



**STATE CORONER'S COURT  
OF NEW SOUTH WALES**

**Inquest:** Inquest into the death of Marcus Stokes Gwynne HARRISON

**Hearing Dates:** 18 January 2022, 8 April 2022

**Date of Findings:** 8 April 2022

**Place of Findings:** Coroner's Court of New South Wales at Lidcombe

**Findings of:** Magistrate Joan Baptie, Deputy State Coroner

**Catchwords:** CORONIAL LAW – “New” or “fresh inquest” the subject of a previous inquest, cause and manner of death

**File Number:** 2010/00434802

**Representation:** Ms A Chytra, Coronial Advocate Assisting the Coroner

**Findings** I find that Marcus Stokes Gwynne Harrison died between 31 August and 11 October 1997, in Sydney Harbour. The cause of his death was multiple injuries due to a fall from a height. In terms of the manner of his death I record an open finding.

**Non-publication order** N/A

**Recommendation** I recommend that the death of Marcus Stokes Gwynne Harrison be referred to the Unsolved Homicide Unit of the NSW Police Homicide Squad for further investigation and referral to the forthcoming

**NSW Judicial Inquiry. I further recommend that a copy of the brief of evidence and transcript of the Inquest into the death of Marcus Stokes Gwynne Harrison be provided to the Unsolved Homicide Team for this purpose.**

## **1. INTRODUCTION**

- 1.1 Mr Marcus Stokes Gwynne Harrison was born in Sydney on 7 June 1967. His parents' relationship became estranged the following year and his mother travelled back to the United Kingdom with her son, Marcus.
- 1.2 Mr Harrison returned to Australia in 1992 and resided in Melbourne. In 1995, he moved to Sydney. He was diagnosed with schizophrenia later that year.
- 1.3 Mr Harrison returned to visit his family in the United Kingdom in 1997. During this period, his family noted that he had become aloof and appeared to avoid social contact, preferring to camp out in the woods.
- 1.4 Mr Harrison returned to Sydney in 1997 and was residing at Pymont. Mr Harrison spoke by telephone with his mother later in 1997 and his mother continued to communicate with him by letter, however she did not receive any response.
- 1.5 On 11 October 1997, an unknown male's body was found in the harbour about 200 metres north west of Shark Island. The body appeared to have been immersed in water for some time.
- 1.6 On 8 March 1999, Deputy State Coroner (DSC) Abernethy convened an inquest (the First Inquest) in relation to that unidentified male person. On the available evidence at that time, DSC Abernethy was unable to determine the identity of the male person, nor the manner of his death.
- 1.7 In 1999, Mr Harrison's mother received a letter which she had sent to him previously, which was unopened and marked as "returned" mail.
- 1.8 Mr Harrison's mother subsequently made contact with the Salvation Army in Sydney, requesting that they assist in locating her son.
- 1.9 In 2004, Mr Harrison's mother and her second husband, Mr Tony Harrison, travelled to Australia and reported her son as a missing person to Senior Constable Sean Murphy at City Central Police Station. Numerous inquiries were made by investigating police, however, Mr Harrison was unable to be located.
- 1.10 On 10 October 2011, Deputy State Coroner MacMahon convened an inquest (the Second Inquest) to consider if Mr Harrison was deceased. DSC MacMahon was satisfied that Mr Harrison was deceased, however was unable to determine the cause, manner, date and location of his death.

- 1.11 Over the ensuing years, various attempts were made by the Police Missing Persons Unit (MPU) to identify the unidentified male person whose remains were discovered in 1997, without success.
- 1.12 On 1 June 2021, the Forensic Analytical Science Services (FASS) issued an Expert Certificate confirming that DNA testing on samples from the unidentified male person and Mr Harrison's natural parents had returned a highly comparative profile.
- 1.13 On 21 June 2021, Deputy State Coroner Truscott was provided with a "Balance of Probabilities Identification Report" prepared by the new Office in Charge of the cases, Detective Senior Constable Jennifer Ross and was satisfied to that standard that the unidentified male was Mr Harrison.
- 1.14 During these proceedings, Mr Harrison has been referred to as Marcus, to reflect the personal and less formal manner that his family and friends remember him. It is not intended as any disrespect to him or his memory.

## **2. RELEVANT LEGISLATION**

- 2.1 Pursuant to the Coroner's Act 2009 NSW (the "Act"), a Coroner is required to investigate all reportable deaths to determine the identity of the person that has died, when and where they died, and the cause and manner of their death.
- 2.2 Two directly relevant inquests have previously been convened in an attempt to satisfy the legislative requirements contained in section 27 of the "Act" at subsection (1) (c) and (d) as follows:

27 (1) (c) "if it appears to the coroner concerned that:

- (i) It has not been sufficiently disclosed whether the person has died, or
- (ii) The person's identity and the date and place of the person's death have not been sufficiently disclosed,

27 (1) (d) "if it appears to the coroner concerned that the manner and cause of the person's death have not been sufficiently disclosed."

