



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

<b>Inquest:</b>	Inquest into the death of Alyce Pollett
<b>Hearing dates:</b>	10, 11 and 12 February 2015
<b>Date of findings:</b>	15 august 2017
<b>Place of findings:</b>	State Coroners Court, Glebe
<b>Findings of:</b>	NSW State Coroner, Magistrate Barnes
<b>Catchwords:</b>	CORONIAL LAW – suspicious death; possible asphyxiation of pregnant woman; unascertained cause of death
<b>File number:</b>	2011/390014
<b>Representation:</b>	Counsel Assisting the Coroner: Senior Sergeant Sasha Harding

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*The Coroners Act 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 Alyce Pollett*

## Introduction

1. Alyce Pollett was 20 years of age and 7 months pregnant when she was found deceased on her bed within the unit she shared with her grandmother. She had been unwell during the week leading up to her death and was housebound the day before she was found deceased on 14 July 2011. However, the autopsy examination suggested she did not die of natural causes.
2. Ample evidence was gathered during the investigation that followed the discovery of Alice's body to confirm her identity and to enable findings to be made as to when and where she died. The inquest was primarily focused on establishing the precise medical cause of her death and who, if anyone was involved in causing it to occur.

## Social history

3. Alyce's father, Robert Pollett, met her mother, Lamposoei Tukpakklet, in Thailand. In 1990, after becoming pregnant, they moved to Australia where Alyce was born on the 21 August 1990. The family settled in Cronulla.
4. In 1995, Robert Pollett and Lamposoei Tukpakklet had a son Andrew. About one year after his birth, Robert left the family home. The children remained with Ms Tukpakklet until the Department of Community Services became involved and removed them both from her care. Andrew went into the care of his father while Alyce went into the care of her paternal grandmother, Leonie Pollett, living with her in a unit in Miranda.
5. Alyce maintained regular phone contact with her father and brother. During school holidays she would visit them at their various homes in Queensland, the New South Wales South Coast and the Hunter Valley. It would appear she shared a reasonable, although distant relationship with her father. She had been close to her brother until they had a falling out in January 2011. She had intermittent contact with her mother, whom she last visited about one week before her death.
6. Alyce attended school until year 10, when she left to undertake a hairdressing course at TAFE. While studying she worked at a number of hairdressers throughout the Sutherland Shire. At the time of her death she was three years and four months into her apprenticeship.
7. Around 2009 -2010, Alyce moved out of her grandmother's Miranda home for about six months and lived in a Yagoona house with her friend Cindy Gibb. According to Cindy, Alyce would smoke 'ice' every weekend and smoked a packet of cigarettes every day. She is reported to have stopped using 'ice' when she became pregnant in 2011.

## ***Relationship with Ahmed El Hayek***

8. Ahmed El Hayek dated Alyce for about three years from 2006. According to Mr El Hayek they had a good relationship although they would argue regularly. He claimed to have doubts to her fidelity during the relationship.
9. Alyce reported to her brother that Mr El Hayek was violent to her. This claim is supported by a text message he sent her after an argument in 2008 in which he wrote, *"Wait and see, you're dead. I'll be waiting for you. You're a dog"*. Another text read, *"Wait and see I'm gonna get ya I'll be waiting for you to smash your teeth in. I'll bring girls down to bash you. I'll be waiting for you and your grandmother and bash you both up"*.
10. Mr El Hayek reported that Alyce would regularly sneak him into her bedroom while her grandmother was asleep.
11. Their relationship ended in September 2009. Mr El Hayek met his current wife and Alyce began a relationship with Ahmed Laa Laa. Mr El Hayek and Ms Pollett remained in contact. On a number of occasions Alyce reported to Mr El Hayek that Mr Laa Laa had threatened her.
12. Mr El Hayek said he last saw Alyce in December 2010. He met her at her unit block and they had sex. Mr El Hayek said he wore a condom. This is relevant as it is an approximate date of Alyce becoming pregnant.
13. In January 2011, Alyce told Mr El Hayek she was pregnant to her then boyfriend, Mr Laa Laa. She informed him via text message that Mr Laa Laa wanted to kill her and the baby. Mr El Hayek advised her to contact the police.

## ***Relationship with Ahmed Laa Laa***

14. After breaking up with Mr El Hayek, Alyce met Ahmed Laa Laa while she was living with Cindy Gibb in Yagoona. The relationship began with Mr Laa Laa coming to the house to have casual sex with Alyce however it developed into a committed relationship.
15. Alyce told Ms Gibb that she was happy in the relationship and that he treated her well.
16. When Alyce moved back in with her grandmother, she would sneak Mr Laa Laa into her room at night. Mr Laa Laa stated he would ring Alyce when he was outside and she would come down to the front door of the apartment complex and let him in when her grandmother was asleep.
17. Leonie Pollet reported that the Alyce and Mr Laa Laa had a happy relationship as far as she could tell. However, from time to time they would have noisy arguments that seemed to result from Mr Laa Laa not allowing Alyce to meet his mother and his insistence that their relationship be kept secret from his family because Mr Laa Laa was a Muslim and Alyce was a notionally a Catholic.
18. According to Mr Laa Laa they argued due to Alyce's bad moods, her ice consumption and that she wouldn't consult him regarding her whereabouts.

19. In late 2009 or early 2010 Alyce became pregnant to Mr Laa Laa. The pregnancy was terminated as they both had concerns over the health of the baby given Alyce was using 'ice' at the time.
20. Alyce became pregnant for the second time to Mr Laa Laa in January 2011. He allegedly rang Leonie Pollett and told her he wanted the pregnancy terminated as he was worried that his parents would find out. Leonie assured Mr Laa Laa that she would look after the baby and Alyce.
21. The relationship continued to deteriorate during the pregnancy, to a point where Cindy Gibb described it as 'unstable'. Alyce broke off the relationship about four months before her death. After this time there was limited contact between the two.

## Medical history

22. Alyce had been a patient of Dr Elizabeth Crossley, at Miranda Medical Practice, since January 1998. She had no reported illnesses that could account for her sudden death.<sup>1</sup>
23. On 27 January 2010, she provided a referral for Alyce to have the first pregnancy terminated. That occurred shortly thereafter.
24. On the 7 February 2011, Alyce reported another unplanned pregnancy. She stated she wanted to proceed with the pregnancy at which point antenatal care commenced. Alyce also reported she had been dismissed from her hairdressing apprenticeship.<sup>2</sup>
25. On the 23 February 2011, Alyce requested a medical certificate to provide to Centrelink as she complained she was too sick to work. Dr Crossley issued a medical certificate.<sup>3</sup>
26. On 18 April 2011, Alyce told Dr Crossley that she was stressed about the father of her unborn baby. She stated that he had threatened to kill her if she did not have a termination. Dr Crossley advised her to take out an Apprehended Violence Order. Alyce did not take this advice. Dr Crossley supplied her with a medical certificate to provide to Centrelink to exempt her from looking for work.
27. Alyce attended Sutherland Hospital for antenatal appointments. On 6 April 2011, Alyce met with midwife Beverley Sergeant where Alyce's psychosocial history was discussed. Ms Sergeant made the following notes:

*Alyce doesn't want contact with her partner but he continues to msg or phone her. Early in pregnancy he was threatening her via msg. Advised re AVO but she said he will hurt her if she does. Asked if she was safe, she stated she was, that he was all talk. She stated that he hasn't physically hurt her. She feels depressed at times with this relationship.*
28. Lori Stanmore, the maternity and paediatrics social worker at Sutherland Hospital during this period, received Alyce's file due to the allegations that she was receiving threatening text messages from her partner. Ms Stanmore contacted Alyce via

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<sup>1</sup> Health Summary of Alyce Pollet, under care of Dr Crossley, page 160-165 of brief of evidence.

