

**FORM 37**

Rule 60(1)

**FINDING INTO DEATH WITH INQUEST**

*Section 67 of the Coroners Act 2008*

**Court reference:** 3826/06

**Inquest into the Death of ROSAMARIA LAURIA**

Delivered On: 20 July, 2011

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

Hearing Dates: 5 July, 2011

Findings of: JUDGE JENNIFER COATE

Place of death: Kananook Creek Reserve, Frankston, Victoria 3199

Police Coronial Support  
Unit (PCSU): Senior Constable Kelly Ramsey

**FORM 37**

Rule 60(1)

**FINDING INTO DEATH WITH INQUEST**

*Section 67 of the Coroners Act 2008*

**Court reference:** 3826/06

In the Coroners Court of Victoria at Melbourne

I, JUDGE JENNIFER COATE, State Coroner

having investigated the death of:

**Details of deceased:**

Surname: LAURIA  
First name: ROSAMARIA  
Address: Unit 4, 10 Inverness Street, Brunswick East, 3057

AND having held an inquest in relation to this death on 5th July, 2011  
at Melbourne

find that the identity of the deceased was ROSAMARIA LAURIA  
and death occurred on 9th October, 2006

at Kananook Creek Reserve, Frankston 3199

from

1a. EFFECTS OF FIRE.<sup>1</sup>

in the following circumstances:

**Background to Ms Rosamaria Lauria<sup>2</sup>**

1. Rosamaria was born on November 27, 1937 in Sicily, Italy. She came to Australia in 1959 to visit her brother. During that visit to Australia her father died in Italy. After this, the family made a decision to move Rosamaria and her mother Carmela to Australia.

2. Rosamaria and her mother and her older sister Natalie Patti settled in Brunswick. Ms Patti, with her husband Carlo, lived in a neighbouring property to Rosamaria.

<sup>1</sup> Post mortem report of Dr Noel Woodford.

<sup>2</sup> After consultation with the family member present at the Inquest, it was agreed that Ms Lauria would be referred to as Rosamaria during those proceedings and in this Finding.

3. Rosamaria worked as a supervisor at the Mercy Private Hospital in the laundry area up until her retirement in 1983. From the day of her retirement until 2003, Rosamaria devoted herself to caring for her elderly mother. Rosamaria lived with and cared for her mother up until her mother died. Rosamaria was a devoted daughter to her mother and was devastated after her passing.

4. After her mother's passing Rosamaria remained living alone. She was described by her sister as an independent woman right up until the time of her death.

### **Circumstances surrounding the death**

5. On Monday 9 October 2006 Rosamaria was at home in Brunswick. She spoke to her sister Natalie somewhere between 11.00am and 11.30am indicating that she needed to go and do some shopping and go to the bank. At about 2.15pm Natalie was hanging clothes out on a washing line when she heard Rosamaria say from the other side of the fence "*bye bye, see you tonight*".

6. This is the last contact Natalie had with Rosamaria.

7. Endeavouring to piece together Rosamaria's movements on that day, the police investigation recovered CCTV footage and eyewitness accounts. After saying goodbye to her sister, Rosamaria appears to have boarded a tram near her home at about 2.19pm bound for the city. At about 2.49pm Rosamaria is observed on Safe City cameras in St Kilda Road Melbourne outside Flinders Street railway station adjacent to a nearby tram stop. She can be seen walking in a northerly direction along the footpath towards the main entrance to Flinders Street station. It is estimated that she boarded a train bound for Frankston leaving from the Flinders Street station at about 2.59pm. Rosamaria is next observed on Frankston railway station CCTV footage at about 4.04pm. She is again seen on CCTV footage in Young Street Frankston at a bus stop where she sat down and had a cigarette.

8. Rosamaria is observed on the CCTV footage to remain at this location for about five minutes after which time she is seen to walk slowly towards a nearby pedestrian crossing in Young Street. At about 4.15pm she is observed on National Australia Bank CCTV footage walking west along the main street towards the Nepean Highway.

9. At about 4.30pm Rosamaria is believed to have approached a young woman who was standing in an area known as Balmoral Arcade. This young woman is Alleisha Shaddick. After seeing a photograph of Rosamaria in the media, Ms Shaddick came forward to Victoria Police to give an account of what she believed was an interaction she had with Rosamaria.

10. Ms Shaddick stated that around 4.30pm that afternoon when she was standing at the entrance to the main Frankston shopping centre, a lady approached her and spoke about being lost. Ms Shaddick stated:

*"She spoke with an accent, I don't know what sort of accent it was other than it sounded like she came from somewhere in Europe. Her English was okay.... this lady said something about having caught the wrong bus or public transport. She also said that she had left home to go to the pokies but that she had not meant to go to Frankston.... the lady just wanted to know where the "bus station" was. I remember she used these words, "bus station" but I can't recall her exact words during the rest of the conversation".*

11. Ms Shaddick stated that Rosamaria walked off after that exchange.

12. At approximately 4.49pm Rosamaria is observed on CCTV footage from the Robin Hood Tavern walking south on the Nepean Highway Frankston. At about 4.45pm Rosamaria is observed on CCTV footage inside the gaming area of the Pier Hotel which is located at the intersection of Davey Street and Nepean Highway Frankston.

