



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the death of TO Minh TU
Hearing dates:	9 March 2016
Date of findings:	9 March 2016
Place of findings:	State Coroner's Court Glebe
Findings of:	Magistrate Teresa O'Sullivan, Deputy State Coroner
Catchwords:	CORONIAL LAW – Unsolved homicide
File number:	2013/00055490
Representation:	Coronial Advocate, Sergeant Nishant Ramavat

Findings:	<p>Identity of deceased: The deceased person was TO Minh TU</p> <p>Date of death: Mr TU died on 21 February 2013</p> <p>Place of death: He died at the Baseball Field, Fairfield Park, Vine Street, Fairfield.</p> <p>Manner of death: Mr Tu was shot by a person or persons unknown.</p> <p>Cause of death: The cause of the death was multiple firearm injuries.</p>
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Recommendation: The matter is referred to the Unsolved Homicide Team.

Non publication order: 1. Any reference to the name of the child, BT.
2. Police Brief (exhibit 1).

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 TO Minh TU.

Background:

The deceased, To Minh TU was a 25 year old male who resided at 1 Chadderton Street, Cabramatta with his parents, sister and an Uncle. His younger brother, Anh Tuan TU, was in custody at Silverwater MRRC on remand for Robbery offences at the time of his death. His girlfriend, Tiffany DO, frequently stayed with him at Chadderton Street, Cabramatta. TU had previously been in a defacto relationship with Vy TRAN. They were parents of a young son who was four years old at the time of his death. TU had attended Canley Vale High School. He had spent lengthy periods in custody as a young person and adult and otherwise had long periods of unemployment.

TU was the subject of 16 criminal charges including Affray, Take and Drive Conveyance, Sexual Intercourse without consent. As a juvenile he served a lengthy custodial sentence for Robbery in company cause wounding (with a pistol). In January 2013 he was charged with Robbery in company. TU was the subject of a number of intelligence reports for gang activity, firearms and drug supply.

The Discovery of Mr Tu's body:

A short time after 3:30am on Thursday 21 February 2013, the body of the deceased person, To Minh TU was found by a passerby on a grass oval in Fairfield Park, Fairfield, a short distance from a car park off Ulverston Street.

The body of TU was on its back. He was wearing shorts, runners, a tee shirt and hooded top. He had no phone, wallet or keys on his person. TU was in possession of a bag, the contents of which indicated that he was engaged in or planning unlawful activity that night.

TU had suffered four gunshot wounds i) to the right shoulder; ii) to the right hand; iii) to the right side of the jaw and into the skull and brain; and iv) to the left side of the mouth. No other injuries were identified. It was apparent that he had been shot and killed where he was located.

The Police Investigation:

Canvassing established that many witnesses heard a series of gunshots in the area and analysis of those reports suggests the shooting occurred between 12:20am and 12:30am on 21 February 2013. Witness reports have identified some suspicious movements in and around Fairfield Park, including observations of a vehicle leaving the nearby carpark off Ulverston Street within minutes of the shooting; three adult males seen standing in the park about 150 metres from the scene of the shooting a short time before it occurred and CCTV footage showing a red vehicle leaving the park about 12:40am.

Investigations to date have not identified the person/s responsible for the death of To Minh TU.

Post Mortem and Toxicology:

The post mortem examination was conducted by Prof Johan DUFLOU. The post mortem examination showed two low velocity gunshot wounds to his face, one of which had penetrated into the brain, a low velocity gunshot wound to the right hand, and a gunshot wound to the right shoulder region with lethal injury to the right lung, the heart, aorta and liver. At least one of the gunshot wounds was of intermediate distance and another of the gunshot wounds was similarly sustained from a relatively short distance away. The sequence of firearm discharges cannot be determined with any degree of certainty in this case. There were no significant natural disease processes. The cause of death was from multiple firearm injuries.

Toxicological testing was negative for common drugs and poisons.

Identification:

Mr Tu was formally identified by Fingerprint Expert, Crime Scene Officer Marian Smith from the Fingerprint Operations, Forensic Services Group, Parramatta. On 21 February 2013 she accessed records held by NSW Police Computerised Operational Policing System relating to a deceased person being found at the Baseball Field, Fairfield Park, Vine Street, Fairfield on 21 February 2013. She also accessed a number of photographs of the deceased, including close up photographs of the deceased person's right hand. The fingerprint and palm print were compared with fingerprints and palm prints held at the NSW Police Fingerprint Operations, Parramatta. Based on her specialised knowledge Crime Scene Officer Smith was of the opinion that the fingerprint and palm print were those of TO MINH TU.

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 TO Minh TU.

Date of death

He died on 21 February 2013.

Place of death

He died at the Baseball Field, Fairfield Park, Vine Street, Fairfield.

Cause of death

The cause of the death was multiple firearm injuries.

Manner of death

Mr TU was shot by a person or persons unknown.

Recommendations

Pursuant to s 82 of the Coroners Act 2009, Coroners may make recommendations connected with a death investigated at an inquest. The investigation into Mr Tu's death is ongoing and as yet, unsolved. I recommend that this case be referred to the Unsolved Homicide Team to be further investigated.

I close this inquest.

T. O'Sullivan

Deputy State Coroner

Date 9 March 2016