



**CORONERS COURT  
OF NEW SOUTH WALES**

<b>Inquest:</b>	Inquest into the death of Lynette Bradbury
<b>Hearing dates:</b>	17 June 2019 – 19 June 2019
<b>Date of findings:</b>	26 February 2020
<b>Place of findings:</b>	State Coroner's Court, Lidcombe
<b>Findings of:</b>	State Coroner, Magistrate Teresa O'Sullivan
<b>Catchwords:</b>	CORONIAL LAW – manner of death – apparent homicide
<b>File number:</b>	2011/00391032
<b>Representation:</b>	Mr D Buchanan SC and Dr P Dwyer, Counsel Assisting, instructed by Mr J Pender, Crown Solicitor's Office  Mr C Moran instructed by Mr L Jackson, Arcadian Legal, for Ms S Johnstone
<b>Findings:</b>	<b>Identity:</b> The deceased person was Lynette Bradbury.  <b>Date of death:</b> Lynette died on 31 October 2011.  <b>Place of death:</b> Lynette died at 45 Kerrie Road, Oatlands, NSW.  <b>Cause of death:</b> Head injury.  <b>Manner of death:</b> The head injury was a result of blunt force trauma, inflicted by another person or persons.

**Non-publication and access orders**

1. By virtue of s74 (1) (b) and s76 (d) of the Coroners Act (2009) there is to be no publication of any of the exhibits tendered as evidence in these proceedings nor any of the oral evidence taken in the proceedings or submissions or opening and closing submissions.
2. Pursuant to s 65 of the Coroners Act (2009), there is to be no access to the court file without further order of the court.
3. There is no prohibition on the publication of these findings or the reasons.

*The Coroner's Act 2009 (NSW) in s. 81(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 Lynette Bradbury.*

### **Introduction:**

1. Lynette Bradbury was born on 19 October 1959. She was 52 years old when she died on 31 October 2011 at 45 Kerrie Road, Oatlands, NSW.
2. At 11:32pm on Monday 31 October 2011,<sup>1</sup> ambulance officers found Mrs Bradbury's body lying face down in the second bedroom of the house at 45 Kerrie Road, Oatlands, where she lived alone with her husband, Brian Bradbury. Mrs Bradbury had sustained significant blunt force injuries to her head the ambulance officers concluded that Mrs Bradbury was dead.
3. An autopsy report dated 13 January 2013 concluded that Mrs Bradbury had died as a result of a head injury inflicted by blunt force from a blunt instrument. The report noted that the features of Mrs Bradbury's facial fracturing indicated that significant force had been used.<sup>2</sup>

### **The nature of an inquest**

4. As it appears that Mrs Bradbury died as a result of homicide, an inquest is mandatory pursuant to s 27(1)(a) of the *Coroners Act 2009 (NSW)* ("the Act").
5. The role of the Coroner, as set out in s 81(1) of the Act, is to make findings as to the identity of the deceased, the date and place of the person's death, and the manner and cause of the person's death.
6. Mrs Bradbury's identity, and the date, place, and cause of her death are not in dispute in this inquest. The focus of the inquest is on the manner of her death.
7. An issues list was distributed in advance of the inquest, which included the following:

#### *Time of Lynette Bradbury's death*

1. When was Lynette Bradbury last seen?
2. What time was Lynette Bradbury killed?

#### *Whether a known person committed Lynette Bradbury's murder*

3. Is there evidence of or evidence that could exclude the possibility that a person other than Brian Bradbury or Lynette Bradbury entered 45 Kerrie Road in the afternoon or evening of 31 October 2011?

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<sup>1</sup> Vol 10 Tab 270.

<sup>2</sup> Vol 1 Tab 3.

4. Possibility of a known person being referred to the Director of Public Prosecutions under s 78 of the *Coroners Act 2009* if:
  - a. the evidence is capable of satisfying a jury beyond reasonable doubt that a known person has committed an indictable offence, and
  - b. there is a reasonable prospect that a jury would convict the known person of the indictable offence, and
  - c. the indictable offence would raise the issue of whether the known person caused the death of Lynette Bradbury.
8. In preparing these findings, I have been greatly assisted by the detailed written submissions of Counsel Assisting as well as the written submissions prepared on behalf of Ms Suzanne Johnstone, Mrs Bradbury's sister.
9. In making these findings, I also extend my condolences to the family and friends of Mrs Bradbury.

