

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 504/08

Inquest into the Death of JOSEPHINE CESNIK

Delivered On: 15th January 2010
Delivered At: Melbourne
Hearing Dates: 15th January 2010
Findings of: JANE HENDTLASS
Representation: A/Sgt King Taylor
Place of death/Suspected death: Royal Melbourne Hospital

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 504/08

In the Coroners Court of Victoria at Melbourne

I JANE HENDTLASS, Coroner

having investigated the death of:

Details of deceased:

Surname: CESNIK
First name: JOSEPHINE
Address: 163 Templewood Crescent, AVONDALE HEIGHTS, VIC 3034

AND having held an inquest in relation to this death on 15th January 2010 at Melbourne

find that the identity of the deceased was JOSEPHINE CESNIK and death occurred on or about 3rd February, 2008

at Royal Melbourne Hospital

from

1a. COMPLICATIONS OF SUBDURAL HAEMORRHAGE (OPERATION).

in the following circumstances:

1. Josephine Cesnik was 76 years old when she died. She lived alone at 163 Templewood Drive in Avondale Heights. Ms Cesnik's medical history included Type II diabetes, hypertension, chronic atrial fibrillation, myocardial infarction, previous coronary artery bypass grafts and angina. She was prescribed warfarin. Her general practitioner was Dr John Scally.
2. At about 7.00pm on 20 January 2008, Mrs Cesnik says she was assaulted by an unknown man wearing a balaclava in her back yard. She also says that the man asked for money and then pushed her over so that she hit her head on the base of a tree.
3. Mrs Cesnik did not lock her door or make any other extra security arrangements after this incident. Further, although she spoke to a number of people over the following week, including Dr Scally, Mrs Cesnik consistently explained her injuries as being caused by a fall. She later told police said that she did not report her assault because the man who had hurt her said he would kill her if she did.
4. At 2.16am on 29 January 2008, Mrs Cesnik telephoned an ambulance complaining of a nine day history of worsening severe head ache. At 2.59am, she presented at the Emergency

Department at the Royal Melbourne Hospital and told the staff that she had been assaulted on 20 January. Police were called and she repeated her history to them.

5. Mrs Cesnik was diagnosed with a subdural haematoma and underwent surgery. However, at 3.30am on 31 January 2008, Mrs Cesnik's speech became slurred. A CT brain scan enabled diagnosis of a cerebral infarction which was considered untreatable.

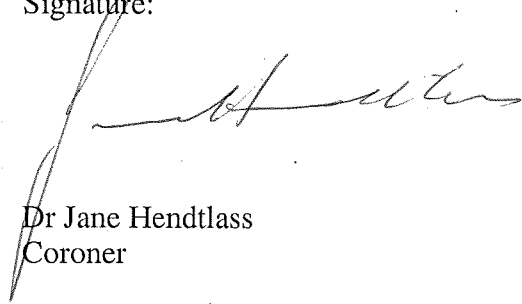
6. At 12.55am on 3 February 2008, Mrs Cesnik died at the Royal Melbourne Hospital.

7. The forensic pathologist who performed the autopsy formed the opinion that the cause of death was complications of subdural haemorrhage. The autopsy confirmed that the subdural haemorrhage had been evolving over a week or two before death.

8. Police undertook an extensive investigation of the circumstances of Mrs Cesnik's injuries. They remain unable to confirm or deny her version that she was assaulted in her garden by an unidentified man. They are also unable to confirm or deny that she sustained her injuries in a fall.

9. Accordingly, I find that Josephine Cesnik died from complications of subdural haemorrhage. I am unable to say what caused this haemorrhage.

Signature:

A handwritten signature in black ink, appearing to read 'Dr Jane Hendtlass', written over a vertical line that serves as a signature separator.

Dr Jane Hendtlass
Coroner

15th January, 2010