

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2008 5782

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of: MAVROIDIS KARPETIS

Delivered On: October 12, 2012

Delivered At: Coroners Court of Victoria
Level 11, 222 Exhibition Street
Melbourne 3000

Hearing Dates: October 11, 2012

Findings of: JUDGE JENNIFER COATE, STATE CORONER

Representation: Mr Phillip Dunn, Counsel representing Mr Adnan
Dennaoui

Police Coronial Support Unit: Sergeant David Dimsey assisting the Coroner

I, JUDGE JENNIFER COATE, State Coroner having investigated the death of MAVROIDIS KARPETIS

AND having held an inquest in relation to this death on October 11, 2012
at MELBOURNE

find that the identity of the deceased was MAVROIDIS KARPETIS¹

born on 10 January 1930

and the death occurred sometime between 23 December 2008 and 25 December 2008

at an unknown location.

from:

1 (a) NECK COMPRESSION²

in the following circumstances:

Background

1. Mr Mavroidis Karpetis,³ known as "Blacky" was born in Greece in 1930. He migrated to Australia after the Second World War. He settled and lived mostly in Melbourne. He married twice and had two daughters, Marie Du Rieu to his first marriage and Georgina Dennaoui to his second marriage. Blacky's second wife passed away in 2003.
2. His second daughter Georgina gave evidence that she thought her father was lonely in the wake of the loss of her mother and she and her husband and two daughters subsequently sold their home and moved into her father's house in East Brunswick. The evidence of Georgina was that this was to help care for her father and keep him happy.
3. The Inquest brief of evidence⁴ contains material about tensions in the East Brunswick household between Blacky and his daughter Georgina and her husband Adnan Dennaoui and their two daughters. The brief also contains considerable material confirming that Blacky could be a difficult and gruff character who was often quite contrary with his friends and

¹ Confirmed by Coroner Hendtlass 2.1.2009 based on DNA and odontology

² Report of forensic pathologist Dr Sarah Parsons dated 30 April 2009 and confirmed in oral evidence by Dr Michael Burke forensic pathologist on 11 October 2012.

³ The family wished for Mr Karpetis be referred to as "Blacky" as this was the name by which he was known by his family and friends.

⁴ Exhibit 11

family. His long time friend Mr Sam Ayoubi described him as a man who would regularly be difficult and contrary, and that this was just accepted by all as part of his character.

4. The weight of the evidence, despite some to the contrary, is that Blacky spent a lot of time with his son-in-law Adnan including being with him regularly at his business and the family holiday home in Tootgarook. The relationship between the two men was described by those close to the two as regularly argumentative but never violent.
5. Blacky was described by several friends and family members as a man who was a hard worker and did not like to be idle. He was 78 years old at the time of his death. His health was described as fair. He had undergone surgery for an aortic aneurysm four weeks before his death, having discharged himself from hospital before medical approval had been given. However, according to his daughter Georgina, he had recovered from this surgery and returned to his normal active self which would include taking himself off for walks, going to Adnan's factory with him and engaging in physical work, even against the family's wishes.

Circumstances surrounding the death

6. The Dennaoui family owned a holiday house in Tootgarook at 39 Leonard Street. They had had the property since 1996. On 22 December 2008, Adnan and Blacky made plans to go together to Tootgarook to work on some planned renovations to the home. According to the Dennaoui family, this was a regular occurrence.
7. Arrangements had been made with a family friend to collect Blacky from Tootgarook on 24 December and return him to Melbourne where he was going to spend Christmas day with a Greek friend.
8. Blacky and Adnan left Melbourne late on the day of 22 December and travelled to Tootgarook in Adnan's Nissan Navara Utility. According to Adnan they had an argument over food on the way to Tootgarook. Having arrived at Tootgarook late on the evening of 22 December they sat around for a while before both going to bed.
9. According to Adnan, on the morning of 23 December they got up and commenced work on the renovations to the property. Adnan stated that he and Blacky had minor arguments during the morning as he was trying to stop Blacky from over exerting himself.

10. At some stage during the morning, a family friend, Sam Ayoubi, who lives in Rye and knew the two were at Tootgarook dropped in. He stated that he offered to return with spaghetti for the two of them for their lunch. The evidence is that this offer was declined but Sam insisted he would return with lunch for both of them.
11. Before Sam returned, according to Adnan, Blacky attempted to paint the walls and Adnan did not want him to as he thought it was too much for Blacky. According to Adnan, this argument then spiralled into criticisms of how Blacky was treating his daughter Georgina and grandchildren, which resulted in Blacky insisting that he wanted to return to Melbourne. Blacky went inside the house and returned about half an hour later having changed clothes and was carrying his case and indicating to Adnan that he was leaving to return to Melbourne.
12. At about this time, Sam Ayoubi returned to the house with the spaghetti he had promised. He had his two grandchildren in the car with him. It is apparent that the argument between Adnan and Blacky could be heard from Sam's car as he had his grandchildren remain in the car when he went into the property. That is, the argument could be heard from the street.
13. Adnan requested Sam leave as his presence would only make Blacky angrier. Sam Ayoubi returned to his car with the spaghetti and drove away.
14. According to Adnan, after Sam left, Blacky, still with his case, tried to leave again by climbing over the fence and Adnan physically restrained him. Adnan stated that Blacky went inside and had a drink and calmed down a little and then stated to Adnan that he was going out for a walk. As Blacky did not have his case with him, Adnan stated that he did not try and stop him as he did not have his case anymore. According to both Adnan and Georgina it was not unusual for Blacky to go off walking in the wake of arguments and that he would often be gone for hours at a time.
15. Adnan stated he was not clear what time it was that Blacky left out the front door of the property and police investigations have been unable to confirm a time. Adnan stated that he did not see in which direction Blacky left the Tootgarook property. Blacky was not seen alive again after that.

