



**CORONERS COURT  
OF NEW SOUTH WALES**

|                           |                                                                                |
|---------------------------|--------------------------------------------------------------------------------|
| <b>Inquest:</b>           | Inquest into the death of Michael Gavanas                                      |
| <b>Hearing dates:</b>     | 7 December 2016                                                                |
| <b>Date of findings:</b>  | 7 December 2016                                                                |
| <b>Place of findings:</b> | The State Coroner's Court, Glebe                                               |
| <b>Findings of:</b>       | <b>Deputy State Coroner, Magistrate Teresa O'Sullivan</b>                      |
| <b>Catchwords:</b>        | CORONIAL LAW – Cause and manner of death<br><br>Acute Methamphetamine toxicity |
| <b>File number:</b>       | 2015/211358                                                                    |
| <b>Representation:</b>    | <b>S/Sgt Sasha Harding, Coronial Advocate</b>                                  |

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| <b>Findings:</b> | <p><b>Identity of deceased:</b><br/>The deceased person was Michael Gavanas</p> <p><b>Date of death:</b><br/>Mr Gavanas died between 1 July 2015 and 18 July 2015.</p> <p><b>Place of death:</b><br/>His place of death cannot be determined.</p> <p><b>Manner of death:</b><br/>His manner of death cannot be determined.</p> <p><b>Cause of death:</b><br/>The death was caused by acute methamphetamine toxicity.</p> |
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*The Coroners Act 2009 (NSW) in s81 (1) requires that when an inquest is held, the coroner must record in writing his or her findings as to various aspects of the death.*

*These are the findings of an inquest into the death of Michael Gavanas.*

## **Introduction:**

This is an inquest into the death of Michael Gavanas. The Officer in Charge, Detective Sergeant Michelle Mathieson, was the only witness to give evidence. I rely on the evidence contained in the police brief tendered in these proceedings.

## **The Inquest:**

An Inquest concerning the death of a person is required to be held if it appears to the coroner that the manner and the cause of the person's death has not been sufficiently disclosed.<sup>1</sup> In this case, the cause of Mr Gavanas' death has been established at autopsy, however the circumstances surrounding the manner of death are unknown. His death remains the subject of police investigations.

## **The Evidence:**

### ***Social background:***

Michael Gavanas was a 50 year old man, who is survived by his wife Dee Gavanas, and his daughters Chloe, Ashleigh and Taylor. Michael's daughters, Ashley and Taylor, are from his first marriage to Sharon Degan in 1986. Michael and Sharon divorced in 1989 but remained friends until 1999 when Michael moved out of the family house. Michael has not spoken to Ashley or Taylor since 2012. Ashley and Taylor were saddened to hear about the death of their father.

Michael's wife, Dee, says that she met Michael when he helped her former husband, Glenn Pickwick, move out of their home in 1999. Dee has a son from this previous marriage, Cooper Pickwick, aged 17. In 2000 Michael and Dee got engaged and on 24 March 2001 they married. On 23 November 2003, Chloe Gavanas was born.

Throughout their relationship, Michael and Dee lived at various addresses. On 27 March 2014 Dee signed a lease for the rental property at Westmead. This property is a two bedroom unit where Michael lived with his wife, Dee, his daughter, Chloe and stepson, Cooper Pickwick. This was the last residence that Michael lived in before his death.

Michael's father died in May 2013. Since this time Michael had a difficult relationship with his mother, Beverley (aged 73), and elder sisters Maria and Cecelia. His brother, Stephen, aged 45, was incarcerated in Victoria, serving a 10 year sentence for drug manufacture. Stephen was granted parole in September 2015 and is now

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<sup>1</sup> s27(1)(d) Coroners Act NSW

residing in the family home in Doonside. Stephen Gavanas spoke to police however he did not make a statement in relation to this matter.

Michael's two sisters, Maria and Cecelia, love their brother but they were limited in what they knew about his recent behaviour, family, work or social activities. They have both lent him money in the past, some of which was not returned, and have clashed with him more recently since the death of their father. They appear not to get on with Michael's wife, Dee, and they don't appear to have a relationship with any of their nieces. Both Maria and Cecelia made a statement to police about their limited knowledge of their brother's history. Michael's mother, Beverley did not make a statement.