<sup>2</sup> Statement of Dr Crossley, para 9, page 154 of brief of evidence.

<sup>3</sup> Statement of Dr Crossley, para 10, page 154 of brief of evidence.

telephone on the 10 June 2011. Alyce told her she no longer had contact with her ex-partner and had a lot of family support. Alyce stated she didn't want any further follow up and that she was feeling "great".

29. Ms Sergeant examined Alyce on 15 June 2011. She alleged she had been attacked in Miranda the day before. Ms Sergeant conducted a number of tests on the foetus which disclosed no basis for concern about its health. Alyce complained of a sore back. The medical notes recorded at the time of consultation cite that there was no trauma to the abdomen.<sup>4</sup>

## ***Health in the weeks before death***

30. On the weekend of the 2 July 2011, Alyce complained of a sore throat and that her *"chest felt like it was closing up"*. This progressed to flu like symptoms, such as hot/cold flushes, headaches and infected phlegm.
31. Cindy Gibb reported that Alyce had a bad chest infection in the month leading up to her death and had complained that she had trouble breathing, was experiencing chest pain and was breaking into sweats.
32. Her father visited her in early July 2011 and noticed that Alyce had the flu.
33. When Cindy spoke with Alyce on the 12 July 2011, she complained that her chest was sore and she was staying in bed. On the same day she told the manager of the local video store that she had swine flu and the manager heard Alyce tell her grandmother who was with her in the store that she had been *"coughing up this green stuff"*.
34. On 13 July 2011, Alyce sent a text to Cindy cancelling an arrangement to meet her stating, *"hey hun I've still got a bad chest so don't wait for me so sorry babe hopefully I get better soon"*.
35. A neighbour, Philomena Anderson, visited Alyce's grandmother on the 13 July. Leonie told Philomena that Alyce was sick in bed and she heard coughing coming from the bedroom.

## **Events prior to death**

### ***Robbery on 14 June 2011***

36. Alyce reported to her grandmother and Mr Laa Laa that on the 9:15pm on the 14 June 2011, she was attacked in the street. The following is an amalgam of the versions they recounted.
37. Alyce said that she walked to the Pizza Hut Store located about 80 metres from where she lived. After collecting her order she began to walk home and was approached from behind by two Polynesian females who pulled her hair, punched her to the head, pushed her over and then punched her in the abdomen and back.

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<sup>4</sup> Sutherland Hospital Medical notes, 15.6.11 entry.

38. She told her attackers she was pregnant and one of them said, *"Just make out we're hitting you really hard"*. They stole her handbag containing her mobile phone and house keys and ran to a light red Toyota Corolla and drove off.
39. She rang Mr Laa Laa from a payphone. He arrived a short time later. They then attended Miranda Police Station where she made a complaint and provided a statement.<sup>5</sup>
40. Miranda detectives investigated the alleged robbery which included a DNA examination of several exhibits, a limited canvass, checks on the stolen phone and CCTV checks. The investigation failed to identify any suspects.<sup>6</sup>
41. The robbery was further investigated by detectives investigating Alyce's death. Pizza Hut CCTV showed Alyce waiting outside the outlet for three minutes after placing her order. For another 14 minutes she is seen to send and receive multiple text messages. Call charge records show that Alyce and Mr Laa Laa were messaging back and forth at the time.
42. When she left to go to the Pizza Hut, Alyce had informed her grandmother that she was meeting her friend Hayley, however she told her friend Cindy that she was actually meeting Mr Laa Laa.
43. Mr Laa Laa stated that he and Alyce had made arrangements earlier in the day for him to come over to Miranda to see her. He had lost his licence in April so caught a taxi from his house in Condell Park. When he was about 5-10 minutes from Miranda, he received a call from Alyce saying that she had been assaulted and had her bag stolen. When he arrived he encouraged Alyce to report the incident to the police.<sup>7</sup>
44. Police investigations failed to locate any bookings on that date made using Mr Laa Laa's phone number or journeys between his address and Miranda.
45. There is some evidence to corroborate Alyce's claim that she was a victim of a robbery. She replaced various items reported as being stolen such as her mobile phone and personal cards. She gave a consistent account to her midwife when she attended hospital for a routine check-up the next day. The limited examination of the crime scene by Miranda Police identified a pizza and garlic bread lying on the ground in an area where she identified the robbery having occurred.<sup>8</sup>
46. On 12 July 2011, Alyce and her grandmother went to Westfields Miranda. She had something to eat however complained of feeling unwell. She returned home soon after.<sup>9</sup>
47. On the 13 July 2011, Alyce is thought to have remained at home all day. After her death, Leonie described Alyce as being quiet and not feeling well throughout the day. Alyce did not eat dinner. Leonie and Alyce watched television together. Leonie said

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<sup>5</sup> Statement of Alyce Pollet, page 271 of brief of evidence.

<sup>6</sup> Statement of S/C Power, page 16 of brief of evidence.

<sup>7</sup> Statement of S/C Power, para 53, page 16 of brief of evidence.

<sup>8</sup> Statement of S/C Power, para, 56, page 16 of brief of evidence.

<sup>9</sup> Statement of Leonie Pollet dated 20 July 2011, para 9, page 360 of the brief.

Alyce went to bed around 8:30pm and she followed at 9pm. She said she heard Alyce used the bathroom at 10pm.

48. On 14 July 2011, Leonie woke early as she was getting a blood test before work. Leonie stated in one version of events that as she was walking out the door, she looked in Alyce's room and noticed that *"her hair was all over her face"*. She was lying on her right side and her left arm was hanging down.<sup>10</sup>

## The death is discovered

49. Leonie left their unit at around 7:45am and returned home at around 2pm. Leonie reported that she called out to Alyce when she entered the unit but did not receive a response. She noticed a tangled telephone extension cord was on the rug in the lounge room.
50. Leonie put the shopping in the kitchen and put the groceries away. Leonie said she walked in Alyce's room and *"I looked at her and she- the hair was still over her face, over the body. So I got changed and I went out and I had a sandwich, a cup of coffee and watched a show"*.<sup>11</sup>
51. Leonie said that after eating, she went into Alyce's bedroom to wake her. She describes Alyce's head as being *"down off the pillow"* and her *"left arm was hanging all the way down to the ground....I just- I pushed the hair back and rolled her over, and I could see all the blood and she was- I could tell she was dead, but I thought I'd try CPR just in case, because of the child"*.<sup>12</sup>
52. Leonie called the ambulance service. The police attended a short time later and declared the residence a crime scene.

## Paramedic attendance

53. Paramedics Barbara Ford and Gregory Zammitt attended at 3:37pm.
54. Ms Ford described Leonie as being upset and distraught. Upon entry in the bedroom, Ms Ford saw Alyce lying on her back. She felt for a carotid pulse but found none. Alyce was cold to touch with morbid lividity present. All vital signs were absent. She stated, *"I could tell that she had been deceased for some time as she was stiff and very cold to touch"*.<sup>13</sup>
55. Ms Ford saw the telephone extension cord on the lounge room floor, describing it as being coiled up, several metres in length and that the ends had been cut. The cord was not attached to any phone or to the wall socket. A paramedic had asked Leonie if the cord was broken and on the floor in the morning and she denied that it had been.<sup>14</sup>

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<sup>10</sup> Oral evidence, court transcript, 11 February 2015, page 45.

<sup>11</sup> Oral evidence, court transcript, 11 February 2015, page 81.

<sup>12</sup> Oral evidence, court transcript, 11 February 2015, page 53.

<sup>13</sup> Statement of Barbara Ford, para 7, page 368 of the brief.

