



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2016 004835

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 18/09/2023¹

Inquest into the Death of Paul KINGSBURY

Delivered On:	5 September 2023
Delivered At:	Melbourne
Hearing Dates:	9 May 2023
Findings of:	Coroner Leveasque Peterson
Police Coronial Support Unit	Leading Senior Constable Kelly Ramsay
Keywords	Missing person, presumption of death, unascertained cause

¹ This document is an amended version of the finding into the death of Paul Kingsbury, dated 5 September 2023.

I, Coroner Leveasque Peterson, having investigated the death of Paul John Kingsbury, and having held an inquest in relation to this death on 9 May 2023 -

at the Coroners Court sitting at Melbourne

find that the identity of the deceased was Paul John Kingsbury born on 5 January 1987,

and the death occurred on an unascertained day

at an unascertained location.

from:

1a: Unascertained

I find, under section 67(1) (c) of the *Coroners Act 2008* ('the Act') that the death occurred in the following circumstances:

In the early hours of 6 July 2014, Paul John Kingsbury (Paul) left a premises in Larkins Lane, Moolap, with John Nelis. Since that night Paul has not been seen or heard from again. His body has never been found.

INTRODUCTION

1. Paul was reported missing by his brothers Tim and Damian Kingsbury on 9 July 2014. Despite an extensive missing person investigation, Paul was never found, and no person has been charged with indictable offences concerning Paul's death. Moreover, Paul's body has never been found and police have failed to produce any evidence that Paul is still alive.

PURPOSE OF A CORONIAL INVESTIGATION

2. Reportable deaths under the Coroners Act (2008) (the Act), include deaths that are unexpected, unnatural or violent, or which have resulted directly or indirectly, from an accident or injury. When the case of a missing person, who is suspected to have died, is reported to the Coroner, the Coroner must determine from the available evidence, whether that person has in fact died.
3. The coronial investigation of a suspected death differs from most other coronial investigations as these investigations commence with the discovery of a body or remains, and focus on identity, cause and circumstances of death.

4. In circumstances where there is no body, the focus of an investigation is the circumstances surrounding the last sighting of a person suspected to have died; and any evidence of proof of life since the last confirmed sighting of the person.
5. In such cases the coronial investigation must first endeavour to establish, on the balance of probabilities, whether a missing person is not just missing but deceased. The evidence adduced in such cases is often an absence of evidence that a person is alive.
6. In this case, despite a comprehensive police investigation, there is very little information about what happened to Paul after he left the property on Larkins Lane that Sunday night in July 2014.
7. Paul's case was reported to the Coroners Court on 11 October 2016, and Detective Senior Constable Cashman was assigned to be the coroner's investigator. A brief of evidence was compiled and subsequently forwarded to the court for consideration in 2021.
8. The brief of evidence included statements from witnesses who were with Paul on the night that he was last seen alive, family members, telephone records, photographs, and other agency records and activity searches.
9. After receiving a brief of evidence in the matter I reviewed all the materials to determine what further investigations should be undertaken. It was clear that there had been a thorough missing person investigation in the time since Paul's disappearance.
10. After careful consideration of the coronial brief of evidence, the following facts and circumstances were suggestive to me that Paul was dead despite his body not being found:
 - a. Immediately prior to his disappearance Paul was involved in a tense confrontation with people who suspected Paul of committing offences that impacted on them and their associates;
 - b. Paul's bank accounts have not been accessed since his disappearance. His only account was last accessed on 20 March 2014 prior to Paul's disappearance;
 - c. Enquiries have established that Paul is not recorded as having travelled in or out of Australia since the date of his disappearance;
 - d. Paul has not made a claim on Medicare since the date he was last seen alive;
 - e. Paul's family and friends have had no contact with Paul since his disappearance, which they note is out of character for Paul, particularly in relation to his daughter and her mother;

- f. Paul's mobile service has not been used since Paul's disappearance and the mobile handset has never been found.
11. Having inferred from the available evidence that Paul was no longer alive I met with Detective Cashman and determined the matter could proceed as a summary inquest.

