



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the death of Shamon Shamon
Hearing dates:	5 February 2019
Date of findings:	7 February 2019
Place of findings:	NSW Coroners Court - Lidcombe
Findings of:	Magistrate Elizabeth Ryan, Deputy State Coroner
Catchwords:	CORONIAL LAW – death of pedestrian – cause and manner of death.
File number:	2017/240652
Representation:	Coronial Advocate assisting the inquest: Sgt S Harding.
Findings:	<p>Identity The person who died is Shamon Shamon, born 1 July 1950.</p> <p>Date of death: Shamon Shamon died on 7 August 2017.</p> <p>Place of death: Shamon Shamon died at Liverpool Hospital, Liverpool NSW.</p> <p>Cause of death: Shamon Shamon died as result of blunt head injury.</p> <p>Manner of death: Shamon Shamon's death occurred when he was fatally struck by a car while he was walking across a road.</p>

Section 81(1) of the *Coroners Act 2009 (NSW)* [the Act] requires that when an inquest is held, the Coroner must record in writing his or her findings as to various aspects of the death.

These are the findings of an inquest into the death of Shamon Shamon.

Introduction

1. On 7 August 2017 Mr Shamon Shamon aged 67 years died at Liverpool Hospital in south western Sydney. On 25 July 2017 he had been walking across the road directly outside his home in Fairfield West when he was struck by a car. Mr Shamon was severely injured to the back of his head. He was taken to Liverpool Hospital but he was unable to survive his injury and he died there thirteen days later.

The role of the Coroner

2. Pursuant to section 81 of the Act a Coroner must make findings as to the date and place of a person's death, and the cause and manner of death. In addition the Coroner may make recommendations in relation to matters which have the capacity to improve public health and safety in the future, arising out of the death in question. A Coroner has no power to determine whether a person is guilty of an offence, or to make findings or orders that are binding on parties.
3. In this matter there is no controversy as to the time, place and cause of Mr Shamon's death. This information is all available from the police and medical evidence. However in some cases there is a need to hold an inquest so as to address concerns held by the family of a person who has died. Following Mr Shamon's death, his son Mr Jovan Jovan wrote to the Coroners Court requesting an inquest into the circumstances of his father's death. Taking into account the strong wishes of Mr Shamon's family, a decision was made that it would be in the interests of justice to hold an inquest.
4. Mr Jovan attended the inquest, supported by a friend. It was evident that his father's death has devastated Mr Jovan and that he grieves his loss very deeply.
5. The Coroners Court wrote to the driver of the car which struck Mr Shamon, Mr Imad Zaineddine, informing him that an inquest would be conducted and that he may have a sufficient interest in its subject matter. The letter invited him to seek legal representation at the inquest. Mr Zaineddine did not attend the inquest; nor did he arrange a lawyer to attend and appear on his behalf.

The post mortem examination

6. The cause of Mr Shamon's death is able to be clearly established. Tendered to the Court was a report of forensic pathologist Dr Istvan Szentmariay. Dr Szentmariay had performed an external examination and concluded that Mr Shamon had died as a result of a blunt head injury. Dr Szentmariay noted

that when Mr Shamon was admitted to Liverpool Hospital he was found to have a bilateral subarachnoid bleed and a left sided subdural bleed. Mr Shamon had also suffered base of skull fractures. There was no evidence of alcohol in his system.

Mr Shamon's life

7. Mr Shamon was born on 1 July 1950. In 2009 he, his wife and their three adult children came to Australia from Syria. Mr Shamon was granted permanent residence in Australia and in 2013 he became an Australian citizen. Mr Shamon moved into the home of his son Jovan Jovan in 2011 after separating from his wife.

The fatal collision

8. Mr Shamon and his son lived in a house on Smithfield Road Fairfield West. Smithfield Road is a two-way road with single lanes each approximately four metres wide. Just opposite Mr Shamon's home is a bus stop. There are no traffic lights or pedestrian crossings in the area.
9. Mr Shamon was in the habit most days of taking the local bus to do his grocery shopping. On his return Mr Shamon would alight from the bus at the stop opposite his home and walk across the road carrying his shopping.
10. At around 2.30pm on 25 July 2017 Mr Shamon was crossing the road to his home following a grocery shopping trip. At the same time Mr Imad Zaineddine was driving westward along Smithfield Road in his Volkswagon Golf car. When Mr Shamon was slightly more than halfway across the road he was struck by Mr Zaineddine's car, impacting with its bonnet and windscreen area. He fell face down onto the road.
11. Mr Zaineddine got out and immediately called for emergency assistance. He told the emergency operator that Mr Shamon was bleeding from the head, and that he was not conscious but still breathing. With the assistance of some passers by Mr Zaineddine placed a towel onto Mr Shamon's head where it was bleeding.
12. When police and ambulance officers arrived they saw Mr Shamon lying unconscious and unresponsive in the middle of the west-travelling lane. Mr Zaineddine's car was stationary, facing west about two metres from where Mr Shamon lay. The car had a smashed windscreen and a large dent to the front of the bonnet.
13. Mr Shamon was taken to Liverpool Hospital for urgent surgery to a traumatic brain injury, and then to the Intensive Care Unit. Sadly, he did not survive his injuries and died on 7 August.

