



**STATE CORONER'S COURT
OF NEW SOUTH WALES**

Inquest: Inquest into the deaths of Mr TK and Mrs TK

Hearing dates: 11 August 2016

Date of findings: 11 August 2016

Place of findings: NSW State Coroner's Court, Glebe

Findings of: Magistrate Derek Lee, Deputy State Coroner

Catchwords: CORONIAL LAW – homicide, suicide, mandatory inquest

File numbers: 2014/96272, 2014/96433

Representation: Sergeant D Williamson, Coronial Advocate assisting the Coroner

Non-publication order: Pursuant to section 75(2)(b) of the *Coroners Act 2009* I direct that there be no publication of any matter that identifies Mr TK, Mrs TK, or any of their relatives.

Findings: I find that Mrs TK died on 28 March 2014 at Carlton NSW due to multiple gunshot wounds inflicted by Mr TK.

I find that Mr TK died on 28 March 2014 at Carlton NSW due to a self-inflicted gunshot wound and that he acted with the intention of ending his own life.

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Introduction

1. Mr TK and Mrs TK¹ were married in 2004 and had 3 children: 2 sons and a daughter. Up until several years before their deaths Mr TK and Mrs TK enjoyed a happy life together as a young family. Sadly, the gradual deterioration of their marriage several years before their deaths led Mr TK and Mrs TK to consider divorce.
2. On 28 March 2014 Mr TK posted a message on his Facebook account which several of his friends read. They immediately became concerned for Mr TK's and Mrs TK's welfare and alerted members of their families. Some of these friends and family members went to Mr TK and Mrs TK's home in Carlton. By looking through a window they saw Mrs TK was slumped forward in an armchair and not responding to their calls to attract her attention. The police and ambulance personnel were immediately notified.
3. When police officers entered the home they found Mr TK and Mrs TK in the lounge room. Mrs TK had gunshot wounds to her head and left forearm. Mr TK had a gunshot wound to his head and was found with a revolver in his right hand. It became apparent that Mr TK had used the revolver to inflict the gunshot wounds to Mrs TK before using the revolver on himself.

Why does an inquest have to held?

4. All violent and unnatural deaths must be reported to a Coroner. A Coroner has an obligation to make findings about the identity of the person who died, when and where they died, and what the cause and the manner of their death was. The manner of a person's death means the circumstances surrounding their death. If it appears to a Coroner that a person died, or might have died, as a result of homicide, then section 27(1)(a) of the *Coroners Act 2009* (the Act) requires that an inquest must be held.
5. On 8 December 2014 a Coroner dispensed with holding an inquest into Mrs TK's death. However, because Mrs TK's death was as a result of homicide, an inquest must be held. On 11 March 2016 the State Coroner directed that Mrs TK's case be re-opened so that an inquest could be held. Because Mr TK's death is obviously connected to Mrs TK's, the State Coroner also directed that his case be re-opened so that both cases could be heard together.
6. The deaths of Mr TK and Mrs TK were a tragic and heartbreaking event that will remain with their respective families, especially their young children, for a long time. Sadly, because of the mandatory requirements of the Act, an inquest must now be held which brings with it the distressing memories associated with their deaths.
7. When an inquest is held section 81(1) of the Act requires that the findings of the Coroner be recorded in writing. These are the findings of an inquest into the deaths of Mr TK and Mrs TK.²

¹ Due to the non-publication order made under s 75(2)(b) of the *Coroners Act 2009*, and the fact that both deceased have the same initials, they will be referred to as Mr TK and Mrs TK in these findings. The names of other witnesses have also been substituted with their initials.

² These findings have been prepared without the benefit of a transcript of the proceedings.

