

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: 2018 005817

**FINDING INTO DEATH FOLLOWING INQUEST**

*Form 37 Rule 63(1)*

*Section 67 of the **Coroners Act 2008***

*Amended pursuant to Section 76 of the Coroners Act 2008 on 3 December 2020<sup>1</sup>*

**Inquest into the Death of Nicholas Daniel Ficarra**

Delivered On: 27 November 2020

Delivered At: Southbank

Hearing Dates: 27 November 2020

Findings of: Leveasque Peterson, Coroner

Representation:

Police Coronial Support Unit      Leading Senior Constable Dani Lord

---

<sup>1</sup> This document is an amended version of the Inquest Finding into Nicholas Daniel Ficarra's death dated 27 November 2020. Amendments to paragraphs 1, 6, 26, 34(c) and 35 have been made pursuant to Section 76 of the *Coroners Act 2008* (Vic).

I, Leveasque Peterson, Coroner, having investigated the death of Nicholas Daniel Ficarra, and having held an inquest in relation to this death on 27 November 2020 at Southbank, in the State of Victoria, find that the identity of the deceased was Nicholas Daniel Ficarra born on 20 June 1985 and the death occurred on an unascertained date, on or after Saturday 14<sup>th</sup> January 2012 at an unascertained place from an unascertained cause.

### **HER HONOUR:**

#### **INTRODUCTION**

1. This investigation sets out what is known of the circumstances which surround the disappearance of Nicholas Daniel Ficarra (Nick). Nick was last seen on the morning of Saturday Wednesday the 14<sup>th</sup> of January 2012. Nick was 26 at the time of his disappearance. He was the much loved son of Sharryn and Domenico (Mick) Ficarra, and brother to six siblings.
2. In the ensuing 8 years since his disappearance, a comprehensive investigation has been undertaken by Detective Leading Senior Constable Adrian Gordon, Swan Hill Criminal Investigation Unit, Victoria Police. All efforts to locate Nick have thus far failed to find a trace of him. Nick's body has never been located and no person or persons have been charged with any offences relating to his disappearance.
3. Despite this investigation, and extensive searches of the bushland surrounding the last sighting of Nick his fate remains unknown. All efforts to locate him have been unsuccessful, and there have been no "proof of life" indicators since his disappearance in 2012.

## THE PURPOSE OF A CORONIAL INVESTIGATION

4. Nick's case was reported to me and a brief was provided by Detective Leading Senior Constable Adrian Gordon on 17 March 2020.
5. The jurisdiction of the Coroners Court of Victoria is inquisitorial.<sup>2</sup> The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death and surrounding circumstances. Surrounding circumstances are limited to events which are sufficiently proximate and causally related to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.
6. Under the Coroners Act 2008 (Vic) (**the Act**), coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of comments or recommendations in appropriate cases about any matter connected to the death under investigation.
7. In the coronial jurisdiction facts must be established on the balance of probabilities. This is subject to the principles enunciated in *Briginshaw v Briginshaw*.<sup>3</sup> 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 as to those matters, taking into account the consequences of such findings or comments.
8. As his body has never been found, Nick's death is a suspected death. The definition of death under section 3 of the Act includes a 'suspected death' and provides my jurisdiction for an investigation.
9. A coronial brief was prepared in this matter by Detective Leading Senior Constable Gordon. I have undertaken a thorough review of the brief of evidence prepared by Detective Leading Senior Constable Gordon. Whilst I have reviewed all the material, this finding does not summarise all of the evidence but refers only to that material which is warranted for forensic significance and narrative clarity.

---

<sup>2</sup> Section 89(4).

<sup>3</sup> (1938) 60 CLR 336.

