



**CORONERS COURT  
OF NEW SOUTH WALES**

<b>Inquest:</b>	Inquest into the disappearance and suspected death of Alan LY
<b>Hearing dates:</b>	08 August 2017
<b>Date of findings:</b>	08 August 2017
<b>Place of findings:</b>	State Coroners Court, Glebe
<b>Findings of:</b>	<b>Magistrate Teresa O’Sullivan, Deputy State Coroner</b>
<b>Catchwords:</b>	CORONIAL LAW – Cause and manner of death Missing person
<b>File number:</b>	2016/249938
<b>Representation:</b>	<b>Sergeant Durand Welsh, Sergeant Assisting</b>
<b>Findings:</b>	I find on the balance of probabilities that Alan Ly, a missing person the subject of this inquest, is dead. He died on or about 22 September 2015 but I am unable to determine the place of his death or the manner and cause of his death.

<b>Findings:</b>	<p><b>Identity of deceased:</b> The deceased person was Alan LY</p> <p><b>Date of death:</b> On or about the 22 September 2015</p> <p><b>Place of death:</b> Unable to be determined</p> <p><b>Manner of death:</b> Unable to be determined</p> <p><b>Cause of death:</b> Unable to be determined</p>
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## Table of Contents

REASONS FOR DECISION.....	1
Introduction: .....	1
The Inquest: .....	1
Background: .....	1
The Disappearance: .....	2
The Police Investigation:.....	2
Is Alan Deceased?.....	3
Findings required by s81(1).....	4
The identity of the deceased:.....	4
Date of death: .....	4
Place of death:.....	4
Cause of death .....	4
Unable to be determined .....	4
Manner of death.....	4

*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 disappearance and suspected death of Alan LY.*

## **REASONS FOR DECISION**

### **Introduction:**

This inquest concerns the disappearance and suspected death of Alan LY. Alan was last seen on 22 September 2015. The police brief was tendered at the inquest. The Officer in charge, Senior Constable Eivas Pulis gave additional oral evidence. No other witnesses were called.

### **The Inquest:**

The first task facing a coroner in a case such as this is to determine whether the missing person is actually dead. If that can be established, the coroner must continue to make further findings as to the date and place of death and in relation to the manner and cause of death, in the usual way.<sup>1</sup>

Section 81 (1) of the Coroners Act 2009 (NSW) requires that when an inquest is held, the coroner must record in writing his or her findings. These are my reasons and findings in relation to the disappearance and suspected death of Alan LY.

### **Background:**

Alan was born to Va Ly (father) and Chan Than Ly (mother) at Liverpool Hospital on 9 May 1990. He has five siblings, being Melissa, Anthony, Raymond, Lisa and Christian. On 7 July 2015, a little over two months before Alan's disappearance, their father, Va Ly, committed suicide. Their mother, Chan Than, suffers schizophrenia, and Alan's brother Raymond is her primary carer.

At the time of his disappearance, Alan was residing with his sister Lisa at 15/28-32 Wilga St, Fairfield. Although he was unemployed as at 22 September 2015, he had held a position with Visy Industries from July 2014 until July 2015. He had given notice of his intention to resign on the 3 July 2015, but had agreed to remain working with Visy until 31 July 2015. Alan resigned as he intended to travel overseas to Japan. Following his father's suicide, Alan cancelled his trip to Japan.

He had no documented mental health or significant physical illnesses. There is no evidence he attended a regular medical practitioner.

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<sup>1</sup> Section 81 Coroners Act 2009 (NSW)

On 12 September 2015, Alan attended a function with friends who were celebrating a pending holiday to Japan. He specifically requested that people present not mention his father. Alan was quiet and didn't interact very much. Attendees attributed this to his father's passing.

Raymond Ly indicates in his statement to police that Alan had had difficulty sleeping for approximately a month and a half prior to 22 September 2015. Raymond also believes that Alan was under stress as a result of a family disagreement over money left behind by his deceased father.

### ***The Disappearance:***

On 22 September 2015, Alan went to Plus Fitness Gym at Fairfield and asked to cancel his gym membership. He then went to a Thai Restaurant in Anzac Avenue at Fairfield to buy lunch for Raymond and other family members who he had arranged to meet. At around 12.30 pm the same day, Alan went to Raymond's home, where his partner, Jenibe, their little brother, Christian, and their mother were. Whilst at the home, Alan gifted Jenibe a video game and Christian an Apple Ipad. Raymond thought this behavior was unusual.

