



CORONERS COURT OF NEW SOUTH WALES

Inquest:	Inquest into the death of Sandra Lee Cawthorne
Hearing date:	15 September 2023
Date of findings:	15 September 2023
Place of findings:	NSW Coroners Court - Lidcombe
Findings of:	Magistrate Elizabeth Ryan, Deputy State Coroner
Catchwords:	CORONIAL LAW – fatal shooting of a woman in 2004 – perpetrator unable to be identified – referral to Unsolved Homicide Squad.
File number:	2008/465416
Representation:	Counsel Assisting: J Edwards of Counsel i/b the NSW Crown Solicitor.

Findings:	<p>Identity The person who died is Sandra Cawthorne.</p> <p>Date of death: Sandra Cawthorne died on 12 April 2004.</p> <p>Place of death: Sandra Cawthorne died near the intersection of Murtha Street and Holbeche Road, Arndell Park NSW.</p> <p>Cause of death: The cause of Sandra Cawthorne's death is multiple gunshot wounds to the head and chest, resulting in severe brain injury and haemorrhage into the chest cavities.</p> <p>Manner of death: Sandra Cawthorne died as a result of homicide committed by a person or persons unknown.</p>
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Non publication orders

Orders prohibiting publication of certain evidence pursuant to section 74(1)(b) of the *Coroners Act 2009* [the Act] have been made in this inquest. A copy of these orders, and corresponding ones pursuant to section 65(4) of the Act, can be found on the Registry file.

Introduction

1. Section 81(1) of the Act requires that when an inquest is held, the Coroner must make findings as to the date and place of the person's death, and the cause and manner of their death. The Coroner must also record these findings in writing.
2. These are the findings of an inquest into the death of Sandra Lee Cawthorne.
3. On the night of 12 April 2004 Sandra Cawthorne aged 29 years was shot dead in western Sydney. Because Ms Cawthorne died as a result of homicide, an inquest into the circumstances of her death is mandatory, pursuant to section 27(1)(a) of the Act.
4. There is no doubt as to the cause of Ms Cawthorne's death. She died from gunshot wounds which were inflicted by another person. But despite a thorough police investigation, the identity of the person or persons who killed her remains unknown.
5. Ms Cawthorne's family have asked that she be referred to as Sandra throughout this inquest.

The post mortem report

6. An autopsy was performed by forensic pathologist Dr Bogdan Hulewicz.
7. Dr Hulewicz attended the Arndell Park location where Sandra's body was found that night, lying on Murtha Street near its intersection with Holbeche Road. This intersection is on the edge of an industrial area, and is surrounded by factories, industrial units and transport depots.
8. Dr Hulewicz's forensic examination found six gunshot wounds of entry. Two of these were to Sandra's head, two to her chest and one to each of her forearms. The fatal wounds were the two gunshot wounds to Sandra's head, and one of the two gunshot wounds to her chest. Dr Hulewicz commented that the wounds to Sandra's forearms were consistent with '*defensive*' type wounds, and may have been caused by the same discharges as those to her head.
9. Apart from these gunshot wounds, Sandra had no other significant injuries.
10. Dr Hulewicz concluded that the range of discharge of the shots was probably distant, based on the fact that there was no evidence of smoke fouling, singeing or powder tattooing around each of the gunshot wounds.
11. A projectile was found embedded in the right side of Sandra's head. In addition police found two bullet casings on a grass verge close to Sandra's body. Approximately fifty metres away they found a further bullet casing, and a metal jacket bullet.
12. Toxicological analysis of Sandra's post mortem blood detected the presence of chloroquine, methamphetamine and morphine. None of these drugs had caused or contributed to her death.
13. The post mortem examination also revealed that at the time of her death Sandra was five months pregnant with a female child, who had not survived her mother's murder.

Sandra's life

14. Sandra was born on 13 August 1974, to her parents Patricia Lawson and Clive Cawthorne. She had two sisters, as well as a brother who died as a baby.
15. Sandra's father Clive died when Sandra was only ten years old. At the inquest her mother Patricia said that losing their dad had a big impact on the three sisters, and that he had loved them all dearly.
16. Sandra left school at the end of Year 9 and started working in casual jobs. According to her mother, soon afterwards she started using illegal drugs, in particular heroin.