<sup>14</sup> Statement of Barbara Ford, para 9, page 368 of the brief.



56. Mr Zammit states that as he entered the unit, Leonie said, *"She's dead. I know she's dead"*. Leonie led the paramedics into the bedroom. Mr Zammit saw Ms Ford check for a pulse with no response. Mr Zammit describes Alyce as exhibiting lividity and that it was stronger on the right side. He describes a wet patch on the bed, a bit of blood on Alyce's mouth and on the pillow slip. He said that Alyce appeared to have been moved slightly and rolled onto her back.
57. Mr Zammit overheard Leonie speaking with another paramedic and suggested the cat may have placed the cord in the middle of the floor. There was no attempt at resuscitation as the Alyce was clearly deceased.

### ***Police attendance***

58. Constable Kearns, Constable Swaby and Leading Senior Constable Lochrin attended the residence. The paramedics were already present when police arrived. Constable Kearns spoke with Leonie who said that Alyce had been recently unwell. She told her that they had watched television the night before and described Alyce as being very quiet and had seemed "depressed". Leonie said she last spoke with Alyce around 9pm before she went to bed.<sup>15</sup>
59. Leonie told Constable Kearns that she last saw Alyce around 6:15am that morning when she was in bed and appeared to be asleep. Leonie described Alyce to be lying on her stomach with her head facing toward the widow.
60. Constable Kearns noticed a cream coloured telephone cable bunched up on the lounge room floor. Leonie told him that when she left home in the morning this cable was not there.<sup>16</sup>

### ***Crime Scene Officers attendance***

61. Crime Scene Officer Windsor attended the address about 6:30pm. She found the entrance to the apartment block was secure, however the intercom system was not working and visitors without keys had to be let in manually.
62. The unit is on the third floor of the complex and access to the unit is through a wooden door. There were no signs of forced entry.
63. There were no signs of disturbance in the entry foyer or in any part of the unit. However, she noted the damaged telephone cord lying on a rug in the centre of the living area.
64. Alyce was lying on her back on the eastern side of the queen size bed. There was blood coming from her mouth. She was cool to touch in her torso and limbs. Rigor mortis was present, although reportedly easily broken in her arms and hands. Alyce did not appear to have defensive injuries; however there was a small bruise on her chin and a superficial cut to her tongue. There were no signs of disturbance in the room.

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<sup>15</sup> Statement of Bradley Kearns, para 11, page 383 of the brief.

<sup>16</sup> Statement of Bradley Kearns, para 12, page 383 of the brief.

65. Crime Scene Officer Windsor deemed the death to be unusual due to the age of Alyce; her limited medical history; the broken telephone cord located in the living room; and Alyce's missing mobile phone. Each of these issues is explored below.

## **The investigation**

66. The Officer in Charge, Detective Sergeant Trent Power, gave evidence that the investigation was conducted as a homicide from when the autopsy undertaken the day after the death suggested that it could be due to strangulation.
67. There was no sign of forced entry either to the unit block or to the unit in which Alyce lived. Further, as detailed below, the two possible suspects being the men with whom Alyce had known on going and tumultuous relationships were exculpated by the investigation (also detailed below).<sup>17</sup>
68. The broken extension cord in the lounge room and Alyce's phone being missing were the other aspects of the case to raise suspicions.<sup>18</sup>
69. After an extensive investigation, police were unable to determine the cause of death or whether any third party was involved in causing it. For that reason it was determined that an inquest should be convened. The evidence summarised below was gathered during the police investigation and that given by witnesses called to give evidence at the inquest.
70. Further inquiries were undertaken before and after the hearing which inevitably delayed the finalisation of the matter.

## **DNA evidence**

71. A forensic examination of the singlet removed from Alyce after her death located a mixed DNA profile. The major component of the profile was that of Alyce, and the minor contributor was a mixture of at least two males. The profiles were compared against Leonie Pollet, Mr Laa Laa, Mr Al Hayek and former boyfriend Boicho Narkov.
72. Although the levels were too weak to formally report, the forensic biologist who undertook the analysis, Clayton Walton, opined to Detective Power that the minor profile did not belong to Mr Laa Laa, and that the other profiles were simply too weak to make any assessment of whether they could have come from Mr Narkov or Mr El Hayek.<sup>19</sup>
73. It is entirely possible that the DNA traces could have been deposited on the clothing some time ago as ordinary washing will not remove all traces, necessarily.

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<sup>17</sup> Transcript of proceedings: Evidence of Sergeant Power, 10/02/15, A15, page 19.

<sup>18</sup> Transcript of proceedings: Evidence of Sergeant Power, 10/02/15, A25, page 19.

<sup>19</sup> Transcript of proceedings: Evidence of Sergeant Power, 10/02/15, A15, page 36.

## **Forensic examination**

74. Forensic Analyst Connie Aldaba examined the broken phone cord referred to earlier. One length of the cord was 950cm long and one was 40cm. This allows for a total of almost 10 metres.
75. The longer section of the telephone cord had a telephone style socket attached to one end. The other end was severed exposing the inner plastic sheaths and copper wiring. The shorter section of the telephone cord has a telephone style plug attached on one end. The other end was severed exposing the inner plastic sheaths and copper wiring.
76. Ms Aldaba formed the opinion that:

*The severance is likely to have been caused by pulling at an existing area of damage to the outer plastic cable, allowing the outer cable to break and the pulling force causing the wires to snap.*

*The use of a blunt implement may have been used to cause damage to the outer plastic allowing the plastic to break and the pulling force causing the wires to snap.*

*Based on the above knowledge, I am of the opinion that the telephone cord was severed by being pulled at an existing damage or by a blunt implement and subsequently pulled.<sup>20</sup>*

## **Alyce's mobile phone**

77. Police were unable to locate Alyce's mobile phone when they conducted a search of the premises. This was perplexing as Leonie stated that Alyce did not leave the residence on the 13 of July and phone records indicate that she used her mobile phone on that date. Alyce texted friend Cindy GIBB stating that she was sick and unable to leave the house.<sup>21</sup>
78. Alyce had made no complaint to her grandmother of having lost her phone, which was a replacement phone that Leonie had bought her after the robbery a month before the death.
79. Stored communications obtained by police determine that Alyce's mobile service was last used at 23:37 on 14 July 2011, approximately eight hours after she was found deceased. Inquiries with Vodafone found that this was a free service call to determine the amount of pre-paid credit remaining. A text message was then sent by Vodafone indicating there was \$77 remaining on the \$79 capped plan but there were also charges outstanding. If somebody had found the phone that information could well cause them to discard it.
80. There is no concrete evidence that Alyce did not leave the apartment on 13 or 14 July, albeit Leonie thinks that she did not. It is quite possible that she went out briefly and lost the phone – something that happened regularly, according to Leonie. That might

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<sup>20</sup> Statement of Expert Connie ALDABA, para 15, page 438 of brief of evidence.

<sup>21</sup> Transcript of proceedings: Evidence of Sergeant Power, 10/02/15, A45, page 19.

also explain why she would be trying to use the extension cord for the landline when Leonie was at work on 14 July.

### ***Other inquiries***

81. So far as could be ascertained by police, Mr Laa Laa had no criminal associates.
82. The last known physical contact between Alyce and Mr Laa Laa was on 20 June 2011 when they met after she had allegedly been robbed, as described above.
83. Stored communications were obtained for the Alyce and Mr Laa Laa's telephones which indicate SMS contact at 16:20 on 10 July and 1:01 on 13 July and no contact thereafter.
84. These messages appear as if Alyce is communicating with a person other than Mr Laa LAA as the discussion is about him. The general nature of the conversation is that the pair have distanced themselves from each other and although perhaps tumultuous, there is no evidence of abuse or threats.
85. Mr Laa Laa's phone records indicate he was not at or near Miranda on 13 or 14 July.