### **Procedural history of this inquest**

10. It is necessary to briefly set out the developments subsequent to Mrs Bradbury's death on 31 October 2011 that have led to these findings.
11. On 21 July 2013, a known person was charged with Mrs Bradbury's murder. That person was committed for trial on 5 December 2013. Accordingly, on 12 December 2013, the inquest into Mrs Bradbury's death was suspended pursuant to s 78(1)(a) of the Act. The inquest was then being conducted by former NSW State Coroner, Magistrate Barnes. On 31 October 2014, the Director of Public Prosecutions terminated the criminal prosecution of the known person before it proceeded to trial.
12. On 1 May 2018, the inquest into Mrs Bradbury's death was resumed, and allocated to me under s 79(6) of the Act.
13. The inquest was heard between 17 and 19 June 2019 at the NSW Coroners Court in Lidcombe.
14. On 19 June 2019, having regard to all of the evidence given up to that time, I formed an opinion that the evidence was capable of satisfying a jury beyond reasonable doubt that a known person had committed an indictable offence, that there was a reasonable prospect that a jury would convict the known person of the indictable offence, and that the indictable offence would raise the issue of whether the known person caused the death with which this inquest is concerned. As a result, I suspended the inquest pursuant to s 78(3)(b) of the Act.
15. On 21 June 2019, as required by s 78(4) of the Act, I wrote to the Director of Public Prosecutions to notify him of my decision to suspend the inquest and I sent the depositions taken at the inquest, and a written statement specifying the known person and the particulars of the indictable offence.

16. On 8 January 2020, the Director of Public Prosecutions notified me that having fully considered those findings, for the purposes of s 79(5) of the Act, no proceedings would be taken against that known person in relation to the indictable offence.
17. Accordingly, the inquest was resumed. Having now considered all the evidence in the inquest, the written submissions of Counsel Assisting, and the written submissions of Ms Johnstone in reply to the submissions of Counsel Assisting, I am now in a position to deliver my findings.

### **Discovery of Mrs Bradbury's body on 31 October 2011**

18. Mrs Bradbury was a receptionist at Westmead Hospital Emergency Department and worked the day shift on 31 October 2011. At around 4:00pm, Mrs Bradbury conducted hand-over before driving home. Police investigations suggest she arrived home at approximately 4:20pm.<sup>3</sup> Mr Bradbury was in the house alone when Mrs Bradbury arrived there.
19. Mr Bradbury also worked at Westmead Hospital, as a cleaner. On 31 October 2011, Mr Bradbury left the house at 45 Kerrie Rd, Oatlands, drove to work and arrived at the Hospital carpark at 4:44pm.<sup>4</sup> He remained at the hospital until shortly after 11:00pm. Mr Bradbury drove home via a service station where he purchased milk and cigarettes. When he arrived home, he used a key to unlock the front door.
20. Shortly before 11:30pm on 31 October 2011, Mr Ross Bentley and his wife, Mrs Terry Bentley, who lived next door to 45 Kerrie Rd, Oatlands, were woken by Mr Bradbury knocking at their front door. After a conversation, Mr Bentley followed Mr Bradbury over to his house. They went inside and through to the second bedroom.
21. There, Mr Bentley saw Mrs Bradbury's torso face down on the floor between a bed and a wardrobe. Her arms were tied behind her back with grey or silver-coloured tape as were her ankles. The evidence suggests that the silver tape used to bind Mrs Bradbury's limbs came from a roll of silver duct tape<sup>5</sup> which had likely been inside the house for a number of years.
22. Mrs Bradbury's head was covered with what turned out to be a black towel.<sup>6</sup> The towel was one of the ones used in the house.<sup>7</sup> Mrs Bradbury's body was lying in a space about 500mm wide<sup>8</sup> between a bed and a wardrobe.

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<sup>3</sup> Vol 1A Tab 9C, para 167.

<sup>4</sup> Ibid, para 4.

<sup>5</sup> Vol 4 Tab 136, para 15; Vol 1A Tab 9C, para 65.

<sup>6</sup> Vol 1 Tab 11, paras 8-9.

<sup>7</sup> Vol 8 Tab 230B, p 40.

