

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2005 581

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of: Wayne Joannou

Delivered On: 31 December 2013

Delivered At: Level 11, 222 Exhibition Street
Melbourne 3000

Hearing Dates: 30 May-3 June 2011;
6-10 June 2011;
21-23 June 2011;
17-18 November 2011; and
22, 23, 25 October 2013.

Findings of: JANE HENDTLASS, CORONER

Representation: MR R. GIPP appeared on behalf of Chief Commissioner
of Police.
MR P. LAWRIE appeared on behalf of Operators 1634, 41
and 64 of the Special Operations Group.
MS O. TRUMBLE and Ms S Poulter appeared on behalf
of Dianne O'Goerk.
MR S. NORTON was present to assist Ngaire Amundsen.

Counsel Assisting the Coroner MR J. GOETZ was present to assist the Coroner.

I, JANE HENDTLASS, Coroner having investigated the death of WAYNE JOANNOU
AND having held an inquest in relation to this death on 30 May-3 June, 6-10 June, 21-23 June
2011, 17-18 November 2011, 22, 23, 25 October 2013.

at Melbourne

find that the identity of the deceased was WAYNE JOANNOU

born on 25 July 1978

and the death occurred on 18 February 2005

at Bank Street South Melbourne, 3205

from:

1 (a) GUNSHOT WOUND TO HEAD

in the following circumstances:

1. Wayne Joannou was 26 years old when he died. Since about October 2004, he had lived with his girl-friend, Kristy-Lee Hearn, at Unit 19, 555 Keilor Melton Highway in Sydenham.
2. Kristy-Lee Hearn worked as a carer for the Department of Human Services.
3. Mr Joannou's medical history included abuse of benzodiazepine, heroin, cannabis and amphetamines, depression, paranoia, insomnia, anxiety and childhood family sexual abuse.
4. Mr Joannou had a reputation in the Western Suburbs as an unpredictable person. For example, Rebecca Briffa told the Court she had heard:

"Just that he's crazy, that he pushed someone off a balcony once."
5. Mr Joannou also threatened to kill Ms Hearn on several occasions.
6. Ms Hearn explained to the Court that sometimes these threats occurred when he was hanging for drugs and he was quite agitated. At other times she wanted to leave or break up the relationship and he threatened her.
7. Ms Hearn also told the Court:

"His behaviour changed a lot. His mood was up and down. He was nice a lot of the time but then when he needed his heroin he would become a little bit aggressive."
8. Mr Joannou's brother, Mark Joannou also described Mr Joannou as:

"He was caring. He was a good person. It was just when he was on the drugs he changed."

9. Mr Joannou also had a 10 year criminal history when he died. He had served three prison sentences. On 17 June 2004, Mr Joannou was released on parole.
10. In the weeks before he died, Mr Joannou told Ms Hearn he would rather die than go back to jail.
11. Mr Joannou was known to police as a violent person:
 - In 1994, he was convicted of two unlawful assaults in the Broadmeadows Childrens Court;
 - In 1995, he was convicted of assault with a weapon in the Sunshine Childrens Court and assault with a weapon in the Melbourne Childrens Court;
 - In 1996, he was convicted of intentionally or recklessly caused injury, assault by kicking and unlawful assault in the Melbourne Childrens Court;
 - In 1997, he was convicted of unlawful assault, assault with a weapon and unlawful assault in the Broadmeadows Magistrates Court;
 - In 1998 he was convicted of unlawful assault in the Broadmeadows Magistrates Court;
 - In 1998, Mr Joannou also injured Brian Bottomley with a billiard ball in a sock when they were both in Port Phillip Prison;
 - On 28 April 1998, Mr Joannou assaulted another prisoner. A prison officer investigating the allegation stated she had absolutely no doubt that the assault was orchestrated by Mr Bottomley;
 - On 7 August 2001, Mr Joannou was placed in Charlotte Unit because he had been identified as one of main instigators of problems and standovers in Port Philip Prison mainstream;
 - In 2002, he was convicted of false imprisonment and intentionally cause injury in the Melbourne County Court;
 - In 2004, Mr Joannou was involved in fights with other prisoners;
 - On 5 January 2004, a barbers kit labelled with Mark Tragear's name was found in his cell;

- On 17 June 2004, Mr Joannou was bailed to appear daily at Keilor Downs Police Station, live at Unit 1, 2 Contursi Drive in Sydenham and not leave home between 11pm and 6am;
- On 28 October 2004, he was charged with unlawful assault and common law assault. These charges were not determined when Mr Joannou died;
- On 2 December 2004, he was further bailed for aggravated burglary and firearms offences on the same conditions;
- On 2 February 2005, he was still on bail for possessing a firearm, possessing methamphetamine, reckless conduct endanger serious injury, threat to kill and pervert the course of justice; and
- On 11 February 2005, he failed to appear at Melbourne Magistrates Court. A warrant was issued for his arrest.

12. Mr Joannou is also alleged to have had access to and possessed guns for at least two years before the incident in which he died:

- In 30 June 2003, Mr Joannou's step-mother, Ngaire Amundsen, complained to police that Mr Joannou discharged a shotgun into the floor of her house. The SOG was called to assist in his arrest. On that occasion, Mr Joannou was fully compliant with the SOG and they arrested him without incident.

Mr Joannou was charged with possession of a sawn off double barrel shotgun and ammunition for a .32 calibre pistol and a .22 calibre rifle. However, these charges did not proceed when Ms Amundsen did not appear to give evidence;

- On 28 October 2004, Mr Joannou was charged with aggravated burglary-firearm and possession of an unregistered firearm. These charges were not determined when Mr Joannou died. On 2 December 2004, he was released on bail. These charges were not determined when Mr Joannou died; and
- Leonie Clarke told police that, on or about 1 February 2005, Mr Joannou had put a 9mm shotgun to her stomach and threatened her because he thought she had stolen a gold bracelet.

13. On 2 February 2005, Mr Joannou drove to Rebecca Briffa's flat at Unit 4, 149 St Albans Road in St Albans. Brian Bottomley and Bayram Birsoz were staying with Ms Briffa overnight on 1/2 February 2005.

14. Soon after 12:04pm on 2 February 2005, Mr Joannou entered Unit 4, 149 St Albans Road in St Albans and shot Brian Bottomley with a hand gun.
15. Mr Joannou coerced Ms Briffa and Mr Birsoz to help him dismember Mr Bottomley's body in the bathroom of Unit 4, 149 St Albans Road in St Albans and place it in red, white and blue chequered bags and a 60 litre plastic tub. He also needed help to put the containers in the boot of his red Toyota Celica CRO-832.
16. In my investigation of Mr Bottomley's death, I relied on phone records to determine that Mr Joannou drove his red Toyota Celica CRO-832 with Mr Bottomley's body to White Hills which is on the Midland Highway north of Bendigo.
17. Further, at 9:32pm and 9:37pm respectively, Mr Joannou called Ms Briffa and Ms Hearn from a public phone identified as 'Post Office' at 499 Napier Street in White Hills.
18. Phone records show that he did not make or accept calls after 9:49pm on 2 February 2005.
19. At 12:21pm on 3 February 2005, Mr Joannou rang Ms Hearn from a public phone box in Elmore, north of Bendigo. At 12:26pm, Mr Joannou again used the public telephone in Railway Parade in Elmore to call Bayram Birsoz. He will have spoken to Ms Briffa.
20. By 3:18pm on 3 February 2005, Mr Joannou had returned to Melbourne. His red Toyota Celica CRO-832 was covered in mud inside and outside.
21. In my investigation of Mr Bottomley's death I found that:
 - At 12:04pm on 2 February 2005, Mr Joannou tried to contact Mr Bottomley on his mobile phone. Mr Bottomley did not answer the phone;
 - Shortly after 12:04pm on 2 February 2005, Mr Joannou entered Unit 4, 149 St Albans Road in St Albans;
 - Mr Bottomley, Ms Briffa and Mr Birsoz were in the lounge room of Unit 4, 149 St Albans Road in St Albans when Mr Joannou arrived;
 - Mr Joannou discharged one shot with a black handgun with a brown handle.
 - The shot hit Mr Bottomley in the neck;
 - Mr Bottomley died from gunshot injuries in the lounge room at Unit 4, 149 St Albans Road in St Albans before 12:30pm on 2 February 2004;
 - I am unable to determine the reason that Mr Joannou killed Mr Bottomley;

- Mr Joannou was probably assisted by at least one other person when he disposed of Mr Bottomley's body on the night of 2/3 February 2005; and
 - Mr Bottomley's body is likely to remain in a lake or river with muddy access and egress north of Bendigo on the Midlands Highway, possibly near Echuca.
22. When Mr Joannou left Unit 4, 149 St Albans Road in St Albans on 2 February 2005 with Mr Bottomley's body he threatened Ms Briffa and Mr Birsoz with death if they told anyone that he had killed Mr Bottomley.
 23. Accordingly, no one reported Mr Bottomley's murder to the police until 7 February 2005.
 24. At 3:10pm on 7 February 2005, Mr Bottomley's mother reported to the Keilor Downs Police Station that Mr Bottomley had been missing since 31 January 2005.
 25. At about 6:20pm on 7 February 2005, Ms Briffa also reported to the Keilor Downs Police Station that Mr Bottomley had been murdered by Wayne Joannou on 2 February 2005.
 26. At 7:08pm, the Homicide Squad was notified and went to Keilor Downs Police Station. They arrived at Keilor Downs at about 9:02pm and commenced their investigation of the death of Brian Bottomley.
 27. On 18 February 2005, Mr Joannou died when the Special Operations Group of Victoria Police attempted to arrest him in relation to Mr Bottomley's death.
 28. Mr Joannou was identified using fingerprint matching with finger prints retained by Victoria Police.
 29. The forensic pathologist who performed the autopsy formed the opinion that the cause of death was gunshot wound to the head.
 30. In particular, there was a stellate, full thickness key-hole type entrance on the top left side of the crown associated with several fractures and a bullet wound path through the brain leading to a metallic particle within the skull that was probably the cause of death.
 31. Further, a separate relatively tangential wound was associated with a gaping stellate full thickness defect from the bridge of the nose to the upper lip with exposed fractures of the nasal bones and displacement of the mid part of the maxilla and aspiration of tooth

fragments from the anterior maxilla into the lung and pharynx. There was no metallic contamination of this wound.

32. Metallic fragments were also recovered from the left forearm, right anterior proximal tibia, left medial knee, right thumb base, left proximal ulna, left medial calf, right medial knee, right medial deep calf, right medial calf, right temporal fossa, left volar wrist and left lateral ankle. No contact or near contact gunshot wounds were identified.
33. Toxicological analysis detected morphine, 6-monacetyl morphine, codeine, methamphetamine, amphetamine and diazepam. Morphine and 6-monacetyl morphine are heroin metabolites. Codeine is a usual contaminant of heroin.
34. Accordingly, Mr Joannou's death is closely related to Mr Bottomley's death.
35. I have relied on evidence from both coronial investigations and inquests to form opinions about the circumstances leading up to and surrounding Mr Joannou's death.
36. Accordingly, this finding focuses on the evidence available to me about what happened after 7 February 2005 when police became involved in investigating Mr Bottomley's death.
37. It summarises the sequence of events leading up to Mr Joannou's death.
38. I then comment on the factors that influenced Mr Joannou's death and make recommendations intended to prevent further people dying for the reasons that Mr Joannou died.

