



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

Inquest:	Inquest into the death of Chi Khanh Huynh
Hearing dates:	9 August 2022, 25 October 2024
Date of findings:	8 November 2024
Place of findings:	Coroners Court of New South Wales at Lidcombe
Findings of:	Magistrate Joan Baptie, Deputy State Coroner
Catchwords:	CORONIAL LAW – undetermined cause of death – significant blunt head trauma suffered from an assault inflicted by known persons – effects of methamphetamine and opiates – significant co-morbidities, being coronary atherosclerosis and resolving head trauma
File number:	2019/0002334
Representation:	Counsel Assisting the Coroner: Mr Christopher McGorey, instructed by Ms Clara Potocki (Crown Solicitor's Office) Mr Christopher Lupton: Mr James Jeffery (Aboriginal Legal Service)
Non publication order:	Non-publication orders made on 25 October 2024 prohibit the publication of particular evidence in the brief of evidence. The orders can be obtained on application to the Coroners Court registry.

Findings:	Identity: The person who died was Chi Khanh Huynh. Date of death: Mr Huynh died between 1 – 2 January 2019. Place of death: Mr Huynh died at Unit 23, 6 Clisdell Street, Surry Hills Sydney, New South Wales. Cause of death: The cause of Mr Huynh’s death was a significant blunt head trauma suffered from an assault inflicted by known persons combined with the effects of methamphetamine and opiate toxicity, on a background of coronary atherosclerosis and resolving head trauma. Manner of death: The available evidence does not allow for any finding to be made as to the manner of Mr Huynh’s death.
Recommendations:	N/A

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The Coroners Act in section 81(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 Chi Khanh Huynh.

Introduction

- 1 This inquest concerns the death of Mr Chi Khanh Huynh.
- 2 Mr Huynh was born on 10 June 1966 in Vietnam. He died sometime between 1 - 2 January 2019 at his home located at unit 23, 6 Clisdell Street, Surry Hills in the state of New South Wales at the age of 52 years.
- 3 The identity, date and place of Mr Huynh's death are not in dispute.
- 4 This inquest has focused on the cause and manner of Mr Huynh's death and the relevant contributing circumstances.
- 5 In determining the cause of Mr Huynh's death, consideration was given to whether Mr Huynh's death was the result of homicide; as well as whether his cause of death had been otherwise sufficiently determined, pursuant to section 27(1) (d) of the *Coroners Act* 2009 (NSW).
- 6 On 9 August 2022, the inquest commenced with the tender of 5 volumes of evidence. After the evidence had been tendered, the inquest was suspended and pursuant to section 78 of the *Coroners Act* 2009 (NSW), a referral was made to the Director of Public Prosecutions, indicating that there may be sufficient evidence for a charge of murder to be considered in relation to a known person or persons.
- 7 In 2023, the Director of Public Prosecutions advised me in that she will not be pursuing further criminal prosecution in this matter. Accordingly, the inquest was resumed on 25 October 2024 so that I can make formal findings pursuant to section 81 of the *Coroners Act* 2009 (NSW) with regards to the cause and manner of Mr Huynh's death.
- 8 Various family members and friends who reside in Vietnam and Australia described Mr Huynh as a friendly and charismatic person. I would like to express my sincere condolences for their loss in particular to his brother, Cong Chi Huynh; sister in law, Tran Thi Xuyen; former spouse, Ngo Hai Van and child of that relationship; and cousin Duong Tung Tam. I hope that Mr Huynh's memory had been honoured by the careful examination of the circumstances surrounding his death and the lessons that have been learned from the circumstances of his passing.

The role of the Coroner and the scope of the inquest

- 9 A coroner is required to investigate all reportable deaths and to make findings as to the person's identity; as well as when and how the person died. A coroner is also required to identify the manner and cause of the person's death. In addition, a coroner may make recommendations, based on the evidence deduced during the inquest, which may improve public health and safety.
- 10 This matter was deemed to be a mandatory inquest given the uncertainty surrounding Mr Huynh's cause of death.
- 11 Proceedings conducted pursuant to the *Coroners Act 2009* (NSW) are not criminal proceedings. These proceedings are not directed at determining whether a known person