



## FINDING OF INQUEST

*An Inquest taken on behalf of our Sovereign King at Adelaide in the State of South Australia, on the 28<sup>th</sup> day of February and the 19<sup>th</sup> day of June 2024, by the Coroner's Court of the said State, constituted of David Richard Latimer Whittle, State Coroner, into the death of Simon David Muller.*

*The said Court finds that Simon David Muller aged 46 years, late of 10 Roseworthy Drive, Andrews Farm, South Australia died at Andrews Farm, South Australia on the 10<sup>th</sup> day of June 2021 as a result of acute neck compression due to hanging. The said Court finds that the circumstances of his death were as follows:*

**1. Introduction and cause of death**

2. Mr Simon David Muller was born on 6 March 1975 and died on 10 June 2021 at his home address in Andrews Farm.

2.1. His cause of death determined by Dr Cheryl Charlwood, a senior consultant forensic pathologist at Forensic Science South Australia, based on a CT scan, external examination and toxicology was '*acute neck compression, hanging*'.<sup>1</sup> I find the cause of Mr Muller's death to be acute neck compression due to hanging.

**3. Reason for Inquest**

3.1. This was a mandatory inquest pursuant to Section 21 of the Coroners Act 2003 as at the time of his death Mr Muller was on home detention bail.

---

<sup>1</sup> Exhibit C2a

- 3.2. He had spent some time in custody and was then released on home detention bail on 22 February 2021 to reside at his home address with his partner Ms Michelle Burzynski.<sup>2</sup>

#### **4. Background**

- 4.1. Mr Muller's mother is Kay Muller, and his father is David Muller.<sup>3</sup> He has one sister.
- 4.2. Mr Muller left school whilst he was in year 11 and completed a TAFE course in retail at Elizabeth TAFE. Mr Muller worked for 17 years with his father at the family business, Magill Recycling and Salvage. The business was sold in 2017 and Mr Muller remained unemployed from that time until his death.
- 4.3. Mr Muller had been in a relationship with Michelle Burzynski since May 2018. He lived with her at her home address at Andrews Farm.
- 4.4. Mr Muller did not have any children.

#### **5. Medical history**

- 5.1. Mr Muller had been diagnosed with severe psoriasis. There were no known previous suicide attempts and no known mental health diagnoses.

#### **6. Supervision by the Department for Correctional Services**

- 6.1. Ms Rowan Walling, Team Supervisor at the Elizabeth Community Correctional Centre, provided an affidavit in relation to Mr Muller's supervision by Elizabeth Community Corrections.<sup>4</sup> Ms Walling is one of the supervisors in charge of Ms Jayne Francis, who was assigned to supervise Mr Muller on home detention from 22 February 2021 until his death on 10 June 2021.
- 6.2. During that period of supervision Mr Muller attended at the Elizabeth Community Correctional Centre for five face-to-face appointments. During those appointments Mr Muller advised that he was in good physical and mental health and declined any referrals to outside agencies.

---

<sup>2</sup> Exhibit C1a

<sup>3</sup> Exhibit C4

<sup>4</sup> Exhibit C5

- 6.3. A condition of Mr Muller's bail agreement was that he was required to not consume alcohol or any other drug, and he must submit to alcohol and drug testing as directed by a community corrections officer. Mr Muller submitted to a drug test on 10 March 2021 with a negative result. Mr Muller submitted to a second test on 9 June 2021. After his death, on 18 June 2021 the results of that testing were positive for amphetamines and methamphetamines.
- 6.4. At no time during the appointment on 9 June 2021 did Mr Muller indicate that he was concerned about returning a positive result. Mr Muller was not advised prior to his death of the positive drug test result and the possibility of a breach of his home detention conditions.

## **7. Circumstances leading to Mr Muller's death**

- 7.1. At approximately 6pm on 10 June 2021 Mr Muller had been at his home address where he had an argument with Ms Burzynski. Ms Burzynski told Mr Muller to go into the backyard and Mr Muller took his mobile phone and went outside. Ms Burzynski locked the door and remained inside the house.
- 7.2. Ms Burzynski then received several text messages from Mr Muller. The messages included Mr Muller stating he had a rope up and making comments consistent with an intention to end his life.
- 7.3. At about 9:15pm Ms Burzynski went out to the back yard and found Mr Muller slumped over a chair with a rope wrapped around his neck, with the other end attached to a basketball hoop connected to the framework of the veranda. Ms Burzynski used scissors to cut the rope and called 000.
- 7.4. A short time later police and ambulance officers arrived and performed CPR, but Mr Muller could not be revived.
- 7.5. Toxicology results indicate that approximately 0.15mg/L of methylamphetamines and approximately 0.035mg/L of amphetamines were detected in Mr Muller's blood.<sup>5</sup>

---

<sup>5</sup> Exhibit C3a

**8. Conclusion and recommendation**

- 8.1. I find that at the time of his death Mr Muller was in the lawful custody of the Department for Correctional Services.
- 8.2. I agree with the opinion expressed by the SAPOL investigating officer, Brevet Sergeant Melissa Pepper,<sup>6</sup> that the circumstances surrounding the death of Mr Muller are not suspicious and do not indicate the involvement of any third party.
- 8.3. I make no recommendations in this matter.

*Key Words: Death in Custody; Home Detention; Suicide*

*In witness whereof the said Coroner has hereunto set and subscribed his hand and Seal the 19<sup>th</sup> day of June, 2024.*

---

*State Coroner*

Inquest Number 11/2024 (1194/2021)

---

<sup>6</sup> Exhibit C11