drawn mud map of local landmarks as recalled by him being the vicinity that he and Jayden parted company. Those landmarks included a cow skull affixed to the gate of a property and another property with a distinctive red gate (later established to be in the vicinity of the Breddan area where Lucas obtain water from Mr Murphy). The map reconciled with the information provided by local people including Mr Murphy who came forward in response to the police media campaign.
95. That mud map describes with reasonable accuracy the location where Lucas says Jayden was last seen. The police used this point as the last known position and an official search commenced from there.
96. A number of persons were interviewed by police and a some became witnesses in the police investigation. A Mr Lloyd Lavery loomed as someone who may have information that could assist however after considering his evidence including oral examination at inquest, I am unable to conclude any evidentiary value in the information provided by him. He deposed to seeing an unrelated vehicle the morning after Jayden disappeared. He did not host a party at his property attended by Jayden and / or Lucas (as had been the subject of social media chatter). Approximately three quarters of the Lavery property was searched by police who discounted any concerns about his involvement.

97. At this juncture I note a recurring concern raised by investigating police was the use or misuse of social media perpetrating spurious information including false leads and inaccuracies that took unnecessary time to investigate. A number of unrelated persons became involved in unhelpful interactions and exchanges including clairvoyants, a private detective, false 'go fund me page' and people involved in Facebook groups not connected with the police investigation. I had the sense that this misinformation has at times also unfortunately influenced Jayden's family who, as one would expect when hope is all they have, the inaccuracies loomed larger and for longer than they should have or ever need be. The myths that developed around Jayden's death are unhelpful and have caused a great deal of distress to his family.

The police search

98. I accept the submissions of Mr Hollands of Counsel in regard to the police investigation and search. It was thoroughly and meticulously undertaken by Det Sergeant Peter Edwards and Det Senior Constable Burns who have a combined experience of some 50 years in policing.
99. The investigation was overviewed by both a Detective Inspector and a Detective Superintendent.
100. I accept that all reasonable methods and investigative techniques were deployed in the search by air and on land including the use of helicopters and drones and significant local knowledge over a land mass covering some 11 kilometres by 15 kilometres, including the inspection of sealed and unsealed mine shafts within the relevant area. Resources included Queensland Police, State Emergency Services personnel and local people. The search line comprised 10 across SES personnel in their foot search of relevant areas. (New South Wales Police also assisted with the investigation on the ground in Newcastle when requested by Queensland Police).
101. Queensland's most experienced search and rescue operative Sergeant Whitehead, was placed in charge for the search for Jayden. He gave evidence that the chances of survivability in that terrain in those climatic conditions whilst under the influence of drugs and without water was poor (three days in optimal conditions). His experience suggested that given the late report of the missing person, Jayden may have been deceased before the search proper commenced on the morning of 4 January. The late report seriously disadvantaged the police and the evidence is that Jayden's chance of survival beyond three days was unlikely. Sergeant Whitehead provided an example of a young woman who survived only 4 hours in similar conditions.
102. Sergeant Whitehead's experience was not challenged. In evidence he deposed that he was the State Search and Rescue Coordinator for almost 16 years. He conducted his first search in July 1989, was involved in 1400 search and rescue

operations in his previous role and conservatively 12,000 since in his current role.

103. When asked how many searches he had been involved in where a person has perished by way of misadventure, Sgt Whitehead responded:

“Off the top of my head, without any preparation, I’m going to say ... probably 300 give or take”

104. When asked how many he had been involved in SAR’s personally, or overseen, that have not resulted in a body being found he responded:

“I can tell you, 316, because I counted the number of terminations I’ve done. So I do a termination everytime I don’t find a body ... we save about 2000 to 2200 people a year, but of that average there’s only about 50 to 60 that are deceased and there’s about 22 to 30 that we don’t actually find”.