The lives of Mr TK and Mrs TK

8. Before setting out the findings from the inquest, it is appropriate at this time to briefly say something about what is known about Mr TK and Mrs TK. Members of their families were, understandably, not present at the inquest. Having to hear and re-live the events of 28 March 2014 would have obviously been extremely distressing. So what is known about Mr TK and Mrs TK has been taken from the statements collected by the police from their family and friends during their investigation.
9. Mr TK and Mrs TK met when they were in high school. They became friends and, after several years, they began dating. They later became engaged and eventually married in July 2004. They moved in together into a unit at [REDACTED], Carlton. They had two sons, JK and JK, and a daughter, LK. One of Mr TK's best friends, SK, said that Mr TK and Mrs TK "looked to have the perfect marriage and life together".³
10. Mr TK worked as an analyst programmer in the information technology department of the University Admissions Centre. Mrs TK worked as a Child Support Customer Service Officer with the Department of Human Services. By all accounts both Mr TK and Mrs TK enjoyed, and were good at, their work.
11. Their friends and family describe them both as devoted parents who adored their children immensely and loved spending time with them. Their family and friends have many happy memories of times spent with Mr TK, Mrs TK and their children at regular family dinners and other social events.

What happened leading up to 28 March 2014?

12. Sometime around 2010 Mr TK, Mrs TK and the children moved into Mr TK's parents' house. It appears this happened because Mr TK and Mrs TK became concerned about a break-in that had occurred at their unit around this time, and also because they wanted to rent out the unit in Carlton in order to save money to help pay off the mortgage.
13. In about October 2012 it appears that marital difficulties caused Mrs TK to move into her parents' house and she made arrangements for the children to spend equal time with herself and Mr TK. Mrs TK told her father that she wanted a divorce because Mr TK had been mistreating her.⁴ Mrs TK also confided in her sister-in-law, CP, that she was unhappy with her marriage and that Mr TK would belittle her.⁵ Mrs TK's mother and father intervened in an attempt to help Mr TK and Mrs TK reconcile.
14. Eventually Mr TK and Mrs TK moved back into the Carlton unit, with their children, in around March 2013. After the move Mrs TK's mother says that Mrs TK did not mention anything more about her relationship with Mr TK.⁶ CP says that after Mr TK and Mrs TK moved back to Carlton she would see them every two or three weeks and that there was no indication that they were having any further relationship issues.⁷

³ SK, paragraph 3.

⁴ JP, paragraph 10.

⁵ CP, paragraph 6.

⁶ MP, paragraph 9.

⁷ CP, paragraph 8.

15. Sometime in December 2013, Mr TK arranged to meet up with SK, who he had known since kindergarten. Mr TK told SK that Mrs TK had been having an affair with a colleague from her work and that she wanted to separate.⁸ SK saw that Mr TK was visibly upset and tried to console him. Mr TK told SK that he would try to salvage the relationship for the sake of the children.
16. About a month before his death Mr TK went to see another one of his best friends, RS, and also told him that Mrs TK had been having an affair. About a week after this meeting Mr TK met up with RS again and told him that he had used some key-logging program on his and Mrs TK's computers to obtain evidence about Mrs TK's affair.⁹ Mr TK said that he and Mrs TK were going to divorce and RS also tried to console Mr TK, reassuring him that everything would be alright.
17. Mr TK spoke to RS on the phone on 19 March 2014 and 23 March 2014. They spoke about Mr TK's children and about Mr TK buying a new car. Mr TK did not mention anything further about his earlier discussion concerning Mrs TK, her affair, or any prospect of divorce.
18. According to Mr TK's father, SK, Mr TK went to see him about 10 days before his death. Mr TK told his father that Mrs TK had been unfaithful, that she wanted a divorce, and that he was trying to talk her out of this.¹⁰
19. Sometime around 18 March 2014 Mr TK spoke to the director of his department at work, AH, and told Mr Harrop that he intended to resign. Mr TK subsequently confirmed this in an email to AH on 18 March 2014 citing "personal reasons" as the reason for his resignation. AH and some of Mr TK's colleagues tried to persuade Mr TK not to resign and he was offered a period of annual leave instead. However Mr TK remained firm that he wanted to resign and did not elaborate any further as to his reasons for doing so.
20. In the email Mr TK asked that the usual 4 week notice period be shortened to allow for his last day at work to be 28 March 2014. However, at work on the morning of 25 March 2014 Mr TK spoke to his immediate supervisor (FH), said that he had finished all of his outstanding work, and asked if he could have the rest of the week off.¹¹ This request was approved and shortly after lunch on that day, Mr TK handed in his work access card and sent a brief farewell email to his work colleagues.

What happened on 28 March 2014?

