

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: 2009 / 005105

**FINDING INTO DEATH WITHOUT INQUEST**

*Form 38 Rule 60(2)*

*Section 67 of the Coroners Act 2008*

I, JUDGE IAN L GRAY, State Coroner, having investigated the death of  
KEVIN GARY DOW  
without holding an inquest:  
find that the identity of the deceased was KEVIN GARY DOW  
born 3 June 1962  
and the death occurred on 27 October 2009  
at the Royal Melbourne Hospital

from:

1 (a) BLUNT HEAD INJURY

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

**Relevant Historical Background**

1. Kevin Dow was 47 years old at the time of his death. He lived in Northcote with his partner of approximately 19 years, Ms Cheryl Norris. Mr Dow was an Aboriginal man who was born in Warragul, Victoria. He was the 11<sup>th</sup> child of 18 siblings.
2. Mr Dow had experienced multiple hardships and difficulties throughout his life. His father was described as a heavy drinker who would physically discipline the children.<sup>1</sup> Mr Dow left school early and entered State care at age 13. From this time he did not return to live at the family home. He spent time in 'boys' homes' during his teenage years. He had a lengthy involvement with the criminal justice system, both as a young person and adult. Mr Dow also had a history of illicit drug use and had faced criminal possession and usage charges.<sup>2</sup>

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<sup>1</sup> Statement of Brian Dow, Inquest Brief, p.44

<sup>2</sup> R v Edwards-Norris [2011] VSC 122 (5 April 2011); Victoria Police LEAP Records for Kevin DOW

3. Around the age of 18, Mr Dow became the father of twin daughters. The children were placed in foster-care at a young age, however Mr Dow had re-established contact with them in the years prior to his death and they communicated regularly.<sup>3</sup>
4. Ms Norris had children from a previous relationship, including a son, Nakkara Edwards-Norris. Mr Edwards-Norris, also an Aboriginal man, was 20 years old when Kevin Dow died. Mr Edwards-Norris had spent periods of time living with his mother and Mr Dow, during his childhood and as a young adult. He was not permanently residing at the Northcote address in October 2009.

### Preceding Events

5. On the evening of 21 October 2009, Ms Norris and Mr Edwards-Norris argued. Ms Norris states that Mr Edwards-Norris called her names and had tried to get into her home. In doing so, he broke the handle to the door, which he then threw at a window before running away.<sup>4</sup> According to Ms Norris, Mr Edwards-Norris '*wanted to get inside to get to Rhiannon [Apkarian]*'.<sup>5</sup> Ms Apkarian was Mr Edwards-Norris' partner, who was staying with the family. She was eight weeks pregnant at the time.
6. Ms Norris called the police regarding this incident. Police attended and determined the offence to have involved criminal damage.<sup>6</sup> Ms Norris states she was advised to obtain an intervention order against Mr Edwards-Norris but did not want to take him to court, stating that she '*couldn't do that to him*'.<sup>7</sup> Mr Edwards-Norris subsequently went to stay with his sister in Preston.
7. At around 5pm on Saturday 24 October 2009, Mr Edwards-Norris' friend Mr Scott Dudley saw Mr Dow and Mr Edwards-Norris together. The pair had gone to look at a neighbour's pet snake. According to Mr Dudley, things seemed fine between them at that time. Mr Dudley was aware that Mr Edwards-Norris had been asked to leave his mother's house, but stated this had happened on a number of occasions and Mr Edwards-Norris was always permitted to return after a period of time.
8. Later in the day of 24 October 2009, Ms Apkarian's brother attended Mr Dow and Ms Norris' home to visit Ms Apkarian, and was informed of Ms Apkarian's pregnancy. Ms Apkarian and

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<sup>3</sup> Statement of Brian Dow, Inquest Brief, p.45

<sup>4</sup> Statement of Cheryl Norris, Inquest Brief, p. 58

<sup>5</sup> Statement of Cheryl Norris, Inquest Brief, p. 58

<sup>6</sup> Victoria Police LEAP Records for Nakkara Edwards-Norris; Victoria Police running sheet, Northcote Uniform, dated 21 October 2009

<sup>7</sup> Statement of Cheryl Norris, Inquest Brief, p. 58

her brother subsequently attended at the house in Preston, seemingly so that Ms Apkarian's brother could congratulate Mr Edwards-Norris.<sup>8</sup> They stayed there for a short period. Following that, both Ms Apkarian and Mr Edwards-Norris made their way back to Northcote. Mr Edwards-Norris spent the evening with Ms Apkarian at his mother's house.