The police investigation

14. NSW Police's Crash Investigation Unit declined to attend the accident site, so there is an absence of objective evidence about the circumstances of the collision. I set out below what is known about the circumstances.
15. The Officer in Charge, Senior Constable Zdravda Zaric, attended the scene with other police officers including Constable Nicole Harris. She observed that there were no tyre skid marks on the roadway leading up to the collision site. In her evidence Senior Constable Zaric commented that skid marks are generally an indication that a driver has applied the car brakes suddenly and harshly.
16. At the time of the collision the weather was fine. Photographs taken by police on their arrival show the streetscape where Mr Shamon was struck. There is plainly a clear line of sight along each side of the road, with no natural or built objects to obstruct a driver's view of the road ahead.
17. There was no objective evidence about the speed at which Mr Zaineddine had been travelling just prior to the collision. In his recorded police interview Mr Zaineddine stated that he had been driving at '*whatever the speed limit was*'. The speed limit at the relevant area of Smithfield Road is 60kph.
18. Immediately after the incident Mr Zaineddine was tested for the presence of alcohol or drugs. He tested negative. There is no evidence he had been using his mobile phone at the time of the collision.

Mr Zaineddine's account of the collision

19. At the scene Mr Zaineddine said to Senior Constable Zaric: '*I did not see him. He came from my right, he must have been crossing*'. To Constable Nicole Harris he said: '*I was driving and he just came out of nowhere. I swerved to my left to avoid him and nearly hit a pole so I corrected myself and turned back to the right and then I somehow hit him*'. Constable Harris commented that Mr Zaineddine was visibly upset and shocked.
20. Mr Zaineddine was formally interviewed by police and told them the following:
 - he suddenly saw Mr Shamon walking in the middle of the road: '*It all happened so quick, like in the middle, all I kept remembering is he was in the middle of the road...*'
 - he veered his car away from Mr Shamon in an effort to avoid hitting him, but he was then in danger of running into a pole on the footpath, so he swerved back again: '*I veered and I veered back and he was there...*'
 - it was then that he hit Mr Shamon.

Were there any third party witnesses to the collision?

21. In correspondence with the Coroners Court Mr Jovan identified three witnesses whom he said had seen the collision and could provide information

about it. From Mr Jovan's letter it would appear that two of these people (Ms Trinh and Ms Humphries) had been inside their homes on Smithfield Road at the time of the collision, heard the sound of the impact and went outside to see what had happened.

22. Police enquiries with the three persons yielded only the following information:

- Ms Trinh told police she had no knowledge of the incident
- Ms Humphries did not answer any of the calls police made to her phone number
- the third person Mr Aleksandar Ribarevski provided a statement in which he said he had been driving in the area, heard the sound of the collision, looked in his rear view mirror and saw Mr Shamon lying on the road. He did not observe the collision.

23. A statement was also provided by Mr Allen Andjic who had been driving his car about 150 metres behind Mr Zaineddine's car. Mr Andjic did not see the actual impact but described seeing Mr Shamon being projected into the air at the front of Mr Zaineddine's car.

Conclusions

24. Based on the locations of Mr Shamon's body and Mr Zaineddine's car, Mr Shamon had reached the west-travelling lane of Smithfield Road at the time he was struck by the car.

25. The evidence suggests that Mr Zaineddine did not observe Mr Shamon until the final moments before impact. I base this upon the statements Mr Zaineddine made to police at the scene and in his interview, described in paragraphs 20 and 21 above, and the absence of tyre skid marks on the roadway.

26. The evidence does not permit any findings to be made as to the speed at which Mr Zaineddine was travelling just prior to the collision.

27. The streetscape photographs taken at the relevant time show that the relevant stretch of road did not have any natural or built objects to obscure a driver's line of sight of the road ahead.

28. I am satisfied there are no known third party eye witnesses to the collision itself or to the events immediately leading up to it. No CCTV footage of the incident is available as there were no cameras in the area.

29. The cause and manner of Mr Shamon's death are as set out in the findings below. I hope that this inquest has helped to answer some of Mr Jovan's questions. On behalf of all at the Coroners Court, I offer our most sincere condolences for the loss of his father.

Findings required by s81(1)

As a result of considering all of the documentary evidence and the oral evidence heard at the inquest, I am able to confirm that the death occurred and make the following findings in relation to it.

Identity

The person who died is Shamon Shamon born 1 July 1950.

Date of death:

Shamon Shamon died on 7 August 2017.

Place of death:

Shamon Shamon died at Liverpool Hospital, Liverpool NSW.

Cause of death:

Shamon Shamon died as a result of a blunt head injury.

Manner of death:

Shamon Shamon died when he was fatally struck by a car while he was walking across a road.

I close this inquest.

E Ryan

Deputy State Coroner
Lidcombe

Date 7 February 2019