Interpretation of the evidence

39. In submissions, I was informed that the Special Operations Group of Victoria Police has wide-ranging responsibilities including assisting other Victoria Police units with high risk arrests, counter-terrorism and close protection.
40. I found that, on balance, publication of some information about their operational procedures was contrary to the public interest and could place them or the public in danger.
41. Accordingly, on 30 May 2011, I ordered that the following documents and evidence not be published pursuant to s.73(2) of the *Coroners Act* 2008, as I believe that the publication would be contrary to the public interest:

- the operational tactics, procedures and equipment of the Special Operations Group of Victoria Police;
- the training practices insofar as they relate to the operational and tactical capabilities and methodologies of the Special Operations Group of the Victoria Police;
- the identification and location of any training activities of the Special Operations Group of Victoria Police;
- the investigative tactics and administration procedures of the State Surveillance Unit of the Victoria Police;
- the investigative practices insofar as they relate to the operational and investigative capabilities and methodologies of the State Surveillance Unit of the Victoria Police;
- the documents numbered in the coroner's brief, Exhibit 2, Photograph Nos 24-51, 53, 54, 67-68, and 74;
- video tape recording of the scene of Bank Street, South Melbourne on 18 February; video tape recording of Bank Street, South Melbourne after the shooting taken by a particular person; another one taken by somebody else;
- exhibit 10, which is the video tape recording of the demonstration of visors and firearms;
- exhibits 11, 12, 13, 14, 15, 16, and 17, which are all pistols and rifles used by SOG.
- five cartridge cases; quantity of device items located at the scene; five spent cartridges located later in the evening in the cabin of SOG vehicle; empty canister located on the rear driver's side floor of the Camry; a scale plan of the scene; a single still photograph taken after the incident;
- the last three pages of the Operation Motto briefing paper; and
- any part of the proceedings that may lead to the identification of any current or former operators of the Special Operations Group, including but not limited to such operators or former operators' names and photographs.

42. These orders remain in place.

43. Therefore, all the evidence upon which I rely in this Inquest has been redacted to comply with these orders and, to the best of my knowledge, this finding does not breach my own orders.

44. The Court has also been provided with several different sources of information about of the circumstances in which Mr Joannou died. These include:

- Written statements collected by police during their investigation of the deaths of Mr Bottomley and Mr Joannou;
- Oral evidence given at Inquest from Mr Joannou and Mr Bottomley's families and associates;
- Written and oral evidence from Victoria Police witnesses;
- Victoria Police records relating to Mr Bottomley, Mr Joannou and some of their associates; and
- the SMS records downloaded by Police from Mr Joannou's phone including the following:

– At 9:59pm on 30 November 2004, "Marc" sent a message to Mr Joannou:

"i want let you down this week.. I will keep my WORD..As long as it suits you and court etc etc. we will spend a few days together and get the implant"

– At 9:59pm on 30 November 2004, "Marc" sent a second message to Mr Joannou¹:

"Implant done immediately.... Stay at my place for a few days until your healthy.. anyway

Buddy call me if you haven't heard from of by Thursday lunch time...y"

– At 10:06pm on 1 February 2005, Ms Hearn sent a message to Mr Joannou:

"Look wayne obviously da time has come 2 say goodbye, ur no longer interested in me, so I should stop hopin things will get better and u should b up front with me"

– At 10:23pm on 4 February 2005, Ms Hearn sent a message to Mr Joannou:

¹ This phone number was not used for any telephone calls recorded by Victoria Police in the periods 1-4 February and 15-18 February 2005.

"If ur still alive and u have uy phone, I wanna let ya know I will always love u and have a nice life. Its obvious u neva loved me or u would let me know ur ok."

– At 1:16pm on 7 February 2005, Ms Hearn sent a message to Mr Joannou:

"Fuck u"

- Telephone records from phones known to be used by the associates of Mr Bottomley and Mr Joannou for 1-4 February 2005 and 15-18 February 2005.²

This information was printed for the Court on 2 June 2011 and is Call Charge Record (C.C.R) Filtered. Therefore, it is not necessarily or probably a complete record of all the phone calls in those periods from the nominated callers.

Mr Joannou used at least two phones during these period: 0432033765 registered to Daniel Simonovski ("phone 1") and 0403145400 registered to Mark Hand ("phone 2").

However, telephone records for the evening of 2 February 2005 show calls on phone 1 from Elphinstone and Mount Alexander in north Victoria between 8:41pm and 9:49pm. They also show calls on phone 2 from St Albans and Brimbank in the western suburbs of Melbourne at 11:17pm.

I am unable to say when Mr Joannou stopped using his phone 2. Therefore, in circumstances where Mr Joannou did not take his phone 2 with him to northern Victoria on the evening of 2 February 2005, I have excluded this number from analyses of his phone calls after 1 February 2005.

I also note that the phone records show that the person with Mr Joannou's phone 2 rang Ms Hearn on 17 February 2005 including:

- At 2:31am on 17 February 2005: 4 seconds; and
- At 2:35am on 17 February 2005: 43 seconds.

Ms Hearn confirmed to police that this was Mr Joannou calling her.

² The SIM card found in Mr Delosreyes' 1996 Toyota Camry green sedan NID 380 does not seem to be related to the deaths of Mr Bottomley or Mr Joannou.

Further, I note that at 12:43am on 15 February 2005, Anastasia Joannou³ rang Kristy-Lee Hearn and spoke for 3 minutes 31 seconds.

I also note that Mr Joannou's associates rang Mr Joannou's phone 2 on a number of occasions including:

- At 4:04pm on 2 February 2007, Mr Joannou's phone 2 rang Luke Joannou: 1 minute and 17 seconds;
- At 10:26pm on 3 February 2005, Luke Joannou rang Mr Joannou's phone 2: 27 seconds;
- At 3:17pm on 3 February 2007, Mr Joannou's phone 2 rang Luke Joannou: 32 seconds;
- At 7:13pm on 15 February 2005, Luke Joannou rang Mr Joannou's phone 2: 49 seconds;
- At 2:45pm on 16 February 2007, Mr Joannou's phone 2 rang Luke Joannou: 50 seconds;
- At 2:47pm on 16 February 2007, Mr Joannou's phone 2 rang Luke Joannou: 14 seconds; and
- At 9:34pm on 16 February 2005, Luke Joannou rang Mr Joannou's phone 2: 1 minute and 8 seconds.

Therefore, the person who had Mr Joannou's phone after the afternoon of 2 February 2005 was a close associate of Mr Joannou. The person was not Luke Joannou or Kristy-Lee Hearn.

Further, Ms Hearn told the Court that Mr Joannou's phone was a pre-paid phone that never had any money on it. Therefore, he could receive but not send messages. To send messages, Mr Joannou usually used her phone. However, there is no clear evidence that Mr Joannou used Ms Hearn's phone in the period 1-5 February or 15-18 February 2005.

³ Anastasia Joannou is Mr Joanna's sister and lived with Luke Joannou

As well, Mr Bottomley and Mr Joannou's friends and associates frequently used phones registered in names different from their own. The evidence also shows that they sometimes used each other's phones and/or had more than one phone. Unless otherwise stated, I have relied on the identification of subscribers nominated on the records provided to me by Victoria Police.

The location of most calls is designated by the telecommunication repeater/s which the call is using and is only a very general indicator of the area from which the call is being made.

For all these reasons, I have been conservative in my interpretation of information arising from the telephone records provided to me.

45. The reliability of the evidence I have heard from witnesses has also been compromised by time, by the nature of the events that have occurred and by the nature of Mr Bottomley and Mr Joannou's families and associates. I have attempted to assess the weight I should place on this evidence by comparing it with independent information including telephone records.

46. Kristie-Lee Hearn

- Kristie-Lee Hearn was Mr Joannou's girl-friend and closely involved in the events that occurred on 2 February 2005. She told the Court that she knew Mr Bottomley and Mr Tragear.
- Ms Hearn worked in aged care for the Department of Human Services. She had been living with Mr Joannou for about six months in an abusive and unstable relationship.
- Further, Ms Hearn said that she was not sure how much Mr Joannou's temperament changed after his Naltrexone implant:

"He was sick for a while so he wasn't - he didn't really have much to do with me. Um, he couldn't get out of bed, I know that for a while he was really sick. Um, I didn't see him that often after that."

- She did not share Mr Joannou's lifestyle or background. Although she was becoming highly sceptical by the time the events subject to this investigation occurred, she still believed him when he told her most unlikely information.
- For example, Ms Hearn told the Court that, despite police speaking to her in the car park at Keilor Downs Police Station on 7 February 2005, she was not aware that Mr

Joannou was a suspect for Mr Bottomley's murder until she saw it on the news on 9 February 2005. She told the Court:

"there was a warrant to search the house, I didn't know that then. Even by looking at the form I didn't even - it sounds stupid - I didn't even know what homicide meant"

- Accordingly, I have formed the view that Ms Hearn is embarrassed by her relationship with Mr Joannou and her naivety in accepting what he told her was true. Therefore, she seems to have minimised before me her knowledge and tolerance of his drug-taking and violent behaviour.

47. Haydn Johnstone

- Haydn Johnstone was a real estate agent in Queensland. He was in the process of returning to Melbourne to re-establish his business here.
- Mr Johnstone was a close personal friend of Mr Joannou's step-mother, Ngaire Amundsen.
- Mr Johnstone told the Court that Mr Joannou was a drug addict:

"Well, he was doing the drugs. He had a needle hanging out of his arm on every occasion I saw him - almost every occasion. He was an addict of - he was an addict."

Mr Johnstone met Mr Joannou on 6 February 2005 and on 17 and 18 February 2005. Although Mr Johnstone saw Mr Joannou using drugs on one occasion, there is no evidence to corroborate Mr Johnstone's evidence that Mr Joannou had a needle hanging out of his arm on any other of these occasions.

- When asked why he assumed that Mr Joannou was lying to him, Mr Johnstone told the Court:

"Oh, mate, I'm a licensed real estate agent. I've been in real estate since I was 17. I grew up in St Kilda in real estate. I ran the biggest real estate company in Australia and I ran tenants. I understand people, their performance and I can tell someone when they're telling me a pale faced fib, you know. Being deceptive. It's blatantly obvious to me."

- Further, when asked why he had not included Mr Joannou's threats to kill police in his statement, Mr Johnstone told the Court:

"I don't know. Ask (Homicide Squad Detective) Anastasiadis. I was there all bloody night, mate. You know what I mean. I - I didn't prepare - this is a straight out statement of - statement of fact, where I'd come from and what had happened. Um, if Anastasiadis didn't put that in the paperwork, well, that's not my problem. This is a bloke that said I was gunna get shot dead for three and a half years and I haven't been back to Melbourne for six and a half by the way. He's not my - he's not my favourite pinup boy at the Homicide Squad."

- Mr Johnstone also told the Court that the woman who was in the car with Mr Joannou when he left his brother's house on 18 February 2005 was the same woman he had met on 6 February 2005.

It is accepted that the woman in the car on 18 February 2005 was Dianne O'Goerk and he did not see her before he left Luke Joannou's house. The woman in the car on 6 February 2005 was Ms Briffa.

- Further, Mr Johnstone told the Court that, on the morning of 6 February 2005, Mr Joannou did not seem drug-affected or otherwise paranoid: He said, for example:

"He was in pretty good condition. He wasn't drug affected like the other times I met him."

However, my understanding of Mr Johnstone's evidence is that Ms Amundsen responded to Mr Joannou's knock on the door and Mr Johnstone did not meet Mr Joannou at this time. Therefore, he could not have formed that opinion about Mr Joannou's demeanour.

