



IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

**COR 2018 1431**

**FINDING INTO DEATH FOLLOWING INQUEST**

*Form 37 Rule 63(1)*

*Section 67 of the Coroners Act 2008*

Suspected deceased:	Krystal Lee Fraser
Delivered On:	13 October 2022
Delivered At:	Coroners Court of Victoria, 65 Kavanagh Street, Southbank 3006
Hearing Dates:	11 – 15, 18, 20 July 2022
Findings of:	Coroner Katherine Lorenz
Counsel Assisting	Ms Fiona Batten of counsel instructed by Ms Rachel Quinn, solicitor of the Coroners Court of Victoria
Representation	Mr Andrew Imrie of counsel representing the Chief Commissioner of Police, instructed by Ms Megan Potashnyk of the Victorian Government Solicitor's Office  Ms Emma Strugnell of counsel representing Mr Peter Jenkinson, instructed by Mr Matthew Mahady of Matthew Mahady Criminal Law  Mr Huw Roberts of counsel representing Ms Chantel Fraser
Catchwords	<i>Missing Person; Suspected Homicide</i>

## INTRODUCTION

1. Krystal Lee Fraser (**Krystal**), born on 18 August 1985, was 23 years of age at the time she disappeared from Pyramid Hill, Victoria, having been last seen leaving the home of a friend at 9.30 pm on 20 June 2009. She was nine months' pregnant and was expected to give birth to her son, who she had named Ryan James, in the next few days.
2. Krystal was reported missing by staff from Bendigo Health on 22 June 2009 after she failed to return to its Medi-Hotel as planned. She has never been heard from or seen since. Her body has never been found.
3. Despite an extensive missing person investigation, and the offer of a reward of \$1million since 2019, no person has been charged with indictable offences in connection with Krystal's disappearance and presumed death.

## THE CORONIAL INVESTIGATION

1. Reportable deaths under the *Coroners Act 2008* (Vic) (**the Act**) include deaths that appear to be unexpected, unnatural or violent, or to have resulted, directly or indirectly, from an accident or injury. 'Death' is defined to include a suspected death. 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. In the present case, despite extensive enquiries, there is very little information about what happened to Krystal after she was last seen alive.
2. On 27 March 2018, Victoria Police reported Krystal's suspected death to the Coroners Court. The Form 83 police report stated that Krystal had been missing since 20 June 2009 and, despite extensive searches and inquiries being conducted at that time and in the years that followed, all of which proved unsuccessful, police suspected that she was deceased, presumed murdered.
3. Following the notification, Coroner Bracken (who originally had carriage of the coronial investigation) made a direction for the Coroner's Court to commence an investigation into Krystal's disappearance.
4. Upon my appointment as a Coroner on 8 February 2021, the case was transferred to me.
5. On 16 June 2021, I received a coronial brief prepared by Detective Senior Constable (**DSC**) Brett Thexton.

6. The brief included statements from Krystal's mother, treating practitioners, people who had contact with Krystal proximate to when she was reported missing, various telephone records and transcripts of police statements and some of her medical records.
7. The material in the brief indicated the following:
  - a. Krystal was last seen alive by her friend Robert Glennie at around 9.30 pm on 20 June 2009.
  - b. Krystal received a phone call from a person from the Leitchville telephone booth at 11.59 pm on 20 June 2009, which lasted for 40 seconds.
  - c. Following the phone call, Krystal's phone was connected to the Pyramid Hill phone tower at 12.17 am, then at 1.45 am at Patho, which is approximately 27 kilometres from Pyramid Hill and finally at 2.49 am at Leitchville which is approximately 19 kilometres from Patho. There was no further activity from Krystal's phone, indicating it was shutdown, either deliberately other otherwise from then on.
  - d. Searches of Krystal's home provided no evidence that could assist with understanding the circumstances of her disappearance or suspected death.
  - e. Krystal's family and associates have been unable to offer any explanation for her disappearance.
  - f. Checks were made at hospitals around Australia in 2009 and no evidence could be found that Krystal sought care for the birth of her baby after the date of her disappearance.
  - g. Extensive proof of life checks have been conducted since 2009, including telephone, financial institutions, Medicare and Centrelink enquiries. None of these searches have been fruitful.
  - h. There has been no match of Krystal's medical and dental records to the register of unknown recovered human remains.
  - i. The evidence from witnesses revealed that Krystal was excitedly preparing for the birth of her son.
  - j. The homicide investigation into Krystal's suspected death remains ongoing and the police file remains open.
8. I reviewed the coronial brief to ascertain what further investigations should be undertaken and whether evidence already in existence required clarification prior to the conduct of the Inquest.

9. My inquiries were not solely focused on whether Krystal had been the victim of a homicide, as was (and remains) the police theory. I sought to probe all other possible avenues of inquiry and met with Victorian Police investigators for that purpose. It was clear that an active and thorough missing person investigation had been undertaken over the 13 years after Krystal's disappearance.
10. After careful consideration of the material in the coronial brief, the following factual circumstances led me to infer that it was highly likely that Krystal was dead, despite her body not having been being located:
  - a. Despite extensive and comprehensive searches, proof of life checks with financial institutions, Medicare, interstate police have not revealed any interactions indicating that Krystal is alive.
  - b. Krystal was heavily pregnant and was due to give birth very soon after her disappearance. There is no evidence that she gave birth to her child after her disappearance, either at a hospital or otherwise. She was highly vulnerable and the evidence suggested that she would have lacked the resources, both emotionally, mentally and financially to find accommodation or manage to provide for basic living needs for herself and a baby. The evidence showed that Krystal intended to give birth at Bendigo Hospital and had even left her suitcase with clothes and a toy she had bought for her baby.
  - c. Krystal's bank account has never been accessed since her disappearance where previously she would routinely withdraw her money on the day it was deposited. The regular payments deposited into her bank account from State Trustees have not been accessed.
  - d. Since 20 June 2009, the evidence indicates that Krystal has not contacted any member of her family, friends or health care providers or other acquaintances. Prior to her disappearance, Krystal spoke with family members daily and used her phone often, even compulsively to text or telephone friends, family, and acquaintances.<sup>1</sup> There is no plausible explanation why Krystal has not contacted her family for 13 years in circumstances where she was excitedly looking forward to the birth of her son.
  - e. There is no evidence that Krystal returned to her home or sought to retrieve any of her belongings since her disappearance.

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<sup>1</sup> CB, exhibit D.

- f. Krystal did not have the capacity, capability, financial resources or friends to assist her in the event that she chose to disappear. The evidence showed that Krystal was not capable of looking after herself and a baby independently. Krystal relied on her family to assist with cooking, financial assistance and day to day activities.
11. Having inferred from the evidence that Krystal was no longer alive, I also formed a suspicion that Krystal had been the victim of a homicide and that an inquest was necessary.<sup>2</sup>
12. It is not common for an inquest to be held in a homicide case prior to a person being charged. However, the long passage of time since Krystal's disappearance necessitated the inquest to ensure that all reasonable lines of inquiry were pursued with a prospect that evidence adduced may provide answers for the fundamental questions of what happened to Krystal and where her remains may be.
13. I proceeded at the inquest on the basis that Krystal was likely to have met foul play. There had been no other plausible explanations proffered by police or other witnesses for her disappearance just days before she was due to give birth.
14. The coronial brief identified several suspects in Krystal's disappearance, most of whom had been ruled out over time. At the time of the inquest, police had identified Mr Peter Jenkinson as the primary suspect in Krystal's disappearance. Mr Jenkinson, referred to by Krystal as "my mate" and "PJ" had admitted to having sexual relations with Krystal in the past but denied having any involvement in her disappearance.
15. However, bearing in mind my obligations under the Act to conduct my inquiry as an inquisitorial investigation, the inquest did not solely focus on whether Mr Jenkinson was involved in Krystal's disappearance and the evidence was examined with an open mind as to what may have happened to her.
16. I note the observations of the Victorian Court of Appeal in *Priest v West*,<sup>3</sup> 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*

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<sup>2</sup> S52(2)(a) of the Act provides that a coroner must hold an inquest if the coroner suspects the death was the result of homicide.

<sup>3</sup> 2012 VSCA 327.