- 2.3 Section 83 (1) (a) of the “Act”, empowers a Coroner to hold a “new inquest (or fresh inquest) inquest concerning the death or suspected death of a person, even though the death or suspected death was previously the subject of another inquest (a previous inquest)”.
- 2.4 Section 83 (3) of the “Act” empowers the Coroner “if the remains of a person are found in the State, a fresh inquest may be held concerning the death of the person even though a previous inquest was held concerning the suspected death of the person.”
- 2.5 Section 83(4) of the “Act” states that:
- “A fresh inquest or inquiry must be held if:
- (a) An application for a fresh inquest or inquiry is made under this section, and
- (b) On the basis of the application, the State Coroner is of the opinion that the discovery of new evidence or facts makes it necessary or desirable in the interests of justice to hold a fresh inquest or inquiry.”
- 2.6 Section 83 (5) of the “Act” states that “An application for a fresh inquest or inquiry may only be made by a police officer or by a person who was granted leave to appear or be represented at a previous inquest or inquiry.”
- 2.7 In these proceedings, the Officer in Charge (OIC) of the case, Detective Senior Constable Jennifer Ross, made the relevant application to the State Coroner requesting a fresh inquest and the State Coroner has given her consent.

### **3. ISSUES FOR DETERMINATION**

- 3.1 The role and statutory function of the Coroner is found within section 81 of the “Act”. A Coroner is required to make the following findings as to:
- a) The identity of the deceased
- b) The date and place of the person’s death
- c) The physical or medical cause of death, and
- d) The manner of death, that is, the circumstances surrounding the person’s death.

- 3.2 As referred to in paragraph 1.10 above, DSC MacMahon was satisfied on the balance of probabilities on 10 October 2011, that Mr Harrison was deceased. This inquest has not sought to overturn that earlier determination.
- 3.3 In this fresh inquest, the Court must consider whether there is sufficient evidence to determine, on the balance of probabilities, the following issues and propositions:
- a) Is the unidentified person located in the harbour on 11 October 1997, Marcus Harrison?
  - b) Is the cause of this person's death clear?
  - c) Is the manner of this person's death clear? For example, was this person's death suspicious or are the injuries consistent with misadventure?
  - d) Is the evidence capable of establishing the date and place of this person's death?

#### **4. BACKGROUND**

- 4.1 Marcus was born at St Margaret's Hospital, Darlinghurst on 7 June 1967 to Marcus and Teresa Rueppel. His birth certificate records his name as Marcus Ludwig Rueppel.
- 4.2 In January 1968, Teresa and Marcus travelled to Surrey, England where they lived with Marcus' grandparents. Teresa met and married Anthony (Tony) Louis Gwynne Harrison.
- 4.3 Marcus' father remained in Australia until 1969, when he returned to Germany. In September 1971, Marcus' father decided to return to Australia and met with Teresa, Tony and Marcus in Southampton, UK. During that meeting, Teresa asked Gerhard to consider Tony's request to formally adopt Marcus. Gerhard agreed with this proposition. On 4 November 1971, Marcus was formally adopted by Tony Harrison, and assumed his surname, becoming legally known as Marcus Stoke Gwynne Harrison.
- 4.4 Marcus was described as being a very happy child with many friends. Marcus loved the outdoors and would regularly be involved in camping trips, bike riding, campcraft and tracking. Marcus appeared to struggle at school. He was later diagnosed with dyslexia.

- 4.5 In 1979, Marcus' half-sister, Kristina was born. Marcus adored his sister and clearly that affection was reciprocated.
- 4.6 Marcus left school at 16 years of age and started an apprenticeship with the merchant navy. He remained with the merchant navy until he was 19 years of age. During that time, his half-brother Ivan was born.
- 4.7 After leaving the merchant navy, Marcus spent a period of time unemployed. He began consuming alcohol and cannabis on a regular basis.
- 4.8 Marcus returned to Australia and resided in Melbourne. He attempted to re-engage with his natural father, without success. During this time, he spoke with his mother by telephone. He gave the impression that he was depressed and paranoid. He told his mother that men were "after him", however it was unclear whether this was related to possible drug debts or his paranoia. He provided her with two addresses in Melbourne, however he frequently resided in parks and in the bush.
- 4.9 Marcus returned to England for three months in 1996. During that visit he lived in the woods where he had established a camp. His mother noticed that he had lost his social skills and appeared to only socialise with his siblings.
- 4.10 Marcus returned to Sydney in late 1996 and was residing at 198 Harris Street, Pyrmont. His family believed that he had settled down until his mother received a telephone call from him in 1997. Marcus indicated that he wanted to return to England. His mother encouraged him to wait until his endowment policy matured in April 1998, at which time he could use the funds to either travel or undertake a training course. He told his mother that he was frightened and was in fear of some males who were after him. This was the last time that his mother spoke with him.
- 4.11 Mrs Harrison continued to write to Marcus but received no response. In 1999, one letter that she had sent was returned to her unopened and she began to worry. Mrs Harrison contacted the Salvation Army in Sydney in an attempt to locate him, without success.
- 4.12 In 2004, Mrs Harrison travelled to Sydney with her husband, Tony and continued the search. They then reported him as a missing person to Senior Constable Sean Murphy.
- 4.13 Senior Constable Murphy then completed a COPS entry on the police computer system on 23 March 2004, nominating Marcus as a possible missing person.