21. Sometime on Friday 28 March 2014 Mr TK dropped his 3 children at his parents' house in Kogarah. He told his father that he would be late in picking up the children as he and Mrs TK had to go to a parent-teacher meeting that evening.
22. At about 5:43pm Mr TK posted a status update on his Facebook account. Although Mr TK had had a Facebook account for some time, he only reactivated it and began using it again from December 2013 onwards. The message read:

What would you do if you found out your wife of 10 years, has been cheating on you with a muslim lebo [sic]? And the she told you that she would harm our 3 children, and then herself, if I exposed her deceit, betrayal and infidelity.

⁸ SK, paragraph 4.

⁹ RS, paragraph 13.

¹⁰ SK, paragraph 11.

¹¹ FH, paragraph 8.

For over a year now, I have been living a tormented life, knowing about her affair and threats, and not being able to act.

Recently, my eldest son [JK] came to me and said “Daddy, I don’t want mummy to drive us off the bridge, I’m scared daddy”. For her to say that in front of the kids, just broke me. Well suffice to say I was not going to give her the chance to harm our 3 beautiful children.

We ask for forgiveness from everyone that has been hurt by what has transpired, most certainly from our 3 beautiful Christian souls – [JK, JK, & LK].

To all our family and friends, I would like to request that those of you whom have met our children to please assist in their well-being. The smallest gestures count most...We will be watching from above.

Some of the less explicit details of this sordid affair may be accessed via...

23. Below the Facebook post were two links to files stored in a Dropbox account.
24. The update was seen shortly afterwards by several friends of Mr TK and Mrs TK who immediately became concerned. Some of these friends notified Mr TK and Mrs TK’s family members of the update. Numerous people tried to call Mr TK and Mrs TK.
25. SK and RS were among the people that saw the Facebook update. They, along with SK’ brother-in-law, went to Mr TK and Mrs TK’s home in Carlton. They were joined there by Mr TK’s older brother, RK, and Mrs TK’s older brother, SP, and Mrs TK’s father, JP.
26. The group saw that Mr TK and Mrs TK’s car was parked in the unit complex and also saw that a light was on inside the unit. They rang the unit and did not receive an answer. RS climbed up to a balcony and looked through a window. He saw Mrs TK sitting in an armchair in the lounge room, slumped forward, and not responding to his calls to gain her attention. The police and ambulance personnel were called and they arrived at the scene a short time later.
27. After gaining entry into the unit, police found Mr TK and Mrs TK in the lounge room. Mr TK was seated on the left hand side of a couch, slumped over the armrest. He had a significant injury to his head and was holding a Smith & Wesson Pro Series .357 Magnum revolver (serial number CTZ1625) in his right hand which was in his lap. Mrs TK was seated in an armchair to the left of Mr TK. She was also slightly slumped forward and had traumatic injuries to her head and left forearm.
28. After the unit was secured it was later examined by officers from the police crime scene unit. A cartridge fragment was found on the floor between Mr TK’s legs. The revolver was examined and found to contain 6 cartridges, 3 of which had been fired.
29. A handwritten note written by Mr TK and addressed “To Police” was found on the coffee table in front of Mr TK. The note indicated that Mr TK and Mrs TK’s three children were at Mr TK’s parents’ house, listed Robert’s contact number, and repeated the contents of Mr TK’s Facebook update. Next to the note was a set of 11 pages stapled together containing copies of text messages, emails and photographs relating to Mrs TK some of which had been written on and

marked. The pages were the same documents that were in the Dropbox account linked to Mr TK's Facebook update.

30. On the floor inside the main bedroom wardrobe was a closed firearm case which the Smith & Wesson revolver has been kept in. Inside the case was a Firearms Registry Permit to Acquire in Mr TK's name.
31. After securing the unit, police spoke to a number of neighbours who were at home at the time of Mr TK's and Mrs TK's deaths. All of the neighbours agree that they heard the sound of two loud bangs, followed by a third bang, sometime between about 5:30pm and 5:45pm. None of the neighbours state that they heard any argument, screaming or raised voices before the bangs. However, one neighbour told police that he heard the sound of a female scream between the first and second bangs.¹² There was also a wide difference amongst the neighbours regarding the time between the second and third gunshots. One neighbour described the time lapse as being approximately 4 seconds¹³ whilst another neighbour estimated that it could have been up to between 5 and 10 minutes.¹⁴

What were the causes of Mr TK's and Mrs TK's deaths?