17. Sandra was a mother herself. At the time she died she had two very young sons, Justin and Joshua. The two boys have been brought up by their grandmother Patricia and her husband, Eric Roberts.
18. Patricia attended the inquest, supported by Eric. Also present were Sandra's sons Justin and Joshua, and her nephew Jayden who is the son of her sister Cindy.
19. At the close of the evidence Patricia spoke with love about Sandra, on behalf of her family. She told the court that Sandra had a lot of friends, and was a beautiful soul with a kind heart. Patricia said that Justin and Joshua were '*beautiful gifts*', and that before she died Sandra had already chosen the name Destiny Hope for her unborn little daughter.
20. It was clear that Sandra's family loved her and will always miss her.
21. I will now describe what is known about the events surrounding Sandra's tragic death.

The events of 12 and 13 April 2004

22. To support her drug dependency Sandra worked as a sex worker. She and her colleagues usually met their clients, usually truck drivers, on the streets of an industrial part of the Arndell Park area.
23. The day of Sandra's death was the Easter Monday public holiday. That evening Sandra had dinner with a colleague Nicole at the home of a friend. The friend then drove Sandra and Nicole to a spot near the Great Western Highway. Over the next few hours Sandra was sighted working in that area.
24. The last known sighting of Sandra was at about 11.00pm that night. Two witnesses saw her near a truck which was variously described as '*red*' or '*bright orange*' in colour.
25. Police consider it likely this was the same truck as one which many witnesses had seen a couple of hours earlier, at various locations in the area. Witnesses described it as a large red tipper truck. One of Sandra's colleagues told police that the driver had spoken to her and had specifically asked for '*young Sandra*'.
26. At some time between 11.30pm and 11.45pm, a number of people in the area heard gunshots. Most described hearing a short break between the first gunshot or group of gunshots, and the subsequent gunshot or group of gunshots. Some witnesses also heard the sound of a truck revving.
27. At about 11.50pm one witness saw the same red tipper truck which he had seen earlier that night, now making a u-turn and exiting Murtha Street.
28. At about the same time, a mobile security guard who was patrolling the area found Sandra's body lying on the ground near the intersection of Murtha Street

and Holbeche Road. The security guard called his partner and they called 000, then checked for a pulse. They found none.

29. Ambulance and police officers were on the scene shortly after 12.00am. Sandra was pronounced deceased, and police established a crime scene. At various points along Murtha Street police located her bag, her jacket and one of her shoes, as well as amounts of blood.
30. Police immediately commenced a murder investigation.

An overview of the police investigation

31. The police investigation into Sandra's murder continued over many years. It was headed by Detective Chief Inspector Constantino Galea, who has remained the Officer in Charge of the investigation for almost all of its nineteen years. DCI Galea provided two very comprehensive statements to the inquest, and gave oral evidence.
32. The investigation brief compiled by DCI Galea was tendered at the inquest. It comprised many hundreds of statements from investigating police and from civilians, including members of Sandra's family, her friends and those who worked with her. It also included police interviews with witnesses and persons of interest, expert evidence in the fields of medicine, forensics and ballistics, maps, CCTV footage, intelligence reports, DNA and fingerprint evidence.
33. It should be noted that the majority of witness statements were obtained soon after Sandra's death, when the witnesses' memories were fresh and therefore more likely to be accurate.
34. As will be seen, the focus of the investigation coalesced around two important pieces of physical evidence, being:
 - a) the red truck seen on the night of Sandra's murder. Police established at an early stage that it had been stolen that night from the depot yard of a trucking and excavations business
 - b) the pistol which had been used to shoot Sandra, and its theft from its owner at some time in 1999.
35. The evidence in relation to these two items is further described below.
36. At an early stage, police identified that certain individuals had strong connections with either or both the red truck and the pistol. Accordingly their investigation focused strongly on these individuals.
37. After Sandra's case was referred to the Coroner, additional lines of inquiry were identified. These were followed up by the investigating police, and included travel to New Zealand to interview two witnesses who had moved there, and were believed to know something about Sandra's murder.