### ***Employment:***

With respect to employment, Michael had a sporadic work history with casual jobs throughout his life. His most recent known employment was with Aidacare where he commenced employment in October 2014. Aidacare is a business that sells equipment to nursing homes, hospitals and rehabilitation centres. Michael was employed as a driver, delivering products throughout the broad metropolitan area. From all accounts, he was well liked at his place of employment. He resigned from his position on Wednesday, 17 June 2015 citing health issues. His last day was Friday, 19 June 2015.

### ***Criminal history:***

Michael Gavanas has a criminal history that dates back to 1983 when he was charged with offences including stealing, possess prohibited drugs, and supply and traffic prohibited drugs. In 2003 he was charged with the manufacture of prohibited drugs, however this charge was withdrawn at court.

He was last charged in 2014 with common assault. In 2007 he was the victim of a home invasion when the family were living in Toongabbie. Michael was taken to hospital for the treatment of minor injuries. An offender was charged in 2008 for this offence.

### ***Medical history:***

Michael was aged 50 and suffered from numerous health conditions: In 2008 he had 3 stents put in his heart. In 2013 he was diagnosed with a tumour on his kidneys which was removed in November 2013. In March 2015 he hurt his back in the workplace. In June 2015 he attended hospital with high blood pressure, however discharged himself from hospital against medical advice.

Michael was known throughout his circle of friends and family to use cocaine in the past, however he was not known to be using drugs leading up to the time of death.

### ***Last known activity of Michael:***

From 19 June 2015, when Michael left employment with Aidacre, his movements are not well documented. It is known that he used his Commonwealth Bank Keycard for a purchase in Coles Westmead for the amount of \$23.99 on that day.

On Sunday 21 June 2015, Glen Pickwick, the biological father of his step son, Cooper, saw Michael at a football game in Bossley Park.

From the 20 June to 1 July 2015, phone records show Michael had regular contact with his wife, Dee during the weekdays and less so on the weekend.

On Sunday 28 June 2015, Glen Pickwick saw Michael at another football game.

On Tuesday 30 June 2015, Michael's wife, Dee, was sick at home with the flu. Some time that afternoon, Dee says that she was told by Michael that he was going away for work the next day. She did not ask any questions about this and therefore is unable to provide police with any further information as to his whereabouts. She did say that whenever Michael was away, he would call her after a day or two to touch base with her.

Later that afternoon at about 4:30 PM, Michael Gavanas entered the Delta Car Rental Business in Windsor, with an associate of his, Andrew Tonini, and a child. They hired a vehicle paid by Tonini. The car had 214,653km recorded on the odometer at the time of hire and was due for return on 5 July 2015.

Dee recalls that Michael stayed home that night.

### ***1 July 2015- the last time Michael was seen alive:***

On Wednesday, 1 July 2015, Dee says that she was home again sick with the flu. She recalled that Michael was at home in the morning when she got up and thinks the time was about 8:30 AM. She does not recall anything out of the ordinary happening, or if Michael received a telephone call. She recalled helping Michael pack a bag which she described as being a big sports bag that was rectangle in shape and at least a metre long. She described this bag is being large enough to house the quilt and pillow plus clothing.

Dee thought that it was about 2 PM when Michael left the unit. Jodie says, "He told me he loved me and said you'll see me in a couple to a few days. You know what I mean. A couple to a few days. I knew that meant it could go longer than a few days." She recalled about 15 minutes after he left, Michael called her. Dee says, "I joked with him and said something along the lines of, 'what do you want, you just left?' He said something like, 'nothing I'm just driving along'. I said something about not having the phone in his hand while he was driving but he didn't answer. He asked

me what I was doing and I told him not too much and he said he'll talk to me soon. The call only lasted 5 minutes. I couldn't hear any noises in the background. And there was nothing out of the ordinary in his voice."