16. Georgina's phone had made a call to Blacky's phone at about 2.32pm on that afternoon which was not answered. The mobile phone belonging to Blacky made a call to Georgina's phone at 3.47pm that afternoon which was not answered. There is no evidence of any communication between Blacky and any other person after that time.
17. At 4.15pm that afternoon, Adnan spoke to Georgina on his mobile phone and stated that he and Blacky had had an argument and that Blacky had gone off for a walk. According to Georgina, this was not unusual. She believed that he may have gone off walking to a friend's house in the area. During the next few hours, Georgina and Adnan spoke over mobile phones discussing where Blacky may have gone and what they should do.
18. At about 7.00pm, Adnan drove to a friend's house in Rosebud to check if Blacky was or had been there. He had not. Georgina called the Rosebud police and asked for advice as to what they should do. Georgina also commenced ringing around to hospitals.
19. By 11.00pm on the evening of 23 December, Adnan attended at Rosebud police station to make a missing persons report. It would appear that the police did not take a missing person report as it was unclear as to whether or not Blacky may be in transit back to Melbourne on public transport.
20. Adnan returned to the house in Tootgarook in case Blacky returned. By the early morning of 24 December, Georgina told Adnan to go out looking for Blacky. According to Adnan, he travelled along the foreshore where Blacky had regularly gone walking before and followed the road back to Frankston. The phone records of Adnan confirm that his mobile was being used 2.14am in the Frankston area and at 3.16am in the Moorooduc area and at 3.49am in the Rosebud West area. Adnan stated that he returned to Tootgarook at about 4.00am and fell asleep until Georgina rang him at 9.16am at which time he was woken by that call.
21. Adnan then returned to the Rosebud police station at 10.30am on 24 December whereafter the police commenced a formal missing person report investigation, involving checking bank accounts and patrols of the area and media alerts.

The discovery of Blacky

22. At about 1.30pm on 25 December Mr Elsner was driving out of a rural property at 111 Pt Leo Road Merricks when he discovered the body of Blacky largely concealed by scrub near the front gate of the property. He notified the police who attended and commenced a homicide investigation as a result of the circumstances of Blacky's disappearance, discovery and his cause of death.
23. Both Dr Sarah Parsons who performed the autopsy on Blacky and Dr Michael Burke who peer reviewed Dr Parsons' report and gave evidence at the inquest were unequivocal in their opinions that Blacky died as a result of obstruction of his airways due to neck compression.

The police investigation

24. In the wake of the discovery of Blacky, as stated above, the police commenced a homicide investigation. Adnan was formally interviewed on two separate occasions as a suspect. He did not seek to exercise his right to remain silent on either occasion but rather gave fulsome answers to all questions put to him by police. He and Georgina co-operated with all requests by police to search and seize property during the police investigation.
25. As a result of publicity around the disappearance and discovery of Blacky, a witness, Mr David Bennett, came forward with information to police. He both made a statement and attended at the inquest to give evidence.
26. In summary, his evidence was that he had spent the night at a family property about a kilometre from where Blacky's body was found. His evidence was that sometime after 4.30am but before dawn on the morning of 24 December he heard two, possibly three, loud male voices coming from what he described as the general direction of the "Red Hill side" of the property. He described the first voice as seeming to be a young male Australian voice which was strong and loud which he described as either shouting or almost shouting. He also described hearing a second voice which sounded like an older man with a middle European accent. Mr Bennett stated he was unable to discern any words but the effect of his evidence was that the tone of what he heard, although only a few sentences, was apparently that a young Australian sounding male was giving urgent commanding instructions to do something to an older male with a middle European accent, who sounded like he was voicing reluctance.

27. Mr Bennett stated there may have been a third male voice but he could not be sure about that. Mr Bennett was also unsure as to whether or not he heard a car door, putting it only as high as he "may have".
28. During oral evidence, Mr Bennett made it clear that this exchange was most unusual in this quiet rural location.

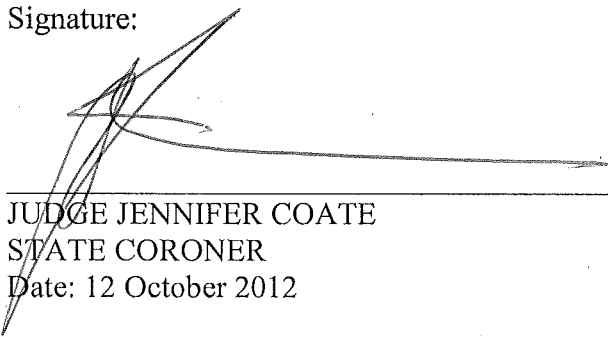
Conclusion

29. Based on all of the material contained in the inquest brief⁵ I am satisfied that Blacky died as a result of obstruction of his major airways by compression of his neck. Despite the investigation by police, no person has yet been found responsible for his killing. Blacky's death remains an open criminal investigation.

I direct that a copy of this Finding be provided to:

1. Georgina Dennaoui
2. Marie Du Rieu
3. Sergeant David Campbell (Investigating member of Victoria Police)
4. Stephen Paxino (VOCAT)
5. Melasecca Kelly and Zayler, Solicitors for Mr Adnan Dennaoui

Signature:


JUDGE JENNIFER COATE
STATE CORONER
Date: 12 October 2012



⁵ Exhibit 11