

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 1571/02

Inquest into the Death of LARRY JOHN WEBER

Delivered On: 26th October, 2010

Delivered At: Coroners Court of Victoria,
Hearing Room, Level 1
436 Lonsdale Street, Melbourne 3000

Hearing Dates: 6 May 2010 at Melbourne Magistrates Court

Findings of: CORONER JOHN OLLE

Representation: Mr G Steward, Counsel for Craig Gorman

Place of death: 120 Kelletts Road, Rowville, Victoria 3178

PCSU: Senior Constable Greig McFarlane

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 1571/02

In the Coroners Court of Victoria at Melbourne
I, JOHN OLLE, Coroner

having investigated the death of:

Details of deceased:

Surname: WEBER
First name: LARRY
Address: 120 Kelletts Road, Rowville, Victoria 3178

AND having held an inquest in relation to this death on 6 May 2010 at Melbourne

find that the identity of the deceased was LARRY JOHN WEBER

and death occurred on 29th May, 2002

at 120 Kelletts Road, Rowville, Victoria 3178

from

- 1a. ACUTE BLOOD LOSS
- 1b. MULTIPLE STAB INJURIES

In the following circumstances:

1. Larry Weber ('Larry') was aged 33 years at the time of his death. He lived at 120 Kelletts Road, Rowville.
2. A comprehensive brief has been compiled by Detective Sergeant Grant Kelly.
3. I recite the following excerpt:

"On 28 May 2002 the body of Larry John WEBER was located outside his home address of 120 Kelletts Road in Rowville. He was discovered lying on the roadway by a passing motorist. He was 33 years of age at the time of his death.

The deceased lived alone at the address in Kelletts Road. He was employed in the Information Technology Division at United Energy in Mount Waverley. The deceased

was one of 4 children born to Frank and Verna WEBER. The deceased was described as very quiet man of regular habits.

The object of the deceased's life was to find a partner and settle down. In order to achieve this he had structured his life so he could meet as many new people as possible. He utilised a phone-dating service called lavalife and he had just commenced ballroom dancing classes in an effort to widen his social circle."¹

4. Larry was the victim of a vicious, sustained assault, in which he received multiple stab wounds, predominantly to the area of the head and neck. Several stab wounds penetrated the skull.

Background

5. In approximately November, 2001, Larry commenced a relationship with work colleague, Lynda Slawinski. Ms Slawinski had previous involvement in an 'on again, off again' relationship with Craig Gorman.

Alleged assault

6. In December 2001, Larry was allegedly assaulted by Mr Gorman. Larry reported the alleged assault to police. Ms Slawinski made a statement to police, corroborating Larry's allegations.

7. Subsequent to the alleged assault, Mr Gorman attended Larry's home. He offered Larry financial compensation to withdraw the allegations. The offer was refused.

Increasingly fearful

8. Over ensuing months, Larry became increasingly fearful of Mr Gorman.² He alleged to family and friends, including Ms Slawinski that Mr Gorman was stalking him. Larry was diarising the alleged stalking incidents.³

9. Ms Slawinski had read the entries.⁴

¹ Summary, Inquest Brief

² "In the months leading up to his death Larry was genuinely scared for his safety." Brian Panks

³ "He was recording details of phone calls, and general notes such as dates/times when he was followed/confronted. Larry told me in conversations that he was recording all the (alleged) stalkings" Statement Anita Weber

⁴ "It was all the dates of when Craig called him. When Craig turned up at his house ... the (alleged) assault. Yea, all those kind of things."

Larry ended the relationship

10. By February 2002, Larry realised his affection for Ms Slawinski was not reciprocated. He expressed doubts about her true motives. The relationship ended. Ms Slawinski resumed her relationship with Mr Gorman. In evidence, she denied disclosing the existence of the diary to Mr Gorman.⁵

Police authorised the prosecution

11. Larry was advised the criminal proceedings against Mr Gorman had been authorised. Two nights before his death, Larry told his sister of a proposed June/July hearing date.⁶ In evidence, the coronial investigator confirmed the prosecution had been authorised.

