

CITATION: *Inquest into the death of Isiah John Roberts* [2004] NTMC
032

TITLE OF COURT: Coroner's Court

JURISDICTION: Darwin

FILE NO(s): D0177/2002

DELIVERED ON: 21 April 2004

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HEARING DATE(s): 19 and 20 April 2004

FINDING OF: Mr G Cavanagh

CATCHWORDS: CORONERS: Inquest Death by stabbing,
referral pursuant to section 35 of the
Coroners Act.

REPRESENTATION:

Counsel:

Assisting: Elizabeth Morris
Stephen Barnes: Brian Cassells - NAALAS

Judgment category classification: B

Judgement ID number: [2004] NTMC 032

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IN THE CORONERS COURT
AT DARWIN IN THE NORTHERN
TERRITORY OF AUSTRALIA

No. D0177/2002

In the matter of an Inquest into the death of

**ISIAH JOHN ROBERTS
ON 2 OCTOBER 2002
AT PARAP ROAD, PARAP**

FINDINGS

(Delivered 21 April 2004)

Mr GREG CAVANAGH:

THE NATURE AND SCOPE OF THE INQUEST

1. On the 2nd of October 2002 Isiah John Roberts, (the “deceased”), was pronounced dead at about 0242hrs at the corner of Parap Road and the Stuart Highway, Parap. He was 17 years old. His death was unexpected and suspicious and was reported to the Coroner pursuant to S12 of the Coroners Act (The Act).
2. A public inquest into his death, pursuant to S15 of the Act, was held in Darwin on 19th and 20th of April 2004. Counsel Assisting me was Ms Elizabeth Morris. The family of the deceased were not represented but appeared in court in person on the first day of the Inquest, and Stephen Barnes was represented during his evidence by Mr Brian Cassells of NAALAS.
3. I heard evidence at the Inquest from the officer in charge of the investigation, Detective Wayne Brayshaw; Raymond Roberts, the deceased’s father; Mr George Cook, a former taxi driver; Dr Terence Sinton, the

Forensic Pathologist; and eye witnesses, Megan Gordon, Phillip Daniels, Marjorie Barnes, Lewis Poulson, Anthony Edwards, and Scott Dixon.

4. I summonsed to give evidence Mr Stephen Barnes. Mr Barnes appeared, represented by Counsel, and after supplying his name and address, declined to answer any further questions on the ground that his answers may incriminate him. I considered section 38 of the *Coroner's Act* but declined to exercise my discretion to grant a certificate removing his right to silence. Mr Barnes was then excused from the Inquest.
5. Tendered through the proceedings was a brief of evidence prepared by Detective Brayshaw, a map of the area where the deceased was found, the criminal record of Stephen Barnes and a statement of Adriana Robinson.
6. I congratulate Detective Brayshaw on the thorough and meticulous preparation of the brief and nature of the investigation.
7. The evidence tendered and heard during the Inquest allows me to make the following findings:

FORMAL FINDINGS

1. The deceased was Isiah John Roberts, known on his birth certificate as Isaian John Roberts, a male Aboriginal Australian born 18 October 1984 at Katherine in the Northern Territory of Australia.
2. The deceased died at 0242am on 2 October 2002 near the phone box at the corner of Parap Road and the Stuart Highway, Parap.
3. The cause of death was a stab wound to the chest.
4. The particulars required to register the death are:
 - (i) The deceased was male.

- (ii) The deceased was of Australian Aboriginal origin.
- (iii) The death was reported to the Coroner.
- (iv) The cause of death was confirmed by post mortem examinations.
- (v) The cause of death was a stab wound to the chest
- (vi) The pathologist viewed the body after death.
- (vii) The pathologist was Dr Terence Sinton.
- (viii) The father of the deceased was Raymond Roberts and the mother was Eileen Wilfred.
- (ix) The usual address of the deceased was Hodgson Downs.
- (x) The deceased was unemployed at the time of his death.