<sup>8</sup> Vol 6 Tab 173A, para 24.

23. Mr Bradbury tried to move his wife's body and the towel on her head fell back. He said her body was cold to touch.<sup>9</sup> Mr Bentley saw blood on the carpet around Mrs Bradbury's head.<sup>10</sup> Mr Bentley did not touch the body.
24. Mr Bentley told Mr Bradbury not to move the body and to phone "000". Mr Bradbury used a phone and spoke to the operator. He was in a hysterical state and Mr Bentley took the phone from Mr Bradbury and, walking outside, spoke with the operator and asked for an ambulance.<sup>11</sup> The time recorded for commencement of the "000" call was 11:23pm.<sup>12</sup>
25. Shortly afterwards, an ambulance arrived. At 11:32pm the ambulance officers found the body of Mrs Bradbury lying face down towards the end of the bed with a hand towel lying on her head.<sup>13</sup> Her hands were behind her back but there was no tape on them. Mrs Bradbury was wearing a purple Westmead Hospital polo shirt and black pants. She was also wearing laced up sneakers.<sup>14</sup>
26. Upon examination, it was seen that Mrs Bradbury had sustained blunt force injuries to her head. There was bruising on one of Mrs Bradbury's hands and on her arms. There was blood matted in Mrs Bradbury's hair, and facial injuries and bruising on the right side of her face.<sup>15</sup>
27. The ambulance officers concluded that Mrs Bradbury was dead. Mrs Bradbury's arms and hands were cold and they formed the opinion that rigor mortis had begun to or had partially set in.<sup>16</sup>

### **Findings on autopsy**

28. On autopsy, areas of laceration and extensive bruising were found on the scalp and further areas of bruising on the face and neck. Several bruises were present within the upper limbs and there was extensive bruising on the back of both hands. There were faint linear red and pale marks transversely on both wrists.<sup>17</sup>
29. There was a depressed skull fracture in the left temporal skull through which brain tissue was visible. The left cheek bone was fractured and there was a fracture to the jaw bone. There was blood present within the air passages. Specialist neuropathological examination revealed a blunt force head injury with

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<sup>9</sup> Vol 8 Tab 230A, para 15.

<sup>10</sup> Vol 2 Tab 11, para 9.

<sup>11</sup> Vol 1 Tab 11, paras 11-12.

<sup>12</sup> Vol 3 Tab 127.

<sup>13</sup> Vol 10 Tab 270.

<sup>14</sup> Vol 4 Tab 136, para 19.

<sup>15</sup> Vol 10 Tab 267, para 12.

<sup>16</sup> Vol 10 Tab 266, paras 10-12; Vol 10 Tab 267, paras 9-11.

<sup>17</sup> Vol 1 Tab 3.

associated lacerations and haemorrhages.<sup>18</sup> Toxicological analysis showed no alcohol was present.<sup>19</sup>

30. The pathologist concluded that Mrs Bradbury had died as the result of a head injury inflicted by blunt force from a blunt instrument, possibly heavy. The features of the facial fracturing indicated that significant force had been used.<sup>20</sup>
31. The pathologist thought that the bruising on both upper limbs indicated the infliction of blunt force to those areas and that the pattern of injuries, particularly to the forearm and backs of hands were “*almost certainly defensive in nature.*”<sup>21</sup>
32. There was nothing found on autopsy to indicate that Mrs Bradbury would have caused an injury to an assailant.<sup>22</sup> There was nothing about the injuries to suggest they were inflicted over an extended period of time.<sup>23</sup>
33. It appears that the delay period for the onset of rigor mortis is a mean of 3 hours, plus or minus 2 hours. One forensic text states that if the body feels cold and stiff, it has been dead from 8 to 26 hours.<sup>24</sup>
34. The pathologist was unable to determine whether the tape binding around Mrs Bradbury’s wrists was applied while she was alive, or at or after she died.<sup>25</sup>
35. Overall, the pathologist’s opinion was that there had been a blunt force assault occasioning a fatal head injury and further defensive injuries in the process.<sup>26</sup> I accept the pathologist’s findings.