During his stay at the home, Alan told Raymond his sleep was improving. After a while Alan left the home, explaining that he wanted to go to his home to rest. This was the last time anyone saw Alan.

Around 10 pm this same day, Lisa returned home and thought it strange that Alan was absent. About 7am the next day, Lisa woke up and saw that Alan was not in bed. Lisa noticed a piece of paper on top of Alan's bed and saw that it was a suicide note. Lisa immediately called Raymond. Raymond called the police.

### ***The Police Investigation:***

Police attended the home of Lisa Ly and there, spoke to Raymond and Lisa. Police were shown the suicide note. Raymond and Lisa suggested Alan may have travelled to "The Gap" at Watsons Bay. Police immediately contacted Rose Bay Police to carry out patrols of this area, with no result. Of note, Alan had left his vehicle, his car keys, his wallet and bankcards at his home.

Police had Alan's mobile phone triangulated and it was last traced to Old South Head Rd and Derby Road, Watsons Bay, at 7.33pm, which is walking distance from "The Gap". Alan's mobile phone was last active at 08:03 pm on 22 September 2015. The following day, police learnt that a number of bank transactions took place from Alan's Commonwealth account to family members to the amount of \$13,310.35, with messages saying "I love you."

Over the next few months police carried out numerous enquiries with banking institutions, Airlines, Immigration, Opal card, Optus, corrective services, births deaths

and marriages, state electoral roll and road authorities. CCTV near Watsons Bay was checked and inquiries made with taxi companies and public transport. Police conducted ground searches around Watsons Bay and found no trace of Alan.

Since Alan's disappearance, police have spoken to family members and a few friends, who have offered some insight into Alan's emotional wellbeing. Alan was deeply affected by his father's death. He cancelled his trip to Japan following his father's death and, according to Raymond Ly, he lost interest in travelling.

### ***Is Alan Deceased?***

The strongest evidence that Alan Ly is deceased is the handwritten note dated 22 September 2015. In the note, Alan mentions that he will be closer to his father once he dies. It also refers to long-standing suicidal thoughts and him hating both primary school and high school. The note suggests that for a long time Alan had been questioning the point of life. He states that he believes there is "no permanent fix" to his problems and that the root cause of his unhappiness is his "way of thinking" and that this is a "mental issue". His belief is that the only solution for this mental issue is constant medication, something he does not desire.

Sergeant Dean Swift from the Document Examination Unit provided an expert statement in relation to the note. Comparison samples of Alan Ly's handwriting from TAFE documents were used in the analysis. Sergeant Swift made the following expert finding when comparing the note (Q1) with the TAFE documents (S1-S5):

"The evidence provides qualified support for the proposition that the questioned handwriting sample Q1 was written by the writer of the comparison handwriting samples S1-S5."

The cancellation of the gym membership and the out-of-character gifting of presents and large sums of money is additional evidence that Alan LY intended to end his life. His difficulty sleeping, the recent suicide of his father, recent disagreements within the family over money, and the cancellation of his trip to Japan suggest that he was experiencing increased stress.

There is no evidence within the brief suggesting he was alive after 8:03 p.m. on the 22 September 2015 when his mobile phone was last used. Senior Constable Pulis completed numerous checks with various institutions and all checks have failed to show any activity that could be attributed to Alan Ly after that date.

Whilst I am able to find that Alan is dead, there not enough evidence before me to enable me to determine the cause of Alan's death or the circumstances surrounding his death, nor am I able to determine where he died.

I would like to thank the officer in charge, Senior Constable Eivas Pulis for his thorough investigation. I would also like to thank Sergeant Durand Welsh for assisting me in this inquest.

Finally, I would like to offer my sincere condolences to Alan's family. He was obviously a much loved member of a close family who must miss him terribly.

### **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 satisfied that the death occurred and make the following findings in relation to it:

I find on the balance of probabilities that Alan Ly, a missing person the subject of this inquest, is dead. He died on or about 22 September 2015 but I am unable to determine the place of his death or the manner and cause of his death.

#### ***The identity of the deceased:***

The deceased person was Alan LY

#### ***Date of death:***

On or about the 22 September 2015

#### ***Place of death:***

Unable to be determined

#### ***Cause of death***

Unable to be determined

#### ***Manner of death***

Unable to be determined

I close this inquest.

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

**Date 08 August 2017**