## **BACKGROUND**

10. Nick was born at the Swan Hill District Hospital on the 20<sup>th</sup> of June 1985 to parents Sharryn and Domenico (Mick) Ficarra. Nick was the third of six children in the Ficarra family, and he grew up on the family farm in Castle Donnington.
11. According to Nick's parents Sharryn and Mick, Nick had a very normal childhood. Sharryn explained that Nick disliked school, and at the age of fifteen Nick left school and commenced work on the farm, where the family grew and harvested stone fruit and grapes.
12. During his teenage years Nick started to use alcohol, although Sharryn did not think that he was using drugs at that time. By the time he was 21, however, his parents noticed changes in his behavior. Nick had started going to Melbourne to attend rave parties and he admitted to his mother that he was doing pills and drugs. Sharryn noted that this behavior was persistent and Nick eventually admitted he was injecting crushed OxyContin and heroin. Nick would tell Sharryn that these drugs were not harming him however he observed that smoking marijuana made him psychotic.
13. By 2009, at the age of 23, Nick "was out of control". His behavior was aggressive and he had begun to drink drive and get into fights. Nick would periodically live away from home for example for a time he lived with his girlfriend, however when the couple separated, he moved back home.
14. The years between 2009 and 2012 were particularly tumultuous for Nick and he began to suffer severely with mental illness. On two occasions Nick was taken to Swan Hill District Hospital and subsequently admitted to the Alexander Bayne Centre in Bendigo for treatment for his mental illness. Although he sought medical assistance with his mental health and he was prescribed anti-depressants, Nick would often stop taking his medications, and he became increasingly paranoid.
15. In 2011, the year prior to his disappearance, Nick had begun to insist that the television was delivering messages to him, telling him that there was another world, and the only way to get there was to die. His family continued to provide him with love, support and a home throughout these challenging times.

## **Disappearance**

16. On the morning of 14 January 2012, Nick was woken by his mother at approximately 7.00 am. He was meant to be helping his father pick nectarines that day. He rose and sat on the

couch, half asleep. Sharryn told him that she was leaving for Kerang and she said “with that it sort of clicked with him and he got up off the sofa and headed down the paddock”. This was the last time Sharryn would see her son.

17. Mick confirmed Nick’s initial movements that day. He stated that Nick had come to him and started work at approximately 7.10 am. About an hour later Nick made a trip to the cool room with a load of fruit, and he made another trip back to the cool room at 9.00 am. Nick however, did not return to his father after his second trip to the cool room. Mick called him but received no answer.
18. At approximately 10.00 am Mick decided to see what had happened to Nick and he returned to the house. When he could not find Nick, his father resumed work. He finished at 10.30 am and returned to the house.
19. At 12.20 pm Nick’s sister, Bianca was driven home by a friend’s mother. Mick, grateful for Bianca’s ride home, decided to pick a box of plums for his daughter’s friend and her family. He made his way to his ute to retrieve a box. As was his habit Mick checked the ute for his gun. He found it was missing, together with three cartridges. At that point Mick “hit the panic button”. He suspected that Nick had taken the gun in order to end his life, as Nick had previously similarly threatened to kill himself.
20. Nick’s father then started to call Nick’s friends to find Nick, however none of them had seen him that day. Mick then set off on his motorcycle to look for his son. Later that day some of Nick’s friends joined the search with no success and police were eventually called to investigate Nick’s disappearance.

### **Possible sightings of Nicholas Ficarra**

21. On 14 January 2012 Cas Mitchell and a number of his friends were camping off a dirt track that runs north from Little Murray Weir Road toward Little Murray River. The area between the camp site and the river was thick scrub. Mr Mitchell states that during the night the group heard what sounded like gun shots.
22. At approximately 9.00 – 9.15 am the next day Mr Mitchell saw a male emerge from the scrub. He was carrying a shotgun. When the male saw the group he turned and headed back into the scrub.