105. Sergeant Whitehead gave evidence that water is the biggest factor to predict survivability. There was little surface water at all in the location at the time of Jayden’s disappearance. There is no evidence Jayden carried water with him when leaving the car. Sergeant Whitehead deposed that drugs make people paranoid and persons under the influence often try to hide and avoid roadways and creek lines, and exhibit vastly different behaviours, contrary to what one might logically expect.
106. It is of relevance to note that experienced search and rescue operatives paused searching during the hours of 10.00am and 2.00pm each day due to the extreme temperatures at the time.
107. Sergeant Whitehead’s ultimate opinion is that Jayden was most likely already deceased prior to the commencement of the search.
108. Police searched local properties and all leads regarding sightings and possible areas of interest.
109. In addition to the search the investigating officers collated significant witness statements, conducted records of interviews, followed leads on all relevant sightings of vehicles of interest, ran a ‘Crime Stoppers’ campaign, a media release, and gathered in phone tower records from Charters Towers to Cairns and number plate camera recognition data. They obtained two written statements and conducted 7 electronic records of interview with the last to see, Lucas Tattersall.
110. Some 6000 text messages from the phone of Lucas Tattersall were downloaded and analysed by investigators.

111. A scientific search of Tattersall's car did not reveal any overt signs of blood, disturbance, or cleaning. There was no evidence of foul play in relation to the vehicle.
112. I accept that all lines of investigation to date have been exhausted. There are no signs of Jayden, no sightings and he has not been in touch with any person since last seen on the morning of 31 December 2017. He has not engaged with any system since evidence that he has not returned to the community.
113. The investigation included a complete examination of the Nissan Pulsar that did not detect any evidence of violence or attempts to conceal or remove evidence. Lucas assisted QPS with their investigations including being interviewed and participating in a drive by of areas where Jayden was last seen.
114. Aerial and ground searches of that area were conducted by QPS over a period of 12 days with the search being officially terminated sometime after. The Queensland Police ultimately concluded that Jayden walked into the bush and perished.
115. Police do not consider Jayden's death to be suspicious. I accept and adopt that conclusion.

Summary and Conclusions

116. On 31 December 2017 Jayden Penno-Tompsett and another, a Lucas Tattersall whilst travelling to Cairns by road via the inland route, to join friends as pre-arranged for New Year's Eve celebrations. They carried with them a quantity of the illicit drugs methylenedioxymethamphetamine; MDMA, 'ice'; and ecstasy. Jayden consumed a quantity of ice during the trip, approximately 3.6grams, he had not slept for approximately 4 days. He became erratic and unpredictable after a stopover for fuel at approximately 3.00am on 31 December 2017 when soon thereafter he could not locate his stash of the drug 'ice'. He drove around Charters Towers and outskirts in a frenzy for approximately 5 or 6 hours before parking the vehicle owned by Tattersall (a red Nissan Pulsar NSW registration CN 32 ZB) on the side of a dirt road in the rural location of Breddan. He walked off, smashing his mobile phone, and taking with him a quantity of MDMA and his wallet. He was last seen by Tattersall walking towards a fenced paddock. Jayden did not return, and he could not be located despite a preliminary search for several hours undertaken by Tattersall, who then drove on to Cairns as prearranged to meet up with friends for New Year's Eve 2017. Tattersall and the group consumed illicit drugs and alcohol during the course of New Year's Eve and New Year's Day 2018 before falling asleep and waking around lunchtime on 2 February 2018 and attending a local waterhole to swim. The group did not report Jayden's disappearance until 3 January at which time Queensland Police commenced an immediate investigation and search. Jayden has not been located. He disappeared

without a trace. He has not engaged with any system or person since, nor contacted his family. Jayden had little or no prospect of surviving the combination of 40 degree temperatures, the isolated and unfamiliar location, his drug affected state, dehydration and the associated physiological changes. Police consider that more likely than not Jayden was deceased before the official search commenced and that the delay in reporting his disappearance significantly prejudiced their investigation and search. Jayden's death is not considered to be suspicious.

A circumstantial case

117. There is no evidence that Jayden is deceased. However, based on all the evidence I find that Jayden is not alive. The compelling overwhelming and only reasonable inference I can draw, albeit from completely circumstantial evidence is that Jayden is deceased.
118. A number of possibilities arose as to how Jayden met his demise and I have considered the following:
- That Jayden died of exposure to the elements;
 - That he walked off and later took his life by means unknown;
 - That he died of natural causes;
 - That he died of a drug overdose;
 - That he met with foul play – that his life was taken by a person or persons unknown

Formal findings and declaration of Jayden's death

119. I formally find on the totality of the evidence before me that:
- Jayden Joseph Penno-Thompsett is deceased.
 - I find that on the totality of the evidence before it is more probable than not (and at the highest end of the Briginshaw scale) that:
 - Jayden Penno-Tompsett died as a result of exposure to the elements and;
 - Jayden Penno-Tompsett died at Breddan via Charters Towers and;
 - Jayden Penno-Tompsett on a date unknown between 31 December 2017 and 3 January 2018.
120. The Police investigation remains open. The Coroners Act provides for the reopening of an Inquest in the event that new evidence comes to light.

