



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest: Inquest into the death of Helen Dawson also known as Marcia Helen Key

Hearing dates: 12 August 2016

Date of findings: 12 August 2016

Place of findings: State Coroners Court, Glebe

Findings of: **Deputy State Coroner Teresa O'Sullivan**

Catchwords: CORONIAL LAW –
Cause and manner of death
Homicide
Section 78 Coroners Act 2009
Section 79 Coroners Act 2009

File number: 2014/343091

Representation: **Sgt Durand Welsh, Coronial Advocate**

Findings:**Identity of deceased:**

The deceased person was Helen Dawson, also known as Marcia Helen Key.

Date of death:

She died on 19 November 2014.

Place of death:

She died at 10 Paris Place Toongabbie, NSW.

Manner of death:

The death was intentionally caused by Rodney Boatswain when he attended her residence and shot her in the head with a gun.

Cause of death:

The medical cause of the death was gunshot wound to the head.

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The Coroners Act 2009 (NSW) in s81 (1) requires that when an inquest is held, the coroner must record in writing his or her findings as to various aspects of the death.

These are the findings of an inquest into the death of Helen Dawson.

Introduction:

Helen Dawson was discovered by her friend, Elaine Nunan, at home at 10:00am on 20 November 2014. Elaine went to Helen's place at 10 Paris Place, Toongabbie after Helen failed to turn up to a lawn bowls function at Wentworthville Leagues Club. When Elaine arrived at Helen's house she was able to see through the screen door. She could see Helen lying in the entrance. Elaine attempted to open the door but it was locked. Elaine contacted the police. Police attended and found Helen to be deceased with a gunshot wound to her head.

The inquest into Helen Dawson's death heard evidence from the Officer in Charge only. A ten volume brief was tendered through the Officer in Charge, Detective Senior Constable Sharon Neil. My findings and the reasons for my findings are based on the contents of the police brief.

The Inquest:

The role of the Coroner is to make a number of findings: the identity of the deceased, the time and place of the death and the manner and cause of death. In this case an inquest is mandatory under section 27(1)(a) of the Coroners Act 2009 as it appears that the person, Helen Dawson, died as a result of homicide.

Under section 78 of the Coroners Act, if a suspect is charged with an indictable offence, such as murder, the inquest will be suspended pending the final determination.

Section 79 of the Coroners Act allows a coroner to resume an inquest if the charge or charges are finally determined.

On 9 February 2015, Rodney Boatswain was arrested and charged with the murder of Helen Dawson. On 5 November 2015 Rodney Boatswain was committed to the Supreme Court to stand trial for murder. On 4 December 2015 Boatswain was to be formally arraigned in the Supreme Court for trial however he died on that day from liver cancer. On 12 February 2016 the case went before His honour Justice Johnston in the Supreme Court where the matter was formally discontinued.

Due to these circumstances, a court is yet to examine the available evidence in relation to Helen Dawson's death and make formal findings regarding the facts surrounding her death.

In these circumstances, the inquest has been resumed pursuant to section 79 (1)(a) of the Coroners Act. The purpose of this inquest is to make formal findings as to the following five aspects of a death:

- the identity of the person
- the time and date of their death
- the place of their death
- the manner of their death
- the cause of their death.

Guided by these five aspects, an inquest investigates the facts and circumstances of a death, places them on the public record. I will proceed to do that now.

The Evidence:

Social background:

Helen Dawson's name according to her birth certificate was Marcia Helen Books. She held a current NSW Drivers licence under the name, Marcia Helen Kay but to her family and friends she was known as Helen Dawson. She was the daughter of Jean Books and Walter Books. Helen was born in the family home at Grenville Street, Pitt Town, on 9 January 1939. She was 75 years old at the time of her death on the 19 November 2014.

Helen had four sisters: Marie Hayes, Noelene Hitchcock, Beverley Douglass and Narelle Window.

All the sisters went to Pitt Town Public School and Richmond Rural School. On 28 November 1956, Helen married John Dawson. They had two children together, a son, Mark and a daughter, Kathleen.

In 1963 Helen and John divorced and John received custody of Mark and Kathleen. Mark Dawson, who was born on the 6 August 1959, passed away at only 26 years of age. He was the father of a daughter named Erin Dawson who has two children.

Helen's daughter Kathleen has three children, David, Kristy and Josh.

In 1979, Helen purchased a property at 10 Paris Place, Toongabbie. For a time she lived with a man named Ray Kekki. After he died, Helen lived in the property by

herself. It was at this location on the morning of 20 November 2014, that Helen was discovered deceased.