- Therefore, I have formed the view that Mr Johnstone is an unreliable witness and inclined to assumptions and exaggeration or repeating the observations of other people as his own.

48. Gordon Skadric

- Mr Skadric was Mr Bottomley's friend. He said he saw Mr Bottomley three or four times a month. In the Joannou inquest. Mr Skadric told the Court:

"I only met him (Mr Bottomley) a few times, didn't have much of a friendship."

- Mr Skadric told the Court he had known Mr Bottomley since about 2002. They used amphetamines and cannabis together. However, Mr Skadric denied ever supplying drugs to Mr Bottomley.

On the other hand, Mr Skadric told the Court that he last saw Mr Bottomley when Mr Bottomley went to Mr Skadric's house to get some speed.

Further, other witnesses told the Court that Mr Skadric dealt in 'speed' and supplied Mr Bottomley with the drug. Ms Briffa told the Court that Mr Skadric supplied her, Mr Crutchley and Mr Bottomley with amphetamines.

Accordingly Mr Skadric gave inconsistent evidence about his relationship with Mr Bottomley and his involvement in supply of amphetamines to Mr Bottomley and his associates. I find that he supplied amphetamines to Mr Bottomley, Mr Crutchley and Ms Briffa. I am unable to say whether or to what degree he supplied amphetamines to Mr Joannou.

- Mr Skadric said he met Mr Joannou through Mr Bottomley. Mr Bottomley and Mr Joannou stopped one night to help Mr Skadric when his car broke down. He says he only had one other conversation with Mr Joannou. He said Mr Joannou was:

"Somebody that I met a couple of days before (2 February 2005).

However, Ms Stevens told the Court and I accept that, on or about 21 January 2005, Mr Skadric told her that he had purchased a silver Mitsubishi Magna sedan DIB-107 from Wayne Joannou. Mr Skadric told Ms Stevens he paid Mr Joannou \$400 for the car. He also said he bought the car for Mr Bottomley.

I do not accept that this explanation is consistent with not knowing Mr Bottomley well or with other evidence associated with Mr Bottomley's ownership of the silver Mitsubishi Magna sedan DIB-107.

- Further, available phone records show that:
 - At 6:56am, 9:00am, 9:23am, 9:31am and 1:40pm on 1 February 2005, Mr Joannou used phone 1 to attempt to contact Mr Skadric;
 - At 1:40pm on 1 February 2005, Mr Joannou contacted Mr Skadric on phone 1 and spoke for 1 minute and 9 seconds;

- At 10:31am, on 2 February 2005, Mr Joannou used phone 1 to attempt to contact Mr Skadric; AND
- Mr Skadric was with Mr Joannou on or about 3 February 2005 when he contacted Mr Birsoz and threatened him.

Therefore, I do not accept that Mr Skadric was a truthful witness about his relationship with Mr Joannou.

- Mr Skadric denied knowing Mark Tragear. Further, there is no record of Mark Tragear calling Mr Skadric in the period 1-4 February 2005. However:

- At 12:21am on 1 February 2005, Mr Skadric rang Mark Tragear's phone. The call lasted three seconds. This is consistent with leaving a message;
- At 7:08pm, 7:11pm, 7:12pm, 7:13pm, 7:18pm, on 1 February 2005, Mr Tragear attempted to contact Mr Skadric. He was unsuccessful;
- At 7:19pm on 1 February 2005, Mr Tragear contacted Mr Skadric. They spoke for 1 minute and 26 seconds;
- At 8:41pm and 8:43pm on 1 February 2005, Mr Skadric attempted to contact Mark Tragear. He was unsuccessful;
- Further, at 10:17pm, on 4 February 2005 Mr Skadric rang and spoke to Mark Tragear. 7 seconds; and
- At 10:31pm on 4 February 2005, Mr Skadric rang and spoke to Mark Tragear. 5 seconds.

Therefore, I do not accept that Mr Skadric did not know Mr Tragear.

- I also note that, in the phone records provided to me, Mr Skadric failed to answer a number of phone calls from a Telstra payphone. These calls were immediately followed by a check on his SMS caller details and Mr Skadric calling and speaking to a person not known to be involved in this investigation or unidentified.

Therefore, I have formed the view that Mr Skadric carefully screened the calls to his mobile phone before answering and, in that way, masked telephone evidence about his contact with associates.

- Accordingly, I have formed the view that Mr Skadric was an unreliable, evasive and untruthful witness in the evidence he has provided to Victoria Police and to me.

49. Mark Tragear

- Mark Tragear knew Mr Joannou from their time in prison. Mr Joannou told Ms Hearn that he helped Mr Tragear inject himself with drugs. Mr Tragear denies using drugs.
- Mr Tragear told the Court that he spoke to Mr Joannou once or twice after the implant procedure was performed on 20 January 2005.

However, Ms Hearn says they were seeing a lot of each other in the weeks after the implant.

- Further, available phone records show that:
 - At 12:23am on 1 February 2005, Mr Joannou accepted a call on phone 1 from Mark Tragear. They spoke for 10 seconds;
 - At 8:40pm on 1 February 2005, Mr Joannou accepted a call on phone 1 from Mark Tragear. They spoke for 50 seconds;
 - At 8:45pm on 1 February 2005, Mr Joannou accepted a call on phone 1 from Mark Tragear. They spoke for 12 seconds;
 - At 8:45pm on 1 February 2005, Mr Joannou accepted a call on phone 1 from Mark Tragear. They spoke for 8 seconds;
 - At 11:51am on 2 February 2005, Mr Joannou contacted Mark Tragear. They spoke for 3 seconds;
 - At 12:36pm, 12:39pm, 1:05pm, on 2 February 2005, Mr Joannou made unanswered calls to Mark Tragear;
 - At 1:06pm on 2 February 2005, Mr Joannou accepted a call on phone 1 from Mark Tragear. They spoke for 1 minute and 23 seconds;
 - At 2:03pm, 2:04pm, 2:32pm, 2:33pm on 2 February 2005, Mr Joannou made further unanswered calls to Mark Tragear;
 - At 2:47pm on 2 February 2005, Mr Joannou contacted Mr Tragear. They spoke for 1 minute and 13 seconds;

- At 3:27pm on 2 February 2005, Mr Joannou contacted Mark Tragear. They spoke for 17 seconds;
- At 3:50pm on 2 February 2005, Mr Joannou made further unanswered calls to Mark Tragear;
- At 3:51pm on 2 February 2005, Mr Joannou contacted Mark Tragear. They spoke for 21 seconds; and
- At 3:59pm on 2 February 2005, Mr Joannou contacted Mark Tragear. They spoke for 15 seconds.

Therefore, I do not accept that Mr Tragear was a truthful and open witness about his relationship with Mr Joannou or about his involvement in events on 2 February 2005.

- Mark Tragear also said that he did not know Mr Skadric, However:
 - At 7:08pm, 7:11pm, 7:12pm, 7:13pm, 7:18pm, 7:19pm on 1 February 2005, Mark Tragear attempted to contact Mr Skadric. He was unsuccessful;
 - At 8:41pm and 8:43pm on 1 February 2005, Mr Skadric attempted to contact Mark Tragear. He was unsuccessful;
 - Further, at 10:17pm, on 4 February 2005 Mr Skadric rang and spoke to Mark Tragear: 7 seconds; and
 - At 10:31pm on 4 February 2005, Mr Skadric rang and spoke to Mark Tragear: 5 seconds.

Therefore, I do not accept that Mr Tragear was a truthful witness about his relationship to Mr Skadric.

- Mr Tragear also said that he did not know Mr Bottomley, Ms Briffa, Mr Crutchley or Mr Birsoz. I have no evidence to contradict this statement.
- Mark Tragear told the court he thinks he was in Echuca when Mr Bottomley died because he goes to the Southern 80 Water Ski Race.⁴

⁴ I asked Mr Tragear to provide me with witnesses to confirm his involvement in the Southern 80 Water Ski Race from 2 to 18 February 2005. No information has been forthcoming about this issue.

On 11, 12 and 13 February 2005, the annual Southern 80 Water Ski Race was held at the Victoria Park Boat Ramp in Echuca on 11, 12 and 13 February 2005.

However, Mr Tragear said:

"I think I was in Echuca, I think. I'm not even - I'm not too sure on that either....."

"Throughout the period I was spending a bit of time in Echuca, most - nearly every weekend I'd go home."

Mr Tragear also said:

"I go away for eight weeks, so probably then...."

"Yeah, I came back for around a week throughout that period, for a couple of days here and there, just to manage the tills, the businesses then I'd go straight back home again...."

"that's not to say I would have went back and checked the tills and checked my staff and checked my salons but I'd only do a day trip if I did."

However, on 1 February 2005, Mr Tragear was making phone calls on the phone number 0400661612 registered to Jindella Pty Ltd from Melbourne sites including repeaters at Moorabbin, Newport and West Sunshine.

Further, on 2 February 2005, Mr Tragear was making phone calls on the phone number 0400661612 registered to Jindella Pty Ltd from Melbourne sites including repeaters from Ardeer North-1 at 1:06pm, Williamstown at 1:37pm and Armadale at 2:12pm.

Similarly, on 3 February 2005, Mr Tragear was making phone calls on the phone number 0400661612 registered to Jindella Pty Ltd from Melbourne sites including repeaters from West Sunshine at 11:09am and 10:42pm, Newport at 11:02pm, Port Melbourne at 11:15pm.

On 4 February 2005, Mr Tragear was also making phone calls on the phone number 0400661612 registered to Jindella Pty Ltd from Melbourne sites including repeaters from Newport at 1:39am, 4:32am, 7:19am, 11:33am and 12:12pm.

Mr Tragear made no phone calls on the phone number 0400661612 registered to Jindella Pty Ltd from outside Melbourne on 1, 2, 3 and 4 February 2005.

Therefore, Mr Tragear was in Melbourne and not in Echuca on 1, 2, 3 and 4 February 2005.

Accordingly, I have formed the view that Mr Tragear was trying to distance himself from his association with Mr Joannou when he gave evidence before me.

I am unable to form similar views for 5, 6 & 7 February 2005 because there are no phone records available to me.

- Further, Mr Tragear denied that he remembered speaking to Ms Hearn because Mr Joannou was a very jealous person and would not like the contact. He explained any phone calls from Ms Hearn to his phone:

“Yeah, well, I don't recall anything specific. They may have - yeah, they could have rung me. Wayne would often ring me on Kristy's phone.”

However, Mr Tragear contacted Ms Hearn three times on 2 February 2005:

- At 4:53pm, Mr Tragear contacted Kristy-Lee Hearn. They spoke for 18 seconds;
- At 4:57pm, Mr Tragear re-contacted Kristy-Lee Hearn. They spoke for 2 minutes and 20 seconds; and
- At 5:00pm, Mr Tragear contacted Kristy-Lee Hearn again. They spoke for 2 minutes and 56 seconds.

Therefore, I infer that Mr Tragear believed that it was very important that he speak to Mrs Hearn on 2 February 2005.

50. Ngairie Amundsen

- Ms Amundsen was Mr Joannou's step mother. She also knew Mr Bottomley through this association.
- Ms Amundsen told the Court that her memory was badly affected by Mr Joannou's death and other family issues. She told the Court:

“Caused by a number of beatings, having been raped as a child, Wayne's death,

my husband's death, a lot of trauma all happened - my husband Moss was killed at around the same period, within six months of Wayne being killed - oh, well, a few months of Wayne being killed anyway."

