

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2012 005438

**DETERMINATION THAT INQUEST WILL
NOT BE HELD OR WILL BE DISCONTINUED**

Form 41 Rule 62

Section 71 of the Coroners Act 2008

I, JUDGE IAN L GRAY, State Coroner, having investigated the death of:

Details of deceased:

Surname:	Dordevic (a.k.a. Kally)
Given names:	Dragan (a.k.a. Douglas)
Date of Birth:	19 April 1960

determine pursuant to sections 52(3)(b) and 71 of the **Coroners Act 2008**, that an inquest will not be held in respect of this death as Angela Williams was charged with an indictable offence in relation to Mr Dragan Dordevic's death and the making of a finding would be inappropriate in the circumstances.

Summary of circumstances

1. Following are the factual circumstances surrounding the death of Dragan Dordevic (also known as, and hereafter referred to as, Douglas Kally) as set out in the sentencing remarks of the Honourable Justice Hollingworth upon sentencing the deceased's former partner, Angela Williams,¹ and as further detailed in the autopsy report prepared by forensic pathologist Dr Linda Iles of the Victorian Institute of Forensic Medicine.²
2. The deceased went missing sometime between 10 and 24 July 2008. At the time, Ms Angela Williams, his partner of 23 years, told friends and family that the deceased had wanted to leave town and relocate to Kiama NSW. She reported that, after an argument, she had driven him to

¹ R v Williams[2014] VSC 304 (27 June 2014)

² Statement of Dr Linda Iles, Coronial Brief, p.44.

the train station and he had left. She reported that he had taken with him the couple's cash savings.

3. In the months following the deceased's disappearance, Ms Williams claimed to friends and family that she had received a telephone call from the deceased urging her to join him in Kiama, and later a post satchel containing his watch, to be given to their son for his birthday.
4. These claimed contacts with the deceased appear to have assuaged any suspicions about the deceased's sudden disappearance. Nonetheless, the police remained seized of the matter and in November 2012 started to actively investigate Mr Kally's disappearance, taking statements from the couples' children, Simone and Spencer, and Ms William's father. This prompted Ms Williams to attend the police station on 21 December 2012 and make a number of admissions about what occurred in July 2008 as follows:

- After dropping the deceased at the train station, and upset that he had left her, she took the children to stay with Mr David Grainger, a close friend of the couple, for a few days;
- Early one morning she drove home and to her surprise encountered Mr Kally returned and in his pyjamas;
- Mr Kally began yelling abuse at her, accusing her of sleeping with Mr Grainger. He pushed and shoved her, punched her in the chest, pulled her hair, hit her and knocked her to the floor;
- Mr Kally ignored her pleas to leave her alone and she grabbed a pick axe from behind the bedroom door. He then goaded her, calling her fat slut, and challenged her to harm him.
- She struck him multiple times over the head with the axe. She then left him lying motionless and bleeding on the bed and returned to Mr Grainger's house.
- The following day, she went back to the house, wrapped Mr Kally in a tarp, dragged him into the back yard and dug a hole in which she buried him.
- Over the following days, she cleaned up the scene and later disposed of bedding, the mattress and the axe.

5. Following these admissions, the deceased's body was exhumed and an autopsy performed by Dr Linda Iles at the Victorian Institute of Forensic Medicine. It was determined that the cause of death was "head injuries". The autopsy indicated that the deceased had been struck 16 times,

causing eight penetrating skull fractures and bleeding and swelling in the brain. Dr Iles could not say whether any particular blow would have been fatal, but opined that Mr Kally would have been rendered unconscious and died within a relatively short period of being hit.

6. Ms Williams was charged and tried for the murder of the deceased.
7. At trial there was significant focus on the extent to which the death occurred in the context of a history of family violence perpetrated by Mr Kally towards Ms William and their children.
8. Ms Williams was found not guilty of murder, but guilty of the alternative offence of defensive homicide.
9. During sentencing, Justice Hollingworth, noted that in coming to this verdict the jury must have accepted that the killing took place in a context of family violence which was considerably more serious than the prosecution suggested. Her Honour observed that, without a more serious history, Ms Williams account of what occurred in the bedroom leading up to the killing would not have been sufficient to create a reasonable doubt about whether Ms Williams believed she was acting in self defence.
10. Justice Hollingworth questioned the veracity of the evidence given by the couples' children about the level and extent of family violence, but did not reject it in its entirety. Her Honour stated that she was satisfied of the following matters regarding the relationship context in which the death occurred:
 - Ms Williams had few friends, did not work outside the home, and was heavily dependent on Mr Kally who was the controlling party throughout the relationship;
 - Mr Kally was a frequent and heavy drinker who would often publicly belittle and verbally abuse Ms Williams when he had been drinking;
 - Mr Kally had problems controlling his temper and behaviour and had a history of physically assaulting people, had on occasions punched or kicked holes in the walls of the family home and, at least once, had been sexually aggressive towards another woman;
 - Mr Kally's control over Ms Williams was such that he would demand that she act as his driver whenever he had been drinking, including late at night, and that he persuaded her to take the rap for him when drugs were located in the family home and he was facing the prospect of a third conviction and possible imprisonment for drug dealing; and

- Over a long period, Mr Kally was physically violent towards Ms Williams and the children in the sense of pushing and shoving and verbal threats and abuse.

11. After balancing a number of competing considerations, Justice Hollingworth sentenced Ms Williams to eight years imprisonment with a five year non-parole period.

12. Given that the above findings have been made during the criminal proceedings, and that criminal proceedings have concluded in respect of Mr Kally's death, I am satisfied that an inquest into the death is not required and that, in the circumstances, the making of findings would be inappropriate.

13. In reaching this decision I note that this matter was identified as meeting the criteria of the Victorian Systemic Review of Family Violence Deaths. Having satisfied that criteria, the matter was allocated to the Coroners Prevention Unit (CPU)³ to examine the context in which the deaths occurred and specifically to:

- identify and record the presence of risk and contributory factors associated with the death and preceding family violence;
- record information which may assist in the identification of trends or patterns in family violence-related deaths;
- advise on any issues arising regarding the adequacy and effectiveness of current systemic responses to family violence; and
- advise on whether the evidence indicates the need for reforms or initiatives which may be addressed by way of prevention focussed recommendations.

14. Following this review of the evidence I determined that this was not a matter where further investigation or recommendations directed at improving responses to family violence were warranted because:

- almost seven years have elapsed since the death during which time there has been significant developments in practices and procedures in response to family violence (even if the problem persists unabated);
- Ms Williams did not disclose her experiences of family violence or seek assistance in that regard, and therefore there is limited scope for reviewing the adequacy of systemic responses in this case; and

³ The Coroners Prevention Unit is a specialist service for coroners created to strengthen their prevention role and provide them with professional assistance on issues pertaining to public health and safety.

- the nature and extent of family violence was a contested matter central to the outcome of the criminal trial and without good cause, it would be inappropriate to revisit the issue in this Court.

I direct that a copy of this determination be published on the Coroners Court website and provided to the following:

Senior Next of Kin

Coronial Investigator, Detective Leading Senior Constable Leigh Howse, Victoria Police.

Signature:



JUDGE IAN L GRAY
STATE CORONER
Date: 18 March 2015