RELEVANT CIRCUMSTANCES SURROUNDING DEATH

8. Approximately one week prior to the death of the deceased, the deceased and one Stephen Barnes were involved in an altercation. The deceased gave Barnes a beating, leading to one witness saying that the next day, Barnes' face was "puffy and bruised and cut". (Statement of Irma Johnston, Exhibit 1). It is not clear what the fight was about, it may have involved grog, or the affections of a young lady. Barnes indicated to various people over the following days his intentions to get even, or exact revenge, upon the deceased.

9. At approximately 0204hrs on Wednesday the 2nd of October 2002 taxi driver George Cook collected a fare (Ms Boyd and Mr Cairnduff) from Mitchell Street in Darwin City, and was conveying them firstly to the Fannie Bay area. As they passed outside 3 Parap Road, a Ralph Roberts ran out into the middle of the road and stopped the taxi, asking for help for the deceased who had been stabbed.
10. Mr Cook looked out of the taxi and observed the deceased using the public phone. He then saw the deceased fall backward onto the concrete footpath. He heard the noise of the deceased suddenly bleeding onto the concrete. Ralph Roberts described the blood as pouring “out like a fountain”.
11. Prior to collapsing the deceased managed to call “000” but collapsed before speaking with anyone on the phone. The Telstra operator listened to the call for a short period before passing the call onto police as he believed he could hear someone calling for an ambulance. A transcript of what was heard was tendered. (Folio 19 in Exhibit 1). This call may well have tied up one of the lines, leading to Mr Cook’s unsuccessful attempts to have the 000 operator connect him to the Ambulance service.
12. Cook, Boyd and Cairnduff got out of the taxi and Boyd and Cairnduff rendered assistance to the deceased with Ralph Roberts. Both Ms Boyd and Mr Cairnduff are to be commended for their sympathetic and urgent attempts to help the deceased, a person unknown to them. Cook rang “000” and after two unsuccessful attempts by the 000 operator to be connected to the Ambulance service, was put through to Katherine Police Station where he reported the matter to Constable Ian Kennon.
13. Kennon in turn contacted Darwin Communications and reported the matter to them. (Folio 20 Exhibit 1)
14. Police and ambulance were dispatched to the scene with Constables Stephen Hazell and Mark Nancarrow arriving at 2.35 am. Ambulance officers

Waqanaceva and Ingham arrived at 2.36 am. Waqanaceva noted that the deceased was lying supine in a pool of blood. She then rolled the deceased onto his side and noted a wound to the mid thoracic region. She commenced CPR with the assistance of Constable Hazell. Resuscitation was ceased at 2.42 am as there were no vital signs supporting life. (Folio 2A Exhibit 1)

15. Despite the evidence of the witnesses that the Ambulance seemed to take a long time to arrive, I am satisfied that the delay between calling (0225hrs) and arrival (0236hrs), some 11 minutes was reasonable in the circumstances.
16. Roberts informed the attending police that the deceased had been in a fight at Bagot Community just before and they had run from Bagot to the phone box before the deceased collapsed. Roberts also stated that it was someone from Lajamanu that the deceased had been fighting with prior to his death.
17. Police then conveyed Ralph Roberts to the Royal Darwin Hospital as it was noted he had injuries to his head. An investigation into the death of the deceased commenced.
18. Forensic Pathologist, Dr Terence Sinton, carried out a post mortem examination on the deceased. He estimated the weapon used to be a knife, with a maximum blade width of some 2cm. He also estimated the depth of the wound to be around 10cm. Dr Sinton comments in his report:

“The deceased was reportedly assaulted, and stabbed in the chest. He subsequently collapsed, and died shortly after.

2. At autopsy, the significant findings included the following:
 - (i) a stab wound to the back of the right side of the chest, which penetrated deeply in to the lower part of the right lung.
 - (ii) About 1300ml of blood present in the right chest cavity.
 - (iii) Blood clot obstructing the main airway (right main bronchus) into the right lung.
 - (iv) Fresh abrasions to the face and neck, right shoulder, left arm, left hand, and left knee
3. Samples of Blood and urine were taken for toxicology analysis on presentation of the body to the mortuary. This analysis

reported a blood alcohol concentration of 0.186%. Cannabis metabolites were not detected.

