

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2015 000999

**FINDING INTO DEATH WITH INQUEST**

*Form 37 Rule 60(1)*

*Section 67 of the Coroners Act 2008*

**Inquest into the death of: DIANNE CHI**

Delivered on:	1 April 2016
Delivered at:	Coroners Court of Victoria 65 Kavanagh Street, Southbank
Hearing dates:	1 April 2016
Findings of:	JUDGE SARA HINCHEY, STATE CORONER
Counsel assisting the Coroner:	Ms Erica Capuzza, State Coroner's Solicitor.

I, JUDGE SARA HINCHEY, State Coroner, having investigated the death of DIANNE CHI  
AND

having held an inquest in relation to this death on 1 April 2016

at Melbourne

find that the identity of the deceased is DIANNE CHI

born on 30 January 1992

and the death occurred between 25 and 28 February 2015

at an unknown location

**from:**

I(a) BLOOD LOSS FROM AN ABDOMINAL STAB WOUND AND FROM INCISED  
INJURIES TO THE HEAD

**in the following circumstances:**

Background and circumstances

1. Ms Chi was a 23-year-old woman who lived in Altona North with her parents, Mr Phuong Quoc Chi and Ms Thi Thu Van Le. She was an only child. Ms Chi did well at school; she completed year 12 in 2009 and then completed tertiary studies in hospitality and design. She was employed as a manager at Galactic Circus at the Crown Casino, and also worked in the family business as a clothing designer in Maidstone.
2. Ms Chi's mother, Ms Le, stated that her daughter was always reliable, well behaved and never had any issues with money, drug use or boys. She did not have any boyfriends that Ms Le was aware of but had some close friends with whom she would sometimes socialise.
3. On 24 February 2015, Ms Chi had dinner with her family as usual. She told Ms Le that she and her friend Mr Paul Pham had arranged to have lunch and go shopping together at the Chadstone Shopping Centre the following day. Ms Le had met Mr Pham several times, stated that he was '*a normal guy*' and that Ms Chi '*treated him like a real friend*'. Ms Chi stated that she would be home by 5.00pm to take her mother to a medical appointment, and she was also to attend a family dinner at a restaurant at 8.00pm.
4. At about 11.00pm the following day, 25 February 2015, Mr Chi reported to police at the Altona North Police Station that his daughter was missing. He told police that he had last

seen her at 12.30pm that day, believed that she was going to the Chadstone Shopping Centre with Mr Pham and that she would be home that evening by 6.00pm. The family became concerned at about 6.30pm when she had not returned as they knew that Ms Chi was usually punctual. They telephoned her mobile number but she did not answer. It was found to be switched off at about 8.00pm when they again tried to call her. Ms Chi's parents had made enquiries with a friend of their daughter, Mr Silviu Lefter, to no avail. Ms Chi did not attend work at Galactic Circus the following day.

5. Mr Chi told police that he had only met Mr Pham a couple of times and believed that he and Ms Chi had known each other for about one year. He stated that there was no indication that anything was unusual when Ms Chi left for lunch that afternoon.
6. Police investigations revealed that Ms Chi and Mr Pham met in October 2013. They were never in an intimate relationship, but remained friends. Mr Pham was born on 29 October 1990, was unemployed at the time of Ms Chi's death and lived in the family home in Kings Park. He had one older brother, Leon. Mr Pham's father, Mr Van Dinh Pham, stated that his son was very quiet and would often play computer games at home. Mr Pham had no known significant medical history, and no known mental health history.
7. Ms Le stated that on the morning of 25 February 2015, Ms Chi was working at the family business in Maidstone from 10.00am, and that Mr Pham came to pick her up in his vehicle, a navy blue Honda Civic, at about 12.30pm. He was on his own and they left together.
8. Mr Pham's father last saw him alive at home on the evening of 24 February 2015. He stated that he then went to bed and that when he awoke the following day, 25 February 2015, Mr Pham was still asleep. Mr Pham's parents left the house later that morning and saw their son's vehicle was still parked in the front yard. When they returned home between 11.30 and 12.00am, Mr Pham was not at home and his car was gone.
9. On Saturday 28 February 2015 at 11.05am, police were called to attend a report of a deceased male located in a blue vehicle on a dirt track, approximately seven kilometres north of Forrest,<sup>1</sup> on the Birregurra-Forrest Road. Witnesses came across the vehicle whilst jogging along the track. They observed a male, apparently deceased, in the rear seat. A hose had been attached to the exhaust with red tape, and the other end had been placed through the front passenger window and attached with tape. The engine was not running.

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<sup>1</sup> Forrest is a small rural township in the Otway Ranges, Victoria, about 159km from Melbourne.