*obligation to find, if possible, that cause and those circumstances will not have been discharged.*

17. Consistent with this principle, and mindful of my obligation to conduct an inquest, the purpose of the inquest was to investigate any evidence which may lead to the identification of the person (or people) who may have caused Krystal's death. In doing so, I have borne in mind my obligation to make findings of fact without expressing an evaluation of the legal effect of those findings.
18. In writing this finding, I do not purport to detail all the body of evidence before me. I have referred to relevant parts of it and only in such detail as appears warranted by its forensic significance, and the interests of narrative clarity. The absence of reference to any particular aspect of the evidence should not lead to the inference that it has not been considered. In the coronial jurisdiction, facts must be established on the balance of probabilities.<sup>4</sup>

## **KRYSTAL'S LIFE AND DISAPPEARANCE**

19. The coronial investigation was focussed on the last months of Krystal's life, including her pregnancy until her disappearance. Her life up until her pregnancy gave necessary context to the circumstances of her disappearance.
20. At the time of her disappearance, Krystal lived alone in a rental unit at 14/41 Kelly Street, Pyramid Hill. She was the eldest daughter of Karen and Neil Fraser. She had two younger siblings, Aaron and Chantel.
21. As Krystal grew up, her parents noticed that she had developmental issues. When she was eight years old, she began having epileptic seizures. Krystal had poor eyesight from an early age, resulting in her having to wear glasses from the age of two and had issues with her short-term memory. As a result, Krystal suffered learning difficulties. However, Krystal had an exceptional long-term memory and could recall numbers and dates easily. She was good with computers and grasped new technology easily.
22. When she was growing up, Krystal was extremely friendly with people that she did not know. She would hold conversations with strangers telling them her and her family's life stories in

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<sup>4</sup> Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. 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.

detail. She was well known to approach strangers and instigate conversations with them. She missed social cues and tended to overstay her welcome in conversation with others.

23. As a young adult, Krystal started drinking alcohol and became sexually active, often with older men. She attended the Pyramid Hill Hotel numerous times a week just to have conversations with men in the bar. She was naïve and often referred to men with whom she had sex as her 'boyfriend'. As a result, her parents held concerns that she was taken advantage of.
24. When she was nineteen, Krystal moved from her parent's home to a unit owned by the Ministry of Housing at 14/41 Kelly Street, Pyramid Hill. At around this time, her family became aware that she was smoking cannabis.
25. Krystal had the assistance of a social worker to manage her financial interests including disability benefits she received from the government. Her benefits were paid to the State Trustees who managed her finances and paid her bills for her home utilities. State Trustees directly deposited \$50 into her bank account every Monday, Wednesday and Friday.
26. Krystal was compulsive with money and would spend it on small items such as mobile phone credit, take-away food and marijuana. Her family were concerned that people around Pyramid Hill were taking advantage of her and convincing her to purchase cigarettes and alcohol for them with her money.
27. Krystal had two mobile phones that she used regularly. Krystal did not own a car and did not have a driver's licence but was a regular traveller on V/line trains and buses that travelled between Bendigo and Swan Hill. She knew many of the staff and regular commuters on these services. She often got on the train at Pyramid Hill and travelled along the line to Swan Hill, Kerang or Bendigo.
28. In early 2009, Krystal returned a positive pregnancy test. Further tests and scans estimated that she was due to give birth on 23 June 2009.
29. When her family asked her the identity of the baby's father, Krystal named several of her associates as potential fathers. She later told her parents she did not know the identity of the father.
30. Krystal knew her baby was a boy and she planned to call him Ryan James. She was aware that government agencies would monitor the care she provided and that if she could not take

care of him adequately, he would be taken from her. She was excited about the prospect of his birth throughout her pregnancy.

31. In the early hours of Monday, 15 June 2019, Krystal was admitted to the Bendigo Base Hospital after experiencing contractions. Medical staff thought that she may be in the early stages of labour and might give birth within the next 24 to 48 hours. Later that afternoon, Krystal was transferred to the Bendigo Hospital Medi-hotel.
32. Krystal remained in the Bendigo area, residing at the Medi-hotel at Bendigo Hospital until 19 June 2009. During this time, she maintained contact with her family and friends via her mobile phones.
33. On Friday 19 June 2009, Krystal withdrew \$50 from an ATM and left the hospital at approximately 9.00 am.
34. At approximately 9.45 am, Krystal attended the Bendigo Cash Converters store in Pall Mall, Bendigo. She placed one of her phones on loan and received \$35 for the loan.
35. Krystal then went to the Bendigo Railway Station where she boarded the 9.59 am train to Pyramid Hill. The train arrived at Pyramid Hill at 11.05 am and her phone records indicate she remained in Pyramid Hill for the rest of the day.
36. Between 7.00 pm and 7.30 pm, Krystal attended the Victoria Hotel in Pyramid Hill, by herself.
37. At 7.08 pm, Krystal received a call on her mobile phone from the Leitchville Phone Box.<sup>5</sup> The duration of the call was 0 seconds,<sup>6</sup> which indicates the call did not connect.<sup>7</sup>
38. At the hotel that evening, she spoke with people she knew and people she didn't know. According to witnesses, she was continually looking at her phone, turning it on and off. She told Ms Melody Wall that she was "*waiting for a mate to call*" and that "*they're coming to get me.*"<sup>8</sup>
39. At 8.53 pm, Krystal received another phone call from the Leitchville Phone Box.<sup>9</sup> The duration of the call was 139 seconds.<sup>10</sup>

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<sup>5</sup> Exhibit D (Phone records of 04.. ... 924 (incoming)).

<sup>6</sup> Exhibit D (Phone records of 04.. ... 924 (incoming)).

<sup>7</sup> Transcript (14 July 2022) 414.8-28 (Miller).

<sup>8</sup> Melody Wall, CB 246.

<sup>9</sup> Exhibit D (Phone records of 04.. ... 924 (incoming)).

<sup>10</sup> Exhibit D (Phone records of 04.. ... 924 (incoming)).



40. Later in the evening, customers began to get annoyed about Krystal's behaviour. Others were also concerned about her being at the hotel while she was heavily pregnant. She was asked to leave at approximately 11.00 pm. She appeared upset and left the hotel alone.<sup>11</sup>
41. At 11.14 pm, Krystal telephoned '000' emergency services and reported blood spotting. An ambulance was dispatched to her home and she was treated on the scene before being transported to Bendigo Base Hospital.
42. At approximately 12.50 am on 20 June 2009, Krystal arrived at the Bendigo Base Hospital and went to the Medi-hotel. Later that day, in the early afternoon, Krystal spoke with staff members Ms Jenny Randall and Mr Dave Reid<sup>12</sup> and told them she wanted overnight leave from the Medi-hotel to attend a party in Pyramid Hill. Krystal did not say who was hosting the party or whether she was attending with anyone.
43. At inquest, Ms Randall said Krystal hadn't mentioned the party prior to the Saturday but that Krystal appeared to be very excited that someone had invited her.<sup>13</sup> Krystal mentioned that the 'party' was a birthday party, but said it wasn't an 18th or a 21st<sup>14</sup> and that she would be around people that she knew.<sup>15</sup>
44. The Medi-hotel staff were uncomfortable with Krystal leaving Bendigo to attend the party given the impending birth of her child and told Krystal this. After discussions between staff from the Medi-hotel and the Maternity Unit, it was agreed that Krystal would go to Pyramid Hill for the party and return the following day. Staff gave Krystal a taxi voucher to go to the train station and later noticed that she had left most of her belongings at the Medi-hotel.<sup>16</sup>
45. From telephone records and the evidence provided by Bendigo Health staff, it is possible that someone lured Krystal out of hospital and back to Pyramid Hill with the promise of a party on 20 June 2009. As a result, Krystal left the Medi-hotel at short notice, excited about attending. Police investigated whether such a party took place in the Bendigo, Pyramid Hill and Cohuna area and found no evidence of it. None of Krystal's family or known associates knew anything about a party that night to which Krystal may have been invited.

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<sup>11</sup> David Denaine, Tania Quinn and Lacy Quinn.

<sup>12</sup> A Register Nurse Div 1, in Hospital in the Home.

<sup>13</sup> Transcript (12 July 2022) 171.8-10, 173.5 (Jennifer Randall).

<sup>14</sup> CB 379.

<sup>15</sup> CB 380.

