

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: COR 2011 0702

**FINDING INTO DEATH WITH INQUEST**

*Form 37 Rule 60(1)*

*Section 67 of the Coroners Act 2008*

**Inquest into the Death of: KYLIE BURNETT**

Delivered On:	12 December 2012
Delivered At:	Coroners Court of Victoria Level 11, 222 Exhibition Street, Melbourne 3000
Hearing Dates:	8 November 2012
Findings of:	HEATHER SPOONER, CORONER
Police Coronial Support Unit	Leading Senior Constable Nadine Harrison

I, HEATHER SPOONER, Coroner having investigated the death of KYLIE BURNETT  
AND having held an inquest in relation to this death on 8 November 2012  
at MELBOURNE

find that the identity of the deceased was KYLIE JANE BURNETT  
born on 31 January 1979

and the death occurred between 15 January 2011 and 23 February 2011  
at 4/6 Peterson Avenue, Coburg North 3058

from:

1 (a) HANGING

in the following circumstances:

1. Ms Burnett was aged 32 when she died. She was unemployed and resided at 4/6 Peterson Avenue, Coburg North. Ms Burnett was mother to three children who were all cared for by their extended family. She had a past medical history that included opiate, drug and alcohol abuse.
2. A police investigation was conducted into the circumstances surrounding the death and an Inquest was convened. Sergeant Garcia told the inquest that he was the investigating member who prepared the brief. The summary that was read out included in part:

*"Kylie grew up in the Sunbury area, however, would visit her father Bill and his wife, Marie, every second weekend at their house at 4 James Court Woodend. She left school at year 10 and briefly worked at Hungry Jacks in Moonee Ponds.*

*Kylie started associated with the wrong crowd at a very young age. Her first known partner was Shane Hubczak whom she met when she was in her teens and they both became heroin users as well as various other drugs of dependence.*

*Kylie had her first child with Mr Hubczak at the age of 18. She named her Kayla. As a result of becoming a regular user of heroin and drugs in general, Kylie led a life of crime, and spent long periods of time on the streets where her family would not hear from her for months. She often came to the attention of police for various offences varying from possessing and trafficking drugs of dependence as well as assaults, thefts and general dishonesty offences.*

*Kylie had two other children; Chianne, a four year old girl whose father is Michael Box, and Catherine, a three year old girl whose father is Justin Miller. Due to the lifestyle led by Kylie, none of her children remained in her custody. Kayla was given to the Hubczak family, Chianne to the Burnett family and Catherine to the Miller family.*

*Kylie often displayed psychotic behaviour and it is alleged that she was often conveyed to psych wards to be treated for depression and suicidal thoughts. According to police records, Kylie had warnings for self-harm and suicide.*

*On 14 May 2009, Kylie's little sister Emily committed suicide by hanging at the young age of 16, which had a huge impact on Kylie's state of mind. She blamed herself for the lack of support she had given Emily and expressed to family and friends that she thought that it should have been in fact her who should have taken her own life.*

*On 28 July 2010, Kylie's first boyfriend also passed away, which further affected Kylie's state of mind and she evidently fell deeper in depression and her behaviour became irrational and psychotic.*

*Kylie was last seen in mid January 2011 by her stepmother Maree. Kylie caught a train to Woodend in order to attempt to see her daughter Chianne. According to Maree, she was psychotic and irrational. She seemed to be hallucinating and as quoted by Maree, she was "off the planet". This would be the last time Kylie would be seen alive.*

*On 23 February 2011, neighbours complained of an overwhelming smell coming from within Kylie's premises at 4/6 Peterson Avenue, Coburg North which was a commission flat provided to Kylie by Ministry of Housing. As a result, police attended the address in order to investigate.*

*The premises, being a ground floor flat was completely secured. A front security door was locked from inside and all the windows were shut with the blinds down. Police gained entry to the premises by forcing the front security door along with the door open. The flat was kept reasonably tidy with the house keys located on the coffee table in the sitting room.*

*A search of the premises resulted with locating Kylie in the south eastern bedroom of the flat. Kylie was lying on her right side between a queen size bed and the unhinged door*

*which was leaning onto the bedroom window. Near Kylie was a box contained various cards and photographs.*

*A further search of the premises resulted in locating three empty glass bottles believed to be methadone in the kitchen sink. There was no other sign of disturbance or forced entry.*

*Due to the lifestyle led by Kylie as well as the location where she resided, being the Peterson Avenue flats which mainly houses known criminals and parolees, police were unable to ascertain when Kylie was last seen by any person in the area. Her neighbours refused to co-operate with police some of whom either shut the door in police's face or simply refused to open and speak to members."*