- Further, she told the Court that from Christmas 2004, Mr Bottomley and Mr Joannou were close friends:

"They sat at my dinner table and ate nightly. They'd be at my breakfast table every morning, bringing me orange juice. They used to go to do the shopping, bring fresh oranges so I could make orange juice, bacon and eggs, fresh bread from the bakery every morning so I could cook them bacon and eggs and give them breakfast and squeeze them fresh orange juice every morning, that's what they did."

This evidence is inconsistent with Mr Bottomley being released from prison on 21 January 2005 and staying at home most nights after that until 31 January 2005 when he went to Ms Briffa's house.

- When spoken to by police after Mr Joannou's death, Ms Amundsen alluded to Mr Joannou's violent attributes:

"I'm not saying any more. What's he done? Don't tell me he's murdered someone...."

You don't know what he's like. He's made with guns. He's shot at me with a shotgun before and I'm his step mother...."

I'm not getting involved. I've already said too much."

Further, in Court, Ms Amundsen alleged that Ms Briffa had told her that she wanted Mr Bottomley and Mr Joannou to help her to kill her boyfriend, Aiden Crutchley. Despite several opportunities to provide this information to police during their investigations of the deaths of Mr Bottomley and Mr Joannou, this was the first time police had heard the allegation. Therefore, I do not accept that it is true that Ms Briffa said this in any serious way.

As well, at 11:44am on 13 July 2005, Mr Sheather conducted a formal record of interview with Ms Amundsen. Ms Amundsen told Mr Sheather:

- On 6 February 2005, Mr Joannou came to her house and spoke to her and left his red Celica at her house;
- He said Mr Bottomley was dead before he got there and put him in the car;
- The car was full of mud and water;
- Mr Joannou said he had been submerged in the boot in a lake or river;
- Police seized the red Celica and told her they wanted to arrest Mr Joannou for murder of Mr Bottomley;
- She did not contact police because she feared Mr Joannou might commit suicide;
- Mr Joannou and Wayne Shrokowski came and picked her up and they went to her house at 8 Chaffey Square in Corio. He stayed there for 2-3 days;
- He had a silver shotgun with him;
- She told police that she had seen him and was trying to talk to him;
- She then went and got him from Corio;
- Mr Joannou was off drugs and she asked him to help Luke who was in detox; and
- She left him at Luke Joannou's house.

Even as late as 13 July 2005, Ms Amundsen was not telling police all the truth about her involvement in and her understanding of the events surrounding Mr Bottomley's death.

- For all these reasons, I do not accept that Ms Amundsen was a reliable witness before me or that she was always truthful, frank and open in the evidence she provided to me or the police who were investigating Mr Joannou's and Mr Bottomley's deaths for me.

51. Luke Joannou

- Luke Joannou is Wayne Joannou's step-brother. He gave evidence by video link.
- Luke Joannou had undergone one day Rapid Detoxification on or about 7 February 2005. However, he was still smoking heroin during the period to 18 February 2005.

- Luke Joannou denied that Mr Joannou told him that he shot Mr Bottomley. However, in his record of interview on 13 July 2005, Luke Joannou said that Mr Joannou had told him he acted in self-defence. This implies that Mr Joannou told Luke Joannou he had, at least, injured Mr Bottomley.
- Further, Luke Joannou told this Court that, when he did the record of interview on 13 July 2005:

"I was pilled off me head and I was using extra - like a lot of heroin at that time."

- On or about 16 February 2005, Luke Joannou rang Ms Hearn and said words to the effect:

"Wayne wants you to know that you have AIDS. He had AIDS. You've got AIDS."

Luke Joannou subsequently told Ms Hearn that Mr Joannou just wanted him to ring her and scare her.

- There is no record of a phone call from Luke Joannou to Kristy-Lee Hearn in the period 15-18 February 2005. Therefore, Luke Joannou must have used more than one phone.
- Therefore, I do not accept that Luke Joannou was a reliable or truthful witness before me or in the police record of interview on 13 June 2005. Further, his phone records are not necessarily or probably a complete record of his conversations.

52. Mark Joannou

- Mark Joannou is Mr Joannou's brother. He gave evidence in the Inquests relating to the deaths of Mr Joannou and Mr Bottomley.
- Mark Joannou had a close relationship with Mr Joannou. However, he told the Court that Mr Joannou protected him from knowing about his 'bad side'. In particular, he did not think Mr Joannou was on drugs at all on the day he died because of the Naltrexone implant and his demeanour towards him.
- Mark Joannou also told the Court that Mr Joannou's mood improved after the Naltrexone implant:

"...he was going out doing more things, coming around having coffee, you

know....

He was aggressive. You know, a bit more aggressive and this and that. But when he had the implant put in he was just a lot more calmer. He'd come around, you know, get along with my missus more and that and she even seen the change in him, you know."

- However, Mark Joannou explained that Mr Joannou was able to hide the effects of his drug use from him:

"...he doesn't show me that side of him. He doesn't like - like I never seen, like, the more angrier side of him, like..... He was trying to be more of a role model, you know, like when he was around me."

- Further, Mark Joannou told the Court he experienced selective memory about his involvement relating to Mr Joannou's behaviour after Mr Bottomley died. He explained:

"I've tried to remember what I can, you know like but yeah, it's hard. Reading the statement I can't remember really any of it, you know like. The reason I remember the start is cos it's before the event, you know."

- Mark Joannou did not know how Mr Bottomley died but he reported that Mr Joannou told him it was self-defence.
- Mark Joannou told the Court that he knew Mr Bottomley and Ms Hearn. However, he did not know Ms Briffa, Mr Birsoz, Mr Tragear or Mr Skadric.
- Accordingly, I do not accept that Mark Joannou was always a reliable witness.

53. Leonie Clarke

- Leonie Clarke was an associate of Mr Joannou and Mr Skadric.
- Ms Clarke provided a medical letter to the Court indicating that her health may influence the weight I give to her evidence.
- I take this into account in assessing her evidence.

54. Socrates Joannou

- Socrates Joannou was Mr Joannou's father.
- Socrates Joannou had trouble hearing in Court. He told the Court:

"I can't hear properly and I've got blood pressure. I have 21 tablets a week."

- Accordingly, he was unable to hear questions or remember dates.

55. Jovan Delosreyes

- Jovan Delosreyes made two statements to police in February 2005. In those statements, he said:
 - He had known Mr Joannou since primary school. He now lived with Dianne O'Goerk in Morwell;
 - He was the registered owner of a 1996 Toyota Camry green sedan NID-380;⁵
 - On 18 February 2005 he met a friend of his, Hung, in the service lane off Ballarat Road in Deer Park. Luke Joannou was with Hung when Mr Delosreyes arrived;
 - Luke Joannou invited Mr Delosreyes to his house and showed him where it was;
 - After Mr Delosreyes picked up Ms O'Goerk they drove to Luke Joannou's house at 837 Ballarat Road in Sunshine;
 - He parked the 1996 Toyota Camry green sedan NID-380 in the service road of Ballarat Road and walked back to Luke Joannou's house;
 - Mr Delosreyes left Ms O'Goerk in the car. He believes he was at Luke Joannou's house for 5-10 minutes;
 - When he entered Luke Joannou's house, Mr Joannou and 4-5 other people were in the kitchen. Mr Joannou asked him to come to the bedroom;
 - In the bedroom, Mr Joannou asked Mr Delosreyes to give him a lift. He did not say where they were going.
 - He then went to his car and drove it to the side gate of Luke Joannou's house.
 - He also said that he left the car to go to a tap in the garden nearby to wash his hands.

⁵ This colour of Mr Delosreyes' vehicle is sometimes referred to as dark blue and sometimes referred to as green. To avoid confusion, I have consistently called it green.

- Mr Delosreyes was a heroin dealer but he did not mention his involvement in providing drugs to Mr Joanou or to the people at the Ballarat Road premises.
- Mr Delosreyes did not give evidence at the inquest because he had left the jurisdiction.

56. Dianne O'Goerk

- In her statement, Ms O'Goerk confirmed her relationship with Mr Delosreyes. She also confirmed they had come from Morwell to Melbourne on 17 February 2005. Ms O'Goerk also said:
 - She suffered from a medical condition that affected her memory; and
 - She scored two points of heroin in Melbourne during the morning of 18 February 2005.
- Ms O'Goerk told the Court that she had not used heroin close to the time she left Ballarat Road Sunshine with Mr Joannou. Further, she had not had a chance to smoke the heroin she was preparing before their car was hit from behind in Bank Street, South Melbourne.
- Therefore, I have no reason to believe that she was giving untruthful or unreliable evidence when she prepare her statements and gave evidence before me.

57. Valentin Obretcovici

- Valentin Obretcovici used to live behind Wayne Joannou's house when they were children.

At that time, he formed the opinion that Mr Joannou was a trouble-maker and in trouble with the police.

- Mr Obretcovici was also a good friend of Mr Skadric. Mr Skadric grew up with Mr Obretcovici's wife and they used drugs together.

However, Mr Obretcovici told the Court he has broken off his friendship with Mr Skadric:

"Because every time he comes there's always police around. I didn't need that. My son wants to be a federal police officer and I don't want him to see that stuff around."

He did not know Brian Bottomley, Mark Tragear, Rebecca Briffa, Bayram Birsoz, Ms Marshall or Ms Clarke.

- Despite his associates, I found Mr Obretcovici to be an honest witness who had learned not to ask his associates questions he did not really want to know the answers to.
- However, Mr Obretcovici told the Court he was involved in an accident in 2000. He was in hospital for six months and remained on strong medication. Therefore his memory had declined by the time of the Inquest. Mr Obretcovici assured me I can rely on his statement for issues he had forgotten.

Mr Joannou's Medical History

58. Mr Joannou's medical history included abuse of benzodiazepine, heroin, cannabis and amphetamines, depression, paranoia, insomnia, anxiety and childhood family sexual abuse.
59. Mr Joannou also told police he was HIV positive but he subsequently denied this and said he only told police this when he was spitting blood at them. He subsequently declined an HIV test.
60. Luke Joannou told the Court that Mr Joannou threatened to commit suicide using a gun in about 2001 when he started to use heroin again. Mark Joannou remembered an attempted suicide by overdose.
61. Mr Joannou had been registered for prescription of Opioid Replacement Therapy since 1995.
62. Further, in 1997, Mr Joannou underwent rapid detoxification in Sydney.
63. On 27 and 28 May 2004, Mr Joannou was found to have used opiates in Port Phillip Prison despite the Naltrexone implant. Further, there was evidence that Mr Joannou may have diluted his urine in an attempt to avoid detection.
64. On 25 and 26 June 2004, Dr Michael Kozminsky placed Mr Joannou on daily injected Naltrexone *in lieu* of an implant. However, he did not return. On 28 June 2004, Mr Joannou's father rang looking for him.