<sup>16</sup> Jennifer Randall and Dave Reid, CB 377 – 380.

46. Krystal took a taxi from the Bendigo Base Hospital to Bendigo Railway station and boarded the 7.42pm V/Line train bound for Swan Hill.
47. During the train journey, Krystal spoke with another passenger, Ms Hazel Whitmore and told her she was going to a party.<sup>17</sup> During the journey, Krystal was constantly on her phone, sending text messages the whole way.<sup>18</sup> Krystal kept saying “*I have to text me mates*”.<sup>19</sup> Krystal told Ms Whitmore she was booked in to have the baby on Tuesday and that she was going to catch the 5.30 pm train to Bendigo hospital on Sunday.<sup>20</sup> Krystal had a plastic shopping bag with a black wallet in it and two McDonald’s games, and a lanyard around her neck with Bendigo hospital room 14 on it.<sup>21</sup>
48. Ms Whitmore felt sorry for Krystal and gave her two \$5.00 notes to use to get back to Bendigo on the train the following day.<sup>22</sup>
49. When the train stopped at the Pyramid Hill Railway Station at approximately 8.40 pm, Krystal spoke to Nicholas Dingfelder, who knew Krystal from his work in the area. They walked along the platform together. Mr Dingfelder noticed another man who appeared to be waiting for Krystal and seemed to be impatient like he wanted her to hurry up. According to Mr Dingfelder, the man had his head down like he wanted to get going and Krystal was embarrassing him. Mr Dingfelder continued walking down the platform to where Krystal crossed the tracks. She then said to Mr Dingfelder that she had better go before ‘*he gets mad*’.<sup>23</sup>
50. A short time later, Krystal was seen walking in a vacant block to the east of the railway platform towards Ottery Street. She was by herself.<sup>24</sup>
51. At around 8.45 pm Krystal walked into the Pyramid Hill Bakery accompanied by a man. The proprietor, Deborah Treacy, had a short conversation with Krystal, during which Krystal said that “*we*” are going to party in Cohuna or Kerang. Krystal appeared to be cranky with this

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<sup>17</sup> CB 248 (Statement of Hazel Whitmore dated 7 January 2010); Transcript (12 July 2022) 181.3-4, 12-13; 182.19 (Hazel Whitmore).

<sup>18</sup> CB 248 (Statement of Hazel Whitmore dated 7 January 2010).

<sup>19</sup> CB 248 (Statement of Hazel Whitmore dated 7 January 2010).

<sup>20</sup> CB 248 (Statement of Hazel Whitmore dated 7 January 2010).

<sup>21</sup> CB 248 (Statement of Hazel Whitmore dated 7 January 2010).

<sup>22</sup> Hazel Whitmore, CB 249.

<sup>23</sup> In 2022, Mr Dingfelder was shown a photo board by Victoria Police and identified a man he was “pretty confident” he had seen on 20 June 2009 at the Pyramid Hill train station. (T194.26) According to DSC Thexton, Mr Dingfelder identified a person who was not a person of interest to police and who is not associated with the investigation at all. DSC Thexton said the male has not been investigated because there is no nexus between Krystal and that male (T609.8).

<sup>24</sup> Nick Collins, CB 399.

man who remained behind Krystal and did not say anything. It appeared to Ms Treacy that Krystal had “*the shits*” with this man and she was not her usual friendly self.<sup>25</sup>

52. After leaving the bakery, Krystal was seen walking home by herself.<sup>26</sup>
53. Shortly after 9.00 pm Krystal attended at Robert Glennie’s house in Pyramid Hill, approximately 700 meters from Krystal’s unit. Mr Glennie was a friend of Krystal’s and she used to visit him several times a week. Krystal told Mr Glennie that she had arranged to meet another friend, Jason MacPherson, so he could fix her computer. She called Mr MacPherson and Mr Glennie also spoke with him. Mr MacPherson told Mr Glennie he had forgotten that he had agreed to come over.<sup>27</sup>
54. Krystal left Mr Glennie’s house at approximately 9.30 pm and Mr Glennie did not see her after that. Krystal told Mr Glennie she was going to visit another associate who lived nearby, Mr Alan Summers to get some ‘stuff’.<sup>28</sup> The evidence indicated that Krystal did not visit Mr Summers that evening.
55. On Monday 22 June 2009, staff from the Bendigo Hospital contacted police because Krystal had not returned to the Medi-hotel, as planned. Police commenced making enquiries about her whereabouts, initially believing that she was with friends.

### **Initial Investigations**

56. The following day, on 23 June 2009, Leading Senior Constable (LSC) Jason Brady from the Pyramid Hill Police Station compiled a missing person’s report. LSC Brady attended at her unit in Pyramid Hill and found it locked and secure. After gaining entry to the premises LSC Brady located the plastic bag containing two McDonalds games, Krystal’s wallet and the two \$5.00 notes given to her on the train. There were no signs of a struggle and no blood was located within the unit. Krystal’s mobile phones were not found within her unit.
57. On Friday 24 July 2009, police attended the Medi-Hotel attached to the Bendigo Base Hospital. Police took possession of Krystal’s suitcase which contained clothing and personal belongings that she had left behind at the Medi-Hotel on Saturday 20 June 2009.

### *Telephones*

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<sup>25</sup> Deborah Treacey, CB 341.

<sup>26</sup> She was seen by Tracy Jobe.

<sup>27</sup> Robert Glennie, CB 296 and Jason MacPherson, CB 323.

<sup>28</sup> Mr Glennie believed this to be cannabis.

58. Police subsequently made enquiries into the mobile phones in Krystal's name. At the time of her disappearance, she was using two mobile phones, one being 04.....054<sup>29</sup> which she had been using up until 9.09 am on 19 June 2009 when she loaned it to Cash Converters. The sim card for this phone had not been used since this time.
59. Krystal used a telephone with the number 04.....924 for several years and Telstra records indicate this phone was used extensively until Krystal disappeared. The last known communication made by this phone was at 02.49 am on 21 June 2009. At this time, the handset was 'pinged' by connecting to the Leitchville phone tower.<sup>30</sup>
60. Enquiries conducted with Krystal's family and the State Trustee revealed that Krystal was the holder of a Bendigo Bank account, into which Krystal's pension was paid. Records show that this account was last accessed at the Bendigo Base Hospital on 19 June 2009. On this occasion \$50.00 was withdrawn from the ATM at the hospital.
61. Numerous deposits were made by the State Trustee into Krystal's accounts after 20 June 2009, however these remained untouched.

#### *Media Enquiries*

62. In the initial days of her disappearance police utilised both local and state-wide media agencies to attempt to locate Krystal. These media broadcasts provided several leads and several possible sightings of her. These leads were investigated by police and provided information regarding Krystal's last movements; however, she was not located.

#### *Pyramid Hill Community Enquiries*

63. In the days and weeks after she disappeared, LSC Brady made numerous enquiries with members of the Pyramid Hill community where Krystal was well known to locals, but no one was able to provide police with any information as to where she may have been.

#### *Physical Search*

64. On Friday, 24 July 2009, Victoria Police, the Country Fire Association and the State Emergency Service from Pyramid Hill conducted an extensive foot and air search of the

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<sup>29</sup> Telephone numbers have been redacted in this finding.

<sup>30</sup> CB 1764.

Pyramid Hill area. Also included in this search were creek beds and the Pyramid Hill railway line. No trace of Krystal was found during this search.

*Local, State-wide and National Hospital Enquiries*

65. Extensive enquiries were conducted by police and the Department of Human Services (now Department of Families, Fairness and Housing) with regards to hospitals at the local, state, and national level. These enquiries proved unsuccessful, with no reports of unknown mothers giving birth to any baby at around the time of Krystal's due date.

*Department of Human Service enquiries*

66. On 30 June 2009, the Department of Human Services issued an All State/Territories 'Urgent Alert' regarding Krystal and her unborn baby and the concerns for their safety. Identification of Krystal and her baby was to be reported to Victoria Department of Human Services – Child Protection. No reports were made.