38. Despite their efforts however, police have been unable to identify the person or persons who killed Sandra. Over the many years of the investigation, a number of individuals have been identified as persons of interest. Following rigorous investigation however, none of these individuals now remains an active suspect.
39. In the second of his two statements DCI Galea concluded that:
‘ ... all tangible lines of enquiry have been exhausted ... Police have been unable to narrow down a person of interest believed to be responsible for the murder of Sandra Cawthorne’.

The red truck

40. From the outset of the police investigation, a red Ford Louisville tipper truck became the focus of police interest. This truck had been seen in the hours leading up to Sandra’s shooting, and was also seen in the same area immediately afterwards. Police quickly formed the view that it was closely connected with Sandra’s death.
41. The truck belonged to Rocks Excavations, a trucking and excavations business based at Riverstone, approximately a half hour drive from the area where Sandra was killed.
42. On the morning of 13 April 2004, just hours after Sandra died, employees of Rocks Excavations rang police to report that the truck had been stolen from their depot during the night of 12 April 2004. The depot office had been broken into, and the keys to the truck removed. They reported further that someone had returned the truck in the early hours of 13 April 2004.
43. As to the time the truck was taken, there was evidence from other witnesses that at about 9.00pm the red truck was not in the Rocks Excavations depot. As noted in paragraph [25] above, it was shortly after this time that it was sighted in the streets of Arndell Park.
44. Soon after 12.15am that night, two Rocks Excavations employees saw the unoccupied truck parked on the street opposite the Rocks Excavations depot. Its keys were in the ignition and its exhaust was still hot. The passenger window was partly wound down.
45. The timeframe of the truck’s removal from the Rocks Excavations depot, its sighting both before and after gunshots were heard, and its presence in the vicinity where Sandra was murdered, all strongly suggested that its unknown driver was involved in her murder.
46. This evidence led police investigators to focus closely on employees and former employees of Rocks Excavations. There were three reasons for this:
 - a) the person who stole the truck on the night of 12 April must have had a key to the gates of the Rocks Excavations depot, in order to open them and drive the truck out of the yard;

- b) the person evidently knew where to find the keys to the red truck, namely in an unlocked box in a cupboard under a sink in the laundry of the depot office; and
 - c) the person had experience as a truck driver and knew how to drive the red truck, which according to some witnesses had idiosyncrasies which made it difficult to drive.
47. During the 1990s and early 2000s, Rocks Excavations employed a large number of truck drivers and had a high turnover of staff. It emerged that many of these people had access to the depot gates and knew where the keys to the red truck were kept. Some at least had experience with sex workers in the streets of Arndell Park, or knew it was an area for street-based sex work.
48. Moreover, many such witnesses had no satisfactory alibi for their movements on the night of 12 April 2004.
49. In all, police identified and located numerous employees both current and former, and obtained statements and interviews from approximately sixty of them. Many of these witnesses agreed with a request to voluntarily provide DNA samples and fingerprints.
50. As further evidence was gathered some of these witnesses were re interviewed by police. The investigation narrowed down to a certain number of persons of interest.

The pistol

51. Although the firearm which was used to kill Sandra has been identified, it has never been located.
52. A microscopic examination was conducted of the bullet casings found at the scene of Sandra's murder. In 2008, a person came forward to police offering further bullet casings. Ballistics experts established that the two sets of casings had been fired by the same firearm, identified as an Automatic .45 calibre Colt Pistol.
53. Police established that this pistol was last owned by a person who had been employed at Rocks Excavations but had left in October 2000. In 1999, this person had reported that the pistol had been stolen from his car while it was parked at Auburn. He repeated this claim when police interviewed him after Sandra's death. However, six years later he was re interviewed. This time he said that his pistol had been stolen from his car while it was parked at or near the Rocks Excavations yard.
54. The pistol has not been sighted since the time it left this person's possession.
55. Witnesses told police that before the pistol left this owner's possession, he had been proud of it and had shown it to a number of his fellow employees at Rocks

Excavations. It was also reported that he had been keen to sell it, prior to it being stolen.