10. Police attended the scene and observed the deceased male, being Mr Pham, in the back of his car.<sup>2</sup> The doors and the boot were locked and the keys were in the ignition. Police forced entry to the vehicle by breaking a window, and unlocked the driver's door and the boot.
11. Ms Chi's body was found in the boot, covered by a black jacket. Her body appeared to have been wedged tightly in the boot area, face up with her head on the passenger side of the vehicle. Blood stains were observed on her shirt and a red mark was seen on her neck. Police checks of the vehicle's registration revealed that it was registered to Mr Pham and that he had been reported missing, and was believed to be with Ms Chi.
12. Police found other items in the vehicle including two wallets, two mobile phones, rolls of red and clear tape, scissors, a 6-piece screwdriver set, a rubber glove, a handbag that contained cash, coins and a passport, receipts for Bunnings and Liquorland dated 26 February 2015, clear vinyl hose, a knife handle and a black coat.

#### Findings as to uncontentious matters

13. In relation to Ms Chi's death, most of the matters I am required to ascertain were uncontentious from the outset. I find, as a matter of formality, that Dianne Chi, born on 30 January 1992, aged 23 years, died at an unknown location between 25 and 28 February 2015.
14. The precise date and place of Ms Chi's death remains unknown.

#### Medical cause of death

15. The medical cause of Ms Chi's death was not in dispute. An autopsy of Ms Chi's body and post mortem CT scanning were performed by Pathologist Dr Paul Bedford, who formed the opinion that the cause of her death was *blood loss from an abdominal stab wound and from incised injuries to the head.*<sup>3</sup>
16. Dr Bedford stated that the post mortem examination identified several inflicted injuries, the most important being a stab wound to the abdomen which resulted in extensive blood loss in the mesenteries, psoas muscles and pelvis. Dr Bedford noted no injury to major vessels or the bowel. Ragged lacerations/incised wounds to the scalp were also identified. Dr Bedford stated that the site of these injuries were richly vascularised and may have also contributed to overall blood loss. No associated skull fracture or internal head injury was identified. A

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<sup>2</sup> Mr Pham's death is also a reportable death under the *Coroners Act 2008 (Vic)* (Coroners Act) and a separate finding will be made into his death. An inquest was not held into Mr Pham's death.

<sup>3</sup> Report of Dr Bedford dated 3 June 2015.

linear abrasion complex at the front of the neck is believed to have been caused by Ms Chi's clothing. Other injuries, in particular to the left arm, were noted and Dr Bedford formed the view that these were indicative of defensive injuries. No significant baseline internal pathology was identified.

17. Post mortem toxicology testing revealed the presence of low levels of ethanol (alcohol) in cavity blood at 0.02g/100mL. Ethanol was not detected in vitreous humour. No other common drugs or poisons were detected. The toxicologist reported that alcohol can be formed in cases of decomposition by fermentation processes, and that the analysis of vitreous humour can assist in determining the degree to which post mortem formation of alcohol has occurred, as alcohol concentrations in vitreous humour are about 20 per cent higher than blood due to the higher water content.
18. Given the above, and as it is known that analysis of post mortem vitreous humour is a more reliable indicator of the consumption of alcohol than analysis of post mortem blood, I find that that the alcohol detected in post mortem cavity blood was due to post mortem formation, and not due to consumption of alcohol.

#### Purpose of a coronial investigation

19. The primary purpose of the coronial investigation of a reportable death<sup>4</sup> is to ascertain, if possible, the identity of the deceased person, the cause of death (interpreted as the medical cause of death) and the circumstances in which the death occurred.<sup>5</sup> An investigation is conducted pursuant to the *Coroners Act 2008 (Vic)* (**Coroners Act**). The practise is to refer to the medical cause of death incorporating, where appropriate, the mode or mechanism of death, and to limit investigation to circumstances sufficiently proximate and causally relevant to the death.
20. Coroners are also empowered to report to the Attorney-General on a death they have investigated; may comment on any matter connected with the death, including matters relating to public health and safety or the administration of justice; and may make recommendations to any Minister, public statutory authority or entity on any matter connected with the death, including recommendations relating to public health and safety or

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<sup>4</sup> Section 4 of the Coroners Act requires certain deaths to be reported to the coroner for investigation.

<sup>5</sup> Section 67 of the Coroners Act.

the administration of justice.<sup>6</sup> This is generally referred to as the prevention role of the coroner.

21. It is important to stress that coroners are not empowered to determine the civil or criminal liability arising from the investigation of a reportable death, and are specifically prohibited from including in a finding or comment any statement that a person is, or may be guilty of an offence.
22. A summary inquest into Ms Chi's death was held on this day on the basis that I suspect that the death was the result of homicide and no person has been charged with an indictable offence in relation to the death. An inquest is therefore mandated by section 52(2)(a) of the Coroners Act.
23. This finding draws on the totality of the material the product of the coronial investigation of Ms Chi's death, contained in the coronial file and compiled by the Coroner's Investigator, Detective Leading Senior Constable Stuart Sims. All this material will remain on the coronial file. In writing this finding, I do not purport to summarise all evidence, but refer to it only in such detail as appears warranted by its forensic significance and the interests of narrative clarity.

