

FORM 37

Rule 60(1)

FINDING INTO DEATH WITH INQUEST

Section 67 of the Coroners Act 2008

Court reference: 1220/10

Inquest into the Death of: **JACOB LOUIS VIERGEVER**

Delivered On: 6th June, 2011

Delivered At: Coroners Court of Victoria
Level 11, 222 Exhibition Street
Melbourne, Victoria 3000

Hearing Dates: 19 April, 2011

Findings of: Coroner Paresa Antoniadis SPANOS

Representation: Sergeant Tracy WEIR, Police Coronial Support Unit,
assisting the Coroner

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Court reference: 1220/10

In the Coroners Court of Victoria at Melbourne

I, PARESA ANTONIADIS SPANOS, Coroner,

having investigated the death of:

Details of deceased:

Surname: VIERGEVER

First name: JACOB

Address: 99 Zig Zag Road, Mount Macedon, Victoria 3441

AND having held an inquest in relation to this death on 19th April, 2011

at Melbourne

find that the identity of the deceased was JACOB LOUIS VIERGEVER also known as JAAP VIERGEVER born on the 25th January, 1946

and that death occurred on or about 29th March, 2010

at 99 Zig Zag Road, Mount Macedon, Victoria 3441

from: 1(a) GUNSHOT INJURY TO HEAD

CONTRIBUTING FACTORS

2 BLOOD ETHANOL LEVEL OF 0.13G/100ML

in the following circumstances:

BACKGROUND & PERSONAL CIRCUMSTANCES

1. Mr and Mrs Viergever married in 1974 and moved to the Mount Macedon area in the 1980s. They bought the above property "Currawong" and finished building their custom built home in 2001. The house was designed for entertaining and the Viergever's entertained regularly and were generous hosts. They had no children but treated their three Hungarian Visla dogs like children, caring for them assiduously and allowing them the run of the house. Mr Viergever was self-employed importing exclusive lingerie while Mrs Viergever kept the books of the business.

2. Mr Viergever had no major health problems apart from osteoarthritis in his knee from about 2001. Mrs Viergever suffered from severe arthritis, hypertension, anxiety, depression and ear pain associated with Ramsay Hunt syndrome. Both Mr and Mrs Viergever were social drinkers.

EVENTS OF MONDAY, 29 MARCH 2010

3. On this day, the Viergever's appeared to adhere to their usual routines. Mr Viergever went to a local cafe in the morning before attending an appointment with his naturopath at 9.00am. He attended a water aerobics class between 6.30-7.15pm and returned home by about 8.00pm. At about that time, he returned a call from a neighbour Ms Gyda Currie and she noticed nothing untoward in him or anything to suggest that something was wrong in his relationship with Mrs Viergever.

4. Similarly, Mrs Viergever did not appear to depart from her normal routine. She went to the Gisborne Aquatic Centre in the morning for a swim and attended her 4.00pm appointment with the naturopath. At about 7.45pm, Mrs Viergever spoke to friends Mr Robert Kerr and Mr Graham Cumming on the telephone. They could hear Mr Viergever in the background preparing dinner and sensed nothing untoward.

THE HOUSEFIRE

5. At about 11.35pm on Monday, 29 March 2010, Ms Elizabeth Cameron was a passenger in a vehicle travelling along Syndicate Road, Macedon, when she saw flames coming from a hillside property. Ms Cameron called the bushfire hotline, and on learning that there were no bushfires in the area, dialled 112 on her mobile phone to report the fire to the Country Fire Authority (CFA). When CFA personnel responded, they noticed that the fire had caused the most damage in the north west corner of the house where the roof had collapsed and was engulfed by flames. They were aware that there were two motor vehicles in the driveway. Due to safety concerns, they commenced fighting the fire externally and knocked on doors to alert any occupants. The fire was brought under control within 20 minutes of the CFA's arrival.

6. The CFA found the front door locked and entered via an open door on the eastern side of the house. They found three deceased dogs lying on the laundry floor and a deceased person lying in bed, on the left side of the bed in the master bedroom. The house was difficult to search at this time due to substantial fire damage and the darkness.

POLICE INVESTIGATION

7. The CFA notified the police who attended in the early hours of Tuesday 30 March 2010. This finding is largely based on the comprehensive investigation and brief of evidence compiled by one of the attending police officers, Detective Senior Constable Michael Walsh. Also in attendance were Crime Scene and Arson Squad members. Police searched in an effort to locate the second occupant of the house. They concluded that the deceased person in the bed was Mrs Viergever. She was wearing a nightie and lying on her back under the covers. She had a wound on her forehead and had bleeding around her nose. They found Mr Viergever's remains on the couch in the bedroom under debris from the collapsed ceiling. He was wearing a T-shirt, track pants and shoes. He was seated with a long arm firearm between his legs, the butt of the firearm resting on the floor and the muzzle pointed upwards. His left hand was around the barrel of the firearm and injuries to his head and face were consistent with a self-inflicted gunshot injury.

8. Arson Chemist Rachel Noble attended the scene at about 9.00am. She concluded that the fire had commenced in the office by the ignition of available materials. Although no flammable liquid was detected, she opined that the pattern and extent of fire damage was consistent with flammable liquid having been poured on the floor of the southern and eastern sides of the room and ignited by either a match or cigarette lighter.