## **5. INQUIRIES UNDERTAKEN BY THE OFFICER IN CHARGE – SENIOR CONSTABLE MURPHY**

- 5.1 Senior Constable (SC) Murphy prepared a statement dated 11 October 2010. In his statement, he confirmed that he received a “Missing Person’s Report” from Mrs Harrison in 2004, when he was on duty at the “front counter area of City Central Police”.
- 5.2 In his statement, SC Murphy notes that “Ms Harrison had flown to Australia from England looking for her son who she had not seen since he left England in 1992.” In addition, SC Murphy noted in his statement that “Marcus Harrison had no relatives in Australia.”
- 5.3 SC Murphy’s assertion that Ms Harrison had not seen her son since he left England in 1992, appears to be at odds with Mrs Harrison’s statement dated 23 July 2010, which appears as an annexure to SC Murphy’s statement in these proceedings. Mrs Harrison clearly indicates that her son travelled to England on two occasions when he was 27 years of age (likely 1994), and when he was 29 years of age and that he returned to Australia in November 1996.
- 5.4 SC Murphy confirmed that he had made an iASK inquiry with the Department of Immigration and the Department’s records had confirmed that Marcus Harrison had not left Australia since he disembarked in Melbourne on 4 December 1992. The Departmental inquiry related to Mr Marcus Stokes Guy Harrison, date of birth 07/06/1967, with Australian nationality.
- 5.5 SC Murphy confirmed that he had conducted “a National Names search for all variations of the name Marcus HARRISON@RUEPPEL, Marcus Stokes HARRISON. Marcus Stokes Gwy HARRISON and Marcus Stokes Gwynne HARRISON with Nil result. Mr Marcus HARRISON has no Police Criminal Record in Australia only Event details recorded in NSW”.
- 5.6 In 2008, SC Murphy became aware of an entry on the Northern Territory Police system. SC Murphy contacted Palmerston detectives and was advised by them that the entry appeared to be a duplication of the NSW Police Missing Person report.
- 5.7 SC Murphy reviewed the NSW Police computer system and located three occurrence events which referred to Marcus.
- 5.8 In the NSW Police records, Marcus is described as being between 180-185cm in height, between 75-85 kilograms in weight with a medium build. He was of Caucasian appearance with a fair complexion, brown eyes with blonde hair, beard and moustache.



- 5.9 The first recorded entry concerning Marcus is dated 23 August 1996. Marcus was arrested for allegedly damaging a plastic café blind at a restaurant and bar in Kings Cross. During the criminal charge process, the arresting police formed the view that Marcus was exhibiting mental health issues and he was transported to Caritas at St Vincent's Hospital at Darlinghurst. He was assessed and diagnosed with chronic schizophrenia. The criminal proceedings were terminated.
- 5.10 He again came to the attention of police on 17 March 1997. Police noted that he had a history of schizophrenia and conveyed him to Caritas.
- 5.11 The third recorded entry by police occurred on 22 March 1997. Marcus had been residing at 198 Harris Street, Pyrmont. The premises were owned by Mr Robert Lanham. On 22 March 1997, another resident had a disagreement with Mr Lanham and attempted to burn down the premises. Police interviewed Mr Lanham and spoke with Marcus about the arson. Police noted that Marcus "seemed in good health and was lucid."
- 5.12 On 27 August 2010, SC Murphy obtained a statement from Mr Robert Lanham, concerning Marcus. Mr Lanham confirmed that he knew Marcus for about one and a half years in the late 1990s. During that time, Marcus had undertaken casual labour for Mr Lanham in exchange for food and accommodation. Mr Lanham described Marcus as being about six foot tall with blonde hair and was strong and that he was a hard worker. He did not drive a motor vehicle, nor did he operate a bank account. He was aware that Marcus had been diagnosed with schizophrenia and did not drink alcohol as this exacerbated his symptoms. He was also of the view that Marcus did not consume illicit drugs. He did smoke cigarettes. He noted that Marcus was not aggressive and never appeared to be depressed. He was of the view that Marcus did not appear to experience "highs or lows" in his life and formed the view that Marcus would not want to take his own life.
- 5.13 Mr Lanham stated that about a year and a half after Marcus moved out of his home he saw him in Hyde Park near College and William streets. He stated that at this time, Marcus "looked dirty and scraggy. His clothes were all tattered. I saw that he had medium hair and a beard down to his chest."
- 5.14 Mr Lanham told SC Murphy that Marcus sometimes stayed at the Mathew Talbot hostel in Woolloomooloo. SC Murphy contacted the chief co-ordinator at the Mathew Talbot hostel and was advised that the hostel's records were only retained for ten years and no records were available prior to the year 2000. They were therefore unable to confirm if Marcus had been a resident at the hostel. Hospital records confirm that Marcus sometimes resided at the Matthew Talbot hostel and on occasions would use their facilities for his personal care when he had no permanent lodgings.

