



**STATE CORONER'S COURT
OF NEW SOUTH WALES**

Inquest: Inquest into the death of Blair Dalton

Hearing dates: 17 December 2019

Date of findings: 20 December 2019

Place of findings: NSW State Coroner's Court, Lidcombe

Findings of: Magistrate Derek Lee, Deputy State Coroner

Catchwords: CORONIAL LAW – homicide, intentionally self-inflicted death

File number: 2017/297191

Representation: Mr T O'Donnell, Coronial Advocate Assisting the Coroner

Findings: Blair Dalton died on 28 September 2017 at Gosford Hospital, Gosford NSW 2250. The cause of Blair's death was hypoxic brain injury, with strangulation being an antecedent cause. Blair died as a result of actions taken by LP on 26 September 2017. The manner of death is therefore homicide.

Non-publication orders: Pursuant to section 75(2) of the *Coroners Act 2009* publication of any matter (including the publication of any photograph or other pictorial representation) which identifies any of the following persons is prohibited:

1. LP
2. BD

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1. Introduction

1.1 On 26 September 2017 Blair Dalton became involved in an argument with LP. They had experienced an on/off relationship since meeting in 2012. Tragically, the argument resulted in LP strangling Blair, causing her to become unresponsive and eventually suffer irreversible brain injury. Following the withdrawal of life support Blair sadly died on 28 September 2017.

2. Why was an inquest held?

2.1 Under the *Coroners Act 2009 (the Act)* a Coroner has the responsibility to investigate all reportable deaths. This investigation is conducted primarily so that a Coroner can answer questions that they are required to answer pursuant to the Act, namely: the identity of the person who died, when and where they died, and what was the cause and the manner of that person's death. All reportable deaths must be reported to a Coroner or to a police officer.

2.2 Section 27(1)(a) of the Act provides that an inquest must be held if it appears to a coroner that a person has died, or might have died, as a result of homicide. In this case, the evidence gathered during the police investigation that took place established that Blair died as a result of homicide. This made the holding of an inquest mandatory.

2.3 In this context it should be recognised at the outset that the operation of the Act, and the coronial process in general, represents an intrusion by the State into what is usually one of the most traumatic events in the lives of family members who have lost a loved one. At such times, it is reasonably expected that families will want to grieve and attempt to cope with their enormous loss in private. That grieving and loss does not diminish significantly over time. Therefore, it should be acknowledged that the coronial process and an inquest by their very nature unfortunately compels a family to re-live distressing memories several years after the trauma experienced as a result of a death, and to do so in a public forum.

2.4 It should also be noted at the outset that although the evidence gathered during a coronial investigation may give rise to the appearance that a person has died as a result of homicide, such a conclusion (if one is eventually made) does not impose any criminal liability on any person. Indeed, section 81(3) of the Act precludes a coroner from making a finding that indicates, or in any way suggests, that a criminal offence has been committed by any person.

3. Family history and background

3.1 Blair was born in 1982 to her father, Robert Dalton, and her mother, Heather Burns. Blair has a younger sister, Jessie. Together, Blair and Jessie were raised on the Central Coast. Their parents later divorced whilst Blair was still at school and she moved to live with her father in Woy Woy. However when she was 17 years old Blair moved back in with her mother at Erina. At the age of 18 Blair completed a beauty course in Newcastle, and subsequently began working at a beauty salon in Gosford.

3.2 In 2012 Blair moved into a unit in Gosford with her friend, Renee Sherry. Around this time Blair met LP on a dating website. At the time LP was living in St Clair in Sydney. He had three children from a

previous relationship. Blair and LP formed a relationship soon after meeting online. After about six months Blair decided to move in with LP at St Clair. Whilst living in Sydney Blair worked at a laser clinic in Wetherill Park, whilst LP worked in the building industry.

