

**FORM 37**

Rule 60(1)

**FINDING INTO DEATH WITH INQUEST**

*Section 67 of the Coroners Act 2008*

**Court reference:** 4068/05

**Inquest into the Death of RITA MARY BYRNE**

Delivered On: 25 February, 2010  
Delivered At: Coroners Court of Victoria at Melbourne  
Hearing Date: 25 February 2010  
Findings of: JUDGE JENNIFER ANN COATE  
Representation: N/A  
Place of death/Suspected death: 47 Camms Road, Cranbourne, Victoria 3977

**SCAU:** Leading Senior Constable Remo Antolini

**FORM 37**

Rule 60(1)

**FINDING INTO DEATH WITH INQUEST**

*Section 67 of the Coroners Act 2008*

**Court reference:** 4068/05

In the Coroners Court of Victoria at Melbourne

I, JUDGE JENNIFER ANN COATE, State Coroner

having investigated the death of:

**Details of deceased:**

Surname: BYRNE

First name: RITA

Address: 47 Camms Road, Cranbourne 3977

AND having held an inquest in relation to this death on 25th February, 2010 at the Coroners Court of Victoria at Melbourne find that the identity of the deceased was RITA MARY BYRNE and death occurred between 7th and 8th November, 2005

at 47 Camms Road, Cranbourne, Victoria 3977

from

1a. NECK COMPRESSION

in the following circumstances:

1. Rita Mary Byrne (Mrs Byrne) was born in Ireland on February 13, 1928. She was 77 at the time of her death.
2. She married Anthony Matthew Byrne and had four children Deidre, Paul, Stephen and John.
3. In 1963 the family migrated to Australia and settled in the Dandenong area.
4. Upon retirement Mrs Byrne and her husband moved to 47 Camms Road, Cranbourne.
5. Mrs Byrne remained an active community member upon her retirement, involved in charity work, the local church and the church choir.
6. She was deeply affected by the loss of her husband to cancer in 2004.

7. She remained well supported by her friends and children after her husband's death.
8. Dean Westbrook lived next door at 49 Camms Road, Cranbourne. On the 1st March 2005, a search warrant was executed at his premises by police. A hydroponic cannabis crop was located together with a bypass to the electricity supply to his home. He was charged with criminal offences as a result.
9. Dean Westbrook cited this event as a turning point in his life. In discussions with his girlfriend at the time, he blamed a neighbour for reporting him to the police but did not make it clear which neighbour. During the hearing of this inquest, the homicide investigator who gave evidence as to the circumstances surrounding the death of Mrs Byrne, confirmed that the information provided to police about the cannabis crop was not provided by Mrs Byrne.
10. Dean Westbrook moved into his girlfriend's home about March 1, 2005 until about October 2005 when that relationship ended. He did not get the electricity supply reconnected to his property after the disconnection on the 1st March, 2005.
11. It would appear that around October 2005 Dean Westbrook also lost his employment and was under some financial strain.
12. On the morning of Monday, November 7, 2005 a friend of Mrs Byrne took her shopping. He drove her home at about midday, assisted her inside with her shopping and left.
13. This turned out to be the last known time Mrs Byrne was seen alive.
14. At about 6:35 am on 8th November 2005, Darren Allen was passing by 47 Camms Road when he noticed smoke coming from the premises. Mr Allen unsuccessfully tried to open the front double gates of the property. Instead, he climbed over the gates and knocked on the door but could raise nobody.
15. He then went to 49 Camms Road and knocked on that door but got no response.
16. He returned to 47 Camms Road and knocked again but still got no response. He then went to 45 Camms Road and raised Mr Bill Johnson and Ms Amy Rogers. Ms Rogers telephoned the fire brigade and Mr Allen and Mr Johnson attempted to break into the house and fight the fire with a garden hose.
17. Mr Johnson tried to search the house but was forced back by heavy smoke.
18. Once the fire brigade arrived, the fire was extinguished and Mrs Byrne was located dead on the floor in the kitchen, badly affected by fire.

19. Mrs Byrne was examined by forensic pathologist Dr Michael Burke. Dr Burke found that Mrs Byrne had injuries to her face and neck consistent with neck compression. Dr Burke did not find evidence of soot in her airways or carbon monoxide in her lungs.
20. It was Dr Burke's opinion that these findings suggested Mrs Byrne was deceased prior to the fire and that her cause of death was compression of the neck.
21. Dean Westbrook's former girlfriend Nicole Keating stated she received a call from him in the early morning of 8 November 2005. During this call Westbrook falsely informed Ms Keating he was at work.
22. He also informed Ms Keating that "something" had happened next door without elaborating.
23. The investigation into the fire at Mrs Byrne's home revealed that it had been started by petrol as an accelerant and probably ignited directly by a match or cigarette lighter.
24. A few cans were found at the fence between Dean Westbrook's property and Mrs Byrne's property and part of the fence was removed creating what was described as easy access from the Dean Westbrook's property to Mrs Byrne's property. A spray bottle containing remnants of petrol was found in Mr Westbrook's property.
25. When spoken to by police about his movements on the morning of November 8, 2005 Mr Westbrook gave a series of false accounts to police.
26. Mr Westbrook visited his former girlfriend's home on the afternoon of November 8 and she observed him to be nervous and shaking such as she had not ever observed before.
27. Mr Westbrook attended his Community Corrections Officer on Thursday 10th November 2005 unannounced. He gave a false account of various aspects of his movements and whereabouts over the previous couple of days.
28. Ms Keating stated she had intermittent contact with Dean Westbrook over the next few days.
29. Ms Keating stated to police on 12 November 2005 that Mr Westbrook had been at her home the night before and admitted that what he had told police in his statement was all lies.
30. On November 15, 2005 at about 7:30 am investigators attended 49 Camms Road with the purpose of formally interviewing Dean Westbrook for the murder of Mrs Byrne.

31. The investigators found Dean Westbrook deceased in the passenger side of his vehicle. His vehicle was parked in his garage with a hose from the exhaust pipe of his car into the cabin of his car through the driver's side window. The window was sealed with duct tape.

### **Conclusion**

32. The false claims made by Dean Westbrook as to his whereabouts and movements at the relevant times and the explanation of the presence of the spray bottle containing the petrol cannot ever be tested now.

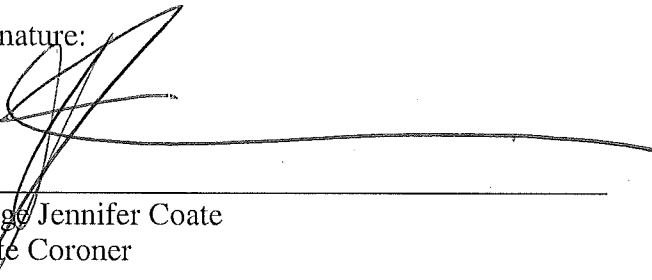
33. The investigators formed the belief that Dean Westbrook killed his neighbour Mrs Byrne, motivated by his belief she informed police about his cannabis crop. The evidence is clear that she did not.

34. The investigators found no other evidence linking any other person to the death of Mrs Byrne or the fire at her property.

35. I am satisfied that the above represents a summary of the circumstances surrounding the death of Rita Mary Byrne.

36. I wish to record my deepest sympathy to the family of Mrs Byrne for their loss in such traumatic and tragic circumstances.

Signature:

  
\_\_\_\_\_  
Judge Jennifer Coate  
State Coroner



Date: 25th February, 2010