65. On 7 July 2004, Mr Joannou consulted Dr Allan Bond. Dr Bond was sufficiently concerned about Mr Joannou's motives to require him to sign a Voluntary Agreement for him to obtain his PBS information about doctor shopping. However, there is no evidence that Dr Bond used this service to check on Mr Joannou.
66. On 7 July 2004, Dr Bond also obtained a permit to prescribe methadone or buprenorphine and issued a prescription for buprenorphine.
67. Buprenorphine works as a partial substitute for other opioids. It produces analgesic and euphoric effects but it has less effect and assists withdrawal by reducing craving and preventing withdrawal symptoms in users of heroin or methadone.
68. On 2 August 2004, Dr Bond cancelled the permit because Mr Joannou had not picked up his buprenorphine.
69. On 12 August 2004, Mr Joannou consulted Dr Afshan Mian. Dr Mian obtained a new permit to prescribe buprenorphine. On 27 August, this permit was cancelled.
70. On 20 August 2004, Mr Joannou presented at Western Hospital Footscray with diarrhoea, vomiting, general abdominal pain. He was diagnosed with gastroenteritis. Blood samples were taken and he was discharged to his general practitioner. He nominated Dr TDT Ngo although he had not seen him for five years.
71. On 25 August 2004, Mr Joannou consulted Dr Ngo. He reported a continuing nausea and diarrhoea. Dr Ngo prescribed Lomotil and Maxalon. Blood tests taken at Western Hospital Footscray indicated elevated alanine aminotransferase (ALT).
72. On 27 August 2004, Mr Joannou consulted Dr John Sherman. His urine was positive to methamphetamine, amphetamine, and ephedrine or pseudoephedrine, opiates and benzodiazepines. Dr Sherman obtained a further permit to prescribe methadone or buprenorphine. On 11 October 2004, this permit was cancelled.
73. On 11 October 2004, Mr Joannou consulted Dr Richard Teague. Dr Teague recorded that Mr Joannou had previously consulted a psychiatrist about paranoia and anxiety. In his notes, Dr Teague contemplated whether this was drug-associated paranoia. On 4 November 2004, this permit was revoked due to permanent transfer.

74. On 4 November 2004, Mr Joannou consulted Dr Peter O'Brien. On 20 December 2004, this permit was revoked due to permanent transfer.
75. On 20 December 2004, Mr Joannou consulted Dr Mian again. Dr Mian obtained a permit to prescribe buprenorphine. On 23 February 2005, Dr Mian cancelled this permit. She recorded in her notes that he never started the program.
76. Mr Joannou also underwent three rapid detoxification and Naltrexone implant programmes at the First Step programme in St Kilda. Dr Gunzberg and Dr Rose ran this programme. Dr John O'Donaghue performed the last implant.
77. On 8 November 2002, Mr Joannou commenced a Rapid Home Detoxification at First Steps. This included insertion of a Naltrexone implant. Ngaire Asmundsen was his designated carer required to oversee administration of Naltrexone tablets every day for six months after the implantation procedure.
78. On 7 February 2003, the Brosnan Centre wrote to Dr Rose seeking confirmation that he had prescribed 100 tablets of alprazolam (Xanax) with one repeat and not required pick up. Dr Rose confirmed this prescription of alprazolam.
79. In February 2003, Mr Joannou underwent his second Naltrexone implant. However, Mr Joannou continued to use intravenous amphetamines. Further, after three weeks he relapsed into heroin use.
80. By July 2003, prison medical officers confirmed Mr Joannou's depression without suicidal thought or ideation associated with situational crisis caused by his partner's decision to terminate her pregnancy.
81. On 20 January 2005, Mr Joannou underwent a second rapid detoxification from opiates at the First Step Program Ltd in St Kilda and had another Naltrexone implant surgically inserted. This was the first and last time he consulted Dr John Gunzberg.
82. Dr Gunzberg's records of his pre-operation and consent interview on 20 January 2005 indicate that he was a daily intravenous (IV) heroin user and had used on the date of admission, He also used Ice or Ecstasy every two weeks. He used IV speed every two months.

83. Further, Dr Gunzberg recorded that Mr Joannou's psychiatric history included depression and excessive anxiety.
84. Mr Joannou indicated he was last on a methadone or buprenorphine program in 2003. He was advised that use of more than 10mg buprenorphine, 30mg methadone or 0.5gm heroin would lead to unpleasant symptoms during detoxification.
85. In evidence, Dr Gunsberg told the Court that the First Steps Program had been operating since 2001 but he had been working in addiction medicine since 2002-3 and had undertaken training but had no formal qualifications in the area.
86. Dr Gunsberg also told the Court that he undertakes their Naltrexone Implant patients' initial assessment and then refers them to Dr O'Donaghue, Naltrexone Implant patients were supported by mental health workers, psychologists and a lawyer.
87. Dr Gunsberg also said that:
- "The concern is that if a person is acutely psychotic or has acute mental problems that they will start using again as soon as the implant is - that they'll be erratic in their judgments and will not follow the program after the implant has been inserted."*
88. Ms Hearn completed a Primary Carer Consent Form which included a requirement that she was present during the procedure.
89. Mr Joannou also signed consent forms which included:
- "I understand that if I use heroin after detoxing (with or without Naltrexone) I could easily die of an overdose."*
90. At 2:53pm, 2:55pm, 3:35pm, 4:00pm and 4:30pm on 20 January 2005, Dr O'Donaghue administered five doses of Narcan to rapidly detoxify Mr Joannou from opiates.
91. Mr Joannou was discharged after the Naltrexone implant procedure was completed.
92. On 20 January 2005, Dr O'Donaghue prescribed eight haloperidol tablets to be taken ½ in the morning and 1 at night as required. These were dispensed at Terry White Chemists on the same day. Dr Gunsberg told the Court that the haloperidol was used as an anti-anxiolytic medication.

93. Dr O'Donaghue also prescribed one prochlorpromazine (Stemetil) suppository with two repeats. This was dispensed at Taylors Lakes Pharmacy on the same day.
94. Dr O'Donaghue also prescribed clonidine which is an antihypertensive to be taken as required. There is no record this medication was dispensed. Ms Hearn said he would not use it because he thought it would influence his ability to function.
95. Mark Tragear paid for this procedure. Mr Tragear told the court that he was called back to the clinic during the procedure because Mr Joannou had become violent and was trying to reverse his decision. This reaction is not recorded in the First Steps notes.
96. Dr Gunsberg told the Court that this reaction was not unusual at that time but it is less likely with current procedures.
97. Mr Joannou had a follow up appointment for 27 January 2005. However, there is no evidence that Mr Joannou attended First Steps after 20 January 2005 or used the support services offered by First Steps after his Naltrexone Implant in 2005. Although they had his phone number and Ms Hearn's phone number, Dr Gunsberg told the court that First Steps were not able to contact him and he did not return to see them.
98. Ms Hearn took some time off work to care for Mr Joannou after the Naltrexone implant. She told the Court that Mr Bottomley took over that role when she went back to work.
99. In evidence in the Bottomley inquest, Ms Hearn said that Mr Joannou also started to use cocaine after the Naltrexone implant.
100. Ms Hearn says he was getting the cocaine from Mr Tragear. Mr Tragear denies this.
101. At 10.10pm on 23 January 2005, Ms Hearn took Mr Joannou to the Emergency Department at Sunshine Hospital with diarrhoea, nausea and vomiting attributed to the detoxification programme. He was triaged Category 3 and asked for intravenous access to opiates. However, this was refused and he was offered Maxalon Brifen Panadol and Clonidine. Mr Joannou refused and stormed out.
102. Mr Tragear observed that Mr Joannou had transferred to another drug that kept him awake after the Naltrexone implant. Mr Tragear told the Court:

"I was disappointed. One, it was very hard to talk to him at all. When someone hasn't slept for a long time you can tell straight away."

7th February 2005

103. On 7 February 2005, Ms Hearn left home to attend a work meeting. As she left she noticed Mr Joannou watching her:

"I remember him as I was pulling out of the driveway - it was really weird - he was staring out of the - there's like a hallway - not a hallway, but in the unit my bedroom is upstairs and then there's a window between the bathroom and my bedroom and he was just staring out the window at me like watching me going and that really - it was like - it was weird. I felt like that that - that was weird, yeah. And I keep remembering that bit. I don't know if that meant anything."

104. At or about 10:30am on 7 February 2005, Ms Hearn picked up Mr Joannou and drove him to Melbourne Magistrates Court to meet his bail coordinator.

105. On the way home, Mr Joannou asked to stop at Unit 4, 149 St Albans Road in St Albans.

106. Mr Joannou was taking too long so she drove off. At 1:16pm on 7 February 2005, Ms Hearn sent a message to Mr Joannou:

"Fuck u"

107. Ms Hearn went back to pick up Mr Joannou. She told the Court that she and Mr Joannou had an argument and split up after that:

"He was just angry. I locked the door because I was scared and he was banging on the door and he got really angry. So then when he got back in the car he picked up a can and smashed my hand with it."

108. As she was driving Mr Joannou to Sunshine in her black Holden Cruze four wheel drive SMS-480, Mr Joannou told her he wanted to commit suicide. Ms Hearn also said:

"...he didn't want to stay home so I was driving him to his step-mum's house, which is in the statement. On the way he said that he was going to kill me and then cut me up into pieces and no one would find me."

109. At about 3:00pm, Ms Hearn dropped Mr Joannou off at his step-brother Luke's house. She then went to Keilor Downs Police Station to make a statement about Mr Joannou's involvement in a pursuit on 2 February 2005.
110. At about 11:30am on 7 February 2005, Ms Stevens went to Unit 4, 149 St Albans Road in St Albans because she was unable to contact Mr Bottomley.
111. Ms Stevens spoke to Ms Briffa out the front of the house. She heard someone else inside because she heard them cough.
112. Ms Briffa told Ms Stevens that Mr Bottomley "*Took off*" on Tuesday (1 February 2005) and that he was drug-affected when he left. Mr Briffa said she had not seen him since.
113. Ms Stevens said she was going to report him as a Missing Person and she went to the Keilor Downs Police Station. At the police station, Ms Stevens was asked for a photograph of Mr Bottomley. She seems to have returned with the photograph and made a formal report at 3:10pm.
114. Then Ms Briffa rang Mr Joannou from a public phone box and told him that Ms Stevens was looking for Mr Bottomley. She stated that Mr Joannou got angry and started screaming at her on the phone.
115. At 6:20pm, Mr Briffa took Ms Briffa to the Keilor Downs Police Station to report Mr Bottomley's death.
116. Ms Briffa reported that:
- Mr Joannou entered her home at Unit 4, 1149 St Albans Road in St Albans on 1 February 2005 and shot Mr Bottomley in the neck with a pistol.
 - Mr Bottomley's body was dragged into the bathroom and then out the back door and placed in a red Celica.
 - Mr Joannou forced her and Bayram Birsoz to go to Bunnings Hardware store to purchase tools. The body of Mr Bottomley was then dismembered.
117. In her subsequent statement, Ms Briffa said:
- At about midday on 2 February 2005 she was at her home address with Brian Bottomley and Mr Birsoz when Mr Joannou entered the premises;

- Mr Joannou told her and Mr Birsoz that Mr Bottomley had told police that the car was unregistered and shot Mr Bottomley dead with a hand gun;
- Mr Joannou stopped Ms Briffa and Mr Birsoz calling an ambulance;
- Mr Joannou drove Ms Briffa and Mr Birsoz to Bunnings to buy an angle grinder and a plastic tub;
- They then went to Alfreida Street shopping strip to buy garbage bags and carry bags;
- Ms Briffa returned to Bunnings alone and bought a circular saw;
- Mr Joannou then dismembered Bottomley's body in the bathroom of the premises with a power saw and took the body away in bags;
- During the immediate time after the murder, Mr Joannou threatened both Mr Birsoz and Ms Briffa and forced them to assist with dismembering the body and removal from the premises into Mr Joannou's vehicle;
- Whilst Bottomley was being dismembered Mr Birsoz and Ms Briffa were locked in the premises by Joannou; and
- After the murder Ms Briffa contacted Mr Joannou and asked him where Mr Bottomley's silver Mitsubishi Magna sedan DIB-107 was. He said he had taken care of it.