PAUL'S LIFE AND DISAPPEARANCE

12. Paul was the youngest of five sons for Gary and Sharon Kingsbury.
13. Paul was raised in the family home in Clifton Springs. He had four older brothers, Jarrod, Damien, Todd and Timothy.
14. After completing school Paul worked in the concreting industry, but also drifted in and out of employment over the years following high school.
15. In 2007 Paul met Meg Thomson. The following year the couple had a daughter, however in 2009 their relationship broke down largely due to Paul's drug taking and aggressive behaviour.
16. In the months leading up to his disappearance Paul had moved back home with his parents.
17. Paul had also begun selling drugs, and in the years that followed Paul served two periods of imprisonment for drug trafficking and dealing in stolen property.
18. Paul's escalating drug taking caused him to commit burglaries to buy drugs. Fingerprint and other evidence establishes that Paul stole a significant amount of cash and items including firearms, from a property in Bungalalli Drive in Clifton Springs.
19. On the morning of the 5th of July 2014, Paul was at 65 Larkins Lane, Moolap which was the home of Adrian Irwin (**Irwin**). The address is a large, semi-rural property consisting of the main house and large double garage and sheds.
20. Paul was visited at the address by Jay Wiffen and Simon McDowell at around 10:00 or 11:00 a.m. as Paul was trying to source Oxycontin tablets.
21. Jay McDowell and Simon Wiffen collected money for the drugs from Andrea Tilley (**Tilley**) at her property and set about arranging the purchase of the Oxycontin tablets.
22. That afternoon Paul also visited an associate named Leisen Jolly (**Jolly**) and asked if he would drive him to Melbourne later that evening. Jolly agreed and at around 7:00 p.m. he met up again with Paul and Irwin.
23. McDowell and Wiffen returned around the same time and supplied Paul with the Oxycontin he requested.

24. Shortly after that, Paul, Jolly and Irwin set off to Melton South to buy drugs. At around 8:00 pm the trio arrived in Melton South where Paul met Frank Esposito and purchased half an ounce (14 grams) of the drug "Ice" for \$4,500.
25. Paul and his friends arrived back at the Larkins Lane property around 10:30 pm.
26. On Sunday 6 July 2014, in the early hours of that morning Tilley told Paul he may be being set up for a run through theft. This was information Tilley had received during a telephone conversation with a friend.
27. Paul contacted Irwin and told him about the possible run through. Paul went to one of the sheds on the Larkins Lane property and hid, and asked Tilley to come over and bring the shot gun and the rifle to the shed.
28. Tilley arrived around 12:45 a.m. with the firearms Paul had requested, which were still in their bags.
29. At this time Paul also called his brother Timothy and told him that he may be in trouble. Paul and Timothy arranged to meet at the tennis courts on Moolap Station Road however Paul never showed up.
30. Irwin also called an associate named John Kripintiris (**Kripintiris**) and arranged for him to come over as Kripintiris was considered a person that could intervene and "sort things out" in challenging circumstances.
31. At around 1:30a.m. Kripintiris arrived in his BMW X5 with another associate named John Nelis (**Nelis**) and both men entered the shed. Kripintiris observed the two firearms sitting on the table. Kripintiris worked in the commercial fishing business based in Portarlington and had heard that another local fisherman, Denis Kent, had recently had two firearms stolen during a burglary.
32. Kripintiris began interrogating Paul about the firearms, but Paul refused to admit how he came to be in possession of them.
33. The situation was tense, and the questioning became increasingly aggressive and intimidating. It was clear that Kripintiris suspected the firearms had been stolen from Denis Kent in the recent burglary on his property. Kripintiris subsequently called an associate named Ben Jenkins to come to the shed to identify the firearms.
34. At one point during the interrogation, Nelis went outside to the BMW X5 and returned with a sawn-off shotgun. He loaded it and pointed at Paul.

35. Paul, Irwin and Tilley all had their mobile phones taken from them.
36. Paul and Tilley were made to wait in the toilet while waiting for Ben Jenkins to arrive. At that time Tilley said Paul was upset and apologised to her for getting her involved.
37. At about 3:00am, Ben Jenkins arrived together with Nathan Bate (**Bate**). Jenkins identified the firearms as those stolen from Denis Kent after recognising his address written on the side of the gun bags.
38. Jenkins collected the shotgun and .22 rifle off the billiard table and he and Bate left the property.
39. While Nelis was away from the shed, Irwin convinced Kripintiris to allow Tilley to leave. She was told to keep quiet about Paul and what had occurred at the shed. Her mobile phone was never recovered.
40. At approximately 3:10am Nelis returned and told Paul that he had arranged a meeting with a man named Bob who wanted to speak with Paul and the pair left the property in Kriptiniris' BMW.
41. The evidence establishes that Nelis returned to the shed in Larkins Lane approximately twenty minutes later and said, "Its done" and "it's been sorted".
42. Nelis then made Irwin get a rake from the shed and help him and Kriptintiris search the paddock for the Paul and Tilley's mobile phones. They were apparently found by Nelis and Kriptiniris, however they have never been recovered by police.
43. Subsequent checks on the serial number unique to each handset show neither phone has been used since that date.
44. Paul has not been seen or heard from since being removed from the shed at approximately 3:15am on the morning of 6 July 2014.