### **When Mrs Bradbury was killed**

36. The evening of 31 October 2011 was Halloween. The evidence suggests that Mrs Bradbury had been looking forward to the occasion and had obtained Halloween decorations and sweets to give to children who went to the house ‘trick or treating’. An adult who was supervising children who visited the Bradbury house estimates that they were there at around 6:30pm.<sup>27</sup> However, there was no response to knocking by the children.<sup>28</sup> Nor was there a response to knocking by other children who visited the house that night.<sup>29</sup> In addition, new and unpacked Halloween decorations were found sitting on the dining room

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<sup>18</sup> Vol 1 Tab 6.

<sup>19</sup> Vol 1 Tab 3,

<sup>20</sup> Ibid.

<sup>21</sup> Vol 1 Tab 4.

<sup>22</sup> Vol 1 Tab 4.

<sup>23</sup> Vol 1 Tab 4.

<sup>24</sup> Vol 1 Tab 4.

<sup>25</sup> Vol 1 Tab 3,

<sup>26</sup> Ibid.

<sup>27</sup> Vol 2 Tab 14, par 8.

<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

table.<sup>30</sup> These factors suggest Mrs Bradbury was already dead by around 6:30pm.

37. The fact that Mrs Bradbury's body was found still wearing her work clothes and laced up shoes suggest she never got to the stage of changing out of her work clothes.
38. Counsel Assisting submits that the evidence as to rigor mortis is consistent with Mrs Bradbury no longer having been alive by late in the afternoon or early in the evening. The evidence suggests Mrs Bradbury was killed around 7 to 8 hours earlier than 11:32pm – the time when ambulance officers examined her body. In addition, while Mr Bradbury was at work that night he sent a text message to Mrs Bradbury's phone at 6:51pm. The message was not answered, nor was it read on Mrs Bradbury's phone.<sup>31</sup>
39. I accept Counsel Assisting's submission that in combination, the evidence satisfactorily establishes that Mrs Bradbury was killed late in the afternoon or early evening of 31 October 2011, and likely no later than 6:30pm.

### **Weapon used**

40. The interpretation of the injuries at post-mortem does not permit a conclusion as to whether the injuries on Mrs Bradbury's body were inflicted by one person or more than one person.<sup>32</sup>
41. At the end of the bed in the second bedroom, Police found a blue plastic-covered dumbbell-shaped hand weight. From a combination of the opinion of the pathologist and the conclusions of forensic examinations both of the towel that had been located on top of Mrs Bradbury's head, and of the hand weight, it is clear that this hand weight had been used to inflict the injuries to Mrs Bradbury's head.<sup>33</sup> No other potential weapon was found.
42. There was evidence that, on 31 October 2011, three young men had been seen at about 6:20pm, walking along a street off which Kerrie Road ran, south-west of Kerrie Road. A few metres to the north-east of where they were seen was a junction between the road beside which they were walking and an easement which runs along the back of the houses – including 45 Kerrie Road – on the southern and western sides of Kerrie Road.<sup>34</sup> One of these men was seen carrying a long piece of dressed timber.
43. Whilst the pathologist considered the use of such a piece of timber to inflict the injuries upon Mrs Bradbury could not be completely excluded, there was nothing to indicate that the injuries had been inflicted by a piece of timber.<sup>35</sup> In

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<sup>30</sup> Vol 4 Tab 136, para 13 & photograph 25.

<sup>31</sup> Vol 1A Tab 9C, para 79.

<sup>32</sup> Vol 1 Tab 4, p 7.

<sup>33</sup> Ibid.

<sup>34</sup> Vol 2 Tabs 23, 23A & 23B.

<sup>35</sup> Vol 1 Tab 4, p 7; Vol 4 Tab 136, para 19 & photographs 39 {sensitive} & 40.



addition, as previously noted, there was strong evidence connecting the hand weight found at the end of the bed in the second bedroom with the injuries inflicted on Mrs Bradbury's head. Further, no piece of timber was found inside or outside the house, and there is no evidence to explain why an intruder who brought a length of timber into the house would remove it after the murder of Mrs Bradbury.

### **Where Mrs Bradbury was killed**

44. From the nature of Mrs Bradbury's injuries, from the evidence of the blood stains in the second bedroom, and from the absence of blood stains elsewhere, Counsel Assisting submits, and I accept, that it seems clear that Mrs Bradbury was killed in the second bedroom of the house at 45 Kerrie Road, Oatlands.

