

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2009 732

## FINDING INTO DEATH WITHOUT INQUEST

*Form 38 Rule 60(2)*

*Section 67 of the Coroners Act 2008 (Vic)*

I, JOHN OLLE, Coroner having investigated the death of NATHAN ANDREW ROBERTS-NUNAN

without holding an inquest:

find that the identity of the deceased was NATHAN ANDREW ROBERTS-NUNAN

born on 3 April 1988

and the death occurred on 8 February 2009

at Royal Melbourne Hospital, 300 Grattan Street, Parkville VIC 3050

from:

1(a) STAB INJURY TO THE BACK

Pursuant to Section 67(2) of the Coroners Act 2008 (Vic), I make these findings with respect to the following circumstances:

1. Nathan Roberts-Nunan was born on 3 April 1988 and was 20 years old at the time of his death. Mr Nunan was employed as a maintenance fitter and resided at Diggers Rest. He is survived by parents and siblings, with whom he maintained a close and loving relationship.

### BACKGROUND AND CIRCUMSTANCES

2. The circumstances leading up to the fight that resulted in the death of Mr Roberts-Nunan on 8 February 2009 began the week prior. Ante Vucak contacted Mr Roberts-Nunan's younger brother, Kyle Nunan, trying to arrange a fight which was said to be in retaliation for an alleged assault committed by Mr Nunan and others on a young male in Sunbury. Mr Vucak told Mr Nunan that he wanted to fight him for picking on his friend. Both

agreed to take part in a fist fight that Sunday at the Diggers Rest Skate Park at Diggers Rest Recreational Reserve.<sup>1</sup>

3. On Friday 6 February 2009 Mr Nunan received a telephone call from an unknown male confirming the location and time of the fight. In the days leading up to the fight Mr Nunan and Mr Vucak each informed several others about the fight that was organised.
4. On the afternoon of Sunday 8 February 2009 Mr Vucak began gathering a group to attend the fight. They met at Acfold Street, St Albans and knives, machetes, baseball bats, tyre levers and tool handles were assembled and laid out in the driveway. Timothy Lutze, a co-offender, placed a metal baseball bat and machete in the boot of his car and assisted Mr Vucak in preparing two Molotov cocktails. The weapons were distributed and Mr Lutze also took two boning knives with him. En-route to the location Mr Vucak received delivery of a small sword, which was given to co-offender John Garcia to use in the fight.<sup>2</sup>
5. Upon arrival, a group of nine males started off towards the reserve. The group entered from the car-park entrance in Plumpton Road and quickly began to run across the oval. Mr Roberts-Nunan, who had come with his friend Steven Thorneycroft, to support his younger brother had parked his car in the skate park car park. He was sitting in the back seat, Mr Thorneycroft was in the front seat and Mr Nunan was standing by the vehicle talking to two friends.
6. At approximately 6.00pm the group who had come with Mr Vucak reached the car park. It was not easy to determine the role that each of the combatants played or the order in which each attacked, however the following events occurred.
7. One of the group struck at Mr Nunan and he was effectively chased from the skate park. Mr Roberts-Nunan got out of his car and was attacked by Mr Vucak, who was armed with a machete. At approximately the same time co-offender Nathan Smith, armed with two boning knives, stabbed Mr Thorneycroft in the stomach, exposing his intestines.<sup>3</sup>
8. Mr Roberts-Nunan tried to defend himself with a club lock which he reached into the car to get. Co-offender Jovan Ogrizovic struck Mr Roberts-Nunan with a baseball bat with

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<sup>1</sup> DPP v Smith [2010] VSC 168, [2]-[3].

<sup>2</sup> Ibid [4]-[10].

<sup>3</sup> DPP v Smith [2010] VSC 168 [10]-[20].

sufficient force to break the bat. Mr Smith then stabbed Mr Roberts-Nunan simultaneously in the left mid section of his back and upper part of his right arm. The wound to his back proved to be fatal. In his sentencing remarks, Coghlan J commented that 'it is that unremitting, senseless and cowardly display of mob violence at its most extreme which constitutes fighting to the fear of the public' and that 'this must be one of the worst examples of affray which could be imagined'.<sup>4</sup>

9. En-route to the Royal Melbourne Hospital, Mr Roberts-Nunan sustained an electromechanical dissociation arrest, requiring CPR.<sup>5</sup> Upon admission he was transferred directly to an operating room. An electrocardiogram showed wide complex bradycardia and no cardiac output. A diagnostic peritoneal aspirate was performed and no blood was noted in the abdomen. Mr Roberts-Nunan underwent a right anterolateral thoracotomy<sup>6</sup> and the lung hilum was clamped however, despite these measures, he passed away at 8.07pm on 8 February 2009.<sup>7</sup>