- 3.3 Whilst Blair was living in Sydney her mother heard from Renee and Blair's other friends that Blair and LP were experiencing relationship difficulties. These difficulties led to Blair leaving the home she shared with LP and periodically staying with LP's mother and sisters.
- 3.4 Sometime in 2015 Blair, LP, and members of LP's family went to Fiji for a holiday. When they returned, Blair called her mother and told her that she was pregnant. Blair's mother noted that Blair seemed very happy at the time. However, in October 2015 Blair told her mother that she and LP had separated due to LP's illicit drug use. At around the same time, LP's family observed that he was behaving erratically due to his drug use. As a result Blair moved in with her grandmother at Ettalong. Whilst living there she continued to travel to Sydney for work. A month later in November 2015 Blair found a place of her own and to rent in Ettalong and moved in there by herself.
- 3.5 On 27 February 2016 Blair gave birth to her and LP's son at Gosford Hospital. LP was at the birth and they named their son BD. After Blair and BD were discharged from hospital after a few days LP returned to Sydney. However, LP returned to Ettalong on 10 July 2016 for BD's naming day. At around this time an incident occurred at Blair's home which involved LP yelling and swearing and Blair becoming visibly upset.
- 3.6 As a result of this incident Blair attended Brisbane Water police station on 13 July 2016 to enquire about having an apprehended violence order put in place. Blair was advised of her rights and the police officer who dealt with her outlined a plan for LP to see BD in a safe environment, whilst preventing LP from having access to Blair's home. Some advice was also provided in relation to assisting Blair with potential family law orders. Blair indicated that she wanted a record to be made in the event that LP's actions escalated. This interaction was recorded on the police electronic record system.
- 3.7 On 24 August 2016 LP was evicted from his home in St Clair and subsequently moved in with his mother and stepfather. On 23 September 2016 LP, whilst apparently under the influence of illicit drugs, became involved in a violent incident with his stepfather. This resulted in LP being charged. A short time later in December 2016 LP was involved in another violent incident, this time concerning his ex-partner. This also resulted in LP being charged, and subsequently refused bail. He was later released from custody on 24 January 2017 and moved in with his aunt in the St Clair.
- 3.8 According to accounts from LP's family he made some changes in his life after January 2017, by ceasing his illicit drug use and focusing on work. This reportedly led to an overall improvement in his circumstances. During this period of time Blair travelled to Sydney and stayed at LP's sister's house so that LP could have supervised visits with BD. In the same period LP also travelled to the Central Coast so that he could spend the day with BD. There were no reported difficulties arising from this contact between Blair and LP.

4. The weekend of 23 and 24 September 2017 and after

- 4.1 LP's sister, Megan, booked an apartment in the Mantra Hotel in Ettalong over the September school holidays so that she, her children, and her mother could visit Blair and BD. They drove up to the

Central Coast on 23 September 2017 and arrived at the hotel in the afternoon, where they met Blair and BD. It appears that Blair subsequently called LP and invited him to join them. LP subsequently caught a train to the Central Coast where he was picked up by his mother. On the way back to the hotel LP's mother asked how he was feeling. LP told her that he had been feeling a bit depressed but that he had been referred to a psychiatrist and, as a result been feeling better. Upon arriving back at the hotel Blair, LP and LP's family had dinner together. At about 8:00pm Blair and LP left the Mantra to go to the nearby Ettalong hotel to watch a football match. After the match finished they returned to the Mantra and were reportedly in good spirits. A short time later Blair, LP and BD left the Mantra and went back to Blair's house.

- 4.2 The next day, 24 September 2017, Blair, LP and BD returned to the Mantra at about 9:00am. They were again observed to be in good spirits. It appears that they stayed at the Mantra during the morning, and after lunch Blair took LP to a train station so that he could catch a train back to Sydney.
- 4.3 On 25 September 2017 Blair went to work at Erina. Later that evening she met up with LP's mother and sister for dinner.

5. The critical events of 26 September 2017

- 5.1 The next morning on 26 September 2017 LP caught a train from St Marys to Woy Woy. He met up with Blair and BD at a supermarket in Woy Woy. It appears that during the day Blair and LP argued about their respective locations: Blair was reluctant to move back to Sydney, whilst LP was equally reluctant to move to the Central Coast as he did not want to move away from his older children who were living in Sydney. At about 2:30pm that afternoon Karen Bell arrived at Blair's house for a beauty treatment. Ms Bell sensed that there was tension between Blair and LP and formed the belief that they had been arguing. She noticed that Blair was not her usual happy self.
- 5.2 At about 7:00pm Blair and LP put BD to bed. Following this Blair started to wash up the dishes in the kitchen. On LP's version, another argument occurred over Blair's reluctance to move back to Sydney. At some stage Blair told LP that she thought he should leave, but LP told her that he was not going anywhere. According to LP, Blair then walked towards him holding a knife. It should be emphasised that there is no independent evidence to verify LP's version of events, given that he and Blair were the only two people in the kitchen at the time.¹
- 5.3 LP asked Blair what she was going to do with the knife. He then used both hands to grab her around the throat and squeezed until Blair became unconscious. It is not known how long LP was holding onto Blair's throat. At 7:10pm LP called Triple Zero from his mobile phone. He told the emergency operator that he needed an ambulance at Blair's address and said, "*I just killed my girlfriend*". When the emergency operator asked what had happened LP replied, "*She pulled a knife on me and I strangled her*".
- 5.4 The first responding police officers arrived at Blair's house at 7:15pm. They saw that LP was extremely agitated and upset, and described him as "*ranting and waving his arms around*".² The police officers entered the kitchen and saw Blair lying on the ground, unconscious with red swelling around her face and neck. LP knelt down next to Blair and said, "*I've killed her, I've killed her*".

¹ However, it is noted that police subsequently located a butter knife under Blair's leg. Of course, there is no evidence, apart from LP's version, as to what was done (if anything) with the knife.

² Exhibit 1, Tab 23 at [7].