56. In light of other evidence, the police investigation concluded that it was most unlikely that this owner had killed Sandra. However, it was clear that many other people who worked at Rocks Excavations during the 1990s were aware of the pistol which was later used to shoot Sandra.

The forensic review in 2017

57. In the hours and days following Sandra's murder the red truck received a thorough forensic review. Its interior and exterior were examined, and numerous DNA swabs, tape lifts for hairs and fibres, and finger printing samples were obtained and analysed.
58. In 2017 DCI Galea directed that there be a re examination of all the forensic material, due to technological advances that had taken place since Sandra's murder. Repeat testing of the forensic samples confirmed that Sandra had been inside the red truck at some time before her death.
59. When the police brief was provided to the Coroner's Court, its contents were thoroughly reviewed. The police investigation team was asked to clarify a number of matters, and to re interview certain witnesses. This they did.

The adequacy of the police investigation

60. At the inquest, it was submitted by Counsel Assisting that the police investigation into Sandra's murder had been a careful and thorough one, despite the fact that it had not yielded sufficient evidence to charge any person in relation to it.
61. I accept this submission.
62. The tendered coronial brief, and the evidence at inquest of DCI Galea, demonstrate that hundreds of near contemporaneous statements were taken from witnesses, many of whom were interviewed again as further evidence came to light. There was an extensive canvass of the factories, businesses and residents of the Arndell Park and its surrounding areas. Physical evidence from the crime scene and other areas was gathered, then analysed by experts in the fields of ballistics, DNA and fingerprints.
63. Police also gathered and examined all known available CCTV footage and telephone records. In addition, on 19 May 2004 a reconstruction using the red truck was staged, in the hope of triggering memories of those who might have seen something that night.
64. As noted, in 2017 all the exhibits gathered in 2004 were subjected to a forensic re examination which established that Sandra had been inside the red truck. However no other significant discoveries were made.

65. Despite the fact that no one has ever been charged for Sandra's murder, I have concluded that the police investigation was thorough, that no opportunities for investigation were overlooked, and that there do not currently exist any further lines of inquiry.

The scope of the inquest

66. Careful consideration was given to the scope of the inquest into Sandra's death. The very comprehensive and lengthy nature of the police investigation was a key factor in determining its scope.
67. After carefully considering the brief of evidence, I determined that it would be appropriate for the inquest to hear oral evidence only from DCI Galea, and not from any of the individuals who had previously been identified by police as persons of interest. In addition I determined that throughout the inquest and in these findings, these persons would not be referred to by their names. The brief of evidence is also subject to protective orders which prohibit publication of their names.
68. The principal reason for these decisions is that despite there having been an extensive and comprehensive police and coronial investigation, the evidence has not enabled any person to be charged in relation to Sandra's death. The evidence of DCI Galea is that the individuals who were of interest to the police are no longer active persons of interest. They may fairly be described as former persons of interest.
69. DCI Galea's further evidence is that there do not exist any further lines of inquiry with the potential to uncover fresh evidence and potentially to enable such charges to be laid. As noted, unless further significant evidence comes to light the police investigation is effectively at an end. I accept DCI Galea's evidence in this regard.
70. Consistent with my role as a coroner, I may not conduct this inquest as a criminal investigation, nor use it to attempt to gather evidence for the initiation of a criminal prosecution: *Maksimovich v Walsh (1985)* 4 NSWLR 318. Furthermore, I am satisfied that even were such an inquest to be conducted, there is a very low likelihood that it would yield evidence that has not already been obtained in the extensive and protracted police investigation.
71. Relatedly, I have further concluded that the evidence is most unlikely to provide any basis for making adverse findings or comments about any of the persons who were, at various stages, of interest to police. I accept that the possible connections which each of these persons had with Sandra's death have been thoroughly investigated, and that a sound conclusion has been reached in each case that there is insufficient evidence to charge any person in relation to it.
72. There was a procedural consequence of this determination. As I have concluded, the evidence is most unlikely to provide any basis for making adverse findings about any of the former persons of interest. If it were otherwise, and the evidence indicated that some or all of these persons could be the subject of an adverse

finding, then consistent with the principles of procedural fairness those persons would have the right to be heard in opposition to any such finding potentially being made in relation to themselves: *Annetts v McCann* (1990) 170 CLR 596 at 600-601, 609-610 and 620.