### ***Covert investigations***

86. For obvious reasons, Ahmed Laa Laa was a person of interest to the detectives investigating this suspicious death. Both he and his sister were subjected to extensive covert investigations, the details of which it is not in the public interest to reveal.
87. Suffice it to say, those investigations produced absolutely no evidence tending to support the suspicions that Mr Laa Laa may have been involved in the death.

## **Eye witness accounts**

### ***Evidence of Leonie Pollett***

88. Leonie Pollett provided two written statements to the police and participated in a walk through interview. She gave evidence at the inquest. There are a number of inconsistencies in her evidence.
89. The first statement Leonie provided to the police was obtained on the 14 July 2011, the date Alyce was found deceased. In it she details friction that arose between Alyce and Mr Laa Laa as a result of Alyce deciding to have the baby.
90. Ms Pollett (snr) said *"I remember him telling me he was worried that we were going to tell his parents about the baby. He did not want his family to know about Alyce being pregnant. I told Ahmed not to worry about it, Alyce was having the baby and I would look after them. That's the last conversation I remember having with Ahmed. That was about four months ago".*<sup>22</sup>

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<sup>22</sup> Statement of Leonie Pollett dated 14 July 2011, para 11, page 72 of brief.

91. Leonie stated during the last four months of her life, Alyce hadn't really heard from Ahmed apart from the occasional SMS asking how she was.
92. However, when giving evidence at the inquest, Leonie claimed that Mr Laa Laa had become more aggressive towards Alyce, demanding she have an abortion.
93. She claimed for the first time that a few months before she died, Alyce had gone downstairs to meet Mr Laa Laa and about 15 minutes later she had run back into the unit crying and claiming he had punched her in the stomach.
94. Even more startlingly, during the inquest she spontaneously told the court that Mr Laa Laa had said to her over the phone, when Alyce was a few months pregnant, *"I'm going to come over and I'm going to kill Alyce, kill you, cut the baby out and throw it off the balcony."*
95. Leonie claimed that when she suggested to Mr Laa Laa that would cause him to go to jail he said; *"I don't care it would be worth it."*
96. Leonie said that neither she nor Alyce reported those threats to police at the time. Leonie did not contemplate applying for an AVO because she believed Mr Laa Laa would not be able to hurt Alyce: *"it was all talk"*.<sup>23</sup>
97. When asked why she hadn't mentioned either the assault or the highly violent threats in her interviews with police, Ms Pollett tried to suggest that she had done so when it is quite clear from the transcript that she had not.
98. Leonie stated that around May 2011, Alyce met with Ahmed's sister, Robyn Laa Laa at Miranda Westfield's to discuss the pregnancy. At this time Robyn allegedly offered to pay Alyce to have an abortion.
99. In June 2011, Alyce was assaulted by unknown females after attending Pizza Hut in Miranda. The following day Alyce went to the hospital with her grandmother where Alyce was told the pregnancy was normal.
100. Around the weekend of the 3 July 2011, Alyce came down with flu type symptoms, however she did not attend the doctor.
101. On the 12 July, Alyce walked to Miranda Westfield's with Leonie and stated she was starting to feel better.
102. On the 13 July 2011 Alyce remained in bed for the majority of the day. That night Leonie watched TV with Alyce and Alyce went to bed around 9pm.
103. The following morning, Leonie woke up and left the unit around 7.55am as she had to get bloods taken and also attend work. Leonie said she called out to Alyce, *"Bye love, I'll see you later"*. She did not get a response.

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<sup>23</sup> Oral evidence, transcript, 11 February 2015, page 27.

104. In her first interview she said she left the unit without seeing Alyce. In the second interview she said that as she was getting ready she saw Alyce lying on her right side on the left hand side of the bed facing the window. *"As I was getting ready, I saw Alyce lying under her pink and white doona on the left hand side of her bed, she was lying on her right side facing the window. I said, 'See you Lucy'. Alyce didn't say anything."*<sup>24</sup>
105. Leonie stated that she returned home about 2pm. She put the groceries in the kitchen, got changed Leonie stated that she *"looked into Alyce's room and saw that she was lying in bed. I could see her sideways and I could see her hair. I thought she was asleep"* She went into the kitchen and made herself lunch.<sup>25</sup>
106. By the time she gave evidence at the inquest she was unsure if she had seen Alyce in the morning and therefore her claim that Alyce was lying in the same position when she was found dead as when Leonie left for work cannot be relied upon.
107. Leonie ate lunch in the lounge room and then saw that the extension cord for the phone was in knots and a piece of the cord was broken off with the wires exposed. She said, *"This was unusual. I know it was not like that when I left in the morning. I called out 'Lise, the phone cords all broke, what happened?'"*<sup>26</sup>
108. Leonie said she continued to watch TV until around 3pm and then decided to wake Alyce up. Leonie walked into her room and said, *"Lise, come on get up"*.

*She was lying exactly how I saw her that morning before I left for work. She was lying on her right side facing the window. She was lying on the left hand side of the bed under a pink and white doona.*<sup>27</sup>

109. Leonie stated:
- I walked over to her and tried to pick her head up. She was so heavy.....I saw that Alyce's arm was hanging down over the side of the bed. I tried to turn her over but she was so heavy. I got her over and as I was turning her, her arm stayed straight, it was stiff. I saw that her face was blue around her mouth. I think there was some blood around her mouth. I knew that she was gone. I tried to resuscitate her but her mouth was locked together. I tried to press her chest. I knew I needed an ambulance. I ran into the lounge and dialled 000".*<sup>28</sup>
110. Leonie told the operator that *"I think my granddaughter is dead"*. Leonie then put then phone down and *"I ran in there and turned her over and I looked at her and I came back out"*.<sup>29</sup>
111. Leonie told police that that operator said, *"Now Leonie, do you want to try and resuscitate her?"* Leonie said, *"I already have.... I said, I can't I can't get her off the bed, I said, I can't touch her, I said, you just, please just send somebody"*.<sup>30</sup>

<sup>24</sup> Statement of Leonie Pollett dated 20 July 2011, para 19, page 362 of the brief.

<sup>25</sup> Statement of Leonie Pollett dated 14 July 2011, para 32, page 76 of brief.

<sup>26</sup> Statement of Leonie Pollett dated 14 July 2011, para 32, page 76 of brief.

<sup>27</sup> Statement of Leonie Pollett dated 20 July 2011, para 19, page 362 of the brief.

<sup>28</sup> Statement of Leonie Pollett dated 14 July 2011, para 32, page 76 of brief.