118. At 7:08pm, the Homicide Squad was notified. Homicide Squad Team 2 was on duty. Detective Acting Senior Sergeant Michael Daly was in charge of Homicide Squad Team 2. At 7:55pm, Mr Daly notified and briefed the rostered on-call officer for the Homicide Squad, Detective Inspector Stephen Francis about Ms Briffa's allegations.

119. Mr Francis was responsible for two Homicide Squad teams investigating active cases as well as the Missing Persons Unit and the Cold Case Unit. In this capacity, he accepted responsibility for the investigation of Mr Bottomley's disappearance and alleged murder and allocated it to Homicide Squad Team 2 which was under his command.

120. At about 9:02pm, Homicide Squad Team 2 members arrived at Keilor Downs Police Station and commenced their investigation of the death of Brian Bottomley. Detective Sergeant Russell Sheather was the Homicide Squad Team 2 member leading the investigation of Mr Bottomley's death.

121. Mr Sheather directed the police serving at the counter at Keilor Downs Police Station to notify him if Mr Joannou came in to sign in on bail.
122. At about 8:30pm, Ms Hearn picked Mr Joannou up from Ms Amundsen's house in her black Holden Cruze four wheel drive SMS-480. They drove to Keilor Downs Police Station so Mr Joannou could report on bail.
123. At about 8.55pm on 7 February 2005, Ms Hearn parked the car in the car park attached to Keilor Downs Police Station.
124. Mr Joannou then mixed up some white powder and injected himself with the drugs. He then had both hands under this passenger seat and told Ms Hearn to find a lighter.
125. At 9:04pm, Mr Joannou and Ms Hearn went into the Keilor Downs Police Station together. The watchhouse keeper attending to the bail recognised Mr Joannou and asked him to wait. Mr Joannou absconded when police tried to notify detectives of his presence. Mr Joannou ran out the front door of the police station.
126. Ms Hearn started to leave but Mr Sheather and other police saw her standing beside her black Holden Cruze four wheel drive SMS-480 parked in the car park closest to the police station front door. She told them Mr Joannou's mobile phone was in the car. They also found a pistol hidden in the tray under the passenger seat.
127. Police found a mobile phone belonging to Mr Joannou and a semi-automatic pistol in Ms Hearn's black Holden Cruze four wheel drive SMS-480.
128. Mark Joannou says he received a phone call from Mr Joannou saying something about police and "I'll see you there". He did not understand the phone call but he thought Mr Joannou was locked up again and rang Keilor Downs Police.
129. Mark Joannou told police he had a phone call from Mr Joannou and was worried. The police were unable to tell him why they were so interested in his phone call.
130. Mr Joannou then attempted to "car jack" a vehicle in which Kellie Breannen and Stanley Karayannis were sitting in a nearby street.
131. Then, at 9:30pm, he committed an aggravated burglary, stealing a vehicle at knifepoint.

132. By 10:00pm, Mr Joannou had abandoned the stolen motor vehicle in Manfred Avenue, St Albans.

133. At about 10.10pm, Mr Joannou arrived unannounced at the home of Gordon Skadric at 11 Mansfield Avenue in St Albans. In a later interview with Mr Sheather, Mr Skadric told him that Mr Joannou had gone straight to his place:

"He got away. He came straight to my joint, the dumb shit. What for? You know."

134. At 10:20pm, Mr Skadric rang another friend, Valentin Obretcovici, and asked him to come back to Mr Skadric's house and do him a favour by giving him a lift.

135. Mr Obretcovici explained that he was not surprised to be asked because he knew that Mr Skadric's car had broken down and he was giving him a lift when he need it. Mr Skadric had helped Mr Obretcovici too when he was on crutches after an accident.

136. When Mr Obretcovici returned to 11 Mansfield Avenue in St Albans, Mr Skadric and Mr Joannou were in the back yard. Mr Joannou told Mr Obretcovici that he had skipped bail and he needed transport. Mr Obretcovici was surprised when Mr Skadric asked him to do a favour for Mr Joannou that required him to drive out of his way at night.

137. Mr Obretcovici told the Court that this sort of behaviour was unusual for Mr Skadric. He told the Court:

"I never want to see him again. He was really disappointing me in putting me in trouble like that."

138. At about 10:50pm, Mr Obretcovici, Mr Joannou and Mr Skadric left Mr Skadric's house in Mr Obretcovici's blue BMW sedan OTA-646. Mr Joannou was in the back seat with a red cylinder made from wet suit type material.

139. Mr Joannou was using this red cylinder to camouflage a chrome plated sawn off shotgun similar to the one that previously:

- Mr Bottomley offered to Mark Joannou for sale;
- Mr Bottomley was trying to fix on 31 January 2005; and
- Ms Amundsen identified in Mr Joannou's possession on 6 February 2005.

140. Mr Joannou had no time to get the chrome plated sawn off shotgun after he left the Keilor Downs Police Station before he reached Mr Skadric's house.
141. Therefore, it seems likely that Mr Skadric had the chrome plated sawn off shotgun in his possession on 7 February 2005 and gave it to Mr Joannou.
142. I am unable to say whether Mr Bottomley still owned the chrome plated sawn off shotgun when he died. I am also unable to say how it came to be in the possession of Mr Skadric.
143. First, Mr Obretcovici drove Mr Joannou and Mr Skadric to a home in Keilor. Mr Obretcovici saw Mr Joannou take the red cylinder with him when he went to the door of the house. He also saw an older man give Mr Joannou some money.
144. Then, Mr Obretcovici drove Mr Joannou and Mr Skadric to Chelsea but Mr Joannou could not find the house he was looking for.⁶
145. Mr Skadric then rang Leonie Clarke and arranged a place for Mr Joannou to stay until the next day.
146. Leonie Clarke and Donald Hutchinson lived at Unit 2, 117 Devonshire Road in Sunshine.
147. Kerry Marshall was also staying with Ms Clarke. Ms Marshall was a close friend of Ms Clarke and, separately, Mr Skadric. She also told police she had met Mr Joannou about three weeks earlier at Ginifer Station. However, she had not seen him since.
148. At 11:20pm, Ms Clarke called '000' to complain about a man banging on the window. The Sunshine Divisional van was despatched to Unit 2, 117 Devonshire Road in Sunshine. A man there told the police that Ms Clarke and the man had since left the premises.
149. Further, at 9:55pm on 7 February 2005, Mr Eland and Mr Hayes went to Ms Amundsen's home at Unit 3/70 Carroll Street in Deer Park.
150. Mr Eland and Mr Hayes found Mr Joannou's red Toyota Celica CRO-832 in the driveway at Unit 3/70 Carroll Street in Deer Park. They noted that dirt and wetness on the floor of the front driver's foot well and back hatch part of the car was dirty and wet. There was also a backpack on the rear seat.

⁶ I note that Mr Tragear lived in Chelsea.

151. There was also a backpack, a mag wheel and a tyre in the boot of the car. Mr Eland formed the opinion that the wheel in Mr Joannou's car was identical to the one they had seen in the garage at Unit 4/149 St Albans Road, St Albans on 3 February 2005.⁷
152. Ms Asmundsen said that Mr Joannou had left the red Toyota Celica CRO-832 at her place a couple of days earlier. She also said that she had tried to start it but it would not start.
153. Further, Ms Asmundsen told Mr Eland and Mr Hayes:
- "I'm not saying any more. What's he done? Don't tell me he's murdered someone....*
- You don't know what he's like. He's made with guns. He's shot at me with a shotgun before and I'm his step mother....*
- I'm not getting involved. I've already said too much."*
154. At 11:00pm, police intercepted an SMS message to Mr Joannou's phone sent from Ms Amundsen's phone:
- "Police".*
155. Ms Amundsen denied having sent that message.
156. On 7 February 2005, police also searched Ms Briffa's house at Unit 4, 149 St Albans Road in St Albans. They found Mr Bottomley's back pack. Further, blood stains at the house were matched with Mr Bottomley using DNA matching procedures.
157. Parallel to these events, on 7 February 2005, Mr Birsoz's sister contacted their cousin, Hasan Kadiroglu, in Sydney. Mr Kadiroglu is married to Alexandra Kadiroglu.
158. In a conversation with Mrs Kadiroglu, Mr Birsoz's sister arranged for Mr Birsoz to visit Mr and Mrs Kadiroglu on his way home to Cyprus.
159. Mr Birsoz caught the overnight bus from Melbourne to New South Wales.

⁷ I have no more information about the back pack found in the red Toyota Celica CRO-832.

8th February 2005

160. At about 2:00am on 8 February 2005, Mr Obretcovici, Mr Joannou and Mr Skadric went inside Ms Clarke's house at Unit 2/117 Devonshire Road in Sunshine. Mr Joannou carried the red cylinder.
161. Mr Joannou gave Mr Skadric about \$150. Mr Obretcovici then took Mr Skadric to a different house in Keilor where he bought some amphetamines and they drove back to the Devonshire Road property.
162. They divided the drugs between all five of them and stayed about half an hour to use the amphetamines. Mr Obretcovici told the Court that Mr Joannou and Mr Skadric were whispering to each other.
163. Then, Mr Obretcovici dropped Mr Skadric back home having made arrangements to return in the morning as long as Mr Joannou intended to score drugs.
164. Mr Joannou stayed overnight at Ms Clarke's house at Unit 2/117 Devonshire Road in Sunshine.
165. Ms Clarke has told police that Mr Joannou admitted killing Mr Bottomley, cutting up a body and weighing it down in a river with wire. He also had a chrome plated sawn off pump action shotgun wrapped in a red cylinder. Ms Clarke has no memory of these admissions or of telling them to police.
166. Ms Clarke also told police that Mr Joannou had asked for paper and had written letters to his family on this paper. She later gave the pad to police.
167. Ms Clarke was greatly troubled by Mr Joannou's behaviour in her presence. She also told police that Mr Joannou was mumbling all the time and talking quietly. He would not go out the front of her house and was paranoid. He was also whispering to Mr Skadric. He told Ms Clarke:

"They are going to have to shoot me."

168. Ms Clarke also told the Court:

"he had the gun pointed sort of at the blinds and looking at the window all the time and he's thinking that everyone's a police officer and he said they're not going to take me"

alive and I said, "Wayne, what have you done?" And he said, "Don't worry about it, nothing."