### **State of the house when examined by police**

45. Counsel Assisting submits that when the house was examined by police, it appeared that there had been an attempt to stage a robbery of the house – that is, to make it appear that there had been a robbery by an intruder or intruders, mainly of jewellery and watches kept in the house, when in fact there had not been a robbery.<sup>36</sup> There was no direct evidence as to who had staged the robbery.
46. Whilst I acknowledge Ms Johnstone's submission that it is not impossible that a genuine robbery attempt occurred and was subsequently abandoned, leading to the state of the house as discovered by police, the balance of the evidence presented in the inquest does not support this scenario.

### **Intruders**

47. There is insufficient evidence to support a finding that Mrs Bradbury was killed by an intruder or intruders. As I noted earlier, there was evidence that, at 6.20pm on 31 October 2011, three young men had been seen at about 6:20pm, walking along a street off which Kerrie Road ran, close to the start of an easement which runs along the back of the houses which include 45 Kerrie Road.<sup>37</sup>
48. I also note, as submitted by Ms Johnstone, that Police observed that the back door of the house was unlocked, and that this could have been a possible point of entry for an intruder.
49. However, I accept Counsel Assisting's submission that there was no evidence support the entry of an intruder or intruders into the house. When Mr Bradbury returned home that night, he had needed his key to open the front door, which had therefore been locked. Police investigations did not find any point of the

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<sup>36</sup> Vol 1A Tab 9C, paras 134-185.

<sup>37</sup> Vol 2 Tabs 23, 23A & 23B.

house where entry or exit appeared to have been forced.<sup>38</sup> There was no sign of a struggle anywhere in the house other than the second bedroom.

50. The laundry at 45 Kerrie Road is located between the back door, and the hallway off which the second bedroom led. Police identified footwear impressions on the floor of the laundry.<sup>39</sup> Those impressions matched the soles of shoes worn by Mr Bradbury on 31 October 2011.<sup>40</sup>
51. There were no footwear impressions indicating the laundry had been used by an intruder or intruders to enter or leave the house. There was no external debris such as grass, leaves, or soil found inside the house consistent with having been deposited by an intruder who had entered via the backyard and the easement.<sup>41</sup>
52. Police investigated fingerprints and DNA evidence found inside the house. There was no identifiable unknown fingerprint evidence, being evidence of an identifiable fingerprint from anyone other than a member of the extended Bradbury family.<sup>42</sup> Similarly, no identifiable unknown DNA evidence was discovered, including when Mrs Bradbury's clothes were examined. Though DNA traces were detected on a number of relevant items, including Mrs Bradbury's mobile phone, clothing, and handbag, those traces were too low to determine a profile of any individual outside the extended Bradbury family.
53. Police conducted detailed examinations and searches of the rear area of the property and in the easement behind the property but found nothing to indicate an intruder or intruders had gained access to the house via the backyard, the back fence, or the easement. Police canvassed other houses on Kerrie Road and stationed a Police investigation van outside the house for a number of days. Despite the presence of families 'trick or treating' in the street on the night of 31 October 2011, Police found no witnesses indicating that an intruder or intruders had entered or left the house that evening.
54. On the evidence, I accept that there is insufficient evidence to find that Mrs Bradbury was killed as a result of an intruder or intruders entering the house.

### **Findings required by s 81 of the Act**

55. The findings I make under s 81(1) of the Act are:

#### ***Identity***

The deceased person was Lynette Bradbury.

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<sup>38</sup> Vol 4 Tab 136, paras 11, 25, 28.

<sup>39</sup> Vol 6 Tab 169A, para 20.2.

<sup>40</sup> Vol 5 Tab 149; Vol 6 Tab 169, para 20(ii), (iii), (iv), (v) & (vi) and 21; Vol 8 Tab 230B, p 15.

<sup>41</sup> Vol 1A Tab 9C, para 84.

<sup>42</sup> Vol 1A Tab 9C, para 150(i).

***Date of death***

Mrs Bradbury died on 31 October 2011.

***Place of death***

Mrs Bradbury died at 45 Kerrie Road, Oatlands.

***Cause of death***

Mrs Bradbury died from a head injury.

***Manner of death***

The head injury was a result of blunt force trauma, inflicted by another person or persons.

**Conclusion**

56. I close this inquest.

**Teresa O'Sullivan**

State Coroner  
Lidcombe

Date: 26 February 2020