

'Lots of rumours'

Telephone calls and letters about son's death, court told

By Allan Murphy

A FAMILY held on to the hope that "very distressing" rumours circulating about the death of their son and brother in 2005 would reveal how he died, the Supreme Court of Victoria sitting in Mildura was told yesterday.

Concluding evidence in her civil action against the Transport Accident Commission, Jennifer Shaw said her family received anonymous telephone calls and letters alleging they had information about the death of her 21-year-old son Luke Ryan Shaw.

Mrs Shaw said the uncertainty about events leading up to Luke being found lying in a pool of blood in Ninth Street with critical head injuries had continued to haunt her.

She said knowing the circumstances surrounding her son's death would help to provide some closure.

The last known sighting of Mr Shaw was at the intersection of Deakin Avenue and Ninth Street in the early hours of October 21, 2005, after he left O'Malley's Irish Tavern following a night out with family and friends.

About an hour later a security guard found Mr Shaw still alive but unconscious, lying on the roadway between Magnolia and San Mateo Avenues.

The guard was forced to swerve his vehicle to avoid hitting Mr Shaw who died less than 48 hours later after he was diagnosed as being brain dead and his life support system was turned off.

The jury was told an inquest into Mr Shaw's death was unable to determine how he sustained his injuries - this week described as severe blunt head trauma.

Mrs Shaw said she attended her son's three-day coronial inquest in September last year in the hope of finding evidence that would lead to a conviction over Luke's death.

The court was told Mrs Shaw no longer attended Luke's gravesite because she had been unable to fulfil a promise she made to her dead son that she would find the person or persons involved.

"I believe you get angry with the person... we don't have that," she said.

"He (Luke) was a bit of a ratbag ... but he never left anyone on the road to die."

'It was very distressing, but it gave us hope'

Mrs Shaw said she became aware of rumours circulating in the community about the cause of her son's death and the family had received telephone calls into the early morning from people saying "we know who killed Luke".

She said an anonymous letter sent to the family also suggested Luke had been struck with a baseball bat.

"It was very distressing, but it gave us hope that there might be some truth in them," she said.

Mrs Shaw said she had listened to some "gory" details about her



COMFORT: Jennifer Shaw leaves the Mildura Courthouse yesterday.

son's death because she wanted to know "down to the smallest possibility" what happened.

"It doesn't change anything, Luke would still be dead but it helps to fill in the gap ... we don't have that now," she said.

Evidence at Luke's inquest that his cousin Matthew Bailey was a police suspect would need to be

proved 100 per cent before she believed it.

She said she continued to suffer nightmares with images of Luke lying on a road calling: "Mum, help."

Nightmares had happened on most nights but were now two or three times a week.

Mrs Shaw said she continued to sit up "half the night" to 2am or 3am before going to bed and had trouble coping with family demands.

She no longer made her children's beds or undertook other basic domestic chores such as ironing or vacuuming.

The court was told Mrs Shaw had sought medication for depression and insomnia.

Mrs Shaw said the thought of how her son came to be on the road surface remained "ever present".

She battled on with the help of family and friends following the earlier deaths of her nephew, father and mother, but admitted Luke's death "just seems to have overwhelmed everything else".

"I don't think I've dealt with mum's death," she said.

"Losing a nephew and a mother and a father is not the same as losing a son."

Mrs Shaw denied Luke would

have travelled unassisted along Ninth Street to where his body was found.

She said he would have walked "where the lights were" along Deakin Avenue and Thirteenth Street where he planned to stay the night with his cousin Matthew Bailey.

Security guard Raymond Rosenberg said that about 3.25am on October 21, 2005, he was forced to swerve to the left side of the road to avoid hitting Mr Shaw who was lying at a 45 degree angle to the edge of the roadway.

He travelled past Mr Shaw, made a U-turn and parked in the centre of the road with his hazard lights on.

Mr Rosenberg said he put Mr Shaw in a recovery position and telephoned triple zero.

He said Shaw was not moving and his heart was racing as he cradled Mr Shaw's neck and waited for authorities to arrive and take over.

Ambulance paramedic Sasha Church said that on arrival at the scene at 3.36am, she saw Mr Shaw unconscious on the road surrounded by a large pool of blood.

Ms Church said the man had an extensive open head wound, was non-responsive and not breathing, but had a pulse.

She said that other than the head wound, there were no other obvious signs of injury besides a small graze on his shoulder.

The area was not well lit, however she was unable to see any skid marks or signs of debris to indicate a hit-run accident.

The trial, before Justice Philip Cummins, continues today.