

IN THE CORONERS COURT
OF VICTORIA
AT WANGARATTA

Court Reference: COR 2010 004207

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of RYAN J DE ANGELIS

Delivered On: 2 December 2013

Delivered At: Wangaratta Coroners Court

Hearing Dates: 4 October 2013

Findings of: Coroner Susan Armour

Representation: Ms D Price of Counsel on behalf of Ryan Saccutelli
(4/10/13)
Ms S Wilson of Counsel on behalf of Ryan Saccutelli
(2/12/13)

Coroner's Assistant Leading Senior Constable H Dosser

I, SUSAN JANE ARMOUR, Coroner, having investigated the death of RYAN DE ANGELIS
AND having held an inquest in relation to this death on 4 October 2013
at Wangaratta Coroners Court
find that the identity of the deceased was RYAN DE ANGELIS
born on 20 June 1994
and the death occurred On 1 November 2010
at Royal Melbourne Hospital, 200 Grattan Street, Parkville, Victoria 3052

from:

1 (a) GUNSHOT WOUND TO THE HEAD

in the following circumstances:

BACKGROUND AND CIRCUMSTANCES

1. Ryan De Angelis was a 16 year old boy who lived with his family in Wodonga in Victoria at the time of his death. On Monday 1 November 2010 Ryan De Angelis and his father travelled to the home of a family friend in Merriang South in Victoria. At around 3.30pm or 4.00pm Ryan Saccutelli (“Saccutelli”) who was also aged 16, Ryan De Angelis and his father, Gus De Angelis, went out shooting for rabbits. Gus De Angelis was the holder of a firearms licence¹ (he had held a Category A Shooter’s Licence for approximately 30 years) but his son, Ryan De Angelis, did not hold a firearm’s licence. Saccutelli held a Junior shooters licence² (having obtained it about one and a half year’s earlier) and his father, Rosario Saccutelli held a Category A and B shooters licence³. Both Saccutelli and his father, Rosario Saccutelli, had attended and passed the Firearms Safety Course conducted in Wodonga, Victoria on 19 February 2009.

¹ Category A Longarm Licence Number 552-489-70A

² Junior Firearm Licence Number 779-088-50J

³ Category A & B Longarm Licence Number 779-253-00B

2. At around 6.00pm the two boys, Ryan De Angelis and Saccutelli, obtained permission from their respective fathers to go out alone for another shoot. Having collected ammunition and the guns the boys left around 6.30pm, walking from the house through the gate opposite and up the hill. Saccutelli had with him a .17 calibre HMR rifle with a TASCOScope⁴ that was registered in his father's name and Ryan De Angelis was carrying a rifle, also fitted with a scope, which was registered to his father. The boys were unsupervised. About halfway up the hill both boys shot at rabbits and then continued about another 50 metres when Ryan De Angelis told Saccutelli he had seen a fox. Saccutelli saw that the fox was about 50 metres away in the open, below a green blackberry bush⁵. Ryan De Angelis, who was about one metre behind and uphill to the left of Saccutelli, shot first but missed. Saccutelli, who was looking through the scope at the fox, using his right eye with his left eye closed, decided he would also take a shot at the fox. The fox was in front of him between a low green bush and the large tree⁶ and was moving uphill, slightly to the left and away from him towards the ridgeline. Saccutelli followed the fox in his scope, moving his rifle in a small, narrow arc to the left as the fox moved away from him and between the green bush and the large tree. Saccutelli shot at the fox and then saw Ryan De Angelis fall to the ground about a metre or a metre and a half away from him. He immediately rushed over to him after putting his rifle down on the ground and observed blood coming from the top of his head. Saccutelli moved Ryan De Angelis so that his head wasn't lying downhill, putting him into the recovery position whilst screaming out for help. Hearing Saccutelli call out, his mother rang him on his mobile phone and he told her what had happened. She then called 000. Saccutelli applied pressure to the wound and took a call from a woman from emergency services who provided further instructions. Rosario Saccutelli, Gus De Angelis and Peter Howells arrived on the scene and Saccutelli then moved both rifles a distance of about 15 metres away but otherwise did not touch them.

3. Around 7.02pm the ambulance call centre received a call for ambulance attendance at 253 Merriang Road, Myrtleford to a patient who had received a gunshot injury and the first of a number of paramedics arrived on the scene at 7.16pm. Ryan De Angelis was subsequently transferred by ambulance to the Myrtleford Football Oval, then flown to Melbourne by helicopter and conveyed to

⁴ Sergeant Mark Chandler of the Ballistics Unit, Victoria Police Forensic Services Centre more fully described the rifle as a “.17 Hornady Magnum Rimfire (HMR) calibre CZ model ‘452-2E-ZKM American’ bolt action repeater. Serial numbered A648657. This rifle was fitted with a bi-pod stand which was folded closed against the stock and a Tasco brand ‘World Class’ 3 – 9 x 40 cross haired telescopic sight. This sight was set on the maximum power setting of 9.”

⁵ Photograph 2 in Book of Photographs taken by Senior Constable Drummond

⁶ Photograph 2 in the Book of Photographs taken by Senior Constable Drummond

the Royal Melbourne Hospital Emergency Department. He suffered a cardiac arrest on arrival in Melbourne and the decision was made to cease resuscitation in light of his poor prognosis. Ryan De Angelis died at 10.14pm that evening.