The criminal investigation

The criminal investigation surrounding Helen's Dawson's death was extensive and it forms the foundation of the coronial brief of evidence.

The gunshot

Helen's neighbour, Peter Smith resided at 11 Paris Place. Between 5:30 and 6:00 p.m. on Wednesday 19 November 2014, Peter Smith was out the front of his property standing in the middle of his lawn when he heard an extremely loud bang. He was unable to see Helen's front door from where he was standing.

Peter Smith then saw a maroon Toyota Camry reverse out of Helen Dawson's driveway. He believed this was Helen's motor vehicle as she drives a maroon Toyota Camry. He noticed that the vehicle looked cleaner and more polished than Helen's vehicle usually looked. He also noticed that, uncharacteristically for Helen, the vehicle turned sharply over the gutter as it exited the driveway. Peter Smith assumed it was Helen driving.

When Peter spoke to his wife, Robyn Smith, she indicated to him that she didn't believe it was Helen's car reversing out of the driveway but she did believe the vehicle was one that she had previously seen attending Helen's residence.

Helen's body is discovered

Helen Dawson lived alone at 10 Paris Place, Toongabbie. The property is a single storey detached house. At approximately 10:00 a.m. on Thursday 20 November, Helen's friend, Elaine Nunan, attended 10 Paris Place when Helen failed to turn up to a lawn bowls function at Wentworthville Leagues club. When she arrived, the screen door was closed and the front door was open. She was able to see blood and Helen lying in the entranceway. Elaine attempted to open the screen door, but it was locked. She contacted the police.

She had last spoken to Helen Dawson at 5:29 p.m. on the 19 November 2014. It would seem that the loud bang heard by Peter Smith and other witnesses at about 5:50 p.m. was the fatal gunshot fired through the screen door.

When Police arrived at the scene, they found Helen's body in the entrance to her house with a single gunshot wound to the head. It would later be confirmed by Forensic Pathologist, Dr Kendal Bailey, in her Post Mortem report dated 16 April 2015, that the gunshot wound to Helen's head was the cause of her death. The wound appeared to have been inflicted while Helen Dawson was standing at the front door of her premises. Lead fragments and a copper jacket bullet fragment were located in the entranceway wall opposite the front door. The front screen door lock did not appear tampered with. The door was locked when police attended and they gained entry through use of a key provided by a neighbour, Peter Smith.

There was a single hole in the flyscreen door mesh that the police ballistics expert determined was consistent with the passage of a bullet. There was also blood discovered in the entranceway, further suggesting Helen Dawson was shot there.

Helen was formally identified by her sister, Noeleen Hitchcock.

CCTV footage

One other important piece of evidence used in determining the time and date of death is CCTV footage capturing footage of the vehicle of interest, a maroon Camry displaying registration VZB-897.

The vehicle is seen turning left onto Station Rd at 5:45 p.m. from Abbott Rd. From Station Rd, a turnoff at Mimosa Avenue leads to Paris Place. At 5:53 pm a motor vehicle of similar colour, make and model is seen turning right from Station Rd onto Abbott Road and then left onto Seven Hill Rd. At page 1655 of the brief of evidence is a map detailing the CCTV locations where the vehicle of interest is captured with respect to the crime scene at 10 Paris Place.

The CCTV footage assists in determining the time and date of death to be approximately 5:50 p.m.

Who shot Helen?

The most significant question in the criminal investigation into the death of Helen Dawson was the identity of the person who fired the gunshot from outside the screen door. The identity of this person forms part of the manner of death and therefore is an essential element of the inquest.

When police attended Helen's house on 20 November 2014, Helen's neighbour, Peter Smith was present. Smith had a set of keys to the premises and gained access for police. Smith stated to police that when he attempted to unlock the door for

police, he noticed that the internal door was open enough to see Helen but it was not fully open or resting back against the hallway wall. To Smith's knowledge, Helen would open the internal door wide if she was airing the house or letting a breeze blow through. Smith believed she had opened the door to answer a knock prior to being shot rather than the door already being open.

The internal door of 10 Paris Place is fitted with a peep hole and a peep door. This allows someone inside the premises to observe anyone on the front step while the door is closed. Peter Smith stated during a walkthrough of the premises that Helen's routine was always to check the peep hole to see who was standing outside. She would even do this with him and he had known her for years. This supports the fact that Helen opened the door only because the shooter was someone known to her.

