



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 1999 0094

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Findings of:	JUDGE SARA HINCHEY, STATE CORONER
Deceased:	VINCENZO MANNELLA
Delivered on:	31 August 2017
Delivered at:	Coroners Court of Victoria, 65 Kavanagh Street, Southbank
Hearing date:	31 August 2017
Counsel assisting the Coroner:	Leading Senior Constable King Taylor, Police Coronial Support Unit.
Representation:	Nil
Catchwords:	Homicide, no person charged with an indictable offence in respect of a reportable death, mandatory inquest

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HER HONOUR:

BACKGROUND

1. Vincenzo Mannella (**Mr Mannella**) was born on 5 April 1950, in Calabria Italy, to Carmelo and Guisepe Mannella. Mr Mannella had three brothers, Salvatore, Gerardo and Rocky and four sisters, Nancy, Rosa, Angela and Carmel.
2. In approximately 1970, Mr Mannella met Nancy Giorgio (**Ms Giorgio**) and they subsequently had two children; Guisepe (Joe) and Katherine. Most of their life together, Mr Mannella and Ms Giorgio lived in Alister Street, Fitzroy North with their children (**the family home**).
3. Mr Mannella is reported to have worked in a number of occupations, including in the fruit and vegetable industry, as an owner of a Brunswick based restaurant and club and also as a builder. However, at the time of his death, Mr Mannella had been unemployed for at least five years.
4. Mr Mannella enjoyed attending the TAB on Lygon Street Brunswick, playing cards and socialising with his family and friends.
5. Victoria Police records indicate Mr Mannella to have a criminal history that includes convictions for carnal knowledge, various gaming, firearm and weapon offences and wounding with intent to inflict grievous bodily harm. The latter conviction involved a shooting in Fitzroy North for which Mr Mannella was sentenced to nine years imprisonment.

THE PURPOSE OF A CORONIAL INVESTIGATION

6. At the time of Mr Mannella's death the *Coroners Act 1985* (Vic) applied. From 1 November 2009, the *Coroners Act 2008* (**the Act**) has applied to the finalisation of investigations into deaths that occurred prior to the commencement of the Act.¹ Mr Mannella's death constituted a 'reportable death' under the *Coroners Act 1985* (Vic), as his death occurred in Victoria, was violent, unexpected and not from natural causes.²
7. The jurisdiction of the Coroners Court of Victoria is inquisitorial.³ The purpose of a coronial investigation is independently to investigate a reportable death to ascertain, if possible, the

¹ *Coroners Act 2008*, section 119 and Schedule 1. All references which follow are to the provisions of this Act, unless otherwise stipulated.

² Section 3, definition of 'Reportable death', *Coroners Act 1985*.

³ Section 89(4) *Coroners Act 2008*

identity of the deceased person, the cause of death and the circumstances in which death occurred.

8. It is not the role of the coroner to lay or apportion blame, but to establish the facts.⁴ It is not the coroner's role to determine criminal or civil liability arising from the death under investigation, or to determine disciplinary matters.
9. The expression "*cause of death*" refers to the medical cause of death, incorporating where possible, the mode or mechanism of death.
10. For coronial purposes, the phrase "*circumstances in which death occurred*," refers to the context or background and surrounding circumstances of the death. Rather than being a consideration of all circumstances which might form part of a narrative culminating in the death, it is confined to those circumstances which are sufficiently proximate and causally relevant to the death.
11. The broader purpose of coronial investigations is to contribute to a reduction in the number of preventable deaths, both through the observations made in the investigation findings and by the making of recommendations by coroners. This is generally referred to as the Court's "*prevention*" role.
12. Coroners are also empowered:
 - (a) to report to the Attorney-General on a death;
 - (b) to comment on any matter connected with the death they have investigated, including matters of public health or safety and the administration of justice; and
 - (c) to make recommendations to any Minister or public statutory authority on any matter connected with the death, including public health or safety or the administration of justice. These powers are the vehicles by which the prevention role may be advanced.
13. All coronial findings must be made based on proof of relevant facts on the balance of probabilities. In determining these matters, I am guided by the principles enunciated in *Briginshaw v Briginshaw*.⁵ The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about individuals, unless the evidence provides a comfortable level of satisfaction that they caused or contributed to the death.