THE PURPOSE OF A CORONIAL INVESTIGATION/INQUEST

4. The primary purpose of a coronial investigation is to ascertain, if possible, the identity of the deceased person, the cause of death, the circumstances in which the death occurred and the particulars needed to register the death, namely:

- a. the deceased's full name;
- b. date of birth or age at his or her last birthday;
- c. cause of death;
- d. date and place of death;
- e. the gender of the deceased; and
- f. whether or not the deceased was Aboriginal or Torres Strait Islander origin, if known.

5. The *cause of death* is the *medical* cause of death, incorporating where possible the *mode* or *mechanism* of death whilst the *circumstances in which the death occurred* refers to the context or background and surrounding circumstances.

6. There was no issue as to the identity, date and place of death and the medical cause of death of Ryan De Angelis, which is addressed below, or the particulars necessary to register his death. The focus of the coronial investigation and inquest was on “how the death occurred” and, in particular, how Ryan De Angelis came to be in the path of the bullet fired from the rifle of Saccutelli and on 4 October 2013 an inquest was conducted in order to further investigate the circumstances that led to the death of Ryan De Angelis on 1 November 2010.⁷

MEDICAL CAUSE OF DEATH

7. A Coroner, having taken into account the Police Report of Death (Form 83), the Preliminary Examination Form – Investigator’s Report dated 3 November 2010 of Dr Matthew Lynch, Forensic Pathologist with the Victorian Institute of Forensic Medicine, the Statement of Identification and the Initial Investigations Office – Initial Family Contact Form and having noted that the Senior Next of Kin’s preference that no autopsy be performed, determined that a reasonable medical cause of death could be established without autopsy. Dr Lynch, after performing an external examination of Ryan De Angelis and reviewing the circumstances of his death and the post mortem CT scan, provided a written report to the Coroner in which he identified the cause of death as being a gunshot wound to head.

8. Toxicological analysis of post-mortem blood samples were negative for alcohol or other commonly encountered drugs or poisons.

HOW THE DEATH OCCURRED

9. Victoria Police attended at the scene on 1 November 2010 and commenced an investigation, after which they concluded that there were no suspicious circumstances. Detective Acting Senior Sergeant Coughlan, of Victoria Police gave evidence at the inquest that, given the account by Saccutelli and the re-enactment conducted shortly afterwards, he formed the view that both boys had been walking along the same elevation line heading in a westerly direction away from the residence at 253 Merriang South Road, Merriang with Ryan De Angelis behind and slightly uphill and to the left of Saccutelli. He believed both boys had taken aim, using their telescopic sights, and as Saccutelli moved his firearm in a small, narrow arc to the left to follow the fox as it moved away

⁷ Four witnesses, namely Ryan Saccutelli, Leading Senior Constable Anthony Short, Det A/Senior Sergeant Kevin Coughlan and Sergeant Mark Chandler (Ballistics Unit, Victoria Police Forensic Science Unit) gave evidence at the inquest and the balance of the Inquest Brief was also tendered in evidence.

from him, De Angelis moved towards Saccutelli and into the path of the bullet fired from his rifle. In his evidence to the inquest, Saccutelli said he was standing to the right of Ryan De Angelis and slightly ahead of him, about a metre away when Ryan De Angelis took a shot at the fox and missed. Saccutelli then shouldered his rifle and, closing his left eye and using the scope, looked at the fox that was between the tree and the blackberry bush. The fox was walking towards the tree and uphill away from them. He did not see anything other than the fox in the scope and a short time later he took a shot. Saccutelli estimated Ryan De Angelis was between one metre and one and a half metres from him when he saw him fall to the ground.

10. As to how this could have occurred without Saccutelli seeing Ryan De Angelis in his scope, the evidence of Sergeant Chandler was that the scope on Saccutelli's rifle was set on the highest setting of 9 and, in the words of the manufacturer of the scope, "The higher the power of magnification, the less bright the image and the less the field of view". Sergeant Chandler confirmed that there is little or no peripheral vision when focussing on a target through a scope and even if one were able to discern something in one's peripheral vision, it was likely to appear unfocused or indiscernible. He agreed that even if Ryan De Angelis had been directly in front of Saccutelli, it was possible that he would not have been visible to him through the scope. The statement of Leading S/C Andrew Auhl, a Divisional Firearms Officer stationed at Wangaratta, also makes reference to the fact that when using a firearm fitted with a telescopic sight there is a danger area at the muzzle of the firearm and a short distance beyond that is not visible through the telescopic sight.

11. Although it is not possible to exactly determine the sequence of events, having heard the evidence of the witnesses and considered the further material contained in the Inquest Brief, it is likely that at about the same time as Saccutelli, following the path of the fox through the scope, moved his firearm in a small, narrow arc to his left and fired, Ryan De Angelis, who was shorter in height than Saccutelli, moved forward and into the path of the bullet.

FINDING

12. I find that the cause of death of Ryan De Angelis was an accidental gunshot wound to the head in circumstances where he came within close range of a rifle fired by Saccutelli but was not visible to Saccutelli because he was focussing on a distant target using a telescopic sight attached to the rifle.

Signature:


Susan Jane Armour

Coroner

Date: **2 December 2013**