## **INQUEST**

67. The matter proceeded to inquest over 7 days, being 11 – 15, 18 and 20 July 2022.
68. I was assisted at the Inquest by Counsel Assisting, Ms Fiona Batten. Mr Andrew Imrie appeared for the Chief Commissioner of Police and Ms Emma Strugnell appeared for Mr Peter Jenkinson. Mr Huw Roberts appeared via video link to assist the Krystal's family on a pro-bono basis.
69. During the inquest I heard viva voce evidence from 22 witnesses. Another witness, Mr Peter Jenkinson was subpoenaed to attend to give oral evidence but objected to doing so pursuant to s 57 of the Act on the grounds of self-incrimination. In written submissions provided to the Court, Mr Jenkinson relied on the following factors as reasonable grounds for the objection:
  - a. He was a person known to Krystal.
  - b. Mr Jenkinson had been informed by police on multiple occasions that he is the primary 'person of interest' in relation to the disappearance.
  - c. Mr Jenkinson had been interviewed by Detectives from the Homicide Squad on three occasions, being 26 August 2009, 16 September 2009 and 22 April 2022.
  - d. It is alleged by Police that Mr Jenkinson is one of the last persons to have had confirmed contact with Krystal.

- e. While Mr Jenkinson has not been charged with any offence, he may face criminal charges for a very serious indictable offence under the Crimes Act 1958 (being a homicide offence).
  - f. Mr Jenkinson remains under police surveillance.
70. After hearing submissions from counsel for Mr Jenkinson and the other interested parties, none of whom opposed Mr Jenkinson's application, I determined that there were reasonable grounds for Mr Jenkinson's objection and informed him that he would be granted a certificate pursuant to s 57(5) of the Act if he gave evidence and as to the effect of the certificate. Mr Jenkinson continued to decline to give evidence.
71. Following further submissions from interested parties as to matters concerning the 'interests of justice' as they related to Mr Jenkinson's application including, *inter alia*, the gravity of the alleged offences, the risk of prejudice, and the ongoing homicide investigation into Krystal's disappearance, it was necessary for me to grant Mr Jenkinson's application to be excused from giving evidence.
72. No inference is drawn against Mr Jenkinson for exercising his privilege against self-incrimination.
73. In the absence of Mr Jenkinson's oral evidence and cross-examination I have had regard to the transcripts of his police interviews and evidence provided by other witnesses.

#### **Comments on the evidence at inquest**

74. There were significant challenges with the evidence available at inquest. One cause of this challenge related to Krystal's lack of a clear daily routine and somewhat peripatetic lifestyle. In particular, prior to her disappearance, Krystal found it difficult to manage money and to look after her daily care needs. She often travelled on trains to different places in Victoria and sometimes interstate without any plan or money.<sup>31</sup>
75. Krystal told various people different stories about the identity of her baby's father, to the extent that it was not clear whether she knew his identity.<sup>32</sup> There were rumours that Krystal was involved with drug dealers from Gunbower and that she had been transporting drugs for

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<sup>31</sup> Transcript (11 July 2022) (Karen Fraser).

<sup>32</sup> CB 152-3 (Statement of Karen Fraser dated 22 September 2009); CB 167 (Statement of Neil Fraser dated 3 September 2009); CB 181 (Statement of Judith Stamp dated 26 August 2009); CB 210 (Statement of Tania Quinn dated 26 August 2009); CB 216 (Statement of Lacey Quinn dated 2 March 2010); CB 237 (Statement of Cathy Styles dated 3 March 2010); CB 340 (Statement of Debra Anne Treacy); CB 1106 (Record of Interview of Jason McPherson dated 19 August 2009).

them. When her mother asked her about the rumours, Krystal told her mother not to worry because if she got caught “[T]hey’ll just slap me on the wrist.”<sup>33</sup>

76. Investigating police could not rely on Krystal’s past behaviours or a clear daily routine to predict what may have happened to her with any accuracy. This resulted in evidentiary leads being chased which ultimately had little forensic value.
77. By the time of the inquest, the memories of some witnesses had been affected by the significant passage of time since Krystal’s disappearance. Further, some of the oral evidence appeared to be reconstructed, with some witnesses providing different accounts at inquest to what they had previously told police. I have weighted this evidence accordingly.
78. The most significant evidentiary challenge at the inquest was the paucity of credible evidence indicating what happened to Krystal after 9.30 pm on 20 June 2009. Despite the extensive and lengthy police investigation, telephone records contained the only credible source of leads to pursue.
79. Finally, despite the faint trail of credible evidence for police to follow in their efforts to find Krystal, there was significant speculation and rumour in the Pyramid Hill community some of which was presented to police as evidence requiring investigation. Ultimately, the rumours and speculation were of little investigative value or otherwise not able to be verified or corroborated.
80. At the inquest, it was apparent that some of the evidence provided by witnesses had been tainted by some of the rumours and theories which had circulated largely within the community near to Pyramid Hill and Bendigo in the years since Krystal was reported missing. I have weighted this evidence accordingly.
81. Some of the evidence based on rumours and theories surrounding Krystal’s disappearance tested at inquest included the following:
  - a. That Krystal ran away to avoid child protection in order to keep her baby.<sup>34</sup> This theory was postulated by Krystal’s acquaintances and is rejected. Krystal’s parents, Neil and Karen Fraser, gave cogent evidence that Krystal did not have the capacity to run away and look after herself and a baby. Karen Fraser provided evidence that she prepared food for Krystal regularly and that Krystal lacked life skills to look after herself.

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<sup>33</sup> Transcript (11 July 2022) 27.21-22.

<sup>34</sup> CB 297 (statement of Robert Glennie dated 30 July 2009) CB 1172 – 1173 (Record of interview with Allan Summers dated 18 August 2009).

Krystal's parents expected that once their grandchild was born, they would need to assist Krystal to look after him because she would not be able to do so without help.

- b. The rumours that local police were involved with Krystal's disappearance. Over time, various rumours have emerged, including that Krystal was seen getting into the car owned by a policeman on the night she disappeared. Specific allegations based on these rumours were investigated by detectives over many years and it was found that the rumours had no substance. Counsel Assisting and the Chief Commissioner of Police made submissions that the new evidence should be discounted. I agree that the evidence provided about police involvement in Krystal's disappearance was unreliable and appeared to have evolved over the years.
- c. That Krystal met with foul play in connection to drug activities. Although there was credible evidence at the inquest that Krystal was using marijuana and sometimes obtained marijuana for friends there was no reliable evidence presented that she had been transporting drugs in any organised way, had significant drug debts or that she had been killed in connection with drugs. Comments made by Krystal before her disappearance about her involvement in drugs were also a source of 'red herring' evidence which required investigation by police notwithstanding its lack of credence.
- d. That Krystal ran away from the hospital and did not intend to return. Mr Glennie gave evidence at inquest that Krystal was frightened of hospital and did not intend to return to give birth. The weight of other evidence contradicted this. Krystal told people she was returning to hospital to have her baby and even left her clothes, suitcase and a toy for her baby at the hospital. She had a good rapport with staff at the Medi-Hotel and they did not apprehend that she was frightened while she was at the hospital.
- e. That Krystal's family had been involved in her disappearance. This rumour was the subject of speculation in the Pyramid Hill community since Krystal's disappearance. There was no evidence in the Coronial Brief to support these rumours, which have undoubtedly caused hurt and distress to the Fraser family. It was clear from the evidence that Krystal's behaviours caused frustration to her family, but the evidence demonstrated that her family supported Krystal as much as they were able during her life.
- f. The identity of the father of Krystal's baby was the subject of much speculation in her local community. It was not clear if Krystal knew the identity of her baby's father, but



she told many different stories about it making it impossible to know if she even knew herself. This is discussed further below.

82. Some of these evidentiary challenges, including Krystal's lifestyle and the rumours surrounding her disappearance delayed the police investigation. Information provided immediately after Krystal's disappearance led police to initially suspect that she was not missing at all but had gone to visit friends. She was well known for travelling on the trains throughout northern Victoria with no particular reason for doing so and told people many differing and conflicting things about herself. As a result, there was delay of a few weeks in handing the case to the missing persons unit and treating the disappearance as a missing person case. It is possible that this short delay contributed to the evidentiary problems with this case.

### **Significant evidence**

83. Krystal's missing person investigation involved a large volume of information over many years and this finding does not purport to summarise every avenue of investigation. Rather, set out below are the significant factual matters identified during the investigation which are relevant to identifying what happened to Krystal after she disappeared.