#### Coronial investigation and inquest

24. Analysis of the mobile phone of Ms Chi failed to identify any calls made or received on 25 February 2015, and there were no cell tower coordinates stored. A series of five text messages identified between Ms Chi and Mr Pham were found to have taken place from 19 to 24 February 2015. There were no further messages between the two phones during 2015. The messages evidence their making plans to meet for lunch at Chadstone Shopping Centre on 25 February 2015, with the final message being from Mr Pham on 24 February at 7.07pm, stating that he would pick Ms Chi up at around 12.00pm the following day. The messages are short and friendly in nature.
25. Evidence of cell tower coordinates from Mr Pham's mobile phone led police to conclude that after he collected Ms Chi from her workplace in Maidstone on 25 February 2015, he travelled through the city and out to the Chadstone area. The phone was communicating with cell towers in the Chadstone area from 12.44pm to 3.55pm that day. No coordinates were registered for approximately 4.5 hours following this, indicating that the phone might

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<sup>6</sup> Sections 72(1), 72(2) and 67(3) of the Coroners Act regarding reports, recommendations and comments respectively.

have been switched off. At 8.25pm that evening the phone communicated with cell towers in the Torquay area, then down to Barwon Downs (about 165km from Chadstone). The last recorded location in which the phone communicated with a cell tower was at Barwon Downs, at 9.30pm on 25 February 2015. This is near the location at which the car was found. A review of call charge records indicates that there were no outgoing or incoming calls to the phone that were answered on 25 or 26 February 2015.

26. The receipt from Bunnings, Wauron Ponds (about 68 kilometres northeast of Barwon Downs), located by police was for the purchase of plumbing hose and a screwdriver set at 9.45am the following day, 26 February 2015. The receipt from Liquorland, Wauron Ponds was for the purchase of Vodka Cruiser drinks at 10.04am on 26 February 2015. CCTV footage from the Liquorland store from that date was obtained by police and shows a male who appears to be Mr Pham making the purchase. There was no sign of Ms Chi in any of the CCTV footage observed.
27. CCTV footage from other areas of the Wauron Ponds Shopping Centre shows Mr Pham's vehicle arrive and park at the south west entrance at 9.51am. Mr Pham walks from the car, enters the shopping centre, enters the Liquorland and exits at 10.04am with a plastic shopping bag in his hand, before returning to the car park and leaving the parking space at 10.06am. There was no further CCTV footage of the vehicle leaving the Centre, and the movements of Mr Pham and Ms Chi following this remain unknown.
28. Police seized and examined Mr Pham's computer drive and accessed it using a password that had been obtained from a message that was located on a mobile phone found near Mr Pham's body in the car. A saved document was found on the computer desktop with an adjacent electronic 'post-it note' that stated '*open this*'. Mr Pham's mobile phone also contained an image as the phone's screen saver of a typed note stating '*my suicide note is on my desktop on my PC*' followed by the computer password, and an apology addressed to Mr Pham's parents and brother.
29. The document had last been altered and saved on Wednesday 25 February 2015 at 12.48am. The document was a five-page letter from Mr Pham to his family. He states that he had prepared the letter in parts over time. Mr Pham stated that he hated his life, had been depressed and felt that his parents had not allowed him any freedom. Mr Pham directed significant anger at his parents, detailed his academic successes and failures and his unsuccessful attempts to find work in 2013. He stated that he studied a Bachelor of Business from 2014 and detailed a desire to become a successful businessman in order to

take over a successful business from '*an ideal victim*', being someone who had inherited money, so that they might '*experience a life of the poor*'.

30. Regarding Ms Chi, Mr Pham stated in his letter that he had decided to die with her because he did not want to die alone, had chosen to take his own life with someone and did not want to die '*with just anybody*'. He stated that Ms Chi was a beautiful person with whom he shared many interests and that he enjoyed spending time with her. Mr Pham's letter indirectly indicates that he had romantic feelings for Ms Chi but that he felt he could not disclose this to her.

### Conclusion

31. Based on the available evidence before me and following full investigation, I find that Mr Pham caused the incised injuries to Ms Chi that led to her blood loss and death, before taking his own life by intentionally consuming carbon monoxide in the form of gaseous emissions from his car exhaust system.
32. The precise date and location of Ms Chi's death cannot be determined with any degree of certainty. It is possible that Ms Chi was already deceased, or had already received her injuries, by the time that Mr Pham attended the Waurm Ponds Shopping Centre and was seen alone on CCTV footage on the morning of 26 February 2015. However, there is insufficient evidence before me to allow me to make such findings to the requisite coronial standard.
33. It appears that Mr Pham chose not to disclose his homicidal or suicidal feelings, anger or depression to any loved ones, nor to seek assistance from medical practitioners, and that Ms Chi's unnecessary and unexplainable death, was the tragic result of this choice.

I convey my sincere condolences to Ms Chi's family and friends for her death.



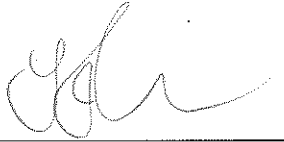
I direct that a copy of this finding be provided to the following:

**Mr Phuong Quoc Chi and Ms Thi Thu Van Le, Senior Next of Kin**

**Mr Lachlan McCullough, Thomson Geer Lawyers**

**Detective Leading Senior Constable Stuart Sims, Coroner's Investigator, Victoria Police.**

Signature:



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JUDGE SARA HINCHEY  
STATE CORONER

Date: 1 April 2016

