



State Coroner's Office
Flinders Street Extension
Melbourne Vic 3000
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(All Hours)
Toll Free: (008) 136 852
(Only Country Victoria)
Fax: (03) 614 3465

In reply please quote:

No. 2995/87

31st May 19 88

Senior Detective Peter Merricka,
C/- Dandenong C.I.B.,
Police Station,
DANDENONG VIC. 3175.

Dear Senior Detective Merricka,

Stephen Patrick Brennan Deceased.

Thank you very much for your troubles in this matter. They are appreciated.

Enclosed for information are copies of -

- The Findings and Comments; and
- Letter to Deputy Commissioner John Frame.

Yours sincerely,

H.R. HALLENSTEIN
State Coroner, Victoria.

Enc.



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No. 2995/87
31st May, 1988

Deputy Commissioner John Frame,
Police Headquarters,
380 William Street,
MELBOURNE VIC. 3000.

Dear Mr. Frame,

Stephen Patrick Brennan Deceased.
Senior Detective P. Merricka (21776).
Dandenong C.I.B.

The field work of the Coroner's investigation into the death of teenaged Brennan was substantially effected by Senior Detective Merricka of Dandenong C.I.B.

The investigation was painstaking, thorough and difficult and with the added burden of the deceased's father being somewhat unbalanced by the events.

During the course of investigation the deceased's father made complaint of Senior Detective Merricka's investigation publicly, to Merricka's immediate superiors and, least indirectly, to you.

Any complaint of Senior Detective Merricka's investigation was and is totally unjustified in that the investigation could not have been more professional, more thorough or more worthwhile to the coronial process.

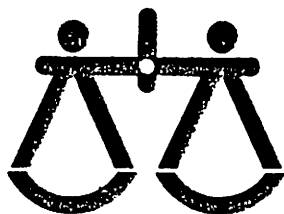
Enclosed is a copy of the Findings, Comments in this matter which speak for themselves as to the quality of the investigation materials provided.

The contents of this letter were stated in substance publicly in Inquest by State Coroner at the end of evidence and legal submission and immediately prior to the Findings and Comments being made.

Yours sincerely,

H.R. HALLENSTEIN
State Coroner, Victoria.

Enc.



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No. 2995/87
28th April 1988

RECORD OF INVESTIGATION INTO DEATH

I, HAROLD RUPERT HALLENSTEIN, State Coroner,

HAVING INVESTIGATED the death of STEPHEN PATRICK BRENNAN with Inquest held at Melbourne Coroner's Court on 28th and 29th April, 1988, 2nd, 3rd and 4th May, 1988, South Melbourne Court on 5th May 1988 and Melbourne Coroner's Court on 6th May 1988

FIND that STEPHEN PATRICK BRENNAN on 14th July 1987 at 34 Alexander Street, Hallam died by cardio respiratory arrest consequent upon the intravenous use of morphine (heroin) associated with prior ingestion of the drug Chloral Hydrate (Noctec tablets) in the following circumstances.

1. Prior to and as at July 1987 the distribution and use of illicit and illegal drugs in the Dandenong area so far as relevant to this investigation -

(a) Involved as primary dealers

- Zoran Dokic (Big Jim) formerly of 316 Chandler Road, Keysborough and then of 55 Power Street, Dandenong;
- Vasile Orlandea formerly of Flat 2, 58 Potter Street, Dandenong; and
- A person known only as "Little Jim" and otherwise unidentified -
 - and all of whom were reputedly of Rumanian origin, all met regularly at Orleandea's coffee shop in Dandenong and all were dealers in amphetamines and heroin.

(b) Involved as secondary dealers and users.

- Mark Ascough (or Nelson) formerly of Unit 1, 1 Alkara Court, Dandenong; and
- Stephen (or Jabber) Martin formerly of Flat 7, 153 Princes Highway, Dandenong -
 - Both of whom were dealers and users of amphetamines and heroin and whose source of supply was, at least in part, from one or other of Dokic, Orleanda or Little Jim.

(c) Involved as users and minor dealers

- Stephen Patrick Brennan, the deceased;
- Peter Raymond Bennett;
- Robert (or Rob) Jones; and
- Peter Power;
- all of whom were users of heroin or amphetamines or both and who also sold small quantities to enable drug purchases from secondary dealers.