#### *Investigations into the potential father of Krystal's baby*

84. Krystal's baby was due on 23 June 2009, three days after she disappeared.
85. The evidence indicated that Krystal may not have known the identity of the father of her baby but identified to her mother several men who may have been. As her pregnancy progressed, she provided differing responses to questions about the identity of the father to those who asked. Sometimes she told people she did not know who the father was but later told several previous partners that her baby was not theirs. It was clear from the evidence that Krystal told many people differing stories about the father of her child, and at least some of the stories were not reliable.
86. Towards the end of her pregnancy, Krystal expressed concerns to various people about the potential father's reaction to the impending birth of her baby. She told one person that the father did not want anything to do with the baby because he did not want to have a baby with her. She was said to be concerned that this man might hurt her and the baby if she continued with the pregnancy.<sup>35</sup> Krystal told others that one potential father "*wouldn't be too happy*" if he was the father of her baby.<sup>36</sup> She told another person that the '*father*' had said to her "*if I*

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<sup>35</sup> Statement of Carl Anfuso, p 2.

<sup>36</sup> Statement of Neil Pickles, p 7.

*don't get rid of the baby, he'll get rid of me.*"<sup>37</sup> She told another witness that one potential father "was being a real bastard and was abusing her, saying he did not want anything to do with her baby and had been hitting her."<sup>38</sup> Krystal said to others that the father of the baby was a married man from Melbourne who had kids and did not want anything to do with her and did not want his wife to find out.<sup>39</sup>

87. Krystal was aware that blood tests performed after the baby's birth may identify the father. She was aware that she would be eligible for the government 'Baby Bonus' payment when her child was born and that she would need to nominate the father's name to qualify for it.
88. As the birth of her baby drew closer, Krystal had spoken about doing a DNA test to identify who the father of her baby was.<sup>40</sup>

#### *The man or men at the bakery*

89. There is insufficient evidence before the Court to make any finding as to the identity of the man or men seen with Krystal at the train station and the bakery on 20 June 2009, or whether the man or men were involved in Krystal's disappearance. However, it is significant that Krystal was in the presence of a male at approximately 8.45 pm and was last seen alive only 45 minutes later.
90. Ms Treacy later identified the man at the bakery with Krystal as FMD<sup>41</sup>, an acquaintance of Krystal's. At the inquest, FMD said he did not go to the Pyramid Hill bakery with Krystal on the day she disappeared. Following enquiries, police eliminated FMD as the person seen with Krystal at the bakery.
91. Victoria Police haven't been able to identify the man in the bakery with Krystal.<sup>42</sup>
92. Based on the timing, Detective Inspector Woltsche's view was that the male at the train station and the male at the bakery were the same person notwithstanding the different descriptions of each of them provided by the witnesses.<sup>43</sup> The police could not rule out that the man at the train station and bakery may have been involved in Krystal's disappearance<sup>44</sup> but no further evidence was able to be adduced at inquest in relation to this issue.

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<sup>37</sup> Statement of Christopher Smallman, p 4.

<sup>38</sup> Statement of Anthony Norris, p 2-3.

<sup>39</sup> Statements of Tracey Jobe and Craig Newton.

<sup>40</sup> Transcript (11 July 2022) 42.4; 43.11 (Karen Fraser); 62.2-3, 63.7 (Neil Fraser); Transcript (12 July 2022) 107.11-14 (Chantel Fraser).

<sup>41</sup> FMD is a pseudonym.

<sup>42</sup> Transcript (18 July 2022) 610.4-5 (Thexton).

<sup>43</sup> Transcript (13 July 2022) 327.12-15 (Woltsche).

<sup>44</sup> Transcript (13 July 2022) 327.21-22 (Woltsche).

*Krystal's telephone activity after 20 June 2009*

93. The only evidence before the court of where Krystal may have been after 9.30 pm on 20 June 2009 is circumstantial and contained within telephone records. The relevant telephone numbers include Krystal's mobile phone, Mr Peter Jenkinson's home and land line and the Leitchville public pay phone. Mr Tim Miller, who, at the relevant time was a Business Specialist in the Law Enforcement Liaison Section of Telstra Corporation Limited, was called to give evidence at the inquest to assist with the analysis of the telephone records.
94. Krystal's telephone records indicate that her phone was switched on and active up until 2.49 am on 20 June 2009. This evidence is the only real clue about Krystal's whereabouts after she left Mr Glennie's house at 9.30 pm. The evidence regarding the relevant telephone records was summarised by Counsel Assisting in her closing submissions, and I have reproduced them, as follows:<sup>45</sup>

<b>Date</b>	<b>Time</b>	<b>type</b>	<b>Duration (seconds)</b>	<b>The phone tower used to connect to the network</b>
20/06/2009	21:39:52	data		Pyramid Hill
20/06/2009	21:48:01	data		Pyramid Hill
20/06/2009	22:04:02	data		Pyramid Hill
20/06/2009	23:59:51	MT voice	40	Pyramid Hill
21/06/2009	00:03:00	data		Pyramid Hill
21/06/2009	00:09:46	data		Pyramid Hill
21/06/2009	00:17:08	data		Pyramid Hill
21/06/2009	00:17:08	data		Pyramid Hill
21/06/2009	01:45:50	data		Patho
21/06/2009	01:46:00	data		Patho
21/06/2009	02:49:10	data		Leitchville
24/06/2009	14:01:20	3G MMS		
24/06/2009	14:03:00	3G MMS		

95. In closing submissions, Counsel Assisting also summarised the evidence before the Court about the call charge records, as follows:
- a. the coverage of the towers in the Pyramid Hill area overlapped.<sup>46</sup> A phone connected to the network via the phone tower that had the best signal strength.<sup>47</sup> This was determined by location, the traffic or capacity of the tower, and whether there was obstruction.<sup>48</sup>
  - b. The call charge record only captures the cell at the time the call was made.<sup>49</sup>

<sup>45</sup> Exhibit D (Phone records of 04.. ... 924 (incoming)); Exhibit F (Phone records of 04.. ... 924 (outgoing)).

<sup>46</sup> Transcript (14 July 2022) 431.2 (Miller).

<sup>47</sup> Transcript (14 July 2022) 431.18-19 (Miller).

<sup>48</sup> Transcript (14 July 2022) 431.29 – 432.9 (Miller).

<sup>49</sup> Transcript (14 July 2022) 434.16-23 (Miller).

- c. at 12.17 am on 21 June 2009, Krystal’s phone was connected to the Pyramid Hill phone tower.<sup>50</sup>
  - d. at 1.45 am on 21 June 2009, Krystal’s phone was connected to the Patho phone tower.<sup>51</sup>
  - e. the change in phone tower (from Pyramid Hill to Patho) indicates movement of the phone.<sup>52</sup> The phone “necessarily had to move.”<sup>53</sup>
  - f. at 2.49 am on 21 June 2009, Krystal’s phone was connected to the Leitchville phone tower.<sup>54</sup>
  - g. the change in phone tower (from Patho to Leitchville) can only be phone movement.<sup>55</sup>
  - h. if a phone was connected to the Leitchville tower, it is most likely that the phone is closer to the Leitchville tower than any of the other towers on the map.<sup>56</sup>
  - i. leaving aside the 24 June 2009 3G MMS records, there was no activity from Krystal’s phone after 21 June 2009 at 2.49 am.<sup>57</sup>
96. Counsel Assisting also submitted that the distance between Pyramid Hill and Leitchville is approximately 27 kilometres<sup>58</sup> and that as Krystal was heavily pregnant, she would not have been able to walk that distance.<sup>59</sup> It follows that in order for Krystal’s phone to have moved from the Pyramid Hill tower, to the Patho tower, and then to the Leitchville tower within the time frames, someone must have collected Krystal from Pyramid Hill in a vehicle and driven her towards the area covered by the Leitchville phone tower. No-one has ever admitted to driving Krystal towards Leitchville on 21 June 2009.
97. Counsel Assisting further submitted that according to Mr Miller’s evidence in relation to when the two 3G MMS on 24 June 2009 it is most likely the 3G MMS recorded on 24 June 2009 were sent “*much earlier*”<sup>60</sup> than 2.01 pm on 24 June 2009 because:
- a) there was no cell location recorded at 2.01 pm and 2.03 pm on 24 June 2009;<sup>61</sup>

<sup>50</sup> Transcript (14 July 2022) 454.5-6 (Miller).