Cooper says that he last saw Michael on the morning of 1 July 2015. He recalls the time being 11 AM and remembers that it was that day as it was the last week of school holidays and he was going out to Blacktown with his mates. Cooper says, "Michael was going away with some mates. This is the first time this year he has gone away, but he used to go away quite regularly with his mates. I don't know where he goes but he normally keeps in touch with mum and I on our phones. He would call nightly, and if not he would text."

Cooper goes on to say, "I went down in the lift with Michael carrying his bag and walked him to meet a friend who was going to pick him up in the car park. His friend wasn't there at this time and he told me not to wait. So I left Michael in the car park with his bag. I got the car out of the garage and as I left I saw that Michael was still waiting, now in the garden area at the front of the property. His bag was resting on top of one of the walls at the entry to the property. Michael did not tell me anything about where he was going or who he was going away with. This is not out of the ordinary and it didn't really worry me or mum."

Michael's phone records show that at 11:10:57 on Wednesday, 1 July 2015, a call was made to Delta Car Rentals. The employee of the business states that she received an abusive call from a male person at this time. The male caller was complaining about the car and she asked the man to return the car and exchange it for another. The male caller replied that he was too far away.

Further phone records show that at 11:31:05 on Wednesday, 1 July 2015 Michael calls Cooper and this call lasts for 85 seconds. Then at 11:34:44 Cooper calls Michael back and the call is the 70 seconds. Records also showed that Michael called Dee at 12:14:05 and this call lasted for 126 seconds. The tower that this call bounced off is in Douglas Park, south-western Sydney.

On the same day, at 12:25:43 vehicle ABO8AF is detected on Point to Point Camera on Picton Road, Cataract.

Michael's Commonwealth bank key card is used at 12:46 PM at KFC, Albion Park where purchases are made for \$16.90. CCTV footage shows a vehicle similar to the one hired from Delta Car Rentals in the same car park area.

### ***After 1 July 2015:***

On 2 July 2015 the Commonwealth Bank debit card number, which is linked to Michael's joint account with Dee, was accessed with an automatic deduction of \$39 payable to the Smith family. This direct debit was set up prior to Michael's death.

On Sunday, 5 July 2015, Glenn Pickwick saw Dee at a football game for Cooper. Michael was not at the game on this date. Dee told Glenn Pickwick that "Mickey had gone away for work for two weeks." Glenn Pickwick thought that Michael had gone away for work with Aidacare.

On 7 July 2015, the vehicle hired by Michael and Tonini was left out the front of the Car Rental business. Neither Tonini nor Michael took the vehicle keys into the office reception nor alerted any staff member that the car had been returned.

Upon inspection, the vehicle had an extremely strong vinegar smell. The keys to the vehicle were in the driver's side door. The interior was filthy and the footwell of the driver and passenger sides were covered in mud, dirt and grass. The odometer recorded 215,333 indicating that the car had travelled 680 km since it was hired by Michael and Tonini.

On Sunday 12 July 2015, Chloe Gavanas called her father however there was no answer. On 15 July, Cooper called his stepfather and again, there was no answer.

On Saturday 18 July 2015, Dee, having not heard from Michael and unaware of his whereabouts, attended the home address of Andrew Tonini to enquire whether he knew where Michael was. Andrew was not at home and has not been able to assist Dee with her enquiries.

### ***Discovery of Michael's body:***

Around 1:00pm on Saturday 18 July 2015, the body of Mr Gavanas was located under a sheet of plywood in the mangroves at the Ermington Boat Ramp, Wharf Road, Melrose Park by a member of the public.

Triple 0 was contacted and police attended and established a crime scene. Upon retrieval of the body, it was evident that Mr Gavanas' ankles were bound with a rubber material. Michael's personal property was not with him and has never been recovered. The property included his wallet, glasses, medication, bag and the clothing he packed to take away with him.

A thorough investigation conducted by police has been unable to establish a clear manner of death. Witnesses to date have not been able to shed light on the

circumstances surrounding his death and have very limited information regarding Mr Gavanas' movements in the weeks leading up to his death.

