

FINDINGS AND RECOMMENDATIONS

COURT DETAILS

Court	State Coroner's Court of NSW
Case number	1273/96

PROCEEDINGS

Inquest into the death of	Charles AVOURIS
Hearing dates	21 December 2010
Date of findings	21 December 2010
Place of findings	State Coroner's Court, 44-46 Parramatta Rd, Glebe
Findings of	His Honour Magistrate Paul MacMahon Deputy State Coroner

FINDINGS

That Charles Athanasias Avouris who was born on 15 June 1966 died on or about 1 July 1996 at the Railway House, Naroogal Road, Mumbil in the state of New South Wales and the cause of his death was a gunshot wound to the head which was inflicted on him by a person or persons unknown.

RECOMMENDATIONS

To the Commissioner of Police I recommend:

1. that the investigation of the death of Charles Anastasias Avouris be continued;
2. that the additional enquiries outlined in the statement of Detective Senior Constable Tye Johnston dated 10 December 2010 be completed; and
3. that sufficient police resources be allocated to the investigation to identify the person or persons responsible for the death of Charles Athanasias Avouris.

REPRESENTATION

Assisting the coroner	Sgt Korneluk
Representing the family	Peggy Avouris (sister) and Dennis Avouris (father) in person, unrepresented

REASONS FOR FINDINGS

This has been an inquest into the death of Charles Athanasias Avouris and is file number 1273/1996. Mr Avouris was born on 15 June 1966. On 2 July 1996 Mr Avouris' neighbour, Ronald Simion Hansford, became concerned as to his wellbeing as he hadn't seen him. Mr Avouris had horses, which were located on Mr Hansford's property and Mr Avouris fed and cared for the horses. As a result, Mr Hansford would have observed him from day to day doing so. Anyway, Mr Hansford became concerned when he had not seen Mr Avouris and contacted police and as a result officers Cox and Price attended Mr Avouris' property which was the Railway House in Naroogal Road, Mumbil, where they found him deceased.

Mr Avouris rented the Railway House and had paid his rent in advance up to 8 July 1996. Mr Avouris had been in a long-term relationship with a Belinda Pope and had a daughter as a result of that relationship. They had however separated. Mr Avouris appears to have last been seen by Kathleen Joan Woodley on the Monday 1 July 1996 "as he was going over the fence of Ron Hansford's with the horses' feed." He was possibly also seen by Alice Maree Berry at the same time, although her observation of him "going over the fence" might have been the day before.

The evidence before me from Richard John Morley who is an acting inspector of police and at the time was a local police officer and had known Mr Avouris from school days. Acting Inspector Morley's evidence sets out the history of the investigation in to Mr Avouris' death. Having regard to the evidence found by the crime scene officers and observed by the police on attending Mr Avouris' home and taking into account the findings of Dr Christopher Lawrence, the forensic pathologist who undertook the autopsy on Mr Avouris on 3 July 1996, there is no doubt that Mr Avouris' death was a homicide. There is no doubt that that homicide is unsolved at this point.

Acting Inspector Morley's evidence attests to the lack of police resourcing available to solve this murder, as does the evidence of Senior Constable Johnston who, without taking anything away from his actions since he has been appointed officer in charge, can be best described as the nominal officer in charge of the investigation because due to lack of resources it is apparent that there is no current active investigation going on into the death of Mr Avouris. That is not to say of course that there is nothing happening, in that all evidence available is being assembled into an electronic facility so it is available when sufficient resources become available to pursue the investigation and certain other investigations are being undertaken through the Division of Analytical Laboratories with an endeavour to obtain forensic evidence from exhibits seized at the scene of Mr Avouris' murder.

This is a matter that occurred on 1 or 2 July 1996. By an elementary calculation, this is a homicide that is 14 years outstanding. In the interests of the community at large, but in the particular interest of the family of Mr Avouris, it is important that this homicide be solved at the earliest opportunity. I have had the benefit of hearing from Mr Avouris' father, who has expressed his appreciation for the work which has been done, is aware of that work but has asked that my assistance be provided with a view to obtaining the appropriate resources so that this matter might be resolved. I am happy to assist in that regard.

On the evidence available before me however at this point, the evidence is sufficient for me to make findings under s 81(1) of the Coroner's Act 2009 and in accordance with that section I make the following finding, that is that Charles Athanasias Avouris who was born on 15 June 1966 died on or about 1 July 1996 at the Railway House, Naroogal Road, Mumbil in the state of New South Wales and the cause of his death was a gunshot wound to the head which was inflicted on him by a person or persons unknown.

Section 82 of the Coroner's Act allows me to make recommendations arising out of the death of a person with which the inquest is associated. Such recommendations usually relate to

matters relating to public instrumentalities, public health and the provision of assistance to the public. The solving of a long term outstanding homicide is clearly a matter which is in the public interest and where that cannot occur due to the unavailability of resources, that is clearly a matter in which it is appropriate for a recommendation under the section to be made.

In those circumstances, I make the following recommendation in accordance with s 82 of the Coroner's Act and I make this recommendation to the Commissioner of Police. The recommendations are, firstly, that the investigation of the death of Charles Anastasias Avouris be continued; secondly, that the additional enquiries outlined in the statement of Detective Senior Constable Tye Johnston dated 10 December 2010 be completed; and finally that sufficient police resources be allocated to the investigation to identify the person or persons responsible for the death of Charles Athanasias Avouris.

SIGNATURE

Signature

Name

Magistrate Paul MacMahon

Capacity

Deputy State Coroner

Date

21 December 2010