Mr Gorman spoken to within hours of Larry's death

12. Within hours of Larry's death, police attended Mr Gorman's home. He told police he spent the previous evening at home, working on his computer. He voluntarily attended the police station and made a statement. He denied any involvement in Larry's death.

13. At inquest, Mr Gorman was excused from giving evidence on the grounds of self-incrimination.

Mr Gorman's computer

14. On 30 May, 2002 police seized Mr Gorman's computer. Subsequent forensic examination revealed that contrary to Mr Gorman's assertion, his computer had not been operated on the evening of Larry's death.

15. When first spoken to by police, his conduct the previous evening was fresh in his mind. He knew he was not operating his computer. It follows, his explanation to police was untruthful.

Speculation is not appropriate

16. Why Mr Gorman untruthfully told police he was working on his computer at home on the evening of Larry's death is not apparent on the evidence.

17. Without speculating, there is no proper basis to infer his untruthful account is linked to the circumstances of Larry's death.

⁵ Transcript p. 26

⁶ Statement Anita Weber

The Diary

18. A number of people were aware Larry was diarising incidents of alleged stalking by Mr Gorman. Ms Slawinski had read the entries.

19. The diary has never been located.

20. The diary may have been taken on the night of Larry's death. There are however other explanations, equally plausible. There is no evidence to explain the whereabouts of the diary.

21. In any event, whether the diary holds significance in the circumstances of Larry's death is a matter of speculation.

Facts found by me

1. Anxious to avoid criminal prosecution, Mr Gorman offered Larry financial compensation to withdraw the allegations.
2. Though fearful of Mr Gorman, Larry refused the offer.
3. Upon resuming her relationship with Mr Gorman in February 2002, it is likely Ms Slawinski disclosed the existence and contents of the diary.⁷
4. Prior to Larry's death, police had authorised the criminal prosecution of Mr Gorman.

The Briginshaw Test

22. The evidence required to find an individual has inflicted fatal stab wounds upon another requires a degree of satisfaction, commensurate with the gravity of the allegation:

*"No court should act upon mere suspicion, surmise or guesswork in any case. In a civil case, fair inference may justify a finding upon the basis of preponderance of probability. The standard of proof required by a cautious and responsible tribunal will naturally vary in accordance with the seriousness or importance of the issue."*⁸

23. The gravity of the allegation requires proof which is "clear, cogent and exact".⁹

⁷ I reject Ms Slawinski's denial in evidence

⁸ Latham CJ Briginshaw

⁹ Gobbo J Anderson v Blashki Summary Coronial Investigator

24. Mr Gorman fully co-operated with police and denied involvement in Larry's death. Further, the investigation has not "discovered any forensic or other evidentiary material" connecting him to the death.¹⁰

25. I am not satisfied to the requisite standard that Mr Gorman was involved in the death of Larry Weber.

Post Mortem Medical Examination

26. On 29 May 2002, Dr Malcolm Dodd, Forensic Pathologist at the Victorian Institute of Forensic Medicine, performed an autopsy.

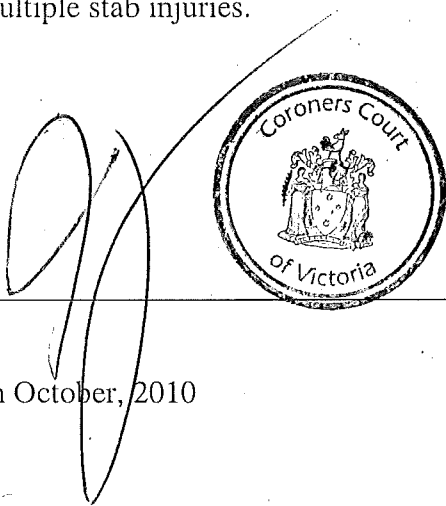
27. Dr Dodd found the cause of death to be acute blood loss and multiple stab injuries.

28. I offer my condolences to Larry's family. I note the dignity exhibited by family members throughout the inquest.

Finding

I find that Larry John Weber died at the hands of a person or persons unknown of acute blood loss and multiple stab injuries.

Signature:



John Olle
Coroner

Date: 26th October, 2010

¹⁰ Summary Coronial Investigator