THE POLICE INVESTIGATION

45. Police commenced Operation Typesetter on 10 July 2014 in response to Paul's disappearance. The investigation was undertaken by the Homicide Squad of Victoria Police.
46. On 11 July Victoria police undertook a forensic examination of the scene at the Larkins Lane property, including taking fingerprints and other items of interest were seized for subsequent testing.

47. In the subsequent days police took several statements from those that were present at Larkins Lane property the night Paul disappeared. Further information came to light which resulted in the recovery of the stolen firearms which had been dumped.
48. On 22 July 2014 police conducted a record of interview with Kripintiris. During that interview he made admissions to attending the Larkins Lane property with Nelis, he confirmed that a firearm was produced, and that Paul had been taken from the shed in his BMW.
49. A search warrant was obtained and executed for a property in Portarlington however this produced nothing of forensic value.
50. Kripintiris was subsequently charged with kidnapping and after conviction he was sentenced to six months imprisonment.
51. Nelis was also arrested in relation to Paul's disappearance however he exercised his right to silence at a record of interview. Although charges were originally laid against Nelis, a pretrial decision was made to withdraw these charges.
52. Police investigators had also received numerous information reports that Paul's disappearance occurred because of an outstanding debt with Aaron Burnie.
53. Telephone record analysis indicates that a mobile phone belonging to Kripintiris was in his BMW when it was driven away by Nelis. The phone is recorded in the Moolap area at approximately 2.00am however by 3.13am the phone moved to the East Geelong tower which is near Aaron Burnie's property.
54. There was further evidence that early on the morning of 6 July 2014 a witness received a phone call for assistance and when the witness arrived at the relevant premises Aaron Burnie was present. Aaron had a fresh wound to the webbing on one of his hands.
55. Aaron Burnie was interviewed by police in relation to the disappearance of Paul Kingsbury on 3 April 2015. Aaron exercised his right to silence, and police have not been able to progress this investigation any further.
56. As at the time of the inquest there were no other active lines of enquiry being pursued, nor had any other persons of interest emerged.

MATTERS IN RELATION TO WHICH A FINDING MUST, IF POSSIBLE, BE MADE UNDER S 67 OF THE ACT

57. A finding that a person is deceased is significant. It carries important legal consequences and if follows that there must be clear and cogent evidence upon which such a finding can be based.
58. Having considered all the evidence before me, although Paul's body has never been found, I am satisfied, on the balance of probabilities, that Paul John Kingsbury, born 5 January 1987, is deceased. The evidence concerning the circumstances he found himself in on the night he was last seen alive, together with the sudden cessation of contact with his family, is sufficient for me to conclude that Paul died on or shortly after his disappearance on 6 July 2014 from Larkins Lane, Moolap.
59. It is not possible for me to make a finding as to the medical cause of death because Paul's body has never been found and examined. I am satisfied that Paul did not die of natural causes. If Paul had died suddenly from natural causes, it is highly likely his body would have been found.
60. There is also no credible evidence before me that Paul took his own life or suffered an accident. Had Paul's death occurred in the context of either of these circumstances I consider it probable that his body would have been found and recovered.
61. Having excluded suicide or accidental death, my review of the evidence leads me to conclude that Paul's death was caused by another person.
62. I do not consider that I have sufficient evidence to conclude to the requisite standard that a particular person or persons were ultimately responsible for Paul's death, however there is no evidence that excludes John Nelis as a person who may have been involved in the circumstances that led to his death. The temporal proximity of the hostile interactions that John Nelis had with Paul, together with Paul's subsequent disappearance, are highly suggestive of his involvement in the circumstances surrounding Paul's death, but this does not exclude the possibility that another or other people may have caused Paul's death.

COMMENTS

63. It is unfortunate that despite an extensive police investigation, the inquest into Paul's death has not resolved how Paul died and the location of his body. These are fundamental questions where an absence of answers will continue to cause great sadness and distress to Paul's family.

64. Should further evidence come to light in the future, an application can be made to this court to re-open the investigation into the death of Paul John Kingsbury.

I order that this finding be published on the Coroners Court website in accordance with the rules.

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

Gary Kingsbury, Senior Next of Kin

Coroner's Investigator, Detective Senior Constable Michael Cashman

Signature:



Leveasque Peterson

Coroner

Date: 5 September 2023



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.