- 5.15 SC Murphy indicated that he had made inquiries with the NSW Roads and Traffic Authority (as it then was known) which confirmed that Marcus had not held a driver's licence or registered a motor vehicle in NSW or anywhere else in Australia.
- 5.16 Similarly, SC Murphy stated that he had conducted checks with NSW utility companies which confirmed that Marcus had never connected or held an account with an electricity, gas, telephone or water service provider under his name.
- 5.17 SC Murphy made applications to Centrelink. Centrelink confirmed that Marcus had been in receipt of the Disability Support Pension. Centrelink confirmed that his last payment was made on 8 January 1998.
- 5.18 Medicare confirmed that the last medical claim relating to Marcus was dated 8 July 1997.
- 5.19 SC Murphy made inquiries with the four big banks in Australia. The Commonwealth bank confirmed that Marcus had had two accounts with the bank. One account was closed on 4 November 1996 and the other account was closed on 30 December 2005. No further detail was forthcoming in relation to why the second account was closed.
- 5.20 In 2005, the NSW Missing Person's Unit requested a photograph of Marcus. SC Murphy contacted Marcus' mother. Mrs Harrison provided a coloured photograph of Marcus.
- 5.21 In addition, SC Murphy obtained a buccal swab from Marcus' mother, Mrs Teresa Harrison in 2005, which was then forwarded to the NSW Missing Person's Unit for storage and future testing.
- 5.22 The Missing Person's Unit also requested access to Marcus' dental records. SC Murphy contacted Mrs Harrison. Mrs Harrison indicated that Marcus' dentist in the UK had retired from practice. Mrs Harrison made further inquiries and was advised that Marcus' dental records had either been disposed of or destroyed.
- 5.23 SC Murphy concluded in his statement dated 24 October 2010, "I think that Marcus Harrison has gone off camping somewhere as he is skilled in outdoor living and is at home in the outdoors. I think he has become lost or too afraid to return to civilization. I think his paranoia and schizophrenia have become more and more acute causing him to stop taking his medication. I think he may have perished."

## **6. MEDICAL RECORDS**

- 6.1 Medical records were obtained from St Vincent's Hospital (SVH)/Caritas and the Royal Prince Alfred Hospital (RPA). These records make reference to the occasions where Marcus was arrested by police and assessed and/or admitted as an involuntary patient.
- 6.2 After his arrest on 23 August 1996, Marcus was assessed at St Vincent's Hospital. He was diagnosed with chronic schizophrenia. He presented as being thought disordered and psychotic. He was admitted as an involuntary patient and medicated with anti-psychotic medication.
- 6.3 The hospital notes recorded that in his most florid state on 23 and 24 August 1996, he made comments to the effect "Do I have to attack you to get you to kill me" and that he "couldn't stay as he was going to die from suffocation" and that he wanted to leave the hospital so he could "slit his wrist." The hospital notes also contain an entry indicating that he was smiling when he was talking about wanting to die.
- 6.4 After the antipsychotic medication became effective, Marcus was described as co-operative and appropriate. He eventually absconded from the hospital ward on 27 August 1996.
- 6.5 The hospital notes contain a number of psychiatric assessments which indicate that Marcus was assessed as not having any suicidal ideations. He was assessed as not being a risk to himself or others.
- 6.6 It would appear from the various medical records that there were periods of time where Marcus was not compliant with his medication regime and was not attending regular medical reviews.
- 6.7 In addition to his numerous presentations to SVH and RPA, he received treatment through the Glebe Community Mental Health Service (CMHS). The SVH notes confirm that the hospital made contact with the Glebe CMHS and noted that Marcus was seeing "Analise" three times per week. "Analise" was also arranging housing for Marcus.
- 6.8 The SVH medical notes contain an entry dated 31 August 1997. That entry notes that Marcus had an appointment with the Glebe CMHS scheduled for the following day, 1 September 1997. Marcus did not attend that appointment. On the available evidence Marcus has not been seen alive since he attended his appointment on 31 August 1997.
- 6.9 The various hospital notes subjectively confirm that Marcus identified as heterosexual, experienced periods of poor sleep and significant stress. He indicated to hospital staff on 17 March 1997 that he had had a falling out with Mr Lanham and had been living on the streets for

approximately four weeks. He confirmed that he did not consume illicit drugs or alcohol.

## **7. FORENSIC IDENTIFICATION**

- 7.1 On 12 October 1997, forensic pathologist, Dr Allan Cala performed an autopsy on the remains of an unknown male found 200 metres north west of Shark Island in Sydney Harbour at approximately 10.15am on 11 October 1997.
- 7.2 Blood, tissue and other organ samples were retained and stored for further DNA and serology analysis.
- 7.3 The unknown male was described as being aged between 20-40 years, 188 cm in height, body weight was 73 kg, Caucasian appearance with brown (possibly wavy) hair.
- 7.4 Dr Cala noted that the deceased's "teeth were natural and in reasonable repair with several fillings present in the molars. The teeth were generally discoloured light pink and several lower central incisors and one upper left incisor tooth was absent."
- 7.5 Due to decomposition, fingerprints were unable to be obtained.
- 7.6 On 28 March 2001, a blood sample from the unidentified male (MB001/78/1) was tested at the Department of Forensic Medicine (DOFM) at Glebe and a mitochondrial (mtDNA) DNA profile was obtained. The profile was then stored on the Missing Persons database for future identification.
- 7.7 On 13 December 2006, police from the Missing Person's Unit entered the mtDNA profile onto the Missing Person's database and a search was conducted for any possible matches between missing persons and the mtDNA profiles.
- 7.8 The database identified Mr 'BR' as a potential match. Further analysis suggested that the profile obtained from the unidentified male and Mr 'BR' were identical mtDNA profiles. The Missing Person's Unit continued to review the possible connection and determined that there were several inconsistencies, particularly that Mr 'BR' had disappeared eight years prior to the discovery of the unidentified male.
- 7.9 The Missing Person's Unit then requested further DNA testing be undertaken to compare the DNA samples from the unidentified male

with the mother of Mr 'BR'. These samples were sent to a laboratory in the USA for mtDNA analysis and comparison on 9 June 2010. The laboratory reported that they had been unable to extract a profile from the unidentified male's sample and a comparative analysis was unsuccessful.