Was there a motive?

Detectives interviewed numerous witnesses in their search for a possible motive to the apparent homicide. The witnesses included numerous relatives, as well as associates and friends that Helen knew through her interest in lawn bowls. During the interviews investigators became aware of Helen's friendship with Reita Boatswain who she had met through lawn bowls.

Helen started playing lawn bowls about twenty years before her death. Helen was the vice president of the ladies' bowls club at Toongabbie Bowling Club and also an associate member of the bowling club at Wisemans Ferry. It was through bowls that Helen met Reita Boatswain, a person described by many people including Noeline Hitchcock and Narelle Window as Helen's best friend. They would go everywhere together, including to the cinemas every Sunday.

On 25 November 2012, Reita died due to cancer. Helen assisted Reita with her will because she was so unwell. Reita also asked Helen to organise for her to see a solicitor because she wanted to make changes to her will. The final will of Reita Boatswain is dated 16 November 2012, just nine days prior to Reita's death.

Reita's two sons, Rodney Boatswain and Maurice Boatswain, are the two main beneficiaries to her will. The final will was significantly less favourable to Rodney Boatswain than previous wills. In previous wills dated the 12 August 2009 and 3 November 2012, the home at 3 Alpine Way was to be transferred to Rodney Boatswain and his wife for the duration of their lives. In the event the estate was sold, both previous wills stipulated seventy five percent of the sale proceeds would go to Rodney Boatswain and twenty five percent to Maurice Boatswain. The final will of Reita Boatswain was different to the earlier wills and divided her home and estate equally between both her sons. The final will also stipulated that Rodney Boatswain, who resided at the time at 3 Alpine Way, Glenwood, could only remain in the home

for 10 years and then the house was to be sold and the proceeds divided equally between him and Maurice Boatswain.

The final will was signed at Mt Druitt Hospital. Solicitor, Stella Papantoniou attended the hospital on the 15 November 2014, the day before the will was signed, and spoke with Reita for approximately half an hour. Rodney was present initially but Stella Papantoniou asked him to leave the room as the discussions were confidential.

The next day the will was signed by Reita and witnessed by Helen. An employee of Stella Papantoniou's firm, Nancy Dias, was the only other person present. Helen Dawson was not a beneficiary under the will.

Nancy Dias recalls being present when Rodney attended Reita's solicitor's office on Monday 19 November 2012 and became aware that the previous will was invalid and that a new will took precedence. She described him as becoming very upset. He engaged in an argument with Stella Papantoniou.

Norma Williamson, a friend from Helen's bowling club, also recalled that Rodney took issue with Helen's involvement in Reita's will. She recalls that after Reita's death, Helen went to 3 Alpine Way to collect items of clothing and Rodney refused to allow her to enter the premises and made her wait outside. Several other club members, including Reita's neighbour Veneda Profilio, also recall that Rodney had held a grievance against Helen for the change in the will.

At 4:30 a.m. on 29 November 2014, an anonymous caller contacted police in relation to the murder and stated: *"I think it's someone that I know."* The caller subsequently nominated Rodney Boatswain. The caller turned out to be Rodney Boatswain's daughter, Deborah Boatswain. She met with investigators and detailed a number of reported comments Rodney had made concerning Helen Dawson. These included that Helen *"will get what's coming to her."* He also stated, *"I will get revenge on Helen and everyone responsible"* and he also stated, *"Something will happen to her and I will make it appear as an accident"* and *"I will wait a couple of years so that no one suspects me."*

Deborah Boatswain further stated that Rodney had access to firearms and that he had recently been diagnosed with cancer and had months to live. She feared that Rodney had started a bucket list of people he wished to murder due to him perceiving their having had a hand in the change to the will.

Rodney Boatswain

Rodney Boatswain is the registered owner of a 1999 maroon Toyota Camry bearing registration VZH-997, which is similar in appearance to Helen's 1993 maroon Toyota Camry bearing registration HD-379. Rodney's vehicle is polished and shiny in comparison to Helen's vehicle and its appearance is consistent with the vehicle Peter Smith saw leaving 10 Paris Place on the 19 November 2014.

Police obtained CCTV footage for 19 November 2014 from the Roads and Maritime Service camera located at the intersection of Abbot Road and Station Road, Seven Hills. The footage shows a maroon Toyota Camry displaying registration VZB-897 travelling Westbound on Abbott Rd before turning left onto Station Rd at 5:45 p.m. At 5:53 p.m. a vehicle of similar colour, make and model is seen turning right from Station Rd onto Abbott Rd and then left onto Seven Hill Rd.

