



## STATE CORONER'S COURT OF NEW SOUTH WALES

<b>Inquest:</b>	Into the death of a person known as Andy
<b>Hearing dates:</b>	11 November 2015
<b>Date of findings:</b>	11 November 2015
<b>Place of findings:</b>	State Coroners Court, Glebe
<b>Findings of:</b>	Deputy State Coroner E.Truscott
<b>Catchwords:</b>	Coronial Law-Identity- cause of death
<b>File number:</b>	2014/253888
<b>Representation:</b>	Coronial Advocate: Durand Welsh
<b>Findings:</b>	That a person known as Andy, but otherwise unidentified, died on 28 August 2014 at Cadi Park, Refinery Drive, Pyrmont of natural causes, namely a pulmonary thrombo-emboli complicating from a deep vein thrombosis of the right leg.
<b>Recommendations:</b>	n/a

IN THE STATE CORONER'S COURT  
GLEBE  
NSW

SECTION 81 CORONERS ACT 2009

## **REASONS FOR DECISION**

1. This is an inquest into the death of a person known as Andy who died on the 28 August 2014 at Cadi Park , Refinery Drive, Pyrmont.
2. Under section 27 (1)(c)(ii) of the Coroners Act 2009, an inquest is required to be held if it appears to the coroner that the person's identity and the date and place of the person's death have not been sufficiently disclosed.
3. The issue for the inquest is the formal identity of the deceased. The investigation carried out to determine his identity has been thorough but unfortunately fruitless. I have heard evidence from Senior Constable Simon White of the Sydney City Local Area Command and have received into evidence the brief he has prepared which comprises statements from residents of the area where Andy lived and other witnesses interviewed by him in this investigation to discover Andy's formal identity.
4. There is no evidence of Andy's age, name or origin. Accordingly, there has been no identification of any next of kin.

### **Background**

5. Andy was a homeless man aged in his 30's or 40's. He lived in Cadi Park Pyrmont. Numerous local residents provided care, provisions and money to Andy over the time he lived there which was at least 7 and possibly over 10 years.
6. The police have taken a number of statements from a number of those local residents. Dr Ross Hindmarsh says in his statement that he has known the deceased for about 5 years and has only ever known him as Andy. Dr Hindmarsh says that Andy generally slept outside the Raine and Horne Real Estate premises at night and he would leave his property in the bushes in Cadi Park. He says that Andy spent most of his time seated on a bench near the water's edge just watching the boats go by.

7. Dr Hindmarsh describes Andy thus:

“A quiet person, he was courteous, he was very shy and would only occasionally speak. Generally when I spoke to Andy, he would only say one or two words in his response. He accepted help particularly in the way of food, but he always said he had no needs. He was never confrontational, angry or drunk. He was well known to many members of the community who would regularly give him food and clothing. Many attempts had been made to link him with community services however he never accepted the community service help from other community support agencies. He would talk to them, however that was the extent of his involvement with them”.
8. Joseph Harvey who had been resident for 2 years in an apartment on Refinery Drive would see Andy sitting on the park bench looking over the water every day. He thought Andy was in his early 40's. Mr Peter Devoy president of an organisation called “Pymont Cares”, had known the deceased as Andy for the past 3 years and would speak to him most days. He said that he noticed that over the last 6 months Andy had difficulty walking and had put on a large amount of weight. His description of Andy is that he was “Caucasian 5 feet 8, obese, had a full beard and long tattered hair and wore various layers of dark clothing and running shoes”.
9. Mr Robert Johns said that Andy's usual practice would be to walk up the steps near the real estate agent to go to the seat in the park at 7 a.m. each morning. Mr Johns often gave Andy food and money.
10. John Ellis who was the principle of the real estate agency had worked at the Pymont office for 4 months. In his statement he says that Andy slept each night outside his office. He said Andy looked to be in his 30's.

