

FORM 38

Rule 60(2)

FINDING INTO DEATH WITHOUT INQUEST

Section 67 of the Coroners Act 2008

Court reference: 1148/97

In the Coroners Court of Victoria at Melbourne

I, JUDGE JENNIFER COATE, State Coroner

having investigated the death of:

Details of deceased:

Surname: MARCUS

First name: GEORGE

Address: Unit 12, 14-16 Wardale Road, Springvale South, Victoria 3172

without holding an inquest:

find that the identity of the deceased was GEORGE MARCUS
and death occurred on 20th April, 1997

at 91 Heathfield Rise, Box Hill, Victoria 3128

from

1a. GUNSHOT INJURY TO THE HEAD¹

Pursuant to Section 67(2) of the **Coroners Act 2008**, an inquest into the death was not held and the deceased was not immediately before the person died, a person placed in custody or care; but there is a public interest to be served in making findings regarding the following circumstances:

Background

1. George Morcos (known as George Marcus) was 44 years old at the time of his death. He immigrated to Australia with his family in 1967. In 1974 he married Nabila Dahaby and had three children.

2. After various forms of employment, in 1980 Mr Marcus commenced employment in a solicitor's office as a process server and office manager. For about the next 15 years he worked in various legal firms in administrative roles. The police investigation concluded that during

¹ The autopsy report of Dr Burke, forensic pathologist, contained in the Brief of Evidence (Exhibit 1), found five gunshot injuries to Mr Marcus, but found that it was the gunshot injury to the back of the head of Mr Marcus that was the fatal injury.

these years Mr Marcus developed knowledge of legal and commercial matters and established relationships with some people with criminal backgrounds.

3. In 1995 he commenced a company known as the George Marcus Group. This company apparently offered consultancy advice to legal, finance and accounting firms and individuals. Whilst this was not the only company or business interest he appears to have had, it seems to have been his primary business.

The Investigation

4. During the course of the police investigation into the death of Mr Marcus, the police collected information and statements about a range of activities and business dealings of Mr Marcus. In the course of his various business dealings, some of the information collected alleged that Mr Marcus had been informing numbers of people that he could source large sums of money from Saudi Arabia which he was able to make available for borrowing at low rates of interest. These "loan applications" required people to pay fees up front. The police allege that a number of loan applicants paid over fees to Mr Marcus, but did not receive any loans.

5. Police investigations into Mr Marcus' bank accounts showed that, at the time of his death, he had an overdrawn account which was closed on March 12, 1997 and an outstanding loan in the sum of \$327,754.00. The investigation also made enquiries of the Australian Tax Office which revealed that Mr Marcus had an order for judgment for unpaid tax made against him on March 18, 1997 in the sum of \$85,126.59 and another tax order against one of his companies in the sum of \$45,707.36. There was also a considerable tax debt registered to Mrs Marcus. These amounts were all outstanding at the time of his death.

6. The evidence is that in 1994 Mr Marcus separated from his wife and children and commenced a relationship with a woman called Hyatt Fernandez. He divorced his wife in 1996. However, Mr Marcus maintained on-going contact with and financial ties to his wife Nabila Marcus.

7. He was described by his friends and associates as a confident and even arrogant man but, in the weeks leading to his death, he was observed to have lost that confidence and to have appeared stressed and worried.

8. During the police investigation into Mr Marcus' death, it became apparent that Mr Marcus had a close association with the late Mr Machhour Chaouk and some of his family. The late Mr Machhour Chaouk and some of his family members were known to police and suspected to be involved in various on-going criminal activities.

The weeks before April 20, 1997

9. On March 19, 1997 Mrs Marcus met with Mr Marcus and the late Mr Mohamed Chaouk, the son of Machhour. During this meeting, Mr Marcus informed Mrs Marcus that their financial problems would be over very soon, "two weeks or 15 days at the most". He informed his ex wife that she would have enough money to pay off the house and live on. During this conversation, Mr Marcus said he had a business deal going between Lebanon and Egypt. It was understood that Mohamed Chaouk was travelling to Lebanon the following day and that Mr Marcus would follow him shortly.

10. On March 24, 1997 Mr Marcus travelled to Beirut, Lebanon with the late Mohamed Chaouk.

11. During April 1997 Mr Marcus informed Ms Hyatt Fernandez that Mohamed Chaouk was in Lebanon arranging a financial deal and that he was required to take a large amount of money from Australia to Lebanon. Mr Marcus told Ms Fernandez that he was taking a quantity of bank cheques to Lebanon.