13. Upon entering the Pier Hotel gaming area at approximately 4.45pm, Rosamaria is observed on CCTV footage to move throughout the venue and play the poker machines. The CCTV footage indicates that she is alone and it appears as though she has no contact with any person in particular whilst at this venue. At no time that Rosamaria was inside the hotel was she seen to consume any alcoholic beverages.

14. At approximately 6.30pm she is observed on CCTV footage leaving the Pier Hotel.

15. At approximately 6.35pm she is observed on CCTV footage from the Robin Hood Tavern walking north on Nepean Highway Frankston. She is alone and walking in the direction of Playne Street. She is still carrying the two bags she has been observed with previously.

16. After this point, Rosamaria is not seen alive again and her subsequent movements have been unable to be conclusively established by the investigation to date. However, based on the location where she was last observed on CCTV footage and where she was ultimately found, her most likely movements are that she walked to the intersection of Playne Street and the Nepean Highway before turning left.

17. It is most likely that Rosamaria continued to walk to the Western end of Playne Street and that she used the small footbridge at that location to cross over Kananook Creek and into the Kananook Creek reserve. This reserve is located on the Frankston beach foreshore and at the mouth of the Kananook Creek at its southern end. The current investigating member in this

investigation, who gave evidence in this inquest, Sergeant Pennuto stated that this reserve is well known to Frankston police members as a haunt for undesirables.

18. At approximately 7.04pm a triple 000 telephone call was received at the Emergency Services Telecommunications Authority (ESTA) from witness Mark Dunsford, in regard to a fire that had been lit on the Frankston beach foreshore.

19. The circumstances leading up to this telephone call being made and the observations made by a number of individuals who were present in and around the Kananook Creek Reserve at the relevant time are summarised below under the heading "Police Investigation".

20. At around the time all of this was occurring, concerned relatives of Rosamaria commenced to make a number of enquiries regarding her whereabouts in the area surrounding Brunswick. These enquiries culminated in her brother-in-law Carlo Patti attending at the Brunswick police complex at about 5am on the 10th of October 2006 and seeking to report his sister-in-law missing. A formal police missing person report was compiled at this time.

### **Discovery of Rosamaria**

21. Shortly after the telephone call was received at E.S.T.A. reporting the fire, members from the Frankston CFA were contacted and directed to attend to the fire reported by Mr Dunsford. Arriving in the area of the fire, the CFA unit was approached by a male person who indicated the location of the fire. Investigators have not identified this male. He has not been excluded from the investigation into Rosamaria's death.

22. Shortly after arriving, one of the members of the CFA unit having extinguished the fire made the distressing discovery of a body which was later identified as Rosamaria.

23. Shortly after, an ambulance and a number of police units including local investigators attended the scene. Dr Amarasinghe pronounced life extinct at 12.39pm on the 10th of October 2006.

### **Cause of Death**

24. On the 10th of October 2006 the Head of Forensic Pathology at the Victorian Institute of Forensic Medicine Dr Noel Woodford conducted a post-mortem examination of Rosamaria. Dr Woodford found that Rosamaria's cause of death was from the effects of fire.

## Identification

25. As a result of the extensive damage to Rosamaria's body caused by the fire, her identification was confirmed via DNA matching.

## Police Investigation

26. The initial police response was led by Detective Senior Constable Craig Clover who, prior to being attached to the Frankston Crime Investigation unit, spent a number of years with the Victoria Police Arson squad as an investigator. D/S/C Clover made an initial assessment of the scene and information in his possession at that time and thereafter contacted the Homicide Squad.

27. By 10.00pm that night, a team of homicide investigators and crime scene examiners were in attendance taking photographs and creating a video of the suspected crime scene. The scene was guarded overnight to allow for an extensive daylight examination of the area the next morning. At 8.00am on the morning of the 10th of October 2006, Senior Constable Peter Redwood and Forensic Officer Rachel Noble commenced an extensive examination of the scene. During the course of those investigations, a number of items were collected.

28. These items were all subjected to extensive scientific and forensic analysis.

29. The police investigators were quickly able to identify a number of individuals they believed potentially to be eyewitnesses in this matter. Statements were taken from all of those persons and are contained in the brief of evidence provided and tendered into evidence in the inquest.<sup>3</sup>

30. A mother and her son, Nada and Alexander Babic were walking their dog at the Kananook Creek Reserve at about 6.45pm on the evening of the 9th of October 2006. Ms Babic stated that it was just starting to get dark and that as she and Alexander walked past the location in the reserve where the body of Rosamaria was later discovered, she *"heard the sound of branches breaking .... and what sounded to me (her) like a woman's voice scream out."*

31. This account is corroborated by Alexander her son who indicated that he *"heard a scream come from the scrub to my right"*. Alexander and Nada commented on the noise they had heard to one another but continued walking because as Nada says *"I did not think much of it because there are sometimes drug users and other youths in that area"*.

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<sup>3</sup> Exhibit 1

32. Neither Nada nor Alexander saw anyone in the immediate area at this time. They continued walking some distance along the foreshore area in a southerly direction before turning around to return from whence they came. As they approached the location where they had heard the scream a few minutes earlier, Alexander observed a person that he was about 80% sure was male standing amongst the scrub beside a fire. This male person remains unidentified at this time.

33. Alexander stated that he *"saw the flames clearly. The flames were not above the height of the scrub at that stage. The person appeared to put or throw something onto the fire which made the fire flareup."*

34. Nada stated that she saw *"a sudden burst of flame coming from the tea tree area"*. Alexander indicated that he saw someone throwing something on to the fire. Alexander saw a second male person exit the ti tree area from the vicinity of the fire. This male, who has not been positively identified, then walked away along the beach.

35. Homicide investigators also interviewed witnesses Warren Dawson and Emma Grayson. Both were present at the beach at about 6.45pm to 6.50pm. They say as they commenced to walk along the beach in a southerly direction they both observed two males acting strangely in the sand dunes at a location near to where Rosamaria's body was later located. Mr Dawson stated that the males were in "animated" discussion as they looked through a dark-coloured purse or wallet. He further stated that upon becoming aware of himself and Ms Grayson, the two males *"immediately went quiet and both turned their backs on Emma and myself"*.

36. Ms Grayson stated that she was unable to provide much of a description of the two males as the light had started to fade.

37. Anthony Bates and Mitch Daly were also identified and interviewed by Homicide investigators as eyewitnesses. They had been having a meal at a nearby restaurant where they had arrived about 6.55pm. They were seated with an uninterrupted view of the beach and foreshore area. Mr Bates stated that a short time after he was seated he observed *"a large flame like a gas explosion, go straight up from somewhere from scrubland near the beach. The flames were bright red and it shot straight up. I knew it wasn't a gas fire though as they are usually blue. This one was red."*

38. Mr Daly stated that he moved out onto the balcony of the restaurant and saw two people running away from the vicinity of the fire. In his view the two people looked like they were running to get away from the area. He could not provide a description beyond one wearing a cap or a beanie and both people being male.

39. Police also interviewed a Mr Wayne Turfboer who had parked his campervan in the car park on the foreshore shortly before 7.00pm that evening. He indicated to police that whilst he

did not see anything prior to the fire, he did become aware of some male voices near his campervan on that evening. He recalled that the voices passed directly beside the passenger side door of his campervan at a fast walking pace and headed towards Frankston CBD.

40. After this happened Mr Turfboer, exited his campervan and saw straight away an area of ti tree on fire. He flagged down a motor vehicle driven by Mr Dunsford and that was how the initial call to 000 was made.

41. Homicide investigators conducted extensive enquiries into the background of Rosamaria in an effort to uncover any possible motive for her death that may lead to the identification of a suspect or suspects. The investigators concluded that there was absolutely no evidence suggesting that Rosamaria personally knew those responsible for her death.

42. To date the investigation into the circumstances surrounding Rosamaria's death has seen an extensive five-year pursuit of the facts surrounding her death. During this time a number of individuals named as possibly having some knowledge or involvement in her death have been interviewed and extensively investigated.

43. On Sunday the 15th of October 2006 at approximately 1.15pm a male person contacted the Dandenong police complex from a public telephone box located within the Dandenong Shopping Plaza. During the ensuing telephone conversation, this male person spoke with Constable Kylie Heins who was on duty at the complex and was performing watch house and reception duties. In the course of that call, the male caller indicated his potential involvement in the death of Rosamaria. Constable Heins endeavoured to have him wait for investigators to arrive to collect him from the location from which he was calling. Unfortunately, this proved unsuccessful although the police believe they have CCTV footage seized from the location of the call, depicting a male in the area from where that call was made.

44. Other than this male, there are still three individuals whom it would be appropriate at this point, to call suspects in the death of Rosamaria. Despite being extensively investigated, the three suspects have neither been exonerated nor has sufficient evidence been assembled to commence a criminal prosecution. They remain suspects in this open criminal investigation.

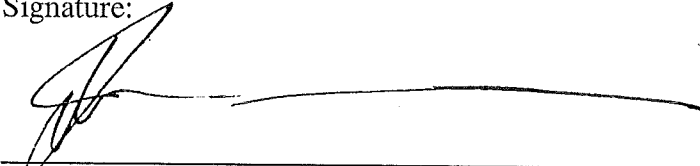
45. As stated above, the death of Rosamaria is still an open criminal investigation with Victoria police. Her identity and the cause of death and some of the circumstances surrounding her death are known, but some of the circumstances, including the identity of those present at the time she died and what involvement they may have had in her death remains unclear.



## Conclusion

I find that Rosamaria Lauria tragically lost her life on the 9th October, 2006 after being overcome by fire in Kananook Creek Reserve. Police have conducted an extensive investigation based on their belief that the fire which took her life was deliberately lit by person or persons unknown.

Signature:



**Judge Jennifer Coate**  
State Coroner  
Date: 20th July, 2011