<sup>29</sup> Walkthrough interview of Leonie Pollett conducted 27 July 2011, p21, page 323 of the brief

<sup>30</sup> Walkthrough interview of Leonie Pollett conducted 27 July 2011, p21, page 323 of the brief

112. The transcript of the '000' call does not correspond with this version of the conversation.
113. She returned to the room and *"I caressed her face and I opened up her little eye and I said, what happened darlin"*.<sup>31</sup>
114. The police asked her when she returned to the room, whether she tried to move Alyce. Leonie stated, *"No, I just rolled her over and left her there, that's when I came around and I touched her face..."*.<sup>32</sup>
115. During the walkthrough, Leonie guides police to the opposite side of the bed. Leonie indicated she had rolled her once. The police then question her about the position of Alyce as it does not appear possible that Leonie would have rolled her once and that she would have positioned on the opposite side of the bed. Leonie states, *"I must have rolled her further..."*<sup>33</sup>
116. Leonie Pollett said the unit complex requires entry via a security door. The front door to Leonie's apartment has two locks that are operated with the same key. One is a dead lock and the other is a lock within the door knob. Alyce had lost her keys when she was allegedly robbed a month earlier and had been using her grandmother's keys when she went out.<sup>34</sup>

### ***Evidence of Cindy Gibb***

117. Cindy Gibb was Alyce's closest friend throughout the relevant period. They had known each other for about 4 years. In 2009, Alyce moved into share accommodation with Cindy for a period of approximately 6 months. Cindy reported that Alyce and Leonie *"were always having arguments and fighting and things like that and she just wants to get away and, you know, live her own life and do her own things."*<sup>35</sup>
118. She described the changes in Alyce's relationship with Mr Laa Laa in the following terms; *"She was really happy with him and she loves him. That he treats her really good"*. However Cindy conceded that, *"I think later on down the track, things just started getting worse...I think more after the fact after she had told him that she was pregnant. That's when it got pretty bad"*.<sup>36</sup>
119. Cindy stated that the relationship continued to deteriorate when Alyce was unable to confirm that the baby was Mr Laa Laa's. Cindy stated she overheard a number of arguments between them. According to Cindy, *"She pretty much said it was about the baby. You know, he doesn't want it, he doesn't want anything to do with it, he doesn't want her to have this baby, it could start trouble with the family"*.<sup>37</sup>

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<sup>31</sup> Walkthrough interview of Leonie Pollett conducted 27 July 2011, p 16, page 318 of the brief.

<sup>32</sup> Walkthrough interview of Leonie Pollett conducted 27 July 2011, p 17, page 319 of the brief

<sup>33</sup> Walkthrough interview of Leonie Pollett conducted 27 July 2011, p24, page 326 of the brief

<sup>34</sup> Statement of Leonie Pollett dated 20 July 2011, para 9, page 360 of the brief.

<sup>35</sup> Transcript of proceedings: Evidence of Cindy GIBB, 10/02/15, A30, page 46.

<sup>36</sup> Transcript of proceedings: Evidence of Cindy GIBB, 10/02/15, A5, page 49.

<sup>37</sup> Transcript of proceedings: Evidence of Cindy GIBB, 10/02/15, A10, page 50.

120. Cindy said Alyce told her that sometime into the pregnancy, when she was “showing”, Mr Laa Laa offered her \$10,000 to have an abortion. Alyce told her that she had seen the money, however she declined the offer as she wanted to keep the baby.<sup>38</sup> Cindy said she wasn’t aware of any other offers or threats to Alyce but she said that his sister “*tried to convince Alyce to have an abortion so that Ahmed and Alyce can have a child the right way*”, inferring within marriage.<sup>39</sup>
121. According to Cindy, Alyce had agreed to meet Mr Laa Laa in June 2011, to “*sort things out with him*”. She said that Alyce told her that just minutes before meeting Alyce was robbed by two women. She said she called Ahmed after this occurred and he came to where she was and took her to the police station.
122. Cindy stated she did not see Alyce after this incident, although she tried to meet up with her on a number of occasions. In the period before her death when she was ill, she told Cindy that she had “swine flu”.

### ***Evidence of Suzannah Reinhold***

123. Suzannah Reinhold is Cindy Gibb’s mother. She said that Alyce also told her that when Mr Laa Laa offered her the \$10,000 to abort the baby, that she had seen the money.<sup>40</sup>

### ***Evidence Ahmed El Hayek***

124. Ahmed El Hayek was in a relationship with Alyce between 2006 and 2008. He admitted to sending a number of threatening messages in December 2008 such as “*Wait and see your dead. I’ll be waiting for you. You’re a dog. Wait and see, I’m going to get ya. I’ll be waiting for you to smash your teeth in. I’ll bring girls down to bash you up*”.<sup>41</sup>
125. Mr El Hayek reasoned that it was his low self-esteem, issues with jealousy and perhaps his anti-depressants that caused such comments. He stated he never had any intention of ever hurting Alyce and denied any involvement in her death.
126. Mr El Hayek maintained contact with Alyce after they separated. He said that was mainly via text messages but they did meet in person on a couple of occasions.<sup>42</sup>
127. During the relationship, Alyce snuck him into her grandmother’s unit during the night when her grandmother was asleep on two occasions. Most of their meetings would occur in the car park or in the garage.<sup>43</sup>
128. Alyce told him at some point that Ahmed Laa Laa wanted to kill her and the baby.
129. Mr El Hayek said the last time he saw Alyce was in December 2010 when they met in the garage of her unit block.

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<sup>38</sup> Transcript of proceedings: Evidence of Cindy GIBB, 10/02/15, A5, page 51.

<sup>39</sup> Transcript of proceedings: Evidence of Cindy GIBB, 10/02/15, A15, page 52.

<sup>40</sup> Transcript of proceedings: Evidence of Suzanne Reinhold, 10/02/15, A5, page 65.

<sup>41</sup> Transcript of proceedings: Evidence of Ahmed El Hayek, 11/02/15, A10, page 3.

<sup>42</sup> Transcript of proceedings: Evidence of Ahmed El Hayek, 11/02/15, A15, page 6.

<sup>43</sup> Transcript of proceedings: Evidence of Ahmed El Hayek, 11/02/15, A35, page 8.



130. They had further contact after that via text messages. In early July 2011, in an exchange of text messages, Alyce claimed that Ahmed Laa Laa was threatening to kill her and the baby. Mr El Hayek told Alyce to report it to police.
131. Mr El Hayek texted Alyce on the morning of 14 July 2011 asking how she was. He received no reply. That message was sent to Alyce at 8:59am. It read, *"Good morning how u filing good I hope mist u msg me if your awake mwa"*.

### ***Evidence of Robyn Laa Laa***

132. Robyn MR Laa Laa is the sister of Ahmed Laa Laa. She gave evidence that her brother had told her his relationship with Alyce was serious, that he loved her and that she was "the one".<sup>44</sup>
133. She spoke of a conversation she had with Alyce over the phone. Ahmed had been talking to Alyce and Robyn had "intervened". Robyn described Alyce as being distressed as she was pregnant and she didn't know what to do. Robyn offered to talk to her and support her when needed.<sup>45</sup>
134. She said that in April or May of 2011, they met at a cafe in Miranda Westfields. Robyn was introduced to Leonie; however Leonie went to do some shopping and was not present during discussions at the cafe.
135. Robyn claimed that Alyce told her that she wanted to have an abortion and had said, *"I'm not sure if I want this baby, I want an abortion, but my grandmother is very stern that I should have this baby and I don't know how I feel towards that"*.<sup>46</sup>
136. She claimed Alyce told her that she was concerned about having the abortion however, as she didn't want to do the wrong thing by her grandmother, as she appreciated all that her grandmother had done for her.<sup>47</sup>
137. Robyn stated that she offered Alyce financial assistance if she was to have the abortion, but also to assist with purchases for the baby.
138. During the conversation, Robyn said that Alyce spoke about one of her close friends who was a single mum and said she didn't want to provide her baby with a similar upbringing.<sup>48</sup>
139. However, soon after the meeting, Ms Laa Laa received a message from Alyce stating that she didn't want to have an abortion as she wasn't sure if it was the right thing for her to do.
140. Ms Laa Laa said that Alyce contacted her a few days later and changed her mind again stating that she wanted an abortion. Robyn said at this point she decided she didn't

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<sup>44</sup> Oral evidence, transcript, 12 February 2015, page 3.

<sup>45</sup> Oral evidence, transcript, 12 February 2015, page 3.

<sup>46</sup> Oral evidence, transcript, 12 February 2015, page 5

<sup>47</sup> Oral evidence, transcript, 12 February 2015, page 5.