Reward Evaluation

121. I intend to refer this matter and these findings to the Queensland Police Rewards Evaluation Committee to assess if circumstances exist for the issue of a Reward Notice.

Acknowledgements

122. The Queensland Police Service investigating officers Detective Sergeant Peter Edwards and Senior Constable Greg Burns conducted a thorough and professional investigation. The Brief of evidence prepared by them forms the basis of the evidence before the court. I thank them for their assistance to the Coroners Court of Queensland and this Inquest.
123. I thank all at the Bar table, Mr Crawfoot Counsel Assisting, Mr Hollands on behalf of members of the QPS, and Mr Raeburn instructed by the Townville Community Legal Centre via the auspices of the Coronial Legal Assistance Fund. The funding for coronial legal services provided by the TCLS and Caxton Legal Service are an invaluable and necessary resource for families, the community, and the Coroners Court.
124. I thank all at the Bar table for their professionalism and courtesy, and for the decency and respect displayed, at all times, to Jayden's family.

Condolences

125. There are no words to convey the deepest and sincerest condolences on behalf of the Court, that would in any way ameliorate the pain and suffering experienced by Jayden's mother, father, grandparents and extended family, all present in Court, nonetheless I do so.
126. I herewith provide to Jayden's parents a copy of the NSW Department of Justice report (Missing Persons Unit December 2014) titled '***It's the Hope That Hurts***' – Best practice in counselling models relevant to families and friends of missing persons. The report is illuminating and very helpful when trying to understand the very particular type of hurt and suffering experienced by families of missing persons and speaks of the fear, guilt and disenfranchisement experienced by them.

Findings required by s. 45

Identity of the deceased – Jayden Joseph Penno-Tompsett

How he died –

On 31 December 2017 Jayden Penno-Tompsett and another, a Lucas Tattersall whilst travelling to Cairns by road via the inland route, to join friends as pre-arranged for New Year's Eve celebrations. They carried with them a quantity of the illicit drugs methylenedioxymethamphetamine; MDMA, 'ice; and ecstasy. Jayden consumed a quantity of ice during the trip approximately 3.6grams, he had not slept for approximately 4 days. He became erratic and unpredictable after a stopover for fuel at approximately 3.00am on 31 December 2017 when soon thereafter he could not locate his stash of the drug 'ice'. He drove around Charters Towers and outskirts in a frenzy for approximately 5 or 6 hours before parking the vehicle owned by Tattersall (a red Nissan Pulsar NSW registration CN 32 ZB) on the side of a dirt road in the rural location of Breddan. He walked off, smashing his mobile phone and taking with him a quantity of MDMA and his wallet. He was last seen by Tattersall walking towards a fenced paddock. Jayden did not return, and he could not be located despite a preliminary search for several hours undertaken by Tattersall, who then drove on to Cairns as prearranged to meet up with friends for New Year's Eve 2017. Tattersall and the group consumed illicit drugs and alcohol during the course of New Year's Eve and New Year's Day 2018 before falling asleep and waking around lunchtime on 2 February 2018 and attending a local waterhole to swim. The group did not report Jayden's disappearance until 3 January at which time Queensland Police commenced an immediate investigation and search. Jayden has not been located. He disappeared without a trace. He has not engaged with any system or person since, nor contacted his family. Jayden had little or no prospect of surviving the combination of 40 degree temperatures, the isolated and unfamiliar location, his drug affected state, dehydration and the associated physiological changes. Police consider that more likely than not Jayden was deceased before the official search commenced and that the delay in reporting his disappearance significantly prejudiced their investigation and search. Jayden's death is not considered to be suspicious.

Place of death –

Breddan via Charters Towers, Queensland.

Date of death– On a date unknown between 31 December 2017 and 3 January 2018.

Cause of death – Exposure to the elements

I now close the inquest.

Nerida Wilson
Northern Coroner
CAIRNS