73. Since the evidence does not support the making of any such findings, it follows that none qualify as a person of sufficient interest, such as to require that they be given particulars of the time and place of the inquest pursuant to section 54(1)(d) of the Act, or be considered for grant of leave to appear in person at the inquest or be represented at it, pursuant to section 57(1).
74. The situation of Sandra's family is of course different. As the people who were closest to Sandra and loved her, they had the right to be able to understand the police investigation, and to be assured, as I hope they are, that every effort was made to bring to justice the person or persons who killed her. Pursuant to section 57(3) of the Act, Sandra's mother Patricia and her two adult sons were granted leave to appear in these proceedings. They were also provided with a substantial amount of evidence, some of which identifies the former persons of interest.
75. This has necessitated a further measure. The evidence presents many of the former persons of interest as engaging in drug use and prostitution, and it links some of them with conduct such as theft and unlawful possession of firearms. It can fairly be said that this evidence casts them in a discreditable and disreputable light.
76. I accept that a person's reputation is an interest which, if at risk of being adversely affected, may attract a duty to accord procedural fairness: *Annetts v McCann* (1990) 170 CLR 596 at 608-609; *Ainsworth v Criminal Justice Commission* (1992) 175 CLR 564 at 578, 585 and 592.
77. For this reason I have made orders designed to protect the identity of the former persons of interest from widespread disclosure, as follows:
 - a) in the inquest their names have not been disclosed and they have been referred to only as 'the former persons of interest'.
 - b) this is how I have referred to them in these findings.
 - c) Sandra's mother, her two sons and Eric Roberts have been directed not to provide to other persons the evidentiary material they have been given.
 - d) if access is sought to documents in the tendered brief of evidence and access is granted, this identifying information must be redacted.
78. I am satisfied that these orders are necessary and appropriate to ensure there is no unfair damage to the reputation of any of the former persons of interest.
79. The above orders may also operate to reduce the risk of prejudice to any future investigations which police might decide to undertake.

Conclusion

80. The police investigation into Sandra's murder has been appropriately thorough. I am satisfied that there do not exist any lines of inquiry which have not been pursued in the goal of bringing to justice the person or persons who killed Sandra.
81. This is a hard decision for Sandra's family to hear. It is surely a matter of grief for Sandra's mother and her sons that no one has ever been charged with her murder. This was a most cruel and callous act which ended not only her life, but also that of her unborn child. Sandra's sons have grown up without their mother.
82. It is my intention to refer Sandra's murder to the Unsolved Homicide Squad of the NSW Police Force. At the inquest DCI Galea told the court that this would provide an opportunity for the evidence to be reviewed. The exhibits will be stored, and able to be re examined in the event that new evidence comes to light.
83. I close this inquest by thanking Sandra's family for their participation in this inquest, and for sharing their memories of her.
84. I also thank the excellent assistance I have received from Counsel Assisting Mr Joe Edwards and the NSW Crown Solicitor's Office. I commend also the professionalism and persistence of the Officer in Charge, DCI Galea.

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.

Identity

The person who died is Sandra Cawthorne.

Date of death:

Sandra Cawthorne died on 12 April 2004.

Place of death:

Sandra Cawthorne died near the intersection of Murtha Street and Holbeche Road, Arndell Park NSW.

Cause of death:

The cause of Sandra Cawthorne's death is multiple gunshot wounds to the head and chest, resulting in severe brain injury and haemorrhage into the chest cavities.

Manner of death:

Sandra Cawthorne died as a result of homicide committed by a person or persons unknown.

Recommendation

To the Commissioner, NSW Police Force:

That the investigation into the murder of Sandra Lee Cawthorne be referred to the Unsolved Homicide Squad.

I close this inquest.

A handwritten signature in black ink, appearing to read 'E Ryan', with a long horizontal flourish extending to the right.

Magistrate E Ryan
Deputy State Coroner, Lidcombe
15 September 2023