169. Ms Clarke contacted police and told them of her observations.
170. At 7:00am, Mr Daly briefed Mr Francis about the events of the previous night. At 8:55am, Mr Francis approved Mr Daly's application for surveillance to try to locate Mr Joannou.
171. Mr Daly also applied for assistance from the Special Operations Group to arrest Mr Joannou.
172. At 10:30am, Mr Francis briefed Superintendent Whitmore and supported the application. At 11:00am, Superintendent Whitmore approved the application for Special Operations Group involvement.
173. At 11.10am, Mr Sheather was notified that he had approval for deployment of the Special Operations Group to arrest Mr Joannou. This joint Homicide and Special Operations Group operation was now called Operation Motto.
174. The Court heard that, although there is on-going consultation between the Homicide Squad and the Special Operations Group and that a Homicide Squad member equivalent in rank to the Special Operations Group commander participates in the arrest phase, the Special Operations Group takes full responsibility for the arrest tactics once approval has been given for their deployment.
175. Accordingly, at 1:40pm, by Mr Daly and other Homicide detectives briefed Team Leaders in the Special Operations Group, Operators 41, 40 and 34, and stated that they required assistance in the arrest phase of Operation Motto.
176. Operator 41 told the Court that a Team Leader in the Special Operations Group is allocated for a particular operation, in this case Operation Motto.
177. The Team Leader's role is planning, coordination, supervision and a leadership. Their tasks include:
 - Prepare the operation order;

- Look at the possible tactical options that may be appropriate and convey them to the Tactical Commander to determine what tactical operation will be utilised in the circumstance;
 - Brief all members involved; and
 - Provide leadership during deployments.
178. Any form of communication from the team up to the tactical command element is done through the Team Leader and vice-versa, down from the tactical command element to the team is done by the Team Leader.
179. In the morning of 8 February 2005, Mr Birsoz rang Mrs Kadiroglu to say he was at Blacktown station in Sydney. During the car trip to Mrs Kadiroglu's house, Mr Birsoz collapsed and told Mrs Kadiroglu some of the story about Mr Bottomley's murder and the subsequent disposal of Mr Bottomley's body.
180. Mrs Kadiroglu's report of Mr Birsoz's description of events is mostly consistent with that Mr Birsoz subsequently told police and this Court except that:
- Mr Birsoz only reported one trip to Bunnings to get the power saw;
 - Mr Birsoz reported he had run away from Ms Briffa's house and stayed in a hotel for two days. My understanding was that he was with his friend 'Belinda' and then went to a motel before he went to his sister's house;
 - Mr Birsoz said that Mr Joannou took their phones from Ms Briffa and himself before he left Ms Briffa's flat on 2 February 2005 to dispose of Mr Bottomley's body. However, the evidence is that Mr Birsoz continued to use his phone on 2 February 2005 until he gave it to Ms Briffa. She used Mr Birsoz's phone until she gave it to Mr Skadric to return to Mr Birsoz. On 3 February 2005, Mr Skadric gave Mr Birsoz's phone to Mr Joannou.
181. Mrs Kadiroglu said that Mr Birsoz's mother sent money from Cyprus and Mr Birsoz bought a ticket to Cyprus for 11 February 2005.
182. In Melbourne, at about 12:00pm on 8 February 2005, Mr Obretcovici picked up Mr Skadric. They returned to Ms Clarke's house at Unit 2/117 Devonshire Road in Sunshine and all used amphetamines.

183. At about 1:00pm, Mr Obretcovici drove Mr Joannou and Mr Skadric to Mr Joannou's aunt's house in Kew. Mr Joannou entered the house for about 20 minutes. He took the red cylinder with him.
184. When Mr Joannou returned, they all drove back to Ms Clarke's house at Unit 2/117 Devonshire Road in Sunshine. During the trip, Mr Joannou talked about going to a friend's factory in Laverton to get money and a car.
185. Mr Obretcovici dropped Mr Joannou at Unit 2/117 Devonshire Road in Sunshine and took Mr Skadric home. He later returned to Mr Skadric's house.
186. At Mr Skadric's house, Mr Obretcovici heard Mr Skadric and another man talking privately about 'Brian' and 'murder'. He later linked this conversation to the story about Mr Bottomley's death that he heard on the news that night.
187. At about 5:00pm, Mr Joannou went out to buy fish and chips for himself, Ms Clarke, Mr Huchison and Ms Marshall.
188. At about 8:00-9:00pm, Mr Joannou left Ms Clarke's house at Unit 2/117 Devonshire Road in Sunshine with Ms Marshall in a taxi. The taxi dropped them near Ginifer Station and Mr Joannou made a phone call to Ms Hearn. Mr Joannou told Ms Marshall that Ms Hearn had hung up on him. He also tried to ring his brother.
189. Police have confirmed that a Black Cabs taxi picked up a man and a woman from 117 Devonshire Road and took them to Ginifer Station on 8 February 2005. The man was carrying a long cylindrical container.
190. Then Mr Joannou and Ms Marshall went to Ms Marshall's house at Unit 4, 9 Walker Court in St Albans and stayed there until about 9.00pm on 9 February 2005.
191. On 8 February 2005, a search warrant was also executed on the house Mr Joannou shared with Ms Hearn at Unit 19/555 Keilor-Melton Highway in Sydenham. Police seized clothing and a paper towel.
192. Further, police surveillance of Ms Marshall's house at Unit 4, 9 Walker Court in St Albans observed Ms Marshall leave with an unidentified man.

9th February 2005

193. On 9 February 2005, after Mrs Kadiroglu saw an article about Mr Bottomley's death in the Sydney press, Mr Birsoz asked her to make arrangements for him to speak to the police. He also went to the British Embassy and then rang the Homicide Squad in Victoria.
194. Further, at 12:36am on 9 February 2005, Valentin Obretcovici contacted Crime Stoppers and Keilor Downs Police Station.
195. Mr Obretcovici told police that:
- He had known Mr Joannou for 10 years through the drug scene;
 - Mr Birsoz and Ms Briffa were present at Mr Bottomley's murder;
 - Mr Joannou had a weapon and was looking for cash;
 - Mr Joannou was at Unit 2, 117 Devonshire Road in Sunshine; and
 - Mr Joannou was "not going quietly".
196. At 8:00am, Homicide Squad investigators briefed the Team Leader, Operator 41, with this information. Surveillance commenced of Ms Clarke's house at Unit 2, 117 Devonshire Road in Sunshine.
197. At 9:25am, Operator 41 conducted a briefing of all Special Operations Group members involved in Operation Motto using SMEAC format (situation, mission, execution, administration/logistics, equipment). Operator 41 also designated each Special Operations Group member with specific taskings for the planned arrest of Mr Joannou. Each vehicle is also placed in a strategic position to protect Special Operations Group members.
198. Operator 64 told the Court that:
- "... members are tasked individually as to what vehicle they're going to be in, whether they're part of an arrest team or a cut off or observations, that's all done in the briefings."*
199. At 9:53am, the Special Operations Group went to holding area at Sunshine Police Station in preparation for Mr Joanna's arrest at Unit 2, 117 Devonshire Road in Sunshine.
200. At 10:00am, Mr Francis and Mr Daly briefed Special Operations Group members about the operation to arrest Wayne Joannou.

201. At 3:52pm on 9 February 2005, police intercepted Ms Clarke. She told police that:
- Mr Joannou admitted killing Mr Bottomley and disposing of body parts in a river;
 - He was extremely paranoid and was carrying a sawn off pump action shotgun down the back of his pants;
 - He was looking out the front window all the time watching the street;
 - When talking about police he said "*they are going to have to shoot me*".
202. At 4:02pm, Homicide Squad investigators informed Operator 41 that Mr Joannou had stayed at 2/117 Devonshire Road in Sunshine overnight and may return there. He informed the waiting Special Operations Group members about this information.
203. At 4.43pm, the State Surveillance Unit told Operator 41 that told Mr Joannou was no longer at the address. He was carrying a pump action shotgun down his back, he was very paranoid about the fact that police were looking for him. Operator 41 informed the waiting Special Operations Group members about this information.
204. On 9 February 2005, Mr Joannou tried unsuccessfully to ring his brother and to ring Mr Skadric. Neither answered their phones.
205. After dinner, Mr Joannou went with Ms Marshall to the shops at St Albans.
206. Police surveillance of Ms Marshall's house at Unit 4, 9 Walker Court in St Albans noted that Ms Marshall and an unidentified man were seen walking away from this house during the evening.
207. Mr Joannou was very agitated and asked Ms Marshal to walk with him and keep up. They walked up and back down side streets rather than directly home. When a car came passed, he jumped into the bushes and hid.
208. After about 20 minutes, Ms Marshall went home to Unit 4, 9 Walker Court in St Albans without Mr Joannou.
209. At 7:05pm, Mr Daly and other Homicide Squad detectives briefed Mr Francis, Operator 34 and Operator 41 with the information provided by Ms Clarke. Operator 41 informed the waiting Special Operations Group members about this information.
210. At 10:50pm, the Special Operations Group returned to St Kilda Road.

211. At between 8pm and 9pm, Mr Joannou entered the house of an associate, Martin Srokowski, at 6 Foxton Street in St Albans with a chrome plated shotgun. He demanded Mr Srokowski's car keys and made Mr Srokowski get into the car with him.
212. Mr Srokowski says that Mr Joannou drove them around the neighbourhood for several hours with the shotgun on his lap. He was undertaking anti-surveillance behaviour such as pulling over to the side of the road and turning off the lights and watching all the time for police.
213. Mr Joannou told Mr Srokowski:
- "I know they are watching me" and*
- "I have solids and I'm not going quietly."*
214. Then they went to Unit 3/ 70 Carroll Street in Deer Park and picked up Ms Amundsen. Ms Amundsen directed them to an unidentified location and there she and Mr Joannou got out of the vehicle. Mr Srokowski then drove home.

10th February 2005

215. On 10 February 2005, Mr Francis was sufficiently concerned about Operation Motto to spend most of the day at Sunshine Police Station.
216. At 8:50am on 10 February 2005, Operator 41 briefed Special Operations Group members again. Several of the Special Operations Group members had not been on duty over the previous few days so Operator 41 provided a full SMEAC briefing and designated their tasks and equipment for the planned arrest of Mr Joannou. At 9.49am, they arrived at Sunshine Police Station.
217. During the morning, Operator 41 engaged his team in a rehearsal of two possible arrest options for Mr Joannou. Neither of these was a vehicle intercept.
218. At 1:33pm, the Special Operations Group members left Sunshine to return to St Kilda Road. Mr Joannou's whereabouts were unknown.
219. After speaking to the Homicide Squad Inspector Elliott at 10:40pm, Mr Francis directed the State Surveillance Unit to establish surveillance of Mr Skadric's house at 11 Manfred Avenue in St Albans.

220. However, it seems that Ms Amundsen had taken Mr Joannou to her house in Geelong for two or three days.

11th February 2005

221. On 11 February 2005, Operator 41 provided a full SMEAC briefing to the Special Operations Group members on duty and designated their tasks and equipment for the planned arrest of Mr Joannou. They then re-deployed to Sunshine Police Station. At 4:00pm, they returned to the Special Operations Group offices. Mr Joannou's whereabouts remained unknown.

222. At about 11:00pm on 11 February, Mr Joannou rang his brother, Mark Joannou, and arranged to meet him in St Albans near the railway station. Mr Joannou was not carrying anything and told Mark Joannou not to believe everything but he needed help.

223. At about 11:05pm, Mark Joannou dropped Mr Joannou off near where he had picked him up. They arranged to talk next day and Mark Joannou promised to help him.

12th February 2005

224. At about 1:40pm on 12 February 2005, Mr Joannou's father, Socrates Joannou, rang police. He told them that:

- Mr Joannou was with Ms Amundsen and Martin Srokowski two or three days earlier;
- Ms Amundsen had set up a unit for Mr Joannou in Melton;
- Mr Srokowski drove Ms Amundsen and Mr Joannou to the unit in Melton; and
- Ms Amundsen had contacted him to say Mr Joannou was safe.

13th February 2005

225. At 1:15pm on 13 February 2005, Mark Joannou contacted police. He told them that:

- Ms Amundsen had asked him for track pants that could fit Mr Joannou;
- Ms Amundsen had contacted Socrates Joannou and told him she had a surprise for him;
- Ms Amundsen told Mark Joannou that Mr Joannou was safe.