12. On April 17, 1997 Mr Marcus booked and paid for two return first-class airfares for himself and Ms Fernandez to travel to Beirut. They were apparently to travel on April 21, 1997 and return on May 3, 1997.

April 20, 1997

13. At about 1.00pm on Sunday April 20, 1997 Mr Marcus attended at the home of the late Mr Machhour Chaouk in Brooklyn. Thereafter, he travelled to the home of Ms Fernandez in Box Hill North. He left her at about 5.30 that afternoon and had contact with various other people throughout the remainder of the day and appeared and sounded normal to each of them.

14. At about 8.40pm that evening, Ms Fernandez was at her home in her kitchen. At that time, her dog rushed out the back door and commenced barking. She then heard her dog yelp in apparent pain. She went out into her back yard to investigate and could then see Mr Marcus' car parked outside. She saw Mr Marcus locking his car. She communicated with him and then went into her garage.

15. Whilst in there, she heard a volley of what appeared to be gunshots. She came out calling for Mr Marcus and heard a vehicle speeding off and saw the rear of a dark coloured car drive off. She could see Mr Marcus lying on the footpath across the road. She contacted an ambulance and then returned to Mr Marcus until the police and ambulance arrived.

16. Police enquiries with local residents ascertained that numerous residents heard the sound of shots being fired and the sound of the vehicle being driven away rapidly. A number of residents noted that the shots were fired at 8.44pm.

17. A couple of residents stated that about 5 to 10 minutes prior to hearing the shots they observed a late model dark Holden Commodore or Berlina sedan parked in Heathfield Rise facing towards Eram Road. A driver and front seat passenger were observed in this vehicle.

18. Another local resident walking his dog heard the series of shots . A few seconds later, that resident heard a vehicle and looked around. He then observed a vehicle turn around the corner into Eram Road and begin to travel towards him. The vehicle had its lights off. The resident observed that the vehicle was a late-model Holden or Ford. The lights of the vehicle were turned on as it got closer and the resident observed that there were two males seated in the vehicle.

19. On April 21, 1997 police investigators attended at the home of Mr Marcus' sister and collected a black briefcase belonging to him. The briefcase contained a total of 131 "Bank of Melbourne" US draft cheques drawn to "Bank America International". The denomination of the cheques varied between \$30,000 and \$250,000. The face value of the total of the cheques totalled \$16,655,000.00. Subsequent police investigations ascertained that the draft cheques were counterfeit.

Summary Of The Investigation

20. The police brief assembled for the coronial investigation contains evidence of a range of investigations including interviews and statements taken from a range of people including crime scene examiners, investigators, witnesses through to possible suspects in the investigation. Over 100 people were spoken to in the course of the investigation into the death of Mr Marcus but police investigators have been unable to establish the identity of the person or persons responsible for the killing of Mr Marcus.

21. It is the belief of the police investigators that Mr Marcus was the victim of a premeditated execution style killing and that two male offenders in the late dark-coloured Holden or Ford sedan observed speeding away from the scene, had been laying in wait for Mr Marcus, approached him and either one or both of them intentionally shot him and then both sped away in the car described by eye witnesses.

22. During the police investigation, police investigators posited possible theories as to the motive for the killing of Mr Marcus. One theory centred around Mr Marcus having become a registered informer for the Australian Federal police in 1996 during an investigation into possible taxation frauds. A male who was the subject of information Mr Marcus gave the Australian

Federal Police about his alleged criminal activity, was investigated as part of this investigation but this did not lead to any charges related to Mr Marcus' death.

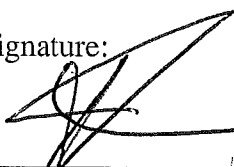
23. The police also pursued the possibility that the killer or killers may have been persons who Mr Marcus had met and dealt with in the course of portraying himself as a solicitor and financial broker. However, these avenues of investigation did not lead to any charges either.

24. A number of "persons of interest" to the police investigation were approached or interviewed. However, the investigation has not led to any person or persons being charged with the killing of Mr Marcus.

Conclusion

25. I find that on the evening of April 20, 1997 Mr George Marcus died as a result of a gun shot wound to his head which was intentionally inflicted upon him by person or persons unknown.

Signature:



Judge Jennifer Coate
State Coroner
Date: September 8, 2011