4. He died as a result of a stab wound to the right side of the chest”.

19. The evidence gathered establishes that earlier that night there had been a fight outside house A20 at Bagot Community. The fight involved Stephen Barnes and Joel Scott Dixon from Lajamanu. Barnes was fighting with the deceased and Dixon fought with both Ralph Roberts and Gilbert Bush. The fight was witnessed by a number of people in the community. The accounts differ as to the number of people involved, however they are at one, in that no one admits to seeing a knife used during the fight, or seeing a knife in the area after the fight.

20. It is also clear from the evidence that the only person involved in fighting the deceased was Stephen Barnes. It was described by witnesses at the inquest as a boxing type fist fight. One witness, Anthony Edwards, recalled Barnes being on the ground at one stage.

21. Stephen Barnes was seen by several witnesses to be “charged up” that night. He was known to be someone, who when drunk or angry, would grab anything to fight with. His record was tendered. He has spent time in gaol for manslaughter, the victim being knifed by Barnes at Bagot Community. He has threatened other people with knives.

22. Marjorie Barnes, Stephen Barnes’ Aunty, was concerned prior to the fight, that this might occur again. She demonstrated her concern by waking Lewis Poulson and asking for assistance, as she believed that Barnes was going to stab someone in a fight.

23. In her second statement to police she states

“I was sitting outside my house, with Roslyn and Frank, Stephen didn’t say anything to us, he walked into the side door of my house

and he went inside, he was in there a short time and he came back outside. I did not see what he did inside my house and Stephen did not say anything. Matthew my husband was in the house watching television. When I saw Stephen walked out he was still carrying that Moselle in his left hand. Stephen said, 'I'm still going to get revenge.' He then walked off, I did not see where he went but he walked towards Shaun and Michelle's house.

When Stephen walked off I was worried, because when he gets into fight he just grab anything. I got up by myself and I walked up to Lewis Poulson House and I sat outside his yard for a while, I called out for Lewis to come outside. When Lewis came out I told him to keep an eye out for Stephen. I told Lewis that Stephen would have grabbed something and I told him to search around his trousers". (Folio 4A refers)

24. She also confirmed in her evidence before me that she was worried about this possibility.
25. Poulson stated that he searched Barnes and found a 2 pronged fork and nothing else. He threw this fork away and it has not been located by police. (Folio 3D Exhibit 1) Anthony Edwards in his evidence at the inquest recalls the fork being thrown on the roof of a house by Marjorie Barnes. This is a matter which should be followed up by police investigators.
26. The fork described was not a dining fork, but rather appears to be more like a carving fork. In any event it does not appear to be consistent with the wound of the deceased.
27. Whilst declining to answer any questions at the Inquest, Barnes did participate in a lengthy record of interview with police. In this interview he admits to fighting with the deceased, but not to using a knife. He also admits that he was the only one fighting with the deceased.
28. In his record of interview Barnes nominated a Karl Miller who he stated observed a man from Groote Eylandt walking around Bagot threatening Roberts and Bush with a knife. He told police that Dixon had told him this. However Mr Miller denies being at Bagot Community at that time, and

Dixon does not recall telling this to Barnes. I find that this information is false.

SUMMARY

29. I am satisfied to the requisite standard of proof that the deceased had an altercation with Stephen Barnes shortly before his death. There is no evidence available to me to indicate that anyone else was involved in the deceased's death. It is highly unlikely (and Ralph Roberts would have known) that the deceased was stabbed after leaving the scene of the fight outside House A20 at Bagot Community.
30. I find that the deceased's fatal injury most likely occurred during the course of this fight. Perhaps the saddest evidence was that of the Forensic Pathologist, who stated that the deceased's injury was survivable had he received medical attention at an earlier stage. However his journey from Bagot to the Parap Road phone box, was of sufficient time and distance to render him unable to be assisted by the paramedic team who responded to the call for assistance.
31. It is clear that the deceased had been grievously assaulted prior to his death, evidenced by the stab wound and accordingly, as I am of the opinion that a crime has been committed, I refer the transcript of these proceeding and my findings to the Commissioner of Police and the Director of Public Prosecutions pursuant to section 35(3) of the *Coroners Act*.

Dated this 21st day of April 2004.

GREG CAVANAGH
TERRITORY CORONER