226. However, Mark Joannou could not remember these details in Court.

15th February 2007

227. At 12:43am on 15 February 2005, Anastasia Joannou⁸ rang Kristy-Lee Hearn and they spoke for 3 minutes 31 seconds.

228. Further, at about 8:30pm, Mr Joannou was identified at the milk bar in Copernicus Way in Keilor Downs.

16th February 2007

229. At 6:00am on 16 February 2005, police went to Mr Srokowski's house at 6 Foxton Street in St Albans. They subsequently obtained a statement from Mr Srokowski.

230. Mr Srokowski repeated what had happened. He was unable to direct police to the place he had left Mr Joannou and Ms Amundsen on 9 February 2005 but he told them that Mr Joannou appeared very paranoid and thought he was being followed by police.

231. At about 4:30pm on 16 February 2005, Mark Joannou met Luke Joannou at the shops in Ballarat Road in Deer Park. Mark Joannou told the Court that he did not know that Mr Joannou was staying at Luke Joannou's house.

232. When Mark Joannou took Luke Joannou home to 837 Ballarat Road in Deer Park, Mr Joannou was there.

233. Mr Joannou told Mark Joannou that he did not want to go to the police because he did not want to go back to jail.

234. Mark Joannou left Luke Joannou's house after about 30 minutes.

17th February 2005

235. At 2:31am on 17 February 2005, Mr Joannou contacted Kristy-Lee Hearn using phone 2. They spoke for 45 seconds. Mr Joannou was near the Deer Park Central-3 repeater tower.

⁸ Anastasia Joannou is Mr Joanna's sister and lived with Luke Joannou

236. At 9:15am on 17 February 2005, Mr Daly briefed Operator 41 about progress on Operation Motto. There was none. Mr Joannou had been last seen at about 9:00pm on 9 February 2005 when he ordered Martin Srokowski to take him with Ms Amundsen to an unidentified address.
237. Operator 41 briefed Special Operations Group members with this information.
238. At 9:38am on 17 February 2005, Mr Joannou's phone was reported to Mr Noonan as repeating off the Taylors Lakes repeater tower. However, this information is not included in the phone records provided to me.
239. At 2:00pm on 17 February 2005, Mr Johnstone returned to Melbourne in his purple Mercedes Benz PXU529. He went and let himself in to Ms Amundsen's house. Ms Amundsen arrived about 30 minutes later.
240. At about 5:00pm, an associate of Mr Joannou, Nicole Taylor, went to the milk bar at Copernicus Way in Keilor Downs and told them that 'Wayne' would be back later in the evening to collect some money.
241. Ms Taylor lived with Wayne Fletcher at Unit 2, 11 El Golea Mews in Keilor Downs where police found Mr Bottomley's car. Mr Fletcher is known to Mr Skadric.
242. The milk bar owners notified police. At 9:00pm, the Special Operations Group was activated for a possible arrest.
243. At 9:41pm on 9 February, Operator 41 conducted a briefing of all Special Operations Group members involved in Operation Motto using SMEAC format (situation, mission, execution, administration/logistics, equipment). Operator 41 also designated each Special Operations Group member with specific taskings for the planned arrest of Mr Joannou.
244. At 9:53pm, the Special Operations Group left their offices to go to Sunshine Police Station.
245. At 9:57pm, Mr Daly notified Operator 41 that Ms Taylor's de facto was Wayne Fletcher and he had threatened her earlier that day with a shotgun. Therefore, it was likely that the 'Wayne' she reported to the milk bar owners was not Wayne Joannou.
246. At 10:40pm, the Special Operations Group members left the Sunshine Police Station. Mr Joannou's whereabouts remained unknown.

247. At about 6:30 or 7:30pm, Ms Amundsen drove Mr Johnstone to Luke Joannou's house at 837 Ballarat Road in Deer Park in Mr Johnstone's purple Mercedes Benz PXU-529. Ms Amundsen's white Mercedes NXN-576 was already parked outside.
248. Mr Johnstone saw Mr Joannou inside Luke Joannou's house. He was seated at a table. There was a pump action shotgun with a chrome barrel and a black stock on the shelf behind him. There was cannabis and a white powder on the table.
249. Mr Joannou's brother, Jake Joannou, and five or six other young men were also seated around the table with Mr Joannou. Mr Johnstone told the Court that they all appeared to have recently used drugs.
250. Mr Johnstone asked Mr Joannou for some cannabis. Mr Joannou gave him a bud. However, he did not have enough to sell him half an ounce.
251. After about 10 minutes, Mr Johnstone and Ms Amundsen left the house at 837 Ballarat Road in Deer Park and drove to Geelong to look at a rental house owned by Ms Amundsen. Ms Amundsen was planning to move into this house herself in the near future.
252. At 10:22pm, Anastasia Joannou contacted Ms Hearn from a Telstra Payphone. They spoke for 1 minute and 58 seconds. Anastasia Joannou told Ms Hearn that Mr Joannou wanted to meet her and give his side of the story. Ms Hearn says she refused the request but she also said:

"Let me think about it-ring me tomorrow."

253. Ms Hearn contacted police. However, this call is not in the phone records provided to me.
254. Later on 17 February 2005, Mr Johnstone and Ms Amundsen returned to Luke Joannou's house at 837 Ballarat Road in Deer Park. Mr Johnstone saw Mr Joannou sitting at the same table with the same people. The chrome plated pump action shotgun was still on the shelf behind him. He also had a bag with shotgun cartridges in it and a plastic bag with cannabis in it.

18th February 2005

255. On 18 February 2005, there were no relevant phone calls in the records provided to me.

256. At 12:30am on 18 February 2005, Mr Johnstone bought cannabis from Mr Joannou for \$100. He and Ms Amundsen then left Luke Joannou's house at 837 Ballarat Road in Deer Park after arranging for Mr Johnstone to take Mr Joannou's sister to school the following morning.
257. In the morning of 18 February 2005, Mr Johnstone and Ms Amundsen drove back to Luke Joannou's house at 837 Ballarat Road in Deer Park and picked up Mr Joannou's sister from there. They then took her to school and dropped Ms Amundsen at work.
258. Mr Johnstone then contacted the Homicide Squad. He told them that Mr Joannou was at 837 Ballarat Road in Deer Park. He had a pump action shotgun and a bag of shells. This phone call is not in the records provided to me.
259. At 10:40am, Mr Johnstone met Detective Senior Constable Victor Anastasiadis. They went for a drive so that Mr Johnstone could identify Luke Joannou's house at 837 Ballarat Road in Deer Park. Mr Anastasiadis also gave Mr Johnstone \$100 in cash.
260. At about 1:00pm, the State Surveillance Unit established covert observation of Luke Joannou's house at 837 Ballarat Road in Deer Park. Ms Amundsen's white Mercedes Benz NXN-576 was still parked outside the back gate in Miles Street.
261. At 4:24pm, Luke Joannou left 837 Ballarat Road in Deer Park in his mother's white Mercedes Benz NXN-576 to attend the Office of Corrections at Sunshine Magistrates Court complex. At 5:06pm, Luke Joannou returned home.
262. Luke Joannou told the Court he had invited Jovan Delosreyes and Dianne O'Goerk to come back to his house while he was out. He met them while he was 'down the street' in Deer Park.
263. Mr Delosreyes was the registered owner of a 1996 Toyota Camry green sedan NID-380. However, police were unable to check the car or its owner because the computers were down at that time.
264. Mr Delosreyes stated that he had known Mr Joannou since primary school. He now lived with Ms O'Goerk in Morwell.

265. Mr Delosreyes met a friend of his, 'Hung', in the service lane off Ballarat Road in Deer Park. Luke Joannou was with Hung when Mr Delosreyes arrived. During their dealings, Luke Joannou invited Mr Delosreyes to his house and showed him where it was.
266. At 5:06pm, Luke Joannou returned to 837 Ballarat Road in Sunshine.
267. Luke Joannou later told police that Mr Joannou was pretty calm about this time. However, he carried a loaded pump action silver shotgun and he had everyone in the house under his thumb. Both Luke Joannou and Mr Joannou knew police were watching the house but:
- "We did everything he wanted us to do and he didn't harm us. That's all we did in the house."*
268. After Mr Delosreyes picked up Ms O'Goerk they drove to Luke Joannou's house at 837 Ballarat Road in Sunshine. He parked his 1996 Toyota Camry green sedan NID-380 in the service road of Ballarat Road.
269. At about 5:15pm, Mr Delosreyes walked back to Luke Joannou's house. Ms O'Goerk stayed in the car. She and Mr Delosreyes believe he was at Luke Joannou's house for 5-10 minutes.
270. When Mr Delosreyes entered Luke Joannou's house, Mr Joannou and 4-5 other people were in the kitchen. Mr Joannou asked him to come to the bedroom. Mr Joannou told Mark Joannou that he wanted to talk to Mr Delosreyes alone.
271. In the bedroom, Mr Joannou asked Mr Delosreyes to give him a lift. Mr Delosreyes says that Mr Joannou did not say where they were going. However, Ms O'Goerk understood they were going to Dandenong.
272. Meanwhile, at 3:20pm, Mr Johnstone drove to Ms Amundsen's work place in his purple Mercedes Benz PXU-529. At 4:00pm, he took Ms Amundsen and one of Ms Amundsen to the ANZ bank and then drove Ms Amundsen to Luke Joannou's house at 837 Ballarat Road in Deer Park.
273. Mr Johnstone rang Mr Anastasiadis to tell him where he was going. Mr Anastasiadis informed the surveillance crew to expect Mr Johnstone at Luke Joannou's house. This phone call is not included in the phone records provided to me.

274. At 5:54pm, Mr Johnstone and Ms Amundsen arrived at Luke Joannou's house at 837 Ballarat Road in Deer Park in Mr Johnstone's purple Mercedes Benz PXU-529. They found Mark Joannou and Luke Joannou sitting at the kitchen table.

275. Ms Amundsen told the Court:

"The kids were there as usual. There was a whole group of children sitting around the table in the kitchen. I walked in, some kids were crying. I said, "What's wrong?" They said, "Wayne wants to see you. He's leaving."

276. Mr Johnstone attempted to buy some more cannabis from Jake Joannou. Jake Joannou took him and Ms Amundsen to a bedroom. Mark Joannou stayed in the kitchen.

277. Mr Joannou was sitting on a couch in the bedroom with Jovan Delosreyes. He had the pump action shotgun on his lap.

278. Mr Joannou asked Mr Johnstone for some money. He then told Mr Johnstone to give the \$100 to Jake Joannou for the cannabis. Ms Amundsen sent Mr Johnstone to get some money from her purse in his car. At 5:57pm, surveillance noted that Mr Johnstone had gone outside to his car and then returned indoors.

279. Mr Johnston gave Mr Joannou \$100 from Ms Amundsen's purse and a further \$50 of his own. He wished Mr Joannou good luck. At 6:07pm, Mr Johnstone and Ms Amundsen left 837 Ballarat Road in Deer Park in Mr Johnstone's purple Mercedes Benz PXU-529.

280. At 6:22pm on 18 February 2005, Mr Johnstone confirmed to police that Mr Joannou remained at 837 Ballarat Road in Deer Park. He also said that Mr Joannou had a shotgun and was watching small television monitor thought to be used for counter-surveillance. Mr Johnstone did not mention a television monitor in his statement or in evidence before me.

281. Mr Johnstone told the Court:

"...on the Friday he was going, on the 18th, he was going and he said, "I am going out and I'm going to kill police."

282. However, Mr Johnstone left 837 Ballarat Road in Deer Park more than 13 minutes before Mr Joannou left. Therefore, he could not have heard what Mr Joannou said as he left 837 Ballarat Road in Deer Park.