2. Prior to July 1987 the deceased 20 year old was an addicted intravenous user of both prescription drugs and illicit drugs including amphetamines and morphine (heroin).
3. At approximately 8 a.m. on 14th July 1987 at his home address as above the deceased consumed orally the drug chloral hydrate (several Noctec tablets).
4. At approximately 8.30 a.m. on 14th July 1987 the deceased was joined in his home by an number of drug users and minor dealers, including Bennett and Jones and possibly also by secondary dealer and user Martin.
5. Between approximately 8.30 a.m. and 10 a.m. in the deceased's home the deceased and other users with him were involved in preparing and using heroin, amphetamines or both and in circumstances where the deceased injected himself with morphine (heroin) and with assistance from a person unknown who, at the deceased's request, held the deceased's arm.
6. Between approximately 10 a.m. and 10.30 a.m. the deceased commenced to suffer increasing respiratory depression, obvious difficulty in breathing and probably loss of consciousness which was observed and discussed by some or all of those present with the deceased, including Bennett, Jones and possibly Martin.
7. On observing the matters referred to in paragraph 6 a reasonable person would or should have concluded that the deceased was at risk of serious injury or death and a reasonable person would or should have rendered immediate assistance and with ambulance and medical assistance being called.
8. The persons with the deceased in fact concluded that the deceased was at risk of serious injury or death, did not render or call for assistance, coldly calculated their affairs in the event of the deceased's death but with him still alive and dying in their presence and then subsequently left the deceased to die unattended.
9. Between approximately 10.30 a.m. and 11.30 a.m. the deceased was alone in his home suffering progressively more severe respiratory failure until the point of suffering cardio-respiratory arrest and dying at or about 11.30 a.m.
10. The deceased was found dead in his home at approximately 6.20 p.m. on 14th July 1987.
11. Medical evidence indicates that after approximately 3 minutes of significant respiratory depression there arises a real possibility with time progressive probability of brain damage from lack of oxygen after which resuscitation attempts and hospitalisation may well not result in recovery.
12. It cannot be concluded in this case that a reasonable non-drugged layman would or should have appreciated that the deceased was suffering respiratory failure within the first minutes of its commencement.
13. It further cannot be concluded in this case that the deceased would have survived if rendered immediate assistance, from the first moment that respiratory depression was reasonably apparent.

14. By the self-injection of morphine (heroin) after self ingestion of chloral hydrate (Noctec tablets) I find that the deceased himself has substantially contributed to the cause of death.
15. By their presence, common purpose of illicit drug use and assistance of the deceased in his self-injection of morphine (heroin) I find that Peter Raymond Bennett, Robert (or Rob) Jones and possibly Stephen (or Jabber) Martin and others unknown have contributed to the cause of death.
16. By their failure to assist the deceased and to seek assistance it was reasonably apparent that the deceased was at risk of serious injury or death, it is possible that Peter Raymond Bennett, Robert (or Rob) Jones, possibly Stephen (Jabba) Martin and others unknown have further contributed to the cause of death.

COMMENT

- A. There is material in this investigation which suggests that -
- the deceased owed money for drugs purchased on credit from secondary dealer Martin and primary dealer Orlandea;
 - the deceased had stolen drugs from and had been found out by secondary dealer Ascough (or Nelson);
 - the deceased, either by himself or by the activities of his father was reputed in the drug world as a source of information to the police about the drug world;
 - the deceased was not liked by dealers and users as being a "hopeless junkie" with an impossible addiction and who was dishonest and troublesome within the drug world itself;
 - Power was a debt collector for Martin in circumstances of intimidation that users died who did not pay their drug debts to Martin;
 - Bennett was a violent and dangerous man who could not be trusted, who was feared and who was considered capable of being paid to kill by use of drugs;
 - the deceased received death threats;
 - after the deceased's death Bennett was reputed to have been paid to kill the deceased, Power was reputed to have organised the deceased's death for failing to pay drug debts to Martin, and an unknown person or persons in the drug world were reputed to have arranged the deceased's death by reason of one, some or all of the matters referred to in this paragraph.
- B. Save that suggestions of the deceased's death being pre-discussed or planned and arranged cannot be absolutely excluded, there is no evidence from which it can be concluded that this occurred in fact.
- C. Incorrectly, by those without real knowledge, the deceased was described as having died by reason of overdose of morphine (heroin) or by the addition of a toxic substance to the morphine (heroin) used by him.

- D. Toxicology results indicate the absence of any foreign toxic substance in the deceased's morphine and also the use of morphine (heroin) in a quantity less than toxic.
- E. Medical evidence and experience in many similar types of cases concludes -
- (a) any intravenous use of heroin (including small quantities) involves the risk of death by cardio-respiratory failure by the injected concentration of narcotic suppressing to the point of ceasing the brain's automatic organising of breathing and heartbeat.
 - (b) On the occurrence of cardio-respiratory failure and in the course of the person dying the narcotic is then diffused and metabolised in the body to indicate at death a non-fatal concentration as in this case.
- F. This inquest has been heard in conjunction with inquests touching the deaths of Michael Patrick Potter (4792/87) and Christopher Graham Diprose (3076/87) - both of whom died within close time proximity to Stephen Brennan and in circumstances of illicit drug use in Dandenong:
- G. In all three cases one sees the same dealers, the same users, the same hopeless tragedy and the same destruction of all values of civilised society.
- H. The materials contained in all three Coroner's investigations and the conclusions reached in all three investigations are on a basis of reasonable conclusions on reasonable materials pursuant to Section 44 Coroners Act 1985.
- I. The materials do not give rise to matters involving proof beyond reasonable doubt in the context of the criminal law judicial process.
- J. In the end, these Findings, in the form presented, set out and describe the illicit drug world as it is.

Senior Constable I. Logan to assist

Mr. T. Sullivan for N.O.K.

N.O.K. Present


H.R. HALLENSTEIN
State Coroner, Victoria.