#### Events shortly before Andy's death

11. On Tuesday the 26 August 2014, Mr Devoy received a phone call in the morning at about 9 a.m., from a local resident Allen who said that Andy had fallen down the stairs from Refinery Drive the previous day. Mr Devoy and Mr Hoff visited Andy who was sitting on his park bench. Mr Devoy noticed that Andy hadn't packed up his bedding from the real estate agent's area which he normally did each morning. Andy told him that he had pains in his chest. Mr Devoy telephoned Dr Hindmarsh who then attended upon Andy. Mr Devoy thought that Andy may have broken a rib in the fall.
12. Mr Devoy obtained some more blankets for Andy and spoke to Mr Ellis so that he was aware that Andy wasn't well and was unable to move his bedding. Mr Devoy rolled up Andy's bedding and revisited him later that afternoon to encourage Andy to let him call an ambulance. Andy declined saying that he would be better in a few days. Dr

Hindmarsh said that Andy did not have any bruising to his head or obvious fractures to his limbs and he reported pain to his rib cage when he tried to lift things since the fall. He too encouraged Andy to let him call an ambulance but Andy refused.

13. Dr Hindmarsh's wife Elizabeth, gave Andy her telephone number in case he needed help, and then both she and her husband spoke with John Ellis about Andy's poor health. Mr ELLIS said he was happy for Andy to continue to sleep outside his office and that he would contact them if he became concerned about Andy's health.
14. About 5 p.m. on the 27 August, Mr Ellis saw Andy seated on the ledge outside his office. Mr Ellis offered Andy a cup of tea, which he refused, and then Mr Ellis assisted Andy in lying down as Andy was leaning against the wall. Mr Ellis last saw Andy at 7:15 p.m. when he left the office for the day. Andy was asleep and appeared to be breathing normally.
15. About 7:10 a.m. on the 28 August, Joseph Harvey, drove past the wall at Refinery Drive. He saw Andy seated on the wall. At 7:20 Mira Perry, another local who would on occasion speak with Andy and offer him blankets and food, saw him leaning over and leaning against the wall. She said he looked unsteady and unwell. She continued up the stairs and telephoned an ambulance for him.
16. Within about 5 minutes, Mr Harvey drove back past the wall and saw Andy face down on the pavement in front of the wall. Mr Harvey stopped and got out of his vehicle. He checked Andy, and in his opinion Andy was not breathing. Mr Harvey and a nearby removalist rolled Andy over. There was blood around his mouth and nose, from when he fell onto the pavement. Andy was non-responsive when Mr Harvey shook him and asked him if he was all right. Mr Harvey began CPR. Ms Perry returned and Dr Hindmarsh had also arrived at the scene. He assisted in the administration of CPR until the ambulance attended. The ambulance officers were unable to revive Andy, and they made the decision to cease resuscitation attempts.

### Cause of Death

17. Dr Schwartz, forensic pathologist performed an autopsy and she identified that Andy had suffered a Massive Pulmonary Thrombo-emboli, the source of the emboli was a deep vein thrombosis of the right leg. Andy's lungs also showed acute bronchitis. Dr Schwartz did not report any skeletal injuries. The post mortem did not reveal anything suspicious and toxicology results were negative for alcohol and other drugs.
18. There is no evidence as to how long Andy had had the DVT and the pain in his chest may have been due to pulmonary thrombosis or from the fall. On balance the cause of

his death is natural causes the evidence being insufficient upon which to base a finding that it was from injuries sustained from the fall.

### Identity

19. Andy did not have any identification on his person at the time of his death. He had \$80 cash and some chocolate wrappers and a small bible and Elizabeth Hindmarsh's note in his pocket. Nearby, in Cadi Park, he had stored a number of garbage bags which contained clothing. Police searched each bag and its contents but there was no documentation of any kind to assist in identifying Andy.
20. Andy had a number of large and fairly distinctive tattoos described by Dr Schwartz in the post mortem report: "On the left arm, a tattoo of a devil and the words "Death to the World" and "Search and Destroy". On the right arm, a tattoo of a Native American Indian face."
21. The photographs taken of each tattoo show that the tattoo is of blue or black ink. Both of the tattoos occupy each upper arm to the shoulder. The tattoo on the left arm has the words "Death to the World" above the image and the words "Search and Destroy" underneath it. The words are in capital letters the upper ones being on the shoulder. The drawn figure, which I would describe as a demon wears tattered trousers and is bare chested and bald headed with horns coming out from where the ears would be. I would describe the tattoo on Andy's right arm as being a Viking with a long braided moustache rather than an Indian. These tattoos are consistent with a genre known as "deviant art tattoos". A third tattoo appears on Andy's left hand, a letter on each finger spelling the word "HATE".
22. Dr Schwartz said that Andy was 1.8 m in height and 150.5 kg in weight and she says he appeared to be between the ages of 35 – 45 years old.
23. To ascertain the deceased's identity, Officer White conducted the following inquiries including:
  - A fingerprint and DNA analysis via the Forensic Analytical Science Service. The fingerprint profiles were searched against all known fingerprint records on the National Automated Fingerprint Identification System and found to be "Not Known". The fingerprint records contain all the fingerprints captured from crime scenes or persons. The fingerprint records include profiles for approximately 3.5 million people. They include any prints taken for security applications, police applications, casino worker applications, and other required industries, as well as fingerprints taken under the Law Enforcement Powers and Responsibilities Act 2002 for the