On the CCTV footage it can be seen that the registration was altered with electrical tape or similar. Police investigators alleged that Rodney Boatswain deliberately altered the registration VZH-997 to VZB-897. Investigators discounted any involvement by the owner of VZB-897. Those plates are still attached to a white Ford station wagon with an expired registration.

A number of other features of Rodney's motor vehicle are identical to those captured on the CCTV. These include the E tag position, panel damage, distinctive orange striped front seat covers, sticker on the lower driver's side front windscreen, rear baby seat and the number plate casing. The pattern on the upper body clothing worn by the driver is distinguishable. The shirt and jacket in the CCTV are identical to items of clothing owned and worn by Rodney whilst under police surveillance. The jacket was seized during a crime scene warrant on 17 December 2014.

Police conduct first interview with Rodney Boatswain

Police investigators interviewed Rodney Boatswain on the 17 December 2014. He denied any involvement in Helen Dawson's death but conceded he held her responsible for the loss of his inheritance. He stated that in the months following his mother's death he had thought about harming the deceased and he had wanted to break Helen's foot so she would be unable to bowl. He said that he only thought about this and took no steps toward acting upon those thoughts. He stated that he then "*got over it*" and did not think about it after this point.

Rodney also stated that his brother, Maurice, had made a verbal agreement to split the property proceeds sixty/fifty in favour of Rodney on the proviso that the home at 3 Alpine Way was sold within two years of their mother's death to avoid paying

significant capital gains tax. Rodney started having the property valued and also started looking for a place to live within a retirement complex. This coincided with Rodney being diagnosed with terminal cancer. The expert medical reports within the brief of evidence indicate this was *multi-focal hepatocellular carcinoma*.

According to Rodney, after having the house valued, he decided he did not want to sell the house. Consequently, Maurice withdrew his offer of a sixty/fifty split and the split reverted to a fifty/fifty split. This withdrawal occurred in the weeks preceding Helen Dawson's death. Maurice similarly says that he offered a sixty/fifty split, but says he withdrew it because Rodney wanted a seventy/thirty split. Maurice states unequivocally that Rodney blamed Helen for the will being changed to a 50/50 split. Investigators alleged that the timing of the animosity between the two brothers in relation to the will, the timing of Rodney's cancer diagnosis and the ongoing resentment Rodney felt for Helen were the motives for Rodney to kill Helen.

During the interview with investigators, Rodney was unable to account for his movements on the day of Helen's death but believed he was at home all day. He stated he had not driven to Toongabbie or its surrounds since collecting his membership badge from Toongabbie Sports Club some months earlier. Club records indicate Rodney collected his badge in June 2014.

Rodney further confirmed that no one other than he or his wife drives his vehicle and he stated that the vehicle was not driven to or from Toongabbie on 19 November 2014. Rodney stated that he disposed of his last firearm about 10 years ago. The Police Firearms Registry held no reference to current firearms or current firearms licenses registered to Rodney Boatswain. His wife, Julie Boatswain, likewise had no current firearms licence or registered firearms. She did have an expired Shooter 1 licence and long-arms were not required to be registered prior to 1996. On this point, the firearm used in Helen's death was never located nor was it ever ascertained precisely what type of firearm was used.

Crime Scene Warrant

On 17 December 2014, investigators executed a Crime Scene Warrant at 3 Alpine Way, Glenwood. They seized a jacket believed to be the jacket worn by the driver captured in CCTV footage of a maroon Camry near the crime scene. The registration plates, both front and rear, of motor vehicle VZH-997 were also seized during the warrant. Forensic chemist Dr Joanna BUNFORD was asked to comment on whether there was evidence to support the proposition that number plate VZH997 had been altered using black coloured tape to display VZB897.

Dr Bunford located scratches around the number 9. Under different light sources used by Dr Bunford in enhancing traces of material not visible to the naked eye, she

located a residue intermittently from the top to the bottom of the left hand side of the first number 9. Possible traces were also indicated between the upper and lower verticals of the letter H on this plate. Microscopic examination of the residues determined that they were colourless.

Examination of the rear plates showed similar abnormalities.

Additionally, small pieces of black tape-like material were detected on both number plates next to the W of the New South Wales logo. Using the techniques of fluorescence microscopy and Infrared Spectroscopy, samples of the residues on the number plates were found to be in good agreement with the backs of the tape-like material that were located on the number plates.