On Tuesday, 21 July 2015, Detectives Connell, Emerson, Park and Hall conducted a Coronial Search Order at Michael's home. The following items were seized during the search: documents, x-rays, Aidacare documents, \$10,000 in Australian currency, medical documents, and medication.

The Daily Telegraph ran a story about the discovery of Michael on 4 December 2015. No further information came to the police as a result of the article.

A number of exhibits were seized and forensically examined as a result of the police investigation. These examinations have not provided any further information as to the manner of death.

### **Stephen Gavanas**

There has been reluctance by the people who were closest to Michael to provide the investigating police with information that may shed some light on the circumstances of his death.

Michael's brother, Stephen Gavanas did not provide police with a statement. He did, however, tell the police that he had a belief that his brother Michael had a drink of a clear liquid that was in a glass, believing this to be water. He also told police that he was upset with the way that his brother was "dumped". He stated that his information was that the body was dumped at the location by someone "inexperienced" and it was "totally unprofessional". He stated to police that there was no reason to have his legs/feet bound, and told police that he thought this would have been to make it easier to carry him.

### **Autopsy report:**

An autopsy was carried out on Michael Gavanas on 19 July 2015 by Dr Szentmariay. In his report he states: *"There were numerous abrasions present around the anterior aspect of both knees. The head and neck areas showed no recognisable external injuries. Numerous superficial abrasions were noted involving the upper limbs including the back of the right forearm and the dorsal aspect of some fingers on the right side. Superficial lacerations were also noted involving the back of both hands."*

*.. "the presence of a markedly elevated blood level of Methamphetamine (aka Methamphetamine) (5.0 mg/L): the level is much higher than the reported lethal range for this illicit substance. Further testing of the gastric content also showed the presence of a relatively high methamphetamine level. A low level of Amphetamine (metabolite of Methamphetamine) was also detected in the gastric content and in the post-mortem obtained blood sample".*



Dr Szentmariay went on to say that, *“based on the reported circumstances and on the above findings, the cause of death is recommended to be reported as undetermined. Unfortunately the death scene investigation is suggestive of third-party involvement (i.e. the way the body ended up at the above location, elastic rubber bands around the feet). The injuries noted are relatively minor in nature and are generally not associated with violent death. Some of these injuries may represent post-mortem marks (i.e. moving the body). No injury was noted in or around the brain, the anterior neck structures or in the chest abdomen. Extensive examination of the soft tissue underneath the skin (face, extremities, torso) showed no significant changes.”*

The report goes on to state: *“Please note, however, the presence of a markedly high methamphetamine level which would definitely be high enough to explain the death in this case. The high methamphetamine level in the gastric content indicates (partly or in total) per OS (via mouth) administration (perhaps drinking a high concentration methamphetamine solution?). The consequences of acute methamphetamine toxicity are numerous and may include agitation, chest pain, irregular heartbeat, heart attack, increased body temperature, paranoia, seizures, coma, stroke and death. The deceased’s heart function likely has been compromised by the later described enlargement of the heart and the relatively recent coronary arteries stenting.”*

### ***Manner and Cause of death:***

I am satisfied, on the balance of probabilities, that the cause of death was *acute methamphetamine toxicity*.

On the evidence before me I am unable to determine the circumstances surrounding the death of Michael Gavanas. The manner of his death is undetermined.

I would like to thank the Officer in Charge, Detective Sergeant Michelle Mathieson and the Coronial Advocate, Sasha Harding.

In closing I would like to offer my sincere condolences to Michael’s family.

### **Findings required by s81(1)**

As a result of considering all of the documentary evidence and the oral evidence heard at the inquest, I am able to confirm that the death occurred and make the following findings in relation to it:

#### ***The identity of the deceased***

The deceased person was Michael Gavanas

***Date of death***

He died between 1 July 2015 and 18 July 2015.

***Place of death***

His place of death cannot be determined.

***Cause of death***

The death was caused by acute methamphetamine toxicity.

***Manner of death***

His manner of death cannot be determined.

I close this inquest.

Magistrate Teresa O'Sullivan

**Deputy State Coroner**

**Date:** 7 December 2016