⁴ *Keown v Khan* (1999) 1 VR 69

⁵ (1938) 60 CLR 336

MATTERS IN RELATION TO WHICH A FINDING MUST, IF POSSIBLE, BE MADE

Identity of the Deceased pursuant to section 67(1)(a) of the *Coroners Act 2008*

14. On 10 January 1999, the Deceased was identified by way of fingerprint comparison to be Vincenzo Mannella, born 5 April 1950.
15. Identity is not in dispute in this matter and requires no further investigation.

Medical cause of death pursuant to section 67(1)(b) of the *Coroners Act 2008*

16. On 10 January 1999, Dr Shelley Diane Robertson (**Dr Robertson**), a Forensic Pathologist practising at the Victorian Institute of Forensic Medicine, conducted an autopsy upon Mr Mannella's body. Dr Robertson subsequently provided a written report which concluded that Mr Mannella died from "*gunshot injuries to head*".
17. I accept the cause of death proposed by Dr Robertson.

Circumstances in which the death occurred pursuant to section 67(1)(c) of the *Coroners Act 2008*

18. On Saturday 9 January 1999, Mr Mannella is reported to have woken at approximately 9.00am and had breakfast with his family. Mr Mannella, then left the family home at approximately 10.00am and returned prior to 5.00pm. Upon returning home, Mr Mannella cooked barbeque meat and had dinner with his family.
19. Mr Mannella, is reported to have left the family home again at approximately 6.30pm. At approximately 7.30pm, Mr Mannella is reported to have met Giovanni Failla (**Mr Failla**) at a café at 347 Lygon Street, Brunswick named 'Covo Sportivo'. After meeting, Mr Mannella and Mr Failla travelled to an Italian restaurant at 307 Sydney Road, Brunswick named 'Curly Joes'.
20. At 'Curly Joes', Mr Mannella and Mr Failla were joined by Nicholas Kalafatis (**Mr Kalafatis**), and Antonio Varipodio (**Mr Varipodio**) and they are reported to have had dinner together. Mr Kalafatis and Mr Varapodio had travelled from Shepparton to Melbourne to meet with Mr Mannella to discuss a business deal.
21. At approximately 10.45pm, the four men returned to the 'Covo Sportivo' café where they drank beer and sang. At approximately 11.40pm, Mr Mannella left the café for the purpose of

taking his car home as he had an arrangement with Mr Failla to be collected and taken to a bar on Nicholson Street, Brunswick East.

22. Mr Mannella drove his car to his family home and parked it in the driveway. Mr Failla is reported to have returned to his own home to drop off some fruit and vegetables that he had in his car.
23. At approximately 11.40pm, Ms Giorgio, who was inside the family home, heard several 'pop' noises emanate from the street. She went outside and found her husband lying on the concrete in the driveway.
24. Upon their attendance, Ambulance officers pronounced Mr Mannella to be deceased.

VICTORIA POLICE HOMICIDE INVESTIGATION

25. Immediately after Mr Mannella's death, Victoria Police commenced a criminal investigation because the death was considered to be a homicide.
26. Mr Mannella's death was initially investigated by the Homicide Squad and then transferred to the Purana Task Force. Despite this investigation, no person or persons have been charged with indictable offences in connection with Mr Mannella's death.
27. I note the observations of the Victorian Court of Appeal in *Priest v West*,⁶ where it was stated:

"If, in the course of the investigation of a death it appears that a person may have caused the death, then the Coroner must undertake such investigations as may lead to the identification of that person. Otherwise, the required investigation into the cause of the death and the circumstances in which it occurred will be incomplete; and the obligation to find, if possible, that cause and those circumstances will not have been discharged."