<sup>51</sup> Transcript (14 July 2022) 454.17-18 (Miller).

<sup>52</sup> Transcript (14 July 2022) 454.26 (Miller).182

<sup>53</sup> Transcript (14 July 2022) 435.20-21 (Miller).

<sup>54</sup> Transcript (14 July 2022) 454.14 (Miller).

<sup>55</sup> Transcript (14 July 2022) 455.17 (Miller).

<sup>56</sup> Transcript (14 July 2022) 433.12-20 (Miller).

<sup>57</sup> Transcript (14 July 2022) 737 (Miller).

<sup>58</sup> CB 673 (Statement of Detective Inspector Wayne Woltsche dated 15 December 2020).

<sup>59</sup> CB 673 (Statement of Detective Inspector Wayne Woltsche dated 15 December 2020).

<sup>60</sup> Transcript (14 July 2022) 456.25-28, 457.7- 459.12, 26-31 (Miller).

<sup>61</sup> Transcript (20 July 2022) 747.16-18 (Miller).

- b) there was no IMEI<sup>62</sup> recorded at 2.01 pm and 2.03 pm on 24 June 2009, where the IMEI is captured, it indicates that the phone was involved with the GPRS in some way at that particular time’;<sup>63</sup>
- c) the phone was not connected to the network between 2.49 am on 21 June 2009 and 2.01 pm on 24 June 2009. For the 3G MMS to be sent at 2.01 pm and 2.03 pm on 24 June 2009 the phone would need to have been turned on and connected to the network (either by being turned on, charged or moving into range) at 2.01 pm and 2.03 pm, following which the phone was again not connected to the network. It is unlikely that the phone was turned on or moved into range for two minutes on 24 June 2009, then turned back off or moved out of range again.

98. I accept the submissions of Counsel Assisting in relation to Krystal’s telephone records. I find that Krystal’s telephone ceased being active just after 2.49 am on 21 June 2009.

*The calls to Krystal from the Leitchville pay phone*

99. The telephone calls to Krystal from the Leitchville phone box are highly significant to Krystal’s disappearance.

100. Krystal’s mobile phone records show that prior to 14 May 2009, she had never received phone calls from the Leitchville pay phone. However, from 14 May 2009 until 20 June 2009, Krystal received 19 calls from the Leitchville pay phone.<sup>64</sup> Those calls were usually in the late afternoon or early evening and were of varying duration, up to three minutes long. Counsel Assisting summarised the evidence about the calls from the Leitchville phone box to Krystal in her closing submissions, as follows:

<b>Date</b>	<b>Time</b>	<b>Call duration (seconds)</b>
14/05/2009	21:35:46	0
14/05/2009	21:36:40	0
14/05/2009	21:38:02	66
15/05/2009	21:11:00	158
17/05/2009	21:19:16	100
21/05/2009	19:22:47	96
22/05/2009	19:55:38	159
22/05/2009	21:51:37	140
01/06/2009	19:16:36	70
06/06/2009	17:54:11	5
06/06/2009	17:54:50	5

<sup>62</sup> (International Mobile Equipment Identity) is a 15-17-digit code that is given to every mobile phone. This number is used by service providers to uniquely identify valid devices.

<sup>63</sup> Transcript (14 July 2022) 454.28-455.7 (Miller).

<sup>64</sup> Exhibit B (Leitchville phone records).

06/06/2009	17:55:26	5
06/06/2009	17:56:01	5
09/06/2009	21:10:59	0
16/06/2009	19:45:19	182
19/06/2009	19:08:50	0
19/06/2009	20:53:20	139
20/06/2009	17:42:23	80
20/06/2009	23:59:21	40

101. No one has come forward and admitted to making the calls from the Leitchville phone box to Krystal<sup>65</sup> despite Victoria Police publicising the relevance of the calls from the phone box in relation to Krystal's disappearance in media releases shortly after her disappearance.
102. The call from the Leitchville phone box at 11.59 pm on 20 June 2009 is the last record of Krystal speaking to someone on the phone. After that phone call, no more calls were made from the phone box at Leitchville to Krystal's phone. I infer from the sudden cessation of calls that the person who telephoned Krystal at 11.59 pm on 20 June 2009 had knowledge that Krystal was no longer alive and has information about what happened to Krystal and was likely to have been involved with her death.

*The person who called Krystal from the phone box*

103. In written submissions following the inquest, Counsel Assisting proffered that there was sufficient evidence to support a finding, on the balance of probabilities, that Mr Jenkinson was the person who called Krystal from the Leitchville phone box from 14 May 2009 until 20 June 2009. The evidence in support of this submission is reproduced, as follows:
- a. There were no outgoing phone calls from Mr Jenkinson's mobile or his landline at the times the calls were made from the Leitchville phone box to Krystal.<sup>66</sup>
  - b. Mr Jenkinson told Leading Senior Constable (LSC) Goyne that he had spoken to Krystal when she was in hospital.<sup>67</sup> Mr Jenkinson said Krystal contacted him on his mobile, and he believed it was from the hospital phone because it was a private number.<sup>68</sup> Mr Jenkinson said it was during the week and he was working.<sup>69</sup> There is no record of Krystal calling Mr Jenkinson's mobile or a call from the hospital to Mr Jenkinson's mobile, between 15 and 19 June 2009.

<sup>65</sup> Transcript (18 July 2022) 612.18 (Thexton).

<sup>66</sup> Exhibit B (3 Jenkinson Mobile spreadsheet); (1 Jenkinson landline spreadsheet); (Peter Jenkinson mobile records ... 337); (Peter Jenkinson landline records ... 337).

<sup>67</sup> CB 480 (Statement of Christopher Goyne dated 9 January 2010).

<sup>68</sup> CB 1199 (Record of Interview of Peter Jenkinson dated 26 August 2009); CB 1276 (Record of Interview of Peter Jenkinson dated 16 September 2009).

<sup>69</sup> CB 1289 (Record of Interview of Peter Jenkinson dated 16 September 2009).

- c. There were two calls from Bendigo Hospital to Mr Jenkinson's landline:<sup>70</sup>
- (i) 16 June 2009 at 6.27 pm. The call duration was 17 seconds.
  - (ii) 17 June 2009 at 3.25 pm. The call duration was 21 seconds.
- d. There was one call from Krystal's mobile to Mr Jenkinson's landline:<sup>71</sup>
- (iii) 18 June 2009 at 6.19 pm. The call duration was 19 seconds.
- e. Mr Jenkinson told Leading Senior Constable (LSC) Goyne the last time he had spoken to Krystal was on the phone when she was in hospital at Bendigo, on the Thursday or Friday, around the 18<sup>th</sup> or 19<sup>th</sup>.<sup>72</sup> Mr Jenkinson thought it was Friday 19<sup>th</sup> and that he'd spoken to her at night-time.<sup>73</sup> LSC Goyne asked Mr Jenkinson why he called Krystal and asked what they talked about.<sup>74</sup> Mr Jenkinson said he was just checking to see how she was.<sup>75</sup> When interviewed by police, Mr Jenkinson did not dispute that he had called Krystal. Mr Jenkinson said the call with Krystal while she was in hospital lasted "a couple of minutes" and "only minutes."<sup>76</sup>
- f. Mr Jenkinson told police that Krystal told him that she had to go to hospital because she was having mild labour pains, and she didn't think the doctor would be letting her out of there and she would be in hospital until she had the baby.<sup>77</sup> According to the available evidence, Mr Jenkinson also told his friend Mr Steve Jones he had spoken to Krystal over the phone when she was in hospital just before she went missing and Krystal told Mr Jenkinson she was in labour and about to have the baby.<sup>78</sup>
- g. The evidence does not establish whether the three calls from Krystal to Mr Jenkinson's landline were answered. However, even if they were, due to the short duration of the calls (16 seconds, 21 seconds, 19 seconds, respectively) it is unlikely that this information could have been conveyed in the three calls.
- h. Krystal made a long diary entry during her stay at the Medi-Hotel on 16 June 2009. At the beginning of the diary entry, she wrote the time as 7.30 pm. The last line of the entry stated, "*My good mate PJ just called and I could be catching up with him if I go home*

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<sup>70</sup> CB 4577.