9. When Ms Norris awoke on 25 October 2009, she noticed Ms Apkarian's bedroom door was closed. Ms Norris entered the room and saw Mr Edwards-Norris in bed with Ms Apkarian. Ms Norris still held the view that Mr Edwards-Norris should not be at the residence and challenged him about this. An argument erupted, waking Mr Dow, who also entered the room. The argument escalated quickly and soon became physical.
10. Ms Norris tried to break up the struggle and hit Mr Edwards-Norris over the head with a glass ashtray. Ms Norris stated that this did not stop Mr Edwards-Norris, and he continued fighting with Mr Dow. As they struggled, they moved out of the bedroom and Mr Dow '*slipped on the kitchen floor, I think because a bong had been knocked over and the water spilt out.*'<sup>9</sup> Mr Dow fell onto his back. Mr Edwards-Norris continued the physical assault on Mr Dow and either stomped or jumped on Mr Dow's head multiple times, causing Mr Dow severe head injuries and rendering him unconscious.
11. Ms Norris and Mr Apkarian immediately sought medical attention for Mr Dow. They called an ambulance and followed the emergency services' telephone instructions until the paramedics arrived. Ambulance services and police attended the home, and Mr Dow was transferred to the Royal Melbourne Hospital. Mr Dow was placed on life support, however his condition deteriorated. He died in hospital on 27 October 2009. Mr Dow's cause of death was head injury due to blunt trauma.
12. Mr Edwards-Norris left the scene immediately following the assault. He had sustained a cut to his right foot during the incident and at approximately 9pm, he attended the Austin Hospital for medical treatment. He falsely identified himself as his brother and stated that he had stepped on glass. Mr Edwards-Norris spent the following week staying with Mr Dudley at Mr Dudley's mother's house. Mr Dudley described Mr Edwards-Norris as being an '*emotional wreck*' throughout that week.<sup>10</sup> Mr Edwards-Norris was informed that Mr Dow had died and that police were looking for him to assist with their enquiries.

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<sup>8</sup> Statement of Rhiannon Apkarian, Inquest Brief, p. 213

<sup>9</sup> Statement of Cheryl Norris, Inquest Brief, p. 60

<sup>10</sup> Statement of Scott Dudley, Inquest Brief, p. 213

13. Mr Dudley advised Mr Edwards-Norris to obtain legal advice and he put him in contact with a solicitor. Arrangements were made for Mr Edwards-Norris to hand himself into police. On Monday 2 November 2009, Mr Edwards-Norris presented at the Northcote Police Station in the company of Mr Sam Tovey, legal representative from Galbally & O'Bryan, his father, David Edwards, and his uncle, Kutcha Edwards. Mr Edwards-Norris subsequently pleaded guilty to manslaughter. On 5 April 2011, he was sentenced to seven years imprisonment with a non-parole period of four years.<sup>11</sup>

#### **Relationship between Mr Dow and Mr Edwards-Norris**

14. The Victorian Systemic Review of Family Violence Deaths assisted the investigation into Mr Dow's death.<sup>12</sup> As a result of that review, some observations can be made regarding family violence aspects of this investigation.
15. Mr Edwards-Norris' fatal assault of Mr Dow was not the first episode of physical violence between them. Mr Dow is alleged to have used physical violence against Mr Edwards-Norris and his siblings when they were younger, resulting in the Department of Health and Community Services involvement from early 1990.<sup>13</sup> Despite this, Mr Edwards-Norris and Mr Dow were also described as having a strong sense of affection for each other.
16. Mr Scott Dudley had known Mr Edwards-Norris for approximately nine years. Mr Dudley observed that Mr Dow and Mr Edwards-Norris had loved each other, but there were times when Mr Edwards-Norris was '*subjected to serious assaults from [Mr Dow]*'.<sup>14</sup> He described an alleged argument between Ms Norris, Mr Dow and Mr Edwards-Norris approximately five years earlier, after which Mr Dudley observed Mr Edwards-Norris with a bruised lip and large lump above his right eye. Mr Dudley also stated he had seen Mr Edwards-Norris '*fly of the handle*' and abuse Ms Norris, whereby Mr Dow would '*pull him into line*'.<sup>15</sup> Mr Dudley stated that he had lived with the family for a brief period of time, but left after Mr Dow punched him and told to leave and not return.
17. Ms Norris's statement outlined some of her more recent concerns regarding her relationship with her son. She indicated that Mr Edwards-Norris had not been physically violent toward her,

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<sup>11</sup> R v Edwards-Norris [2011] VSC 122 (5 April 2011)

<sup>12</sup> Positioned within the Coroners Court of Victoria, the VSRFVD provides assistance to Victorian Coroners to investigate the circumstances in which family violence deaths occur. In addition, the VSRFVD collects and analyses information on family violence-related deaths. This contributes to the development of a broader knowledge base for dissemination to the community and agencies working in the area of family violence.