#### **POST-MORTEM EXAMINATION AND REPORT**

10. A post-mortem examination and report was undertaken by Dr Michael Burke, Senior Forensic Pathologist at the Victorian Institute of Forensic Medicine. Dr Burke reported that the post-mortem examination showed a stab injury to the back. The injury extended into the lung and involved medium calibre pulmonary blood vessels. Dr Burke reported that Mr Roberts-Nunan died as a consequence of exsanguination.<sup>8</sup>
11. The stab injury to the back extended between ribs with involvement of the immediately superior 7<sup>th</sup> rib (0.4cm). The total length of the wound was 13cm. The injury was directed from back to front, virtually straight in and slightly upwards. Dr Burke commented that the degree of force required to cause such a injury would be described as mild to moderate.
12. Toxicological analysis showed no alcohol. Morphine was identified within blood, which may have been administered in a therapeutic setting.
13. Dr Burke concluded that the cause of death is stab injury to the back.

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<sup>4</sup> Ibid [21]-[22].

<sup>5</sup> Also known as pulseless electrical activity or cardiac arrest.

<sup>6</sup> An incision into the pleural space of the chest.

<sup>7</sup> Medical Practitioners Deposition, Coroners Case No. 732/09.

<sup>8</sup> Blood loss.

## COMMENTS

Pursuant to section 67(3) of the *Coroners Act 2008* (Vic), I make the following comments connected with the death:

14. In the sentencing remarks of one of the co-accused in this incident<sup>9</sup> Coghlan J made the following remarks:

Your story should be taught in schools to show how such an apparently simple enterprise, taken on in the name of absolutely mistaken loyalty, can lead to such tragic consequences. It is an example of what a group of young men can senselessly do in a gang when I doubt that any of you would have done it alone.<sup>10</sup>

15. The Department of Justice currently runs a 'Choices for Boys' program, funded by the Victorian Government's Community Crime Prevention Unit. The program implements evidence-based workshops that aim to meet the needs of teenagers aged between 15 and 17 years, by associating possible life choices that they may make with the Victorian Government's objectives and messages. It is an anti-violence program that inspires young men to make positive life choices. Two ambassadors deliver three important messages: consider the consequences of your actions, walk away from violent situations and never carry a weapon.<sup>11</sup>

16. In August of this year I attended one of the workshops delivered at a high school in Melbourne. I personally observed the effectiveness of the program and the ability of the ambassadors to engage with the students and convey the three messages. Part of the workshop included the ambassadors giving personal examples of situations that they were previously placed in and how they overcame those situations by applying the three messages. I believe that this would be an ideal program to include this incident as an example of 'how such an apparently simple enterprise, taken on in the name of absolutely mistaken loyalty, can lead to such tragic consequences', to use the words of Coghlan J.

## RECOMMENDATIONS

Pursuant to section 72(2) of the *Coroners Act 2008* (Vic), I make the following recommendations connected with the death:

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<sup>9</sup> *DPP v Smith* [2010] VSC 168.

<sup>10</sup> *Ibid* [65].

<sup>11</sup> Email of Andrew Ellis, Strategic adviser at the Department of Justice, dated 5 September 2014.

17. That the Victorian Government Department of Justice use the circumstances of this matter as an example to use in the 'Choices for Boys' program, to assist teenagers aged between 15 and 17 years in appreciating the importance of considering the consequences of their actions, walking away from violent situations and never carrying a weapon.

## FINDING

18. I am satisfied, having considered all of the evidence before me, that no further investigation is required.

19. The evidence satisfies me that the medical management and care provided by the Royal Melbourne Hospital was reasonable and appropriate in the circumstances, having regard to the complexities involved. The evidence does not support a conclusion that the medical care or management caused or contributed to Mr Roberts-Nunan's decline or death.

20. I find that Nathan Andrew Roberts-Nunan died on 8 February 2009 and that the cause of his death is stab injury to the back.

I direct that a copy of this finding be provided to the following:

The family of Nathan Roberts-Nunan;

Interested parties;

Investigating Member, Victoria Police; and

Andrew Ellis, Strategic Adviser, Campaigns, Partnerships and Planning, Strategic Communication Branch, Department of Justice.

Michelle Windsor, Manager, Campaigns, Partnerships and Planning, Strategic Communication Branch, Department of Justice.

Signature:



JOHN OLLE  
CORONER  
Date: 8 September 2014