Dr Bunford also stated that the black tape-like pieces adhering to the number plates were similar to black electrical tape in the tests performed. The recovered pieces, therefore, could have originated from a roll of electrical tape.

During the search warrant at 3 Alpine Way, Glenwood, several rolls of electrical tape, some further tape-pieces and several knives were seized. Dr Bunford provided a second expert statement where she discussed the proposition that the rolls of electrical tape, the further tape-pieces or the knives could be forensically linked to the number plates VZH997. While the results on the knives and tape rolls were inconclusive, Dr BUNFORD expressed the opinion that fragments of yellow paint on the tape-pieces had originated from the number plates VZH997.

Helen Dawson was shot almost two years to the day Reita Boatswain died. This is consistent with Deborah Boatswain stating that Rodney would wait a couple of years before seeking his revenge.

The second police interview

Investigators conducted a second interview with Rodney Boatswain on 30 January 2015.

He again denied any involvement in Helen's death. He did, however, concede that he was upset over the will. When witness statements were put to him about him seeking revenge on Helen Dawson for her perceived role in the will change he stated he could not remember any such statements. He denied saying "*She will get what's coming to her*" or that he would wait two years before seeking revenge.

David Galainy's evidence

On 25 March 2015, a statement was taken from witness David Galainy. Galainy was employed by Prospect Refrigerated Transport as a driver. At the time the statement was taken he had worked there for two and a half years. During this time Rodney used to attend to fix trucks as needed. Rodney had no set shifts that Galainy was aware of.

Between 29 December 2014 and the 31 December 2014, GALAINY was working in the yard at 568 Reservoir Rd, Prospect when he was approached by Rodney.

Rodney was working on repairing a trailer in the yard. He was by himself and standing near the rear doors of the trailer.

Galainy says the following conversation took place:

I said, *"G'day Rodney."*

Rodney turned around to face me and looked frazzled.

I said, *"What's up?"*

He said, *"I've shot someone and I thought I would have been caught by now."*

I said, *"What did you say?"*

He said, *"Leave me alone."*

At the time Galainy thought it was a weird thing to say, but passed it off as Rodney being old and trying to get attention. He subsequently heard about Rodney being charged with murder and made a statement regarding the conversation.

The police brief

I would like to commend the Officer in Charge, Detective Senior Constable Sharon Neil and her team in the Homicide Squad on their excellent work. This was a painstakingly conducted investigation. The brief of evidence is contained in ten volumes. The brief contains re-enactments to substantiate the lines of sight and viewpoints that various witnesses had of the crime scene, re-enactments to examine the view through the screen door, statements from officers that searched the crime scene, ballistics reports and the many statements of friends and relatives. The breadth of the brief is extensive and thorough.

This level of investigation is necessary because one mark of a civilised society is the seriousness accorded the intentional taking of a human life. When someone is killed

within their own house, the act not only deeply affects friends and relatives, it affects the community as a whole.

Helen

Helen was loved by her family and friends and they have been deeply affected by her death.

Helen's daughter, Kathy Winter, says of her mother that she was *"a loving, caring vibrant woman who was devoted to her family, friends, puppies and lawn bowls. She was one of five sisters who grew up in a loving close-knit family. She was a mother, grandmother, great grandmother, sister and aunty who loved and was much loved by all her family and friends."*

Helen's sister, Narelle Window, describes Helen was a *"very much loved sister, aunt, mum and nan and very loyal friend and workmate"*.

Narelle went on to say that *"Helen's life revolved around her family, friends, bowls and her three beloved dogs. Whenever she went out she would always say she had to get home to feed her doggies. When I sit and reflect on my memories of Helen I think of her singing to her hearts content (didn't matter if she didn't know all the words) she'd give it all she had."*

Findings required by s81(1)

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

The identity of the deceased

The deceased person was Helen Dawson also known as Marcia Helen Key.

Date of death

She died on 19 November 2014.

Place of death

She died at 10 Paris Place Toongabbie, NSW.

Cause of death

The medical cause of death was a gunshot wound to the head.

Manner of death

The death was intentionally caused by Rodney Boatswain when he attended her residence and shot her in the head with a gun.

I close this inquest.

A handwritten signature in dark ink, appearing to read 'Teresa O'Sullivan', written in a cursive style.

**Magistrate Teresa O'Sullivan
Deputy State Coroner**

Date: 12 August 2016