- 7.10 On 21 August 2019, a 'sub sample' of blood from the unidentified male was taken to the Forensic Analytical Sciences Service (FASS) for DNA analysis, which was unsuccessful.
- 7.11 On 24 August 2020, FASS issued an Expert Certificate indicating that the mtDNA from the unknown male had been matched to the mtDNA profile of the mother of Mr 'BR'. On 16 September 2020, FASS issued a second Expert Certificate which indicated that the profile from the unidentified male had been matched to two other unrelated missing person profiles.
- 7.12 In January 2021, the OIC, Detective Ross spoke with FASS and received advice that further testing could be undertaken if other forensic samples of the unidentified male were still available. In February 2021, Detective Ross contacted the Coroner's Court Management Unit and confirmed that liver and splenic samples were available for further testing.
- 7.13 On 3 February 2021, the liver and spleen samples from the unidentified male were taken to FASS for further DNA analysis. FASS were able to obtain a DNA profile "Male Profile 'A' from the spleen sample".
- 7.14 On 4 March 2021, a review of this investigation was undertaken by Detective Sergeant Rachel Lenaz of the Missing Person's Registry (MPR), formerly the Missing Person's Unit. The database was perused for any potential missing person that matched the physical description of the unidentified male, utilising the description provided by the forensic pathologist, Dr Cala. Later that day, Marcus was identified as a potential match.
- 7.15 On 10 March 2021, Detective Lenaz requested FASS compare the unidentified male's DNA profile with that of Mrs Teresa Harrison, Marcus' mother. It would appear that the DNA sample on record from Mrs Harrison, obtained in 2011 was not a complete DNA profile.
- 7.16 On 11 March 2021, Detectives Ross and Lenaz agreed that a fresh DNA sample would be requested from Mrs Harrison and Marcus' birth father, Mr Rueppel.
- 7.17 On 16 March 2021, FASS provided a third certificate, confirming that the unidentified male's profile was not a biological match to the relatives of the three other unrelated missing persons referred to above.

- 7.18 On 22 March 2021, Police records confirmed that Marcus' father, Mr Rueppel had died on 22 February 2002. Detective Ross was advised that a blood spot card for Mr Rueppel had been forensically preserved and permission was granted for it to be released for further forensic testing in this matter.
- 7.19 On 24 March 2021, Detective Ross made inquiries through Interpol which confirmed with UK police in Manchester that there was no match on their missing person database for the unidentified male's "Male Profile 'A'" profile.
- 7.20 On 22 April, 2021, the blood spot card obtained for Mr Rueppel's sample was analysed and a profile described as "Male Profile 'B'" was obtained, being Mr Rueppel's stored sample. FASS then compared Male Profile 'B' with Mrs Harrison's profile, together with the profile marked as "Male Profile 'A'".
- 7.21 On 1 June 2021, FASS provided a fourth Expert Certificate, which confirmed that mtDNA and Y-STR DNA testing had been undertaken and stated that the "DNA profile recovered from the spleen sample originates from an unknown male (individual 'A'). This profile could have originated from a biological child of Teresa Harrison and Gerhard Rueppel. It is greater than 260 million times more likely to obtain this profile if it originates from a biological child of Teresa Harrison and Gerhard Rueppel, rather than if it originates from an unknown individual (unrelated to Teresa Harrison and Gerhard Rueppel) in the Australian population. Additionally, the male DNA recovered has the same Y-STR profile as Gerhard Rueppel and is also expected to match all males on his paternal line. Therefore, the source of this sample and Gerhard Rueppel cannot be excluded as originating from the same paternal lineage. This provides additional support to the hypothesis that the DNA recovered originates from Marcus Harrison."
- 7.22 The appendix to the FASS report provides an overview of the relatively recent Y-STR testing technology. It confirms that the "Y-STR testing employs the same technology as conventional DNA typing (using the PowerPlex 21 System). The difference is that the gender-determining chromosome of the male (the 'Y' chromosome) is targeted in the Y-STR test. This can be particularly useful in a case where the DNA recovered from an item is a mixture of both male and female DNA. As females do not possess a Y chromosome (only X chromosomes) this difference is exploited in order to target only the male DNA in a male/female DNA mixture. The mode of inheritance of DNA markers typed in conventional versus Y-STR testing differs and hence, a different method is needed to interpret the statistical weight of a match. DNA markers, identified using the PowerPlex 21 system, are passed down to the child from both the mother and father, and the inheritance of each individual type is independent of each other. With Y-STRs however, the DNA is passed down from the father to the son as a whole unit or 'haplotype', virtually unchanged (except for occasional

mutations) from one generation to the next. Therefore the haplotype of a man should be the same as his biological brothers and sons (and all other males along the paternal lineage).”