<sup>48</sup> Oral evidence, transcript, 12 February 2015, page 6.

want to be further involved and that the issue was between Alyce and Ahmed to sort out.<sup>49</sup>

141. Ms Laa Laa said that during the last conversation she had with Alyce in around April/May 2011, Alyce informed her that she didn't want to have anything to do with Ahmed. Ms Laa Laa said:

*This is why I said she seemed a bit erratic, cause one minute she was saying she wants to be with Ahmed and she loves Ahmed and she wants to have a , I guess, in her mind, a perfect relationship with him, i.e., a family, be married and whatnot, on the other hand, she was saying she wanted, she appreciates everything her grandmother had done for her and that her grandmother had been there for her throughout her whole life and that she didn't want to disappoint her grandmother, and so I was, I was confused.<sup>50</sup>*

142. Ms Laa Laa said that Alyce had "never ever, ever implied that Ahmed was violent towards her, nor did she ever say that Ahmed didn't want her to have the baby".<sup>51</sup>

143. Ms Laa Laa told the court that Ahmed was excited about having a child; however he had reservations as to whether the child was his.

### **Evidence of Ahmed Laa Laa**

144. Mr Laa Laa said he was in an intermittent relationship with Alyce since they met in 2009 when Alyce was living with Cindy and when she was living with her father.

145. Mr Laa Laa recalls Alyce smoking drugs with her friends. He agreed they would have arguments about this stating, "Like we were swearing at each other and I told her like, 'What are you doing?' like 'Why, why are you killing yourself?'"<sup>52</sup> He told the court he tried to help her, told her to stop taking drugs and threatened to tell her grandmother. According to Mr Laa Laa, Alyce would start to cry and promised to stop.

146. He described the relationship as unstable stating:

*It was on and off, like, so we'll talk, then she'll say she doesn't want me no more, so we'll stop talking for about a week, two weeks, and then we'll start talking again, and then it'll go on, everything go on perfect, and then just things play up.<sup>53</sup>*

147. Mr Laa Laa said the first time Alyce became pregnant in January 2010 they agreed she should have an abortion.

148. He said he learnt that Alyce was pregnant for the second time via a text message from her. Alyce initially indicated she wanted another abortion, and then changed her mind. He describes her attitude as to whether to terminate the pregnancy as changeable.<sup>54</sup> At

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<sup>49</sup> Oral evidence, transcript, 12 February 2015, page 8.

<sup>50</sup> Oral evidence, transcript, 12 February 2015, page 10.

<sup>51</sup> Oral evidence, transcript, 12 February 2015, page 15.

<sup>52</sup> Oral evidence, transcript, 12 February 2015, page 24

<sup>53</sup> Oral evidence, transcript, 12 February 2015, page 25.

<sup>54</sup> Oral evidence, transcript, 12 February 2015, page 31.

one point Alyce informed Mr Laa Laa that she was not certain as to whether the baby was his. This caused him some distress as he was worried that Alyce was “cheating” on him.

149. As a result Mr Laa Laa stated that he “*offered her money, I told her, if you want money to have the abortion, if it’s not my kid, I’ll give you the money, I’ll support you after that*”.<sup>55</sup> According to Mr Laa Laa, Alyce agreed with this initially.

150. When asked about whether he ever offered her a certain amount of money, he stated:

*Well I told her from the beginning, I go, ‘If it’s not my child, well then I don’t want it, have an abortion. If you don’t have money, I’ll offer you \$10,000, whatever it is to be done, the abortion, and get yourself up and going, and I’ll try and look after you, like, if you need anything, help’.*<sup>56</sup>

151. Mr Laa Laa stated he did not know the cost of the abortion, and did not have the funds to pay the amount he offered. He indicated however that he would have borrowed the money if required.<sup>57</sup>

152. He denied ever threatening Alyce, and denied saying “*I’ll give you \$10,000 for an abortion, and if you don’t have the abortion, I’ll kill you.*”<sup>58</sup>

153. He said that at no stage did he have \$10, 000 and so he could not have shown Alyce such a large amount. He denied showing her any money.

154. He admitted that he would have preferred Alyce to have had a termination, explaining”

*It’s just you’ve got to stable up yourself, like I said before, you’ve got to be stable. I wasn’t a hundred per cent working, I didn’t have a current job that I was working seven days a week, getting an income, I couldn’t support myself. I had some money here and there, but it wasn’t strong enough.*<sup>59</sup>

155. Mr Laa Laa conceded that just prior to her death he sent a number of messages to Alyce from someone else’s phone. He stated he did this due to her changeable moods of wanting to be with him, then wanting to have nothing to do with him. He stated:

*I thought it’s just because she’s pregnant, I thought she’ll get over it and then she’ll call me, but then this dragged on for, I think it was about two weeks, two, three weeks, and she didn’t call or nothing, so that’s when I just sent her the messages acting as someone else.*<sup>60</sup>

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<sup>55</sup> Oral evidence, transcript, 12 February 2015, page 33.

<sup>56</sup> Oral evidence, transcript, 12 February 2015, page 34.

<sup>57</sup> Oral evidence, transcript, 12 February 2015, page 34.

<sup>58</sup> Oral evidence, transcript, 12 February 2015, page 34.

<sup>59</sup> Oral evidence, transcript, 12 February 2015, page 36

<sup>60</sup> Oral evidence, transcript, 12 February 2015, page 38.

156. Mr Laa Laa denied ever threatening to kill Alyce if she didn't have an abortion.<sup>61</sup> He agrees that he may have threatened Alyce by telling her he would inform her grandmother about certain things or threaten to "dob" on her.<sup>62</sup>
157. He vehemently denied ever stating to Leonie that, "*I'm going to come over to kill you, kill Alyce, cut the baby out and throw it off the balcony*".<sup>63</sup> He also denied every physically harming Alyce, threatening harm to the baby, or specifically, ever punching her in the stomach.<sup>64</sup>
158. Mr Laa Laa was not interviewed until about a month after Alyce's death and so could not give an account of where he was on 13 and 14 July saying just that he must have been at home. He denied going to Alyce's unit or seeing her at around that time.
159. He denied any involvement in her death.

## Expert evidence

### *Forensic pathologist Dr Irvine*

160. Doctor Rebecca Irvine, an experienced forensic pathologist, conducted an autopsy on Alyce's body on the 15 July 2011. There was no evidence of an obstetrical catastrophe, pregnancy-related pathology or intrauterine infection.
161. In her report she noted the following injuries.
- I. A small contusion under the left side of the chin, a small abrasion on the right cheek (possibly a "nail gouge" injury); a small contusion on the right mid posterior forearm; and two small contusions on the posterior right upper arm.
  - II. There were delicate petechial haemorrhages on the conjunctivae and possibly some more on the left side of the face, but this area was quite congested. No petechial haemorrhages were present on the oral mucosa.
  - III. No injuries were identified on the skin of the neck.
  - IV. There was obvious intramuscular haemorrhage into the right masseter muscle, deep to the contusion noted on the underside of the left chin.
  - V. Reflection of the skin showed superficial soft tissue haemorrhage subjacent to the contusion on the right posterior forearm. The tongue had anterior left sided apparent bite contusions.
  - VI. Neck dissection in a bloodless field showed deep and superficial soft tissue haemorrhage on both sides of the anterior neck, bilateral lower carotid artery sheath haemorrhages, and deep haemorrhage within the muscle of the right

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<sup>61</sup> Oral evidence, transcript, 12 February 2015, page 41.

<sup>62</sup> Oral evidence, transcript, 12 February 2015, page 42.

<sup>63</sup> Oral evidence, transcript, 12 February 2015, page 42.

<sup>64</sup> Oral evidence, transcript, 12 February 2015, page 43.

side of the posterior neck. The bony and cartilaginous structures of the neck were intact.