9. On 31st March 2010, Dr Priscilla Hodge from the University of Melbourne Veterinary Hospital conducted postmortem examinations of the three dogs. She found they had been in good physical condition. Two of the dogs had single gunshot injuries to the head, while the third had two gunshot wounds to the head. There was no evidence of smoke inhalation in any of the dogs, suggesting that they had probably been shot before the fire commenced.

10. Subsequently and at my direction, toxicological analysis of blood samples from the dogs was undertaken at the Victorian Institute of Forensic Medicine (V.I.F.M.). The results revealed no common drugs or poisons.

11. The firearm found with Mr Viergever was a .22 calibre Squibman Model 11A bolt action repeating rifle (the rifle). The bolt handle was closed and there was no magazine inside, indicating that it required re-loading via the bolt action between shots. A fired cartridge case was found in the chamber. Ballistics Expert Senior Constable Alan Pringle examined the projectiles recovered from Mrs Viergever, Mr Viergever, the three dogs and cartridge cases found at the scene. The fired cartridge cases were all found to have been fired from the rifle. Due to damage or lack of individual characteristics, it was not possible to determine if the fired bullets had been fired from the rifle. However, visible rifling on a fired bullet from one of the dogs and the fired bullet retrieved from Mrs Viergever were of matching widths as test bullets fired from the rifle.

12. The rifle was not registered and its provenance was not ascertained by the police. Neither Mr nor Mrs Viergever were licenced to hold firearms under the Firearms Act 1996. Nor were their family or friends aware that Mr Viergever was in possession of the rifle or any firearm.

13. During the course of the investigation, police found no evidence of discord between Mr and Mrs Viergever, or of any problems, apart from anecdotal evidence that they had financial problems. In investigating their financial circumstances in more depth, Det Sen Const Walsh found that the Viergever's were drawing from their capital to sustain their lifestyle, and had substantial financial obligations which they would not be able to meet for much longer. Mr Viergever was a self-made man who had suffered enormous financial hardship with the collapse of the "Linter Group" in the early 1990s. He had re-built his business and had achieved a comfortable lifestyle.

14. The conclusion of the investigator Det Sen Const Michael Walsh was that Mr Viergever could not face the prospect of straitened financial circumstances again, and made the decision to take his own life and his wife's life in preference to living with limited financial means. What remains unclear, is whether Mrs Viergever was a party to the decision or a victim of her husband's unilateral decision. Certainly, the police investigation uncovered no evidence that she was an active participant in the events of that night.

AUTOPSIES

15. An autopsy of Mrs Viergever was performed by Senior Forensic Pathologist Dr Shelley Robertson from V.I.F.M. who identified a gunshot injury to the head with an entry wound in the left forehead, a projectile passing from front to back and lodging in the left occipital region. Dr Robertson found no significant natural disease apart from skeletal changes consistent with rheumatoid arthritis. She noted the toxicology results and commented that *elevated levels of sertraline, along with a blood ethanol level of 0.06g/100mL and the presence of benzodiazepines is likely to have produced a decrease in conscious state and that a carboxyhaemoglobin saturation of 42%, along with elevated hydrogen cyanide indicated that the deceased was breathing for at least some time during the fire.*

16. Toxicological analysis of postmortem samples of Mrs Viergever's blood revealed carboxyhaemoglobin at ~42% saturation, hydrogen cyanide at ~0.6 mg/L, diazepam (a benzodiazepine anxiolytic available as "Antenex, Ducene, Valium") at ~0.06 mg/L, sertraline (an antidepressant available as "Zoloft") at ~0.7 mg/L and blood ethanol/alcohol at 0.06 g/100mL.

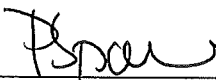
17. Dr Robertson also performed an autopsy on Mr Viergever. She found incidental natural disease in the form of mild to moderate coronary atherosclerosis and an enlarged prostate which she did not consider to have contributed to death. Dr Robertson identified a gunshot entry wound through the pharynx; passage of the projectile through the brain causing extensive brain damage and lodging of the projectile beneath the scalp on the left posteriorly. Noting the results of toxicological analysis Dr Robertson commented that the blood ethanol level *may have caused an alteration in mental state, thus contributing to death* and that the *carboxyhaemoglobin saturation of 55% and cyanide levels indicated the deceased was alive for at least some time during the fire.*

18. Toxicological analysis of postmortem samples of Mr Viergever's blood revealed blood carboxyhaemoglobin at ~55% saturation, hydrogen cyanide at ~5.4 mg/L, and blood ethanol/alcohol at 0.13 g/100mL. The toxicologist's report notes that those who die in fires *asphyxiate as a result of carbon monoxide and hydrogen cyanide produced during the combustion process and levels of carboxyhaemoglobin and cyanide levels from 25%-85% and 0.1-4mg/L respectively have been reported in the literature.*

CONCLUSION

19. I find that Mr Viergever shot their three dogs and started the housefire, although not necessarily in that order, some time prior to causing Mrs Viergever's death by a gunshot injury to the head. I further find that then intentionally took his own life by self-inflicted gunshot injury to the head.

Signature:



PARESA ANTONIADIS SPANOS

CORONER

Date: 6th June, 2011