<sup>13</sup> R v Edwards-Norris [2011] VSC 122 (5 April 2011);

<sup>14</sup> Statement of Scott Dudley, Inquest Brief, p.80

<sup>15</sup> Statement of Scott Dudley, Inquest Brief, p.81

but had spat on her and become verbally abusive. She stated that Mr Dow and Mr Edwards-Norris had previously had their '*scuffles*', but got on reasonably well. She added that Mr Dow had been able to defend himself against Mr Edwards-Norris, but was unable to do so on this occasion.<sup>16</sup>

18. Ms Apkarian described Mr Dow and Mr Edwards-Norris' relationship as somewhat conflicted. She stated that they had loved each other, but that there was '*built up anger*.'<sup>17</sup>

## COMMENTS

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

19. Mr Dow's death occurred in sad and troubling circumstances. Both he and Mr Edwards-Norris had experienced multiple hardships and deprivations throughout their lives. Both men had limited formal education and disrupted childhoods. Both men spent time either in state care, youth services or in the care of extended family. Both had been affected by parental substance misuse and exposed to violence in their early years. Mr Dow had a long involvement with the criminal justice system and had spent many years in and out of prison. Neither Mr Dow or Mr Edwards-Norris were employed at the time of the fatal event. As a result of these and other observations of this kind, Mr Dow and Mr Edwards-Norris' extremely disadvantaged backgrounds were acknowledged at Mr Edwards-Norris' sentencing. The other family members' past difficulties were also acknowledged.
20. With this complex interplay of issues spanning many years, I cannot identify a single point of intervention in the circumstances preceding Mr Dow's death. However, police contact with the family four days prior to the fatal event might be said to have been one such opportunity for potentially interrupting growing tensions. The police's assessment of events that day appears to have focused primarily on the property damage, rather than what appears to have been a family violence problem. Police members stated that Ms Norris seemed reluctant to provide them with information regarding the incident and Mr Edwards-Norris' motivation for damaging the window.<sup>18</sup> Nonetheless, she was advised to apply for a family violence intervention order if she felt in fear for her safety or held concerns about Mr Edwards-Norris further damaging

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<sup>16</sup> Statement of Cheryl Norris, Inquest Brief, p.61

<sup>17</sup> Statement of Rhiannon Apkarian, Inquest Brief, p. 70

<sup>18</sup> Statement of SC Nick Karantonis, dated 4 March 2013

property.<sup>19</sup> As outlined above, Ms Norris did not make such an application and nor did police pursue this on her behalf.<sup>20</sup>

21. It is important to recognise that victims often do not feel equipped to make an intervention order application. The *Family Violence Protection Act 2008* enables Victoria Police members to apply for an intervention order on behalf of a victim where they believe it is necessary to help increase the victim's safety. Had an intervention order been made, it may well have included a condition preventing Mr Edwards-Norris from attending the home. However, family history suggests that such condition may not have prevented this from occurring.
22. As part of the coronial investigation into Mr Dow's death, Leading Senior Constable Victor Anastasiadis advised that the Victoria Police Aboriginal Community Liaison Officer (ACLO) in the local region knew of the family through the Aboriginal community. However, the ACLO did not have formal involvement with them prior to Mr Dow's death.<sup>21</sup> The ACLO program is intended to improve communication and enhance relationships between Victoria Police and Aboriginal communities and in this case consultation with the regional representative may have revealed further information about the family situation, signs of possible escalation and opportunities for assisting affected family members.

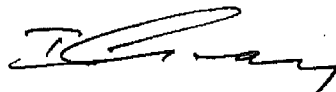
I direct that a copy of this finding be provided to the following parties:

Mr Craig Dow, Senior Next of Kin

Victoria Police Chief Commissioner Key Lay

Investigating Member of Victoria Police, Leading Senior Constable Victor Anastasiadis

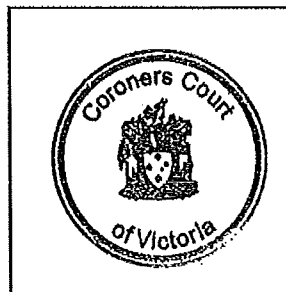
Signature:



Judge Ian L Gray

Date:

26/7/2013



<sup>19</sup> Statement of SC Nick Karantonis, dated 4 March 2013

<sup>20</sup> Statement of Cheryl Norris, Inquest Brief, p.58

<sup>21</sup> Correspondence from LSC Victor Anastasiadis dated 21 February 2013.