32. Mrs TK and Mr TK were both later taken to the Department of Forensic Medicine at Glebe. Dr Istvan Szentmariay performed the post-mortem examinations on 31 March 2014. Dr Szentmariay found that Mr TK had a single gunshot wound to the right side of the head, behind and above the right ear. The gunshot caused extensive damage to Mr TK's scalp, skull, and brain. No exit wound was identified.
33. Dr Szentmariay found that Mrs TK had two gunshot wounds. One entered the left side of her head and exited over the right side of her head. The direction of the projectile was left to right, back to front, and downwards. A second gunshot wound was found over the inner aspect of Mrs TK's left forearm. The projectile exited the forearm and re-entered Mrs TK's body through her left breast. The projectile went through the major chambers of Mrs TK's heart and terminated in two adjacent areas, the lower lobe of the right lung, and the abdominal cavity behind the peritoneum.
34. The police investigation did not reveal any evidence of forced entry to Mr TK and Mrs TK's home, nor raise the possibility that any third party was involved in their deaths. Given the obvious evidence of the Smith & Wesson revolver being found in Mr TK's hand, the contents of the paperwork collected by Mr TK and left on the coffee table, and the evidence of marital disharmony (which appears to have subsided in early 2013 but returned in late 2013) it is clear that Mr TK inflicted the gunshot wounds to firstly Mrs TK, and then to himself.
35. Although there is some discrepancy amongst the neighbours as to the timing between the three gunshots, all the neighbours consistently say that the first two gunshots were fired in rapid succession. Due to the nature of the wound to the inner aspect of Mrs TK's left forearm it appears that the first projectile struck her as she raised her forearm in a defensive gesture.

¹² MW, paragraph 6.

¹³ JH, paragraph 6.

¹⁴ SK, paragraph 11.

36. After inflicting the gunshot wounds to Mrs TK, Mr TK used the revolver to inflict a single gunshot wound to his head. Taking into account the handwritten note left behind by Mr TK, his Facebook update, the evidence of marital disharmony, the evidence of particles suspected to be gunpowder residue at the site of the entry wound to his head, and the wound being to the right side of Mr TK's head with the revolver found in his right hand, I conclude that Mr TK acted with the intention of ending his own life.

Where did the Smith & Wesson revolver come from?

37. Mr TK was a recreational target shooter who, at the time of his death, had held a firearms licence for many years. Originally he and his brother, RK, became involved in the sport through their friends.¹⁵ One of these friends was RS. Mr TK was a member of the Drummoyne RSL Pistol Club and later the Harley Crescent Pistol Club. He also joined the Sporting Shooters' Association of Australia and used to do target shooting at ranges in Malabar and Condell Park.
38. During his initial period in the sport, Mr TK would go to the range with RS on a weekly basis. As time passed, however, they visited the range less frequently. They last went to the Condell Park range about 2 or 3 weeks before Mr TK's death. According to Mr TK's brother and RS, Mr TK initially began shooting with pistols only but later moved on to using rifles.
39. On 3 February 2014 Mr TK submitted an Application for a Permit to Acquire a Handgun and nominated his parents' address in Kogarah as the address where the firearm would be safely stored. Mr TK held a Category H licence which enabled him to use pistols. The type of handgun Mr TK applied for was a category H5 handgun for sporting/target shooting purposes. As was required, the application had been signed by the secretary of the Harley Crescent Pistol Club (located at the Condell Park shooting range) certifying that Mr TK was a member of the club and that the firearm was to be used for a centre fire match (which is a type of target shooting activity).
40. The NSW Firearms Registry received the application on 6 February 2014 and processed it a day later. Section 31A(1) of the *Firearms Act 1996* provides that a permit to acquire cannot be issued for the type of handgun that Mr TK had applied for until a 28-day waiting period had elapsed. Accordingly on 8 March 2014, after the 28-day period had passed, the application was granted and a permit was issued to Mr TK, which was valid for 90 days.
41. At about 12:00pm on 27 March 2014 Mr TK went to The Gunsmiths, a firearms dealer in Sefton. Mr TK spoke to a salesperson in the store and asked to look at two different brands of revolvers, a Taurus and a Smith & Wesson. Mr TK told the salesperson that he was looking for a pistol to target shoot with.¹⁶ After some discussion about the two revolvers with the salesperson, Mr TK selected the Smith & Wesson and produced his permit. The salesperson checked the validity of the permit, confirmed that it applied to the category of firearm that Mr TK wanted to buy, and checked the validity of Mr TK's firearms licence. After establishing that Mr TK was permitted to purchase the revolver, the sale was processed. Mr TK also purchased 100 cartridges of two different brands (50 cartridges of each) of .357 Magnum ammunition.
42. Despite indicating so on the Permit to Acquire application, it appears that Mr TK never stored the Smith & Wesson revolver at his parents' house. Given that the revolver was only bought the