<sup>71</sup> Exhibit F (Phone records of 04... 924 (outgoing)).

<sup>72</sup> CB 480 (Statement of Christopher Goyne dated 9 January 2010).

<sup>73</sup> CB 480 (Statement of Christopher Goyne dated 9 January 2010).

<sup>74</sup> CB 480 (Statement of Christopher Goyne dated 9 January 2010).

<sup>75</sup> CB 480 (Statement of Christopher Goyne dated 9 January 2010).

<sup>76</sup> CB 1278, 1288 (Record of Interview of Peter Jenkinson dated 16 September 2009).

<sup>77</sup> CB 1199 (Record of Interview of Peter Jenkinson dated 26 August 2009); CB 1276-1277 (Record of Interview of Peter Jenkinson dated 16 September 2009).

<sup>78</sup> CB 489 (Statement of Stephen Jones dated 19 September 2009).

*this weekend with any luck I'll be able to, hopefully.*"<sup>79</sup> Krystal used the language "*just called*" which suggests she received a call rather than made a call. Krystal received a phone call from the Leitchville phone box at 7.45 pm on 16 June 2009.

- i. The caller from the Leitchville phone box transposed the final three digits in Krystal's number, so did Mr Jenkinson. In his record of interview, Mr Jenkinson said he knew Krystal's number "*off by heart*"<sup>80</sup> and stated the number was 04.. ... **249**.<sup>81</sup> Krystal's number was actually 04.. ... **924** (my emphasis). Mr Jenkinson had also transposed the final three digits on two occasions in 2008, then immediately dialled Krystal's number, as follows:<sup>82</sup>

<b>Date</b>	<b>Time</b>	<b>B Party number</b>	<b>Duration</b>
21/05/2008	13:31:09	04..... <b>942</b>	23
21/05/2008	13:31:10	04..... <b>942</b>	21
21/05/2008	13:32:49	04..... <b>924</b>	6

- j. On three occasions in 2009, the caller from the Leitchville phone box also dialled the number 04.. ... 942, then immediately dialled Krystal's number:<sup>83</sup>

<b>Date</b>	<b>Time</b>	<b>B Party number</b>	<b>Duration</b>
15/05/2009	21:09:39	04..... <b>942</b>	0
15/05/2009	21:10:26	04..... <b>942</b>	0
15/05/2009	21:11:00	04..... <b>924</b>	158

- k. Mr Jenkinson admitted he had used the phone box at Leitchville.<sup>84</sup> Although Mr Jenkinson denied using the phone box to call Krystal,<sup>85</sup> it is significant that he admitted to using the phone box because this could explain any forensic evidence found at the phone box.

- l. Mr Jenkinson went through Leitchville daily.<sup>86</sup>

104. Counsel Assisting submitted that based on these factors, of the people considered, Mr Jenkinson is the person most likely to have called Krystal from the Leitchville phone box

<sup>79</sup> CB 750.

<sup>80</sup> CB 1200 (Record of Interview of Peter Jenkinson dated 26 August 2009).

<sup>81</sup> CB 1199 (Record of Interview of Peter Jenkinson dated 26 August 2009).

<sup>82</sup> Exhibit B (3 Jenkinson Mobile spreadsheet).

<sup>83</sup> Exhibit B (Leitchville phone box)

<sup>84</sup> CB 1217 (Record of Interview of Peter Jenkinson dated 26 August 2009); CB 1281, 1294, 1295 (Record of Interview of Peter Jenkinson dated 16 September 2009).

<sup>85</sup> CB 1219 (Record of Interview of Peter Jenkinson dated 26 August 2009); CB 1291 (Record of Interview of Peter Jenkinson dated 16 September 2009).

<sup>86</sup> CB 1283 (Record of Interview of Peter Jenkinson dated 16 September 2009).



but that these matters **do not exclude** the possibility that another person may have called Krystal from the Leitchville phone box.

105. In its closing submissions, counsel for the Chief Commissioner of Police agreed that the evidence established to the requisite standard that Peter Jenkinson was the person who called Krystal from the Leitchville phone box. In addition to the evidence referred to by Counsel Assisting, in its closing submissions, the Chief Commissioner for Police also referred to the following evidence:

- a. A lengthy telephone call between Mr Jenkinson and Krystal on 13 May 2009, which marked the point at which calls from Mr Jenkinson's land line and mobile to Krystal ceased and calls from the Leitchville phone box commenced;<sup>87</sup> and
- b. Analysis of Mr Jenkinson's home internet usage which indicates no internet usage on any occasion when the calls were made from the Leitchville phone box at times when usage commonly occurred.<sup>88</sup>

106. However, contrary to the submission of Counsel Assisting, counsel for the Chief Commissioner of Police submitted that a positive finding that Mr Jenkinson made the telephone calls to Krystal **implicitly excluded** the possibility that another person may have made the calls from the Leitchville phone box to Krystal.

107. In consideration of whether I could be satisfied on the balance of probabilities that Mr Jenkinson made the calls from the Leitchville phone box, the closing submissions on behalf of Mr Jenkinson stated, *inter alia* that:

- a. Mr Jenkinson denied making the telephone calls to Krystal from the Leitchville phone box between 14 May and 20 June 2009 although he admitted to having used the phone box earlier than this time to call other people.
- b. No person gave evidence of witnessing Mr Jenkinson making any of the Leitchville phone box calls at the alleged times.
- c. The evidence that Mr Jenkinson called Krystal from the Leitchville phone box was circumstantial and of limited probative value and even if it did have probative value, it did not exclude the possibility that another person may have called Krystal from the Leitchville phone box. Further, there may be an explanation for the calls that is unconnected with Krystal's death.

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<sup>87</sup> Transcript 383-4 (Woltsche).

<sup>88</sup> CB 3073 3239.

108. I reject this submission. Taking into consideration the whole of the evidence, I find that the evidence establishes to the requisite standard that Mr Jenkinson was the person who made the calls to Krystal from the Leitchville phone box. In making this finding I note there is no evidence before the Court which could rationally exclude Mr Jenkinson as the person who made the calls and in making this finding it is not incumbent on me to exclude all other rational explanations for the maker of the phone calls.

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

109. A finding that a person is deceased is a grave and significant one; it will likely add further emotional toll to the family in circumstances where they have already experienced great anguish since Krystal disappeared. It also carries important legal consequences and accordingly, there needs to be clear and cogent evidence before such a finding can be made.

110. In consideration of the whole of the evidence, while a body has not been located, I am satisfied, on the balance of probabilities, that Krystal Lee Fraser, born 18 August 1985, is deceased. The circumstantial evidence, including the sudden cessation of contact with anyone in her known networks and her advanced pregnancy, is sufficient for me to conclude that Krystal died on or shortly after the early hours of 21 June 2009, near Leitchville, Victoria

111. It is not possible to make a finding as to the medical cause of death because the body has not been located and examined. I am satisfied that Krystal did not die of natural causes, including during childbirth. She was not suffering from any known medical conditions which would account for a sudden and natural death. Similarly, if she had gone into labour or suffered some kind of acute pregnancy related episode, it is likely that she would have contacted her family or otherwise have sought medical assistance. In any event, Krystal had died suddenly of natural causes, it is highly likely that her body would have been discovered.

112. Further, there was no credible evidence before the Court that Krystal died by suicide or by misadventure. If she had died in any of these circumstances, it is more likely than not her body would have been found during the searches conducted after her disappearance. It was “*highly unlikely*” Krystal had capacity to take her own life in a way that no trace of her could ever be found.<sup>89</sup>

113. Having excluded these other theories for Krystal’s disappearance, my review of the whole of the evidence leads me to conclude that Krystal’s death was caused by another person.

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<sup>89</sup> Transcript (13 July 2022) 325.9 (Detective Inspector Wayne Woltsche).

