

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: COR 2020 6517

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 63(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of RATKO CRNIC

Delivered On:	16 NOVEMBER 2021
Delivered At:	THE CORONERS COURT OF VICTORIA 65 KAVANAGH STREET, SOUTHBANK
Hearing Dates:	16 NOVEMBER 2021
Findings of:	CORONER PHILLIP BYRNE
Counsel Assisting the Coroner:	RACHEL QUINN

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: **COR 2020 6517**

FINDING INTO DEATH WITH INQUEST

Form 38 Rule 63(2)

Section 67 of the Coroners Act 2008

I, PHILLIP BYRNE, Coroner having investigated the death of RATKO CRNIC
AND having held an inquest in relation to this death on 1 DECEMBER 2020
find that the identity of the deceased was RATKO CRNIC
born on 6 NOVEMBER 1935
and the death occurred on 1 DECEMBER 2020
at Alfred Health, The Alfred Hospital, 55 Commercial Road, Melbourne, Victoria, 3004
from:

I (a) TRAUMATIC HEAD INJURY

Pursuant to section 67(1) of the **Coroners Act 2008** I make findings with respect to **the following circumstances:**

BACKGROUND

1. Ratko CRNIC, 85 years of age at the time of his death, resided at 21 Annabella Court, Dandenong North. It is reported Mr Crnic who was born in Yugoslavia was orphaned as a child and has no known family. Mr Crnic had a long-term friend Mr Luka Jusup who was executor and held Power of Attorney.

BROAD CIRCUMSTANCES SURROUNDING DEATH

2. I will later in this finding refer to events over many years involving Mr Crnic and several neighbours. These events involved disputation over a number of issues with Mr Crnic becoming threatening and aggressive on occasions. Some of these matters resulted in police attendances. At this point I propose to restrict myself to the unfortunate events of 30 November 2020 which have been the primary focus of my coronial investigation
3. Early in the afternoon of 30 November 2020 issues of contention involving Mr Crnic and a neighbour Mrs Maggie Youssef arose. There had over the years been disputation between

the two. On this occasion Mrs Youssef contacted Mr Jusup to see if he could intervene to resolve the disputation. Mr Jusup called Mr Crnic advising him that Mrs Youssef had advised him she intended to apply for an intervention order. Mr Crnic persuaded Mr Jusup to contact the Dandenong Police Station. Mr Jusup spoke with Senior Constable Hynd advising that Mr Crnic wanted police to attend Annabella Court to try to resolve the dispute. Senior Constable (S/C) Hynd advised Mr Jusup police did not propose to attend as there was no suggestion the disputation involved the commission of a criminal offence. Shortly after 3:30pm Mr Jusup advised Mr Crnic police did not propose to attend.

4. At about 4pm Mr Crnic attended the Dandenong Police Station himself and “engaged,” for want of a better term, with S/C Hynd. After a somewhat bizarre exchange S/C Hynd confirmed police would not be attending. Mr Crnic stated words to the effect, I’ll sort it out myself I’ll do it my way and left the police station in an agitated condition.
5. Shortly after returning home at approximately 4:30pm Mrs Youssef hearing a loud noise outside, went outside and observed Mr Crnic damaging a masonry blockwork fence with a metal pole which she described as a “crowbar.” She approached Mr Crnic and asked him to desist. Mr Crnic threw a container of pasta sauce at Mrs Youssef some of the contents staining her clothes. Mrs Youssef threw the container back at Mr Crnic and turned away to re enter her house. Hearing footsteps behind her she turned and was confronted by Mr Crnic thrusting the metal pole towards her. Mrs Youssef in her formal statement to investigating police alleged Mr Crnic said several times “I’m going to kill you.” It is reported Mrs Youssef tried to remove the metal pole from Mr Crnic.
6. Mrs Youssef’s son Mark Youssef hearing the commotion exited the garage and observing the physical confrontation rushed to defend his mother shouldering Mr Crnic in the chest resulting in Mr Crnic falling backward striking his head on the concrete driveway.
7. Mr Crnic was conveyed to The Alfred Hospital where after assessment, including scans, it was demonstrated he had sustained an unsurvivable injury to the brain. He was considered not appropriate for surgery, was palliated and died on 1 December 2020.

REPORT TO THE CORONER

8. Mr Crnic’s death was reported to the Coroner. I was advised the Homicide Squad were involved in the investigation. Noting that, considering the circumstances and having conferred with a forensic pathologist, I directed an autopsy and ancillary tests. The directed

autopsy was performed at VIFM by Forensic Pathologist Dr Heinrich Bouwer who advised Mr Crnic's death was due to:

I (a) TRAUMATIC HEAD INJURY

The autopsy demonstrated;

"Severe blunt force head trauma with occipital load impact complicated by communicated skull fracture, extensive intracranial haemorrhage and traumatic brain injuries"

The toxicological analysis of post mortem specimens was largely unremarkable.

FURTHER INVESTIGATION

9. The circumstances surrounding Mr Crnic's death resulted in the Homicide Squad undertaking a comprehensive investigation. Not surprisingly, ultimately no charges were laid; it was concluded Mr Youssef was acting in defence of his mother who was being assailed by Mr Crnic. In my considered view one could not reasonably be critical of the decision not to bring charges.
10. It is to be borne in mind that the investigation of crime is a matter for police not the coroner. I conclude no further investigation is warranted. and now proceed to finalisation by way of Summary Mandatory Inquest.

FINDING

11. I formally find RATKO CRNIC died in The Alfred Hospital Melbourne on 1 December 2020 from a traumatic brain injury sustained outside 21 Annabella Court Dandenong North on 30 November 2020 when knocked to the ground by Mark Youssef who went to the aid of his mother when she was assailed by Mr Crnic.

DISTRIBUTION OF FINDING

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

- Mr Luka Jusup, Senior Next of Kin;
- Detective Senior Constable Patrick Derksen, Corner's Investigator.

Signature:

PHILLIP BYRNE
CORONER

Date:

[Handwritten signature of Phillip Byrne]
16.11.21



B. Pursuant to Section 73(1) of the *Coroners Act 2008* I order that this finding be published on the Coroners Court of Victoria Website in accordance with the rules.