162. None of the bruises identified at autopsy are consistent with being a month in age and therefore attributable to the alleged assault in June. The contusions described in the report were all said to be of recent origin.
163. Fracture of the hyoid bone when it is not fused would in fact be an unusual result of neck compression, and does not exclude the possibility of application of pressure to the neck.
164. A paucity of “defence” injuries also does not exclude application of pressure to the neck, especially when the victim is attacked from behind.
165. A tracheal swab grew normal upper respiratory tract flora and *Staphylococcus aureus*.
166. PCR studies, however, indicated the presence of H1N1 (A) human swine influenza in swabs of the nasopharynx and trachea (but not the right lung)
167. Dr Irvine concluded that in the absence of other explanations for Alyce’s death the most likely cause of death is asphyxia due to application of force to the neck and face regions evidenced by the otherwise unexplained contusions.
168. Dr Irvine included the following comments in her report:
- The combination of deep and superficial bruising on multiple planes of the neck (a total of ten discrete areas of haemorrhage), a possible fingernail gouge on the right lower cheek and petechial haemorrhages in the eyes is extremely concerning for inflicted violence in the absence of a reasonable explanation of those injuries and absence of another cause of death.*
- ...
- As far as the areas of haemorrhage within the neck being attributable to CPR, these injuries far exceed those typically seen as a result of even inexperienced cardiopulmonary resuscitation, which are seen almost daily by forensic pathologists”.*
- ...
- According to the ambulance record, the deceased was found by ambulance personnel ‘cold, mottled, lividity. All vital signs absent....nil resuscitation attempted’. Therefore none of the neck injuries are attributable to professional resuscitation efforts.*
- ...
- A paucity of defence injuries also does not exclude application of pressure to the neck, especially when the victim is attacked from behind.*
169. Dr Irvine noted that Alyce appeared to have livor mortis on the anterior surface of the upper body. These findings suggested to her that Alyce was in fact prone for a period of time after death. She suggested that would be a somewhat unusual voluntary position for a woman in advanced pregnancy.

## **Forensic pathologist Professor Duflou**

170. Dr Irvine was not available to give evidence at the Inquest. The oral evidence given with respect to cause of death was given by Professor Duflou. He reviewed the post mortem report before doing so.

171. He said in evidence that in his view it was likely the death was due to a person other than Alyce applying force to her neck, resulting in asphyxiation. He stated, *"I can't really think of any other reasonable mechanism in this case"*.<sup>65</sup>

172. Professor Duflou also stated:

*The real difficulty with identifying neck compression as the cause of death, as opposed to having been present, is that from a post-mortem perspective, the appearances of non-lethal neck compression versus lethal neck compression are invariably- well you- they're very hard to differentiate in almost all cases"*.<sup>66</sup>

...

*So what I mean by that is that if, for example, you've got a stab wound in the chest and this- the knife goes into the heart and there's a huge amount of bleeding, you can say with almost 100% certainty that that would be the cause of death. With neck compression, the changes that are seen on the surface of the neck and internally in the neck and within the remainder of the body can be the same whether the person has died of that neck compression or the person has died of something else. You just can't really tell purely by looking at the neck injuries in the vast majority cases whether the neck compression has caused death"*.<sup>67</sup>

*So what you'll end up doing in a case like that is you do an exhaustive look for other causes of death and you'll end up then saying if there are no other causes of death that then the cause of death would be the neck compression"*.<sup>68</sup>

173. Professor Duflou stated that the virus responsible for swine flu which was found at autopsy did not contribute the death as there was neither pneumonia nor severe inflammation of the heart (myocarditis) present.<sup>69</sup> He also excluded encephalitis (inflammation of the brain tissue) which can be associated with influenza. He stated:

*A neuropathologist in our department looked specifically for that condition and did not find any evidence of it whatsoever. So I think it's fair to say in this case there is no evidence at autopsy of flu being anything but an incidental condition."*<sup>70</sup>

174. Professor Duflou excluded the possibility that Alyce manually self asphyxiated stating, *"In terms of trying to strangle yourself, well that just doesn't work. The problem is as soon as you lose consciousness, you release the pressure and then you wake up again each time. So it really doesn't work as a mechanism"*.<sup>71</sup>

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<sup>65</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 35, page 14.

<sup>66</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 35 page 5.

<sup>67</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 40, page 5.

<sup>68</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 50, page 5.

<sup>69</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 35, page 6.

<sup>70</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 45, page 6.

<sup>71</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 5, page 10.

175. Professor Duflou stated that the post-mortem lividity found on Alyce was somewhat unusual in this case as it indicated that *“at some time after the death there has been movement of the body and obviously that has to be the result of movement by someone else.”*<sup>72</sup>
176. By way of explanation he stated:
- Post mortem lividity appears generally fairly shortly after death, probably within the first half hour or so. It is then said to become fixed. In other words, once it's there, it stays in that position even if you turn the body after about three hours or so after death. I must say, I'm not entirely convinced by that. I've seen so many exceptions to that that I don't think it's as simple as that. But, essentially, if there's lividity to the front of the body and lividity to the back of the body, there's been movement at some time. That really can be the only logical explanation for it.*<sup>73</sup>
177. In terms of what position Alyce would have been at the time of death, Dr Duflou said:
- At the time of death she might've been lying on her back, she might've been face down, she might've been on her side. All we can really say is that at some time she was face down; at another time she was on her back roughly speaking.*<sup>74</sup>
- I think it's fair to say in this case I think there was a period of time, probably hours, where she was face down and then a period of time when she wasn't.*<sup>75</sup> ... *She was either face down or in a position where the face was significantly lower down than the remainder of her body. If her head and neck are lying off the bed and down but with her on her back, you could get a similar appearance if she's in the right position for that.*<sup>76</sup>
178. Professor Duflou stated that the distribution of the lividity could not have been caused by simply rolling the body from its right hand side into a supine position after death was discovered by Leonie just before she called the ambulance, as she claimed.
179. When asked whether it was possible for lividity to be present on the front of the face if she was lying on her right hand side (as described by Leonie), Professor Duflou stated,
- No. In a situation like that, you'd expect one side of the face to be pale as a result of pressure against a surface and then slightly paler on the opposite side and essentially a band of lividity in between.*<sup>77</sup>
180. Professor Duflou also stated that the presence of rigor mortis in the limbs suggested that she died during the night as opposed to during daylight hours.<sup>78</sup>

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<sup>72</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 45, page 10.

<sup>73</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 20, page 11.

<sup>74</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 30, page 11.

<sup>75</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 5, page 12.

<sup>76</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 20, page 12.

<sup>77</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 35, page 13.

<sup>78</sup> Transcript of proceedings: Evidence of Professor Duflou 10/02/2015, A 5, page 15.

## **Further pathology review**

181. In view of the continuing uncertainty about what could be established by the autopsy evidence, after the above mentioned witnesses had given evidence at the inquest a further independent review was sought from Dr Heinrich Bouwer, a forensic pathologist at the Victorian Institute of Forensic Medicine.

182. Dr Bouwer advised that asphyxia is considered a mode of death rather than a cause of death. He stated,

*In the forensic context it is defined as an occurrence where a body does not receive or utilise adequate amounts of oxygen, proposing asphyxia as belonging into four main categories: suffocation, strangulation, mechanical asphyxia and drowning.<sup>79</sup>*

183. Dr Bouwer noted that:

*In this case there is deep and superficial bruising to the anterior and posterior neck at multiple levels, deep bruising on the left side of the jaw, a small abrasion on the right cheek (possible finger nail gouge injury), and petechial haemorrhages in the eyes. The constellation of these findings is highly suspicious for inflicted injuries. There is however a lack of injury to the skin of the neck, which one would expect to be present in the case of a “classical manual strangulation”, which complicates the interpretation of these injuries in isolation. It is also noted that there is no fracture of the larynx at the autopsy. In young persons, the horns of the hyoid and thyroid cartilage are still cartilaginous and pliable so that they may return to their normal position on release after pressure was applied to the neck. It is only after the third decade or so that these bones may be significantly calcified and brittle so they may more easily fracture when force is applied. Therefore the absence of cornua fractures does not rule out compression of the neck in this case.<sup>80</sup>*

184.