## **8. POST-MORTEM REPORT PREPARED FOR UNKNOWN MALE**

- 8.1 On 13 October 1997, Dr Allan Cala prepared a provisional post-mortem report in relation to an unidentified male.
- 8.2 Dr Cala provided his final report dated 20 November 1997.
- 8.3 Dr Cala noted that “At post-mortem, there was marked decompositional change and evidence of marine activity, consistent with at least several weeks in water. The main abnormality was the presence of a ring fracture of the base of skull and a laceration of the left side of the scalp. The fracture was probably antemortem, and this type of fracture is more often seen in motor cyclists and those who jump from a height, particularly into water. There were no fractures of the feet and no other fractures. The right atrium was lacerated, and this is also a feature of jumping into water.
- 8.4 Dr Cala concluded that “Provisionally, I believe this man has died from multiple injuries which may be explained by a fall from a height, however, further investigations are under way”. His pathology summary noted:
- i) Ring fracture, base of skull with lacerations left posterior
  - ii) Multi fenestrated laceration right atrium
  - iii) Bilateral Haemothoraces
  - iv) No significant coronary atherosclerosis

## **9. FAMILY’S CONCERNS REGARDING THE POST-MORTEM CONCLUSIONS AND EARLIER POLICE SUSPICIONS**

- 9.1 On 18 January 2022, the fresh inquest commenced. At the conclusion of the evidence, the matter was adjourned to 8 February 2022 for the Court to deliver findings.
- 9.2 Marcus’ family members raised two concerns relating to the evidence. Firstly, they were concerned that the injuries detailed in Dr Cala’s report may have been inflicted by a third party and may be suspicious in nature. Secondly, Mrs Harrison indicated that SC Murphy had inferred to her during a conversation in 2015 in Sydney that the police

had their suspicions “but could not prove it as Marcus’ body had not been found.”

- 9.3 Counsel assisting this inquest, Ms Chytra contacted Dr Cala and requested a supplementary report be prepared.

## **10. SUPPLEMENTARY REPORT**

- 10.1 Dr Cala, forensic pathologist, provided an expert certificate dated 7 February 2022.
- 10.2 Dr Cala confirmed his recent understanding that the unidentified male had now been identified as Mr Marcus Harrison.
- 10.3 Dr Cala confirmed the following evidence of injury:
- “the main injuries detected at autopsy consisted of a 130mm length laceration (‘split’ or ‘tear’) to the skin at the back of the head and an associated “ring” type fracture affecting the base of the skull
  - The laceration was mainly situated on the left side at the back of the head
  - It commenced at the base (bottom) of the left ear region
  - It passed over an area of severe skull fracturing in the left occipital region, which was associated with a “ring” type base of skull fracture
  - The fracture completely encircled the foramen magnum (the natural opening at the base of the skull which allows the spinal cord space to descend from the base of the brain).
  - The fracture commenced near the midline in the left middle cranial fossa (the region of the base of skull medial to the ear), then passed backwards (posteriorly) and to the left side to involve the left occipital bone, then passed across the back of the skull to the right occipital bone, then passed forwards to terminate in the right middle cranial fossa medial to the region of the right ear for approximately 20-25 cm length
  - There was marked separation of the vertex (top) of the skull from the base as a result of the fracture
  - There was also separation of the base of the skull from the 1<sup>st</sup> cervical vertebrae, C1 or “atlas” and a laceration to part of the heart.



10.4 Dr Cala opined that:

- Overall, these injuries are likely to have been caused by a fall from a height with rapid deceleration (stopping), such as striking a hard object, eg rocks at the base of a cliff.
- I suspect the deceased struck the back of his head, resulting in the severe (and fatal) head injuries detected at autopsy.
- There would have been undoubted immediate loss of consciousness and likely also immediate death as a result of the head injuries.

10.5 Dr Cala confirmed that the brain was unable to be examined given its condition, however was of the opinion that “forces to the head would be transmitted internally to the brain and severe injuries highly likely.” He confirmed that “Sudden death from head injury alone would be expected although other injuries also present exacerbated the dire situation.”

10.6 Dr Cala commented that in his opinion, “the laceration to the back of the head and skull fracture have been caused by a fall with sudden, severe impact. A lengthy fall with foot strike can generate upward forces to the skull and brain from the vertebral column (backbone) resulting in a ring fracture.”

10.7 Dr Cala stated that “The injuries are not consistent with an assault, even allowing for large forces to be applied to the head from a weapon.” Dr Cala commented:

- An assault to the head using a weapon might cause a “coup” (blow) injury and even cause an underlying skull fracture but not of the type or location seen at autopsy in this case
- The forces generated to fracture the skull in this manner and cause the other injuries is far in excess for an assault, which typically results in one or more injuries to the face, especially from the chin area to the eyebrows.
- A blow from a weapon may cause a linear or depressed skull fracture of the vertex, sides or back of the head but without “ring” pattern
- A fall from a person’s own height onto the ground would not be able to generate the amount of force required to fracture the skull, dislocate the base of skull from C1 and lacerate part of the heart.

- 10.8 Dr Cala noted that the physical deterioration had partly compromised his examination and “Had the body been complete, more injuries indicative of a fall from a height might have been detected.”
- 10.9 Dr Cala stated that he has been a forensic pathologist since 1994 and has “seen many fatal cases of persons who have jumped from heights eg “the Gap” and observed similar patterns of injury in these cases, albeit with some variation given the unique nature of each case.
- 10.10 Dr Cala stated that he largely adhered “to my opinion from 1997, but with some alteration. I would give the cause of death now as “Multiple Injuries” due to “Fall from a height”.
- 10.11 Dr Cala then sought to address the family’s concerns relating to notations that he had made in his original diagrams annexed to his report dated 20 November 1997.
- 10.12 Firstly, Dr Cala noted that the family raised concerns about “what appears to be blood staining on the front of the upper thighs”. Dr Cala commented that “I do not know how this staining occurred”.
- 10.13 Secondly, Dr Cala noted that “I have described possible puncture marks to the right side of the chest above and below the right nipple”. Dr Cala noted the following:
- X-rays were conducted on the entire body prior to autopsy and no projectiles (bullets) were detected.
  - No penetrating injuries were detected to the right side of the chest or anywhere else about the body such as from stab wounds
  - I am not sure what caused these apparent “puncture” marks but they may be also from marine activity or predation by marine creatures.”