¹⁵ RK, paragraph 5.

¹⁶ JC, paragraph 5.

day before his and Mrs TK's deaths and that the case for it was found in the main bedroom wardrobe, it is likely that the revolver was stored in this location until it was used by Mr TK on 28 March 2014.

What caused Mr TK to act in the way that he did?

43. In order to try and understand what caused Mr TK to act in the way that he did on 28 March 2014, it is necessary to briefly examine the relationship issues that he and Mrs TK had been experiencing.
44. Subsequent investigation by the police revealed that Mrs TK had been having an extra-marital affair with a work colleague, AI. Like Mrs TK, AI was also employed as a Child Support Customer Service Officer with the Department of Human Services. He first met Mrs TK in June or July 2011. The two of them later became friends and regularly exchanged emails. In about June or July 2012, AI and Mrs TK developed an intimate relationship which continued throughout the rest of 2012.
45. Sometime at the end of November 2012, Mrs TK told AI that Mr TK had found out about their relationship and confronted her. Mrs TK told AI that she had apologised to Mr TK and that he had forgiven her.¹⁷ She also told AI that they had to end their relationship.
46. AI and Mrs TK remained friends after this and Mrs TK periodically told AI that she was unhappy in her marriage and that she wanted to leave Mr TK. In December 2013 or January 2014 AI says that Mrs TK told him that she had informed Mr TK that she wanted to divorce and move out of the home in Carlton.¹⁸
47. AI last saw Mrs TK at work on 28 March 2014. AI did not notice anything unusual about Mrs TK; indeed she appeared to be in a happy mood and was looking forward to a parent-teacher meeting for one of her children.¹⁹
48. About 6 months before his death, Mr TK spoke to a work colleague, SS, and told her that he had just discovered that Mrs TK had been having an affair.²⁰ When SS asked how he had found out, Mr TK said that he became aware from Mrs TK's emails. In early March 2014 Mr TK told another work colleague, MM, about his marriage difficulties.
49. According to SS, Mr TK regularly spoke to her about his marriage and sent SS several emails about this issue between November 2013 and January 2014. SS states that during this period Mr TK told her that he had confronted Mrs TK several times about having an affair and that each time she denied it.²¹ Later, about a month before his death, Mr TK told Ms Sun that he and Mrs TK had decided to permanently separate and that they were in the process of dividing their assets.²²
50. Amongst the papers found on the table in front of Mr TK in the lounge room on 28 March 2014 were print outs of several emails between Mrs TK and AI. Also included amongst the papers was

¹⁷ AI, paragraph 16.

¹⁸ Supra, paragraph 23.

¹⁹ Supra, paragraph 25.

²⁰ SS, paragraph 8.

²¹ Supra, paragraph 11.

²² Supra, paragraph 12.

a newspaper article about AI dated 20 August 2010, a photo of Mrs TK in her lingerie that she had sent via email to AI on 17 April 2013, a letter from a gynaecology centre indicating that Mrs TK had a pregnancy terminated on 1 August 2013 at 7 weeks gestation, and a printout of a screenshot of 3 text messages purportedly sent by Mrs TK. The text messages are undated but refer to Mrs TK threatening to harm her children and herself if Mr TK disclosed her affair and terminated pregnancy to anyone. The text messages also refer to Mrs TK threatening to have AI's brother harm Mr TK.