114. Having concluded that Krystal died soon after the final telephone call from the Leitchville phone box to her mobile number at 11.59 pm on 20 June 2009 and that she died as a result of an act by another person or people, I am obligated to consider who that person is.
115. Counsel Assisting submitted that on the evidence available, Mr Jenkinson is the person to most likely have caused Krystal's death. Counsel Assisting submitted however that the evidence is not sufficient for a finding to the required legal standard that Mr Jenkinson may have caused Krystal's death and it is possible that another person may have caused Krystal's death.
116. Counsel for the Chief Commissioner of Police submitted that while a finding that Mr Jenkinson made the calls from the Leitchville phone box does not establish that he may have caused or contributed to Krystal's death, it follows that Mr Jenkinson is in receipt of critical information regarding the circumstances of Krystal's disappearance about which he has deliberately lied to police.
117. Counsel for Mr Jenkinson also submitted that there is insufficient evidence for a 'positive' finding that Mr Jenkinson caused Krystal's death, and there remains the distinct possibility that another person not yet identified may have caused Krystal's death.
118. I accept the submissions of the parties that there is insufficient evidence for me to conclude to the requisite standard that Mr Jenkinson was responsible for Krystal's death. However, there is no evidence that excludes Mr Jenkinson as a person who may have been involved in her death.
119. As set out in paragraphs 103 to 108 of this finding, the evidence demonstrates that Mr Jenkinson was the caller from the Leitchville phone box between 14 May 2009 to 20 June 2009.
120. Having already inferred from the sudden cessation of phone calls from the Leitchville phone box after 11.59 pm on 20 June 2009 that the caller was involved in Krystal's disappearance, it follows that I find that Mr Jenkinson, as the caller, was involved in what happened to Krystal after she was taken to the Leitchville area and he has been untruthful to police about it.
121. The close temporal proximity of the final phone call to the final mobile phone movements shortly thereafter makes it highly probable that the caller was involved in transporting Krystal from Pyramid Hill to Leitchville. Accordingly, I find that after calling Krystal at 11.59 pm, Peter Jenkinson was then involved in transporting Krystal from her unit at Pyramid Hill to an area near Patho where her phone 'pinged' twice utilising the Patho tower and then to an area near Leitchville where the phone 'pinged' a final time utilising the Leitchville tower. It is

notable that the telephone records show that at 12.30 am on 21 June 2009, Mr Jenkinson checked his voice mail messages and his mobile phone was connected to the network via the Patho tower.<sup>90</sup> Those records indicate that Mr Jenkinson was awake and not at home at around the time that Krystal's mobile phone was on the move from Pyramid Hill to Patho, Victoria.<sup>91</sup>

122. I am cognisant of the denials made by Mr Jenkinson to police about involvement in Krystal's disappearance and the absence of any physical evidence as to what happened to her. However, I have had regard to the circumstantial evidence before the court which satisfies me to the required civil standard that Mr Jenkinson was involved in her disappearance as set out in this finding. I note there are inconsistencies in Mr Jenkinson's explanations about key matters involving his relationship with Krystal and her disappearance.
123. Mr Jenkinson was not able to account for his whereabouts on the evening of 20 June 2009. In his interview with police on 26 August 2008, he was vague about his activities that evening, saying he may "*have been out with me mates*" or "*probably getting wood*".
124. Mr Jenkinson gave untruthful and inconsistent evidence about his sexual relationship with Krystal. In his police interviews in August and September 2009, he told police he'd slept with Krystal a few times, three years earlier. However, in August 2009, Mr Jenkinson denied that he had been having sex with Krystal at all to retired Detective Senior Sergeant Krstic, saying words to the effect "*[n]o way she's a bloody drug fucked nuffy*".<sup>92</sup>
125. After Mr Jenkinson and his friend, Stephen Jones, were interviewed by police, Mr Jenkinson admitted to Mr Jones that he had been having sex with Krystal for the previous two years. Mr Jones was said to be angry at Mr Jenkinson about this, and their friendship ended as a result. According to the evidence, they never spoke again.<sup>93</sup>
126. In fact, the evidence established that Mr Jenkinson had a sexual relationship with Krystal which was continuing at the time Krystal conceived her baby in the spring of 2008. Krystal had told her mother that Mr Jenkinson may be the father of her baby,<sup>94</sup> although other men may have been the father.
127. Of course, the concealment by Mr Jenkinson of his sexual relationship with Krystal is not proof that he was involved in her death. However, in circumstances where he became aware that she had disappeared when she was heavily pregnant and days away from giving birth, and

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<sup>90</sup> Exhibit H (Peter Jenkinson ... 337).

<sup>91</sup> Krystal's mobile phone pinged at 1.45 am using the Patho tower.

<sup>92</sup> CB 483 (Statement of Alexander Aldo Krstic undated).

<sup>93</sup> Mr Jones died in 2010.

<sup>94</sup> CB 152 (Statement of Karen Fraser dated 22 September 2009; Transcript (12 July 2022) 104.25 (Chantel Fraser)).

that he had been in a sexual relationship with her at around the time of conception, it is significant that he was not forthright to police about this.

128. It is also significant that between 1 January 2008 and 13 May 2009 there was extensive phone contact between Mr Jenkinson and Krystal.<sup>95</sup> After 13 May 2009, there are no calls or SMS from Mr Jenkinson's mobile to Krystal's mobile, or from Mr Jenkinson's landline to Krystal's phone until 24 July 2009. The following day, on 14 May 2009, Krystal started receiving telephone calls from the Leitchville phone box. I find that Mr Jenkinson ceased telephoning Krystal from his own mobile and land lines and started calling her from the Leitchville phone box in order to conceal his contact with her before she disappeared. Immediately following her sudden disappearance on 20 June 2009, he immediately ceased calling her from the Leitchville phone box. I conclude that he did this because he was involved in her disappearance on the night of 20 June 2009. Without further evidence, I am unable to comment further on this.

## COMMENTS

129. It is regrettable that the lengthy police investigation and the inquest into Krystal's death has not resolved two fundamental questions, how Krystal died and the location of her body and that of her baby.
130. Krystal's disappearance has just days before she was to give birth to her baby son has deeply affected her community. For Krystal's family, the grief about her death has been long overshadowed by the questions and uncertainty about her disappearance. I acknowledge the pain and distress that this uncertainty has caused and will likely continue to cause in the absence of resolution.
131. For the avoidance of doubt, I make no adverse comment or finding in respect of either Victoria Police or Bendigo Health.
132. For its part, Bendigo Health provided maternity care and accommodation to Krystal during her pregnancy. Krystal was an outpatient at Bendigo Health who, at the time of her disappearance had been staying at the hospital's Medi-hotel, which is accommodation for eligible patients who require access to hospital services but do not necessarily need to stay in hospital. Krystal was a voluntary guest at the Medi-hotel who was intending to travel by train a relatively short distance to her hometown, and accordingly the actions of the Medi-hotel in conferring with the obstetrics unit and providing advice to Krystal about her leave from the

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<sup>95</sup> Exhibit D (Phone records of 04.. ... 924 (incoming)); Exhibit F (Phone records of 04.. ... 924 (outgoing)); Transcript (18 July 2022) 654.31-655.1 (Thepton).

hotel were appropriate in circumstances where they had no reason to be concerned that Krystal was to disappear and possibly meet foul play.

133. Victoria Police conducted a lengthy and thorough investigation into Krystal's disappearance. With the benefit of hindsight, if Victoria Police had immediately been aware that Krystal had been the victim foul play, their investigation may have had a different focus from the outset. Instead, the local police responded to information reports which indicated that Krystal was alive and with friends. Victoria Police acknowledged this delay at the inquest. However, in looking back at the police investigation, including the investigative steps made in June 2009, it is important to avoid the trap of hindsight bias. The police were duty bound to respond to the information they had at the time and in any event, a differently focussed investigation would almost certainly not have resulted in Krystal being found alive. In this regard, the evidence strongly indicates that she died very soon after she received the telephone call from Leitchville phone box just after midnight on 21 June 2009.

Pursuant to section 73(1B) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.

Pursuant to section 49(1) of the Act, I direct the Principal Registrar to notify the Director of Public Prosecutions that I believe an indictable offence may have been committed in connection with Krystal's death.

I convey my sincere condolences to Krystal's family for their loss.

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

Karen and Neil Fraser, Senior Next of Kin

Chief Commissioner of Police

Ms Chantel Fraser

Mr Peter Jenkinson

DSC Brett Thexton, Coroner's Investigator

Senior Constable Jeff Dart, Police Coronial Support Unit

Signature:

A handwritten signature in black ink, appearing to read "Kashwan" followed by a stylized flourish.

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Date: 13 October 2022

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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 investigation. 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.

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