Dr Bouwer opined:

*The lack of visible injuries to the skin of the neck in the setting of other findings suggestive of pressure on the neck is therefore problematic. It is possible that the injuries may have been caused by a soft ligature that did not leave visible skin injuries.....It is possible that manual pressure applied with a hand, arm or other limb for example may have caused the deep tissue injuries observed in this case.<sup>81</sup>*

...

*Likewise in smothering which is the obstruction or blockage of the external air passages with bedding, clothes, hand or other means for example may leave no objective findings. Pressure marks on the face can rarely be distinguished from post mortem postural change. Pallor around the mouth or nose can be caused by passive pressure of the dependant head after death, preventing gravitational hypostasis from entering these areas. There is however an abrasion on the cheek and bruises below the chin and jaw which remains a concern in the absence of another explanation. The lack of other visible peri-oral, intra-oral or nasal injuries, therefore,*

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<sup>79</sup> Expert Opinion Report, Dr Heinrich BOUWER, page 5.

<sup>80</sup> Expert Opinion Report, Dr Heinrich BOUWER, page 6.

<sup>81</sup> Expert Opinion Report, Dr Heinrich BOUWER, page 6.



*does not exclude smothering as a potential cause or contributor to death in this case.*<sup>82</sup>

185. With respect to the bite mark on the tongue, he offered the following opinion:

*Bite contusions of the tongue may be associated with seizure activity or the jaw closed with force onto the tongue, to my knowledge there was no reported history of epilepsy or seizure disorder. It may be seen in the setting of terminal seizure activity in the perimortem period. The possibility that the tongue was bitten while pressure was applied to the jaw/mouth area cannot be excluded.*<sup>83</sup>

186. With respect to Swine Flu, Dr Bouwer opined, *“In my view, the lack of historical evidence of bronchopneumonia or diffuse alveolar damage makes it highly unlikely that the death was due to fatal H1N1 infection”.*<sup>84</sup>

187. With respect to the possibility of a sudden unexpected death Dr Bouwer stated:

*There are a number of causes of sudden unexpected death for which there are no anatomical findings at post mortem examination. There include cardiac arrhythmias, particularly cardiac channelopathies, seizure disorders, and metabolic and biochemical derangements, although, in my view, they are unlikely to have caused the death in this case.*<sup>85</sup>

188. Dr Bowuer concluded:

*Whether compression of the neck, with or without a component of obstruction of the external air passages (smothering), ultimately led to the death of this woman cannot be determined with certainty. That said, the presence of conjunctival petechiae (although not specific), deep soft tissue bruises in the anterior and posterior neck, abrasion on the cheek and faint bruising under the chin and jaw are highly suspicious for inflicted injuries. There was however, no other objective competing cause of death identified.*<sup>86</sup>

*In the absence of so-called “classical” autopsy findings of neck compression, and in particular the absence of significant injuries to the skin of the neck, which is the confounding factor in this case, I am of the opinion, with the available information at this point in time, that the cause of death in Alyce Pollett is best considered as undetermined.*<sup>87</sup>

## Conclusion

189. Alyce Pollett was heavily pregnant when she was found dead in her bed on 14 July 2011.

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<sup>82</sup> Expert Opinion Report, Dr Heinrich BOUWER, page 7.

<sup>83</sup> Expert Opinion Report, Dr Heinrich BOUWER, page 7.

<sup>84</sup> Expert Opinion Report, Dr Heinrich BOUWER, page 7.

<sup>85</sup> Expert Opinion Report, Dr Heinrich BOUWER, page 7.

<sup>86</sup> Expert Opinion Report, Dr Heinrich BOUWER, page 8.

<sup>87</sup> Expert Opinion Report, Dr Heinrich BOUWER, page 8.

190. Suspicion fell on the putative father of the unborn child on account of his having made statements indicating he did not want the child to be born and having allegedly made threats to harm Alyce and the child.
191. Alyce reported these threats to a midwife at the hospital where she was receiving ante-natal care, to her friend Cindy, her ex-boyfriend Mr El Hayek and to her grandmother, Leonie Pollett, with whom she was living at the time of her death.
192. However, Alyce declined to act on advice a number of those people gave her to report the threats to police.
193. At the inquest, Alyce's grandmother told of far more violent threats than any of those reported by other people and to any Ms Pollett Snr had relayed to the police officers investigating Alyce's death.
194. I am of the view those alleged threats cannot be relied upon. I am inclined to the view that Ms Pollett Snr invented them because she wants action taken against Mr Laa Laa in connection with her granddaughter's death, either because she believes he killed Alyce or she wants to deflect suspicion from someone else.
195. There are concerns about other aspects of Ms Pollett's Snr's evidence. Her explanation of what she saw of Alyce's position in the bed on the morning of her death, where she was found dead and how and when she moved Alyce's body does not sit comfortably with the evidence the pathologists gave about the distribution of lividity found on Alyce's body.
196. However, it is impossible to exclude the likelihood that Alyce's grandmother's evidence is unreliable because of the distressing events it relates to and the passage of time.
197. There are a number of very troubling aspects to the case. If Alyce's account of the "robbery" she suffered about a month before her death is accurate, it raises the possibility that it was aimed at getting her house keys so that access could be gained to the unit.
198. However, only someone whom Alyce would not allow into the unit would need such access. No person who might be disposed to break in to do Alyce harm has been identified. A stranger is likely to have had to struggle with Alyce to overcome her resistance and no sign of a disturbance was found.
199. The tangled phone extension cord found in the living room of the unit on the day Alyce was found dead is also perplexing. It may have an innocent explanation: it may be that Alyce lost her mobile phone and was trying to use the extension cord to enable her to speak on the landline from her bedroom when she broke the cord while trying to untangle it.
200. The person who came under suspicion, Mr Laa Laa, denies any involvement in Alyce's death and there is no evidence to connect him with it, despite a proactive covert investigation. There is no evidence he was anywhere near the unit at the relevant time.

201. Police inquiries did not disclose he had any criminal associations. Arranging to have someone murdered is not as simple as crime fiction might lead one to believe.
202. Further, the absence of any sign of a struggle in the unit or injuries of resistance also makes murder by a stranger an unlikely explanation for Alyce's death.
203. Indeed the evidence that the death was due to an external cause is far from compelling with all three pathologists saying neck compression was the most likely cause only if no other cause could be identified. All three acknowledge the usual injuries found in manual strangulation cases were absent in this case.
204. It is well recognised that in a significant number of cases no cause of death can be identified at autopsy or by investigation. I am of the view that this is one such case.
205. While the possibility that the death was intentionally caused by someone known to Alyce can't be discounted, nor can it be proven or the person responsible identified. It is equally possible that the death was due to an undetermined natural cause.

## **Findings required by s81(1)**

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

### **The identity of Alyce**

The person who died was Alyce Pollett

### **Date of death**

Ms Pollett died on 14 Jul 2011.

### **Place of death**

She died at Miranda, New South Wales.

### **Cause of death**

The cause of Alyce Pollett's death is unascertained.

### **Manner of death**

The manner of death is also unascertained.

I close this inquest.

**Magistrate M A Barnes**

**State Coroner**