51. On the available evidence, it is not possible to determine whether Mrs TK did in fact send the text messages to Mr TK or, if she did, when they were sent. Although there are references in the text messages, in Mr TK's Facebook status update, and in the handwritten note addressed to police left in the lounge room on 28 March 2014 to Mrs TK threatening to harm her children, there is no independent evidence corroborating these assertions by Mr TK. By all accounts, Mrs TK loved her children and there is no evidence that she would ever consider harming any of them. The police investigation did not reveal any incidence of domestic violence, or the threat of domestic violence, within the family.
52. Notwithstanding, it is clear that by 28 March 2014 Mr TK was in possession of material which confirmed his original suspicions that Mrs TK had had an extra-marital affair. Although both Mr TK and Mrs TK told other people that Mr TK had confronted Mrs TK about the affair, what is not clear is whether Mrs TK ever confirmed it. According to AI, Mrs TK had confirmed to Mr TK in November 2012 that she had been having an affair. However, according to SS, Mr TK repeatedly said that Mrs TK denied the affair.
53. Exactly when Mr TK discovered the affair is also not clear. On AI's account Mr TK appears to have been aware of it in November 2012. But on SS's account Mr TK spoke to her in around October 2013 and told her then that he had only just found out about the affair.
54. Given that Mr TK may have known about Mrs TK's affair as early as November 2012 and as late as October 2013, it is also not entirely clear what prompted Mr TK to act in the way that he did on 28 March 2014. By that stage he had known about Mrs TK's infidelity for some time. However, given his discussions with SK in late 2013 and his discussions with SS and RS about a month before his death, it appears that the pending finality of his separation from Mrs TK (an event which he did not want to happen) prompted Mr TK to act.
55. It is not possible to say whether at the time Mr TK applied for the handgun permit on 3 February 2014 he had formed an intention to use it in the way that he ultimately did. However it is likely that by 18 March 2014, when Mr TK sent his resignation email to his director asking to end his employment by 28 March 2014, this intention had been formed or, at the least, contemplated. Mr TK's request to finish work even earlier on 25 March 2014 and his dropping of the children to his parents' house on 28 March 2014 are clear preparatory steps taken in furtherance of that intention.
56. Despite this, there was no indication to any of Mr TK's family, friends, and work colleagues that he was considering the devastating course of action that he ultimately took. Although those close to Mr TK knew about his marital difficulties, nothing about his behaviour or any conversations that they had had with him in the period immediately preceding his death raised the possibility of self-harm or harm to Mrs TK. Sadly, the deaths of Mr TK and Mrs TK were a catastrophic event that could not be predicted nor prevented.

Findings: Mrs TK

57. I now turn to the findings that I am required to make under section 81(1) of the Act.

Identity

The person who died was Mrs TK.

Date of death

Mrs TK died on 28 March 2014.

Place of death

Mrs TK died at Carlton NSW 2218.

Cause of death

The cause of Mrs TK's death was gunshot wounds to the head and left forearm.

Manner of death

The wounds to Mrs TK were caused by her being struck with two bullets from a Smith & Wesson .357 Magnum revolver fired by Mr TK.

Findings: Mr TK

58. I again turn to the findings that I am required to make under section 81(1) of the Act.

Identity

The person who died was Mr TK.

Date of death

Mr TK died on 28 March 2014.

Place of death

Mr TK died at Carlton NSW 2218.

Cause of death

The cause of Mr TK's death was a gunshot wound to the head.

Manner of death

The gunshot wound was self-inflicted by Mr TK with the intention of ending his life.

59. On behalf of the coronial team I would like to offer my sincere condolences to the family of Mrs TK and Mr TK, in particular their children, parents, and siblings. Mere words cannot express the effects that their deaths have, and will continue to have, on the rest of their families. Their loss and the circumstances of their deaths are no doubt particularly painful for their children and extended families, all of whom no doubt miss them intensely and remember them lovingly.

60. I close this inquest.

Magistrate Derek Lee
Deputy State Coroner
11 August 2016
NSW State Coroner's Court, Glebe