purposes of identifying a person to the court. These include fingerprints taken during the charging process or by order of the court following a conviction. The prints on the database include fingerprints that relate to people charged who were not convicted, although those people have the right to request their fingerprints be deleted from the records.

- The DNA profile was compared against both the New South Wales database and the National Criminal Investigation Database (NCIDD). The NCIDD holds DNA profiles from the major states - New South Wales, South Australia, Western Australia, Queensland, and Tasmania – and also for the Northern Territory, the ACT, and Commonwealth. These DNA records on the NCIDD include DNA profiles for missing persons. Essentially, the only information not captured via the NCIDD from the Commonwealth, State, and Territory databases is limited purpose volunteer information.

The DNA records include profiles taken under the Crimes (Forensics Procedure) Act from offenders serving a period of imprisonment for a serious indictable offence, as well as individuals who have previously served such a sentence and are then served with a court attendance notice for a further indictable offence; registrable persons under the Child Protection (Offenders Registration) Act; and suspects who have been subject to a forensic procedure application and then charged within 12 months of the taking of the sample.

- A request via INTERPOL for Andy's fingerprints to be compared to those held on the New Zealand database. It was unknown if the deceased was an Australian citizen or what overseas ties or history he had, if any. The deceased's fingerprints were compared with the New Zealand National Fingerprint database and did not match anyone known in their records.
- Sending an email containing the deceased's image to all New South Wales Police. This do not elicit any replies
- Inquiries with the Uniting Church Ultimo, who provide assistance to the homeless in Pyrmont, did not provide further details of the deceased as they did not have a record of dealing with Andy.
- Face-to-face contact with the local homeless community in Pyrmont. Every homeless person spoken to only knew the deceased as "Andy".
- A search of the police databases in an attempt to match distinctive features and tattoos to known offenders resulted in "No likely match found".
- Inquiries with Sydney Dental Hospital produced nil result.

- A search of the Missing Person's Unit database resulted in "No likely match found".
- Inquiries with the Office of Public Trustee and Guardianship at 144 Clarence Street, Sydney yielded no result.
- A media release containing an image of the deceased. All leads received from the media release have been eliminated.
- Information and photographs of the deceased's tattoos were circulated amongst members of the National Tattoo Association of Australia, as well as a circulation amongst attendees of a tattoo expo held in Sydney on the 15 March 2015 but this yielded no result.
- An investigation of a Facebook comment that one of the tattoos was similar to a kind adopted by Royal Australian Navy personnel was subsequently discounted after Officer White consulted with the Naval Police Coxswains.
- An investigation from a report by a member of the public who thought Andy may have been an Anthony Saunders she attended high school with in the Hunter Valley resulted in a finger print analysis confirmed that the deceased was not Anthony Saunders.

24. I am satisfied that Officer White has exhausted all investigations in his attempt to ascertain Andy's identity. Whilst Andy remains unidentified the Missing Person's Unit will periodically review Andy's case to check whether any new information leads to his identification such as next of kin reporting him missing or making an inquiry into his whereabouts. It would seem Andy was estranged from his family of origin for a significant part of his adult life. Despite that estrangement Andy did not, from the evidence of the local residents, show any signs of anti-social conduct or mental illness. It would seem he chose to live in the park on the water's edge and he was fortunate to enjoy the comfort and company of the local residents, members of a caring and compassionate community.

25. I understand that the community gathered to farewell Andy and have experienced his passing as a real loss to young and old. May on behalf of the wider community thank them for their care and concern for a man who was lonesome and though still unknown is well remembered.

26. My findings are as follows: That a person known as Andy, but otherwise unidentified, died on 28 August 2014 at Cadi Park, Refinery Drive Pyrmont of natural causes, namely a pulmonary thrombo-emboli complicating from a deep vein thrombosis of the right leg.

Elaine Truscott

Deputy State Coroner

11 November 2015