## **11. THE FAMILY’S CONCERNS ABOUT THIRD PARTY INVOLVEMENT**

- 11.1 Detective Ross has provided a further statement dated 16 March 2022. Detective Ross confirmed that she had contacted the previous OIC, SC Murphy in light of the family’s concerns that SC Murphy had “indicated to them that a third party may have been involved in Marcus’ disappearance.”
- 11.2 Detective Ross stated that “Mr Murphy said that (Mr) Harrison had been living at a terrace house in Pymont. The owner of the house (Mr

Robert Lanham) was an openly gay man who Mr Murphy suspected may have been grooming Marcus Harrison. Mr Murphy theorised that Marcus Harrison may have felt uncomfortable living at the property and that's why he left." Detective Ross stated that "I asked Mr Murphy if he believed that Mr Lanham or any other party was involved in Marcus Harrison's death." Detective Ross stated that Mr Murphy replied "No" and "further stating that if he believed the disappearance was suspicious or a third party was involved, it would have been outlined in his Police Statement."

- 11.3 At the conclusion of her telephone conversation with Mr Murphy, Detective Ross then sent an email to him "asking if he remembered having discussions with the Harrison family regarding the involvement of a third party". Detective Ross noted that "Mr Murphy has not replied."
- 11.4 Detective Ross stated in her statement that "During my review of both briefs, I found no evidence to suggest that the disappearance of Marcus Harrison was suspicious, or a third party was involved."

## **12. STATEMENTS PROVIDED BY MARCUS' FAMILY**

- 12.1 Marcus' mother, Mrs Teresa Harrison and his sister, Krissie Gwynne have both provided written statements to be read in these proceedings.
- 12.2 Both statements attest to the love and deep affection that they both still hold for Marcus. Their statements reflect the personal anguish associated with the lack of certainty of a missing loved one.
- 12.3 Mrs Harrison stated that "Marcus as a baby and as a child was a delight. He brought a lot of joy to my life. He was a happy child. Loved being outdoors. Climbing trees, riding on his skate board when he was older. He was the Pied Piper of the area as all the local children loved being with him as he thought up exciting and unusual games. He should have been a children's entertainer."
- 12.4 Mrs Harrison recalled that "He had some lovely girlfriends. Angie, who we are still in contact with was assigned a post for the MOD in Australia so Marcus decided to go as well as he had dual nationality. However, when Angie's contract was completed he decided to stay in Australia. Many of his British friends missed him. He was very popular and now he has been found after all this time, they remember him with fondness and certainly have happy memories of him which is comforting. I do feel that Marcus has been around us throughout the missing years but I am so grateful that he has been found and that we know where he has been laid to rest."

- 12.5 Krissie stated that “When I think of my big brother, I think of Starwars, break dancing, David Bowie, Michael Jackson and skate boarding.” Krissie referred to them as being “like peas in a pod, despite our big age gap.” Krissie stated that “Marcus was a free spirit, I think everyone picked up on that when they met him. He didn’t seem to ‘want’ for anything, just to be outdoors, in nature and live for the day.” Krissie says “My memories of him were of our adventures.”
- 12.6 Krissie shared that “he touched many hearts and left a permanent imprint on mine and I’ll be forever grateful for knowing him, because he taught me to love the outdoors and to live by following your heart. So, I would like to say to Marcus, rest in peace big brother, now we know where your body has been resting all these years.”

### **13. CONSIDERATION OF THE EVIDENCE**

- 13.1 It is clear on the evidence before me that Marcus was a nature loving free spirit, much loved by his family and friends. It is clear that Marcus struggled with an extremely difficult and all consuming diagnosis of schizophrenia. His condition compromised his ability to continue to engage with his family and friends, something which had been a hallmark of his earlier life.

#### ***Is the unidentified person located in the harbour on 11 October 1997, Mr Marcus Harrison?***

- 13.2 The evidence indicates that the Forensic Analytical Science Service (FASS) undertook both mitochondrial and Y-STR DNA testing, concluding by way of an expert certificate dated 1 June 2021, that the “profile could have originated from a biological child of Teresa Harrison and Gerhard Rueppel. It is greater than 260 million times more likely to obtain this profile if it originates from a biological child of Teresa Harrison and Gerhard Rueppel, rather than if it originates from an unknown individual (unrelated to Teresa Harrison and Gerhard Rueppel) in the Australian population.”
- 13.3 In addition, a number of “proof of life” inquiries were made between 2004 until today. None of those inquiries have confirmed that there has been any activity on those accounts or government databases since at least 2005, with the majority ceasing activity in 1997-8. It would also appear that Marcus has not left Australia by usual points of embarkation.