23. Nathan Cunning was another member of the group that had been camping near Little Murray River. Mr Cunning also noticed the male carrying the shotgun. He saw the male re enter the scrub and he observed that the scrub was so thick in parts that you could not walk through it.
24. Mr Cunning stated to police that after this sighting he later heard a shot which he believed came from close by. At the time Mr Cunning thought someone was out shooting rabbits.
25. The group left the camp at approximately 2pm that afternoon. Mr Mitchell was subsequently shown a photograph of Nick and he confirmed the man in the photograph looked like the male that he had seen near his campsite carrying a shotgun.
26. Heatherbelle Brown was a resident of Castle Donnington. Ms Brown made a statement to police about a male she had seen walk past her house in early 2012. Ms Brown recalls that the day of her sighting a helicopter had been flying around her house and police had attended to make enquiries about a missing person that same day. Ms Brown told police she had in fact seen the male walk past her house early that morning prior to 8.30 am. She provided police with a brief description of the male. It is likely that Ms Brown saw Nick, however based on the very general description provided to police I am unable to determine whether it was in fact Nick that she saw that day.

### **Police Investigation**

27. Immediately after Nick disappeared Detective Leading Senior Constable Gordon commenced an investigation.
28. Located in Nick's room was his wallet, mobile phone and cigarettes. Significantly, his computer was checked and a search of his browser history revealed that he had been researching suicide.
29. The police investigation included interviewing numerous witnesses, conducting a search of the family property and undertaking extensive searches of the surrounding bushland by Victoria Police Airwing, Search and Rescue, local Police members and members of the State Emergency Services. Some of the search area was simply impenetrable due to vegetation density.
30. Subsequent lines of enquiry included checking the status of Nick's bank account and monitoring the account for financial activity that indicated for proof of life. Police also examined telephone records, and the Pharmaceutical Benefits Scheme and Medicare records

for any indication of activity that could assist the investigation. All record checks revealed there has been no activity since Nick's disappearance.

31. Finally, on 1 November 2018 a report was generated by a senior forensic anthropologist from The Scientific Examination and Analysis Centre for Missing Persons. The report covered comparative analyses and searches for DNA, fingerprints, and dental records that may have assisted to locate Nick's body. The report confirmed that:
  - a) a search had been conducted of all available ante-mortem information for Nick and was compared to the unidentified human remains stored at the Victorian Institute of Forensic Medicine. No match was found for Nicholas Ficarra.
  - b) No fingerprints existed on record for Nick; and
  - c) Based on a family reference DNA sample there were no matches to the Victorian Missing Persons Database.
32. Nick has had no contact with his family since he disappeared. There is no available information or records that indicate Nick was alive after the 14th of January 2012. What is apparent is that the last time Nick was seen alive was at his home address that morning by his father and mother.
33. I suspect Nick entered the bushland near Little Murray River and took his own life, sometime on or after the 14<sup>th</sup> of January 2012, but this cannot be established to the requisite standard of proof. I do however find that Nicholas is now deceased.
34. My determination that Nick is deceased is based on the following material:
  - a) There has been no recorded contact with family members by Nick since his disappearance;
  - b) There has been no recorded transactions on the bank account held by Nick. It is unlikely he could survive without access to these funds;
  - c) There has been no recorded access to medications usually taken by Nick, nor any contact from him with Medicare since his disappearance (noting that his account was deregistered in 2013);
  - d) Comprehensive proof of life checks have been conducted, all of which support the hypothesis that Nick is deceased.

## FINDINGS AND CONCLUSION

35. I express my sincere condolences to Nick's family and friends for their unresolved grief and loss.
36. Having investigated the death by holding an inquest, I make the following findings pursuant to section 67(1) of the *Coroners Act 2008*:
- (a) The identity of the deceased was Nicholas Daniel Ficarra, born 20 June 1985;
  - (b) The death occurred on an unascertained date by an unascertained cause; and
  - (c) The death occurred in the context of the circumstances described above.
37. Pursuant to section 73(1) of the *Coroners Act 2008* (Vic), 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) Sharryn and Domenico Ficarra, senior next of kin; and
  - (b) Detective Leading Senior Constable Adrian Gordon, Coroner's Investigator.

Signature:



---

Leveasque Peterson  
Coroner

Date: 27 November 2020

---

NOTE: Under section 83 of the **Coroners Act 2008** ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an inquest. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.

---