- 5.5 One of the police officers checked Blair and felt a faint pulse. The police officers moved LP away and handcuffed him so that they could attend to Blair. The police officers immediately commenced cardiopulmonary Resuscitation (**CPR**). NSW Ambulance paramedics arrived on the scene at about 7:27pm. On examination Blair was found to be unconscious, not breathing, with nil palpable pulse and in cardiac arrest. Defibrillator pads were applied whilst the police officers continued CPR. The paramedics subsequently established an airway and took over CPR from the police officers. Blair was cannulated and adrenaline was administered resulting in return of spontaneous circulation.
- 5.6 Following the arrival of another paramedic crew Blair was placed into an ambulance and taken to hospital as installation continued. On arrival at Gosford Hospital emergency department hospital staff took over airway management and maintained ventilation, while stabilising Blair. Once stabilised Blair was transferred to the intensive care unit for further monitoring and assessment, although her prognosis was poor. Subsequent investigations revealed that Blair remained unresponsive to external stimuli and that she had suffered an irreversible hypoxic brain injury. Life support measures were withdrawn on 28 September 2017 and Blair was pronounced life extinct at 5:12pm.

6. Police investigation concerning LP and subsequent events

- 6.1 LP was later arrested and taken to Gosford police station. He took part in an electronically recorded interview at 1:07am on 27 September 2017. In the interview LP told the police that he and Blair had an argument after BD had been put to bed. LP said that after he told Blair that he was not going to leave she turned around with a knife in her hand. When asked by the interviewing police officers to describe what occurred next, LP became noticeably upset. However he eventually told police, "*I done it and, argh, I done it...*". When asked to explain what he had done LP said, "*I strangled her*"³, and indicated that he had placed both of his hands around Blair's neck. Due to LP's condition a decision was made to not continue with the interview. LP was charged with attempting to strangle Blair with intent to murder (on the information that was available to police at the time).
- 6.2 LP appeared at Gosford Local Court later on 27 September 2017. He was remanded into the custody of Corrective Services New South Wales, with his next court appearance on 27 October 2017. LP was subsequently transferred from Gosford to the Metropolitan Remand and Reception Centre at Silverwater. At about 10:52am on 29 September 2017 LP was found in his cell to be unresponsive with no signs of life. An immediate call was made for medical assistance but LP could not be resuscitated and was later pronounced life extinct.
- 6.3 A subsequent post-mortem examination identified foreign material consisting of compact toilet paper, and plastic packaging and sweetener sachets (from a breakfast tray provided to LP on the morning of 29 September 2017) in LP's airway, with this material having been ingested by LP in an apparent act of self-harm. The autopsy report for LP indicated that the cause of death was foreign body aspiration.

³ Exhibit 1, Tab 30, Q/A 89.

7. What was the cause of Blair's death?

- 7.1 Blair was subsequently taken to the Department of Forensic Medicine in Newcastle. On 4 October 2017 Dr Brian Beer, forensic pathologist, performed a post-mortem examination. Dr Beer noted that Blair had sustained neck trauma in the form of bilateral thyroid superior horn fractures and bruising to the anterior strap muscles, consistent with strangulation. In his subsequent autopsy report Dr Beer expressed the opinion that the cause of Blair's death was hypoxic brain injury, with strangulation being an antecedent cause.
- 7.2 Having regard to the admissions made by LP, during his phone call with the emergency operator, to the initial responding police officers at Blair's house, and during his electronically recorded interview, it is clear that Blair died as a direct result of actions taken by LP on the evening of 26 September 2017. Specifically, it is clear that LP used both of his hands to strangle Blair causing the injuries identified at autopsy, and the subsequent irreversible hypoxic brain injury. The manner of Blair's death is therefore homicide

8. Acknowledgments

- 8.1 Before turning to the findings that I am required to make, I would like to acknowledge, and express my gratitude to Tim O'Donnell, Coronial Advocate, for his considerable assistance during both the preparation for inquest, and during the inquest itself. I also thank and commend Detective Senior Constable Alison Wyborn for conducting a thorough investigation and for compiling a comprehensive initial brief of evidence. I thank both of them for the sensitivity and empathy that they have shown in this tragic matter.

9. Findings pursuant to section 81 of the Coroners Act 2009

- 9.1 The findings I make under section 81(1) of the Act are:

Identity

The person who died was Blair Dalton.

Date of death

Blair died on 28 September 2017.

Place of death

Blair died at Gosford Hospital, Gosford NSW 2250.

Cause of death

The cause of Blair's death was hypoxic brain injury, with strangulation being an antecedent cause.

Manner of death

Blair died as a result of actions taken by LP on 26 September 2017. The manner of death is therefore homicide.

10. Epilogue

- 10.1 There is no doubt that Blair is greatly missed by her loving family and friends. Blair had a particularly close relationship with her mother and sister, and they were regularly in contact with each other. To

know that Blair has been separated from them, as well as from BD and the other members of Blair's family, in such distressing circumstances is indeed tragic.

10.2 On behalf of the Coroner's Court of NSW, I offer my deepest heartfelt sympathies and most respectful condolences to Blair's parents, sister, and the rest of her family and friends for their most painful and overwhelming loss.

10.3 I close this inquest.

Magistrate Derek Lee
Deputy State Coroner
20 December 2019
Coroner's Court of NSW