

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 3483/04

Inquest into the Death of SAULI NIEMI

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|-------------------------------------|--------------------------------|
| Delivered On: | 28th February 2011 |
| Delivered At: | Coroners Court, Melbourne |
| Hearing Dates: | 13th November, 2010 |
| Findings of: | Coroner John Olle |
| Place of death/ Suspected death: | Unknown |
| PCSU: | Senior Constable Remo Antolini |

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 3483/04

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

having investigated the death of:

Details of deceased:

Surname: NIEMI
First name: SAULI
Address: 28 Burns Street, Frankston, Victoria 3199

AND having held an inquest in relation to this death on 13th November 2010 at Melbourne

find that the identity of the deceased was SAULI NIEMI

and death occurred between 26 December, 2001 and 28 February, 2002

at UNKNOWN

from

1a. UNASCERTAINED

In the following circumstances:

1. Sauli Niemi was aged 57 years at the time of his death. He lived at 28 Burns Street in Frankston.
2. The inquest brief has fully addresses the circumstances of death of Mr Niemi.
3. On the 13th November, 2010 at inquest, I heard evidence of Detective Sergeant Nazaretian and Sergeant Sheahan. Upon his application, James Zigmund Heyes was excused from giving evidence on the grounds of self incrimination.

Medical History

4. The last medical record discloses Mr Niemi discharged himself from the Mount Eliza Health Services on the 16th November 2001.

5. Mr Niemi failed to attend for outpatient treatment.

Centrelink

6. On the 28th January, 2003 investigators notified Centrelink of case developments and that Mr Niemi's whereabouts remained unknown. Payments of benefits to his account were suspended.¹

No record of Sauli Niemi post December 2001

7. Investigation has revealed:

*"Despite Centrelink suspending benefits into Sauli Niemi's account, Centrelink has received no contact from him. In addition to the aforementioned, enquiries with a number of government and non-government agencies were conducted on a national basis into the existence of any records of Sauli Niemi post December 2001."*²

8. James Heyes was charged with 19 counts of deception in relation to fraudulent access of Mr Niemi's bank account.

9. The conclusion drawn by the coronial investigator:

"Throughout the investigations conducted in this case no apparent reason for his absence has been uncovered. Sauli Niemi was described to be in ill health, an alcohol abuser and dependant on welfare assistance. No preparations to leave had been evident. To date he has made no contact with family or known friends and given his age and ill health it is reasonable to suggest he could not have lived independently.

*Methods of investigation have been fully exhausted without the whereabouts of Sauli Niemi or his remains being located. Given the circumstances surrounding his disappearance and the period of time that has since elapsed in conjunction with other facts and circumstances, it would appear he is deceased."*³

¹ Page 6, Summary of Evidence

² Page 7, Summary of Evidence

³ Page 7, Summary of Evidence

Explanation provided by Mr Heyes

10. At inquest, Sergeant Sheahan referred to a conversation between himself and Counsel for Mr Heyes at the Magistrate's Court in Frankston on the 9th February, 2009. Counsel for Mr Heyes provided Sergeant Sheahan with his client's instructions as follows:

"He's stated to me that Mr Heyes had a story to tell with respect to Sauli Niemi. Both had gone to the St Kilda beach and were drinking. Niemi went for a quiet swim and never returned. The tide was on its way out. He saw him swim out on the 28th November, 2002. I explained to Mr Heyes and his barrister that story was not feasible and would not - and I would not accept him as a witness of truth. Mr - Mr Heyes stated if he was to be prosecuted in relation to the deception matters he would never ever discuss Niemi's disappearance ever again and would remain silent at any inquest hearing. I then left the room with the Police Prosecutor, leaving Mr Heyes and his barrister alone.

At quarter-past 11 on this day the - Mr Heyes' barrister approached me, Mr Palais, and he told me that Mr Heyes had another story to tell. He told me that he and Sauli Niemi in early February 2002 left home at 28 Burns Street, Frankston, with a shopping trolley containing one inflatable raft, one hand pump, and a small outboard motor and an anchor. Both walked to the Frankston Pier where Heyes inflated the dinghy. Both had been drinking and it was dusk. They went out fishing where Niemi went overboard and went straight to the bottom. Heyes waited for about an hour. However, Niemi did not appear. Heyes became scared to report as he thought the police would not believe him and think he may have done it. Heyes never reported Niemi to be missing and continued to accept money from Niemi's bank account.

In June he became worried that Motis was looking for Niemi and he didn't believe that she "-meaning Motis" would report Niemi missing. In January 2003 police executed a search warrant at 28 Burns Street, Frankston. Not long after this Mr Heyes had disposed of the dinghy and the outboard motor to a place called Founds which is in Frankston. It's a charity organisation, Your Honour."

11. Sergeant Sheahan concluded the account provided him as follows:

"And he attended there with those items were left outside the premises. From that time on he continued to take and accept money from Niemi's CBA account. He didn't think he would be caught; also believed Niemi owed him money as Mr Heyes would care for Niemi. He stated that this had occurred in February 2002 and that when police had attended at 28 Burns Street in January 2003 he became very concerned and that's when he disposed of the dinghy and motor to Founds. He stated he just dumped it there and

*didn't receive any money in return and that was the nature of my conversation with Mr Heyes."*⁴

12. The body of Sauli Niemi has never been found.

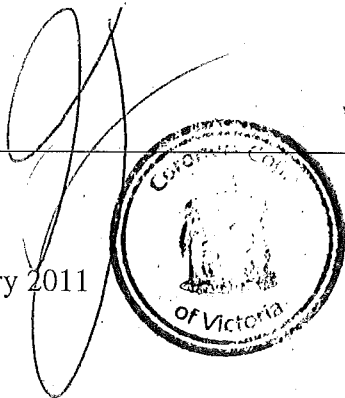
13. I am satisfied that Sauli Niemi is deceased. His death occurred between 26 December, 2001 and 28th February, 2002.

14. The evidence does not allow a finding where death occurred or in what circumstances.

Signature:

John Olle
Coroner

28th February 2011



⁴ Evidence Sergeant Sheahan at Inquest