3. A medical report was obtained from North Yarra Community Health where Ms Burnett was a patient. The report stated:

*"Kylie was seen by our services for episodes of care treating her opiate dependence. She was dosed with Methadone for the majority of time between 2005 and 2010. Her program was characterised by doses of her choosing lower than usually associated with treatment success, frequent interruptions to the program and an inability or unwillingness to comply with the appointments requirements involved in sustaining treatment. She abused heroin but also prescription opiates obtained illicitly via intravenous injection. Her use of benzodiazepines was suspicious for abuse and she also obtained non-prescribed alprazolam. She described engagement with mental health services but also told us openly of her decision to no longer see these services and to discontinue medications. Her psychological state was monitored and at no time did she require non voluntary treatment due to overwhelming symptoms. She was repeatedly offered both drug and alcohol and general psychological support at our multidisciplinary service but her use of these was sporadic and opportunistic."*

### **Post Mortem Investigations**

4. An autopsy was performed by Associate Professor David Ranson, Deputy Director at the Victorian Institute of Forensic Medicine (VIFM). He initially formulated the cause of death as 'unascertained' and made the following comments:

*“Deceased had not been seen over 4 weeks & neighbours complained of overwhelming smell from within premises. Police forced entry to premises and located deceased in south eastern bedroom with severe decomposition with a clear coloured nylon string wrapped around her neck. Deceased was lying on her right side between the queen size bed & the unhinged door leaning onto bedroom window. Nil suicide note located. Deceased unrecognisable & ID will be circumstantial. Deceased known to police & has fingerprints on record. Deceased had a history of drug abuse & suicide attempt dated 14/10/09 (police records). Three empty bottles believed to be methadone located in kitchen sink. Premises well kept with no sign of disturbance or forced entry.*

*It is unclear to me as a result of this information as to whether the neck ligature was attached to any surrounding object whereby its fixation contributed to neck compression by the ligature in a setting of any degree of suspension or other traction.*

*The autopsy revealed little in the way of natural disease of a type that might be expected to have contributed directly or indirectly to the death however due to the advanced nature of the decomposition and loss of the structure and substance of many of the organ systems I am unable to unequivocally exclude the presence of all natural disease.*

*The autopsy revealed evidence of extensive skin loss in various regions of the body in association with maggot activity and advanced decomposition. Accordingly I am unable to unequivocally exclude ante mortem injury in many regions of the body.*

*The ligature which comprised of multiple strands of man made fibre around the neck appeared to have tightened to form a small loop that was seen in association with loss of most of the soft tissues of the front of the neck. The upper cervical vertebrae had started to become detached from each other in association with the advanced decomposition.*

*Although the circumstances of the death in this case would tend to suggest this individual may have died as a result of neck compression the setting in which this might have occurred is unclear. Due to the extensive nature of the soft tissue loss I am unable to unequivocally confirm that this is the only potential cause of death in this case.*

*The toxicology results indicate that methadone was present and could have been a direct or indirect contributing factor in the death. I note that the Police information indicates*

*that there was a history of drug abuse and suicide attempts in the past. Three empty bottles believed to be methadone were found at the scene of death."*

5. At the inquest it became apparent that Associate Professor Ranson did not have the benefit of photographs taken at the scene and further information in the Coroners Brief. Consequently, Associate Professor Ranson was requested to provide a supplementary report in which he stated in part:

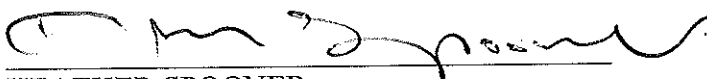
*"As far as the cause of death is concerned I can say that the description of the ligature fixing would allow a person to receive sufficient neck compression to cause death as a result of their body weight providing the force on the neck ligature. On a circumstantial basis therefore hanging or compression of the neck in circumstances of hanging would be a reasonable medical cause of death however, **pathologically** it is not possible to confirm this as the degree of decomposition has artefactually substantially altered the appearances and discoverable features on the body."*

6. After considering all the evidence and circumstances it is apparent that Ms Burnett was a very troubled woman who struggled with drug and alcohol addictions. I find that Ms Burnett unfortunately but probably intentionally died from hanging.

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

Mr Bill Burnett, next of kin  
Sergeant Chad Garcia, Epping Police Station, Investigating Member  
Interested Parties

Signature:



HEATHER SPOONER  
CORONER  
Date: 12 December 2012