- 13.4 Marcus required regular and consistent management of his schizophrenia and would become significantly unwell without pharmacological assistance. It is highly unlikely that his condition would have resolved, such that he would no longer require medical assistance.
- 13.5 Relying on the abovementioned considerations, the court is satisfied that the unidentified person is Mr Marcus Stokes Gwynne Harrison.

***Is the cause of this person's death clear?***

- 13.6 In Dr Cala's first post mortem report dated 20 November 1997, he provided the cause of death as "Undetermined due to decompositional change, Multiple Injuries consistent with a Fall."
- 13.7 Dr Cala provided a supplementary expert statement dated 7 February 2022. In that statement, Dr Cala noted that he "adhered to my opinion from 1997, but with some alteration. I would give the cause of death now as "Multiple Injuries" due to "Fall from a height".
- 13.8 The court is satisfied on the balance of probabilities that the cause of Marcus' death can be stated to be "Multiple Injuries due to a fall from a height."

***Is the manner of this person's death clear? For example, was this person's death suspicious or are the injuries consistent with misadventure?***

- 13.9 The court is satisfied that the cause of Marcus' death was consistent with him falling from a significant height into a body of water.
- 13.10 The court must then consider the manner of Marcus' death. In that regard, consideration needs to be given as to whether there is sufficient evidence to satisfy the court, on the balance of probabilities, that Marcus made a decision to deliberately self-harm, or whether he fell accidentally or was the subject of suspicious and deliberate behaviour at the hands of a third party.
- 13.11 In relation to an act of deliberate self-harm, the court must apply the civil standard of proof as described in the High Court of Australia case

known as Briginshaw v Briginshaw (1938) 60 CLR 336. In that case, his Honour Justice Dixon stated:

“But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the question whether the issue has been proved to the reasonable satisfaction of the tribunal. In such matters ‘reasonable satisfaction’ should not be produced by inexact proofs, indefinite testimony, or indirect inferences.”

- 13.12 In Marcus’ case, all the available evidence would appear to point away from a conclusion that he had committed suicide. Marcus was described by persons that he associated with as not exhibiting suicidal ideation. Medical practitioners regularly interrogated him as to whether he was contemplating self-harm. Hospital and treatment records repeatedly indicate that Marcus was not assessed as being a risk to himself or others. There is an entry on 23 August 1996, when he was assessed as being thought disordered and psychotic, where he referred to wanting to leave the hospital so he could “slit his wrist”. This one entry would appear to be an anomaly when read with the plethora of other treatment notes.
- 13.13 The Court is not satisfied that there is evidence to conclude, on the balance of probabilities, that Marcus committed suicide.
- 13.14 Dr Cala conceded that the condition of Marcus’ body had compromised his examination. Dr Cala was clear, however, that the injuries to Marcus’ skull and chest were consistent with injuries sustained in a fall from a significant height. He was also of the opinion that there did not appear to be any injuries to Marcus’ face consistent with a physical assault.
- 13.15 In those circumstances, it is equally feasible that Marcus accidentally fell from a height, possibly a cliff surrounding the harbour and into the harbour. It is also possible that he had been chased from a cliff top area.
- 13.16 In Sydney between 1970 and 2010, numerous young men were thrown and chased off cliffs. Some of these young men identified as gay, and some identified as heterosexual persons.
- 13.17 In November 2021, the NSW State Government announced a Judicial Inquiry into these unsolved deaths.

***Is the evidence capable of establishing the date and place of this person's death?***

13.18 On the available evidence, it would appear that Marcus died sometime between 31 August and 11 October 1997. It would also appear from the evidence that he died in Sydney Harbour. The exact location is not clear from the evidence and was likely affected by current and tidal factors.

**14. CLOSING OBSERVATIONS**

14.1 Marcus' family have impressed the Court with their ongoing grace and stoicism in the face of uncertainty, grief and tragic loss. Over many years, his family have been focused on Marcus' welfare and safety. They have not complained, nor uttered criticism. Indeed, they have acknowledged and thanked the police involved in these investigations.

14.2 I hope that Marcus' family and friends will be reassured that their concerns have been heard and real attempts have been made to provide them with answers in uncertain circumstances.

14.3 I hope that Marcus' family and friends will accept my sincere and respectful condolences for their loss of their young man.

14.4 I would like to acknowledge and thank the Coronial Advocate, Ms Amanda Chytra for her extensive assistance in this matter.

14.5 I would also like to acknowledge and thank Detective Senior Constable Jennifer Ross for her diligent efforts during the fresh coronial investigation and for compiling the fresh brief of evidence.

**FINDINGS**

The findings I make pursuant to section 81 (1) of the Act are:

***Identity***

The person who died was Marcus Stokes Gwynne HARRISON

***Date of Death***

Marcus died sometime between 31 August and 11 October 1997

***Place of Death***

Sydney Harbour, Sydney in New South Wales

***Cause of Death***

Multiple injuries due to a fall from a height

***Manner of Death***

I record an open finding

**RECOMMENDATION**

I recommend that the death of Marcus Stokes Gwynne Harrison be referred to the Unsolved Homicide Unit of the NSW Police Homicide Squad for further investigation and referral to the forthcoming NSW Judicial Inquiry. I further recommend that a copy of the brief of evidence and transcript of the Inquest into the death of Marcus Stokes Gwynne Harrison be provided to the Unsolved Homicide Team for this purpose.

I formally close this inquest

Magistrate J Baptie  
Deputy State Coroner  
8 April 2022