28. Consistent with this judgment, and mindful that the Act mandates that I must conduct an inquest, one of the purposes of the inquest is to investigate any evidence that may lead to the identification of the person (or persons) who may have caused the death, bearing in mind that I am required to make findings of fact and not express any judgment or evaluation of the legal effect of those findings.⁷
29. Section 7 of the Act specifically states that a coroner should avoid unnecessary duplication of inquiries and investigations, by liaising with other investigative authorities, official bodies or statutory officers. The rationale behind this provision is to allow for consideration of public

⁶ (2012) VSCA 327

⁷ *Perre v Chivell* (2000) 77 SASR 282

interest principles that weigh against the potential benefits of any further investigation, such as further cost to the community. It also acknowledges that although a number of authorities or organisations may have the mandate to investigate, some are more appropriately placed than others to do so in any given circumstance.

30. In this case, I acknowledge that the Victoria Police, through the Purana Task Force, has conducted an extremely thorough investigation in this matter.
31. In making this Finding, I have been careful not to compromise any potential criminal prosecution in the course of my investigation, mindful that Mr Mannella's death is an unsolved and open homicide case.
32. The Coroner's Investigator, Detective Senior Constable David Meneilly, has provided a statement to the Court in relation to this matter.
33. The confidential nature of the Victoria Police's ongoing investigation prevents me from reciting each and every matter which has been established by the Purana Task Force. However, Detective Senior Constable David Meneilly's statement indicates that the following important matters have been established and are able to be disclosed:
 - (a) that Mr Mannella is believed to have been associated with the Italian Organised Crime Syndicate known as 'N'dranghetta' or 'Honoured Society';
 - (b) that Mr Mannella's brother, Gerardo Mannella, was shot in the street outside his brother's home on 20 October 1999 and Victoria Police has not discounted the possibility that the two deaths are related;
 - (c) that despite an extensive criminal investigation by Victoria Police, no person or persons have been charged with an indictable offence in relation to Mr Mannella's death; and
 - (d) the homicide investigation into Mr Manella's death is ongoing and the Purana Task Force file remains open.

FINDINGS AND CONCLUSION

34. Having investigated the death of Vincenzo Mannella and having held an Inquest in relation to his death on 31 August 2017, at Melbourne, I make the following findings, pursuant to section 67(1) of the Act:
 - (a) that the identity of the deceased was Vincenzo Mannella, born on 5 April 1950;

- (b) that Vincenzo Mannella died on 9 January 1999, at 12 Alister Street, Fitzroy North, from gunshot injuries to his head; and
- (c) that the death occurred in the circumstances set out above;
- (d) that despite an extensive criminal investigation conducted by Victoria Police, no person or persons have been identified, to date, as being responsible for causing Mr Mannella's death. On that basis, I am satisfied that no investigation which I am empowered to undertake, would be likely to result in the identification of the person or persons who caused Mr Mannella's death.

35. I note that in the future, if new facts and circumstances become available, section 77 of the Act allows any person to apply to the Court for an order that some or all of these findings be set aside. Any such application would be assessed on its merits at that time.

36. I convey my sincerest sympathy to Mr Manella's family and friends.

37. Pursuant to section 73(1) of the Act, I order that this Finding be published on the internet.

38. I direct that a copy of this finding be provided to the following:

- (a) Nancy Giorgio;
- (b) Detective Senior Constable David Meneilly, Coroner's Investigator;
- (c) Detective Senior Sergeant Michael J Dwyer, Officer in Charge, Purana Task Force, Victoria Police; and
- (d) Detective Inspector Michael Hughes, Homicide Squad, Victoria Police.

Signature:



JUDGE SARA HINCHEY

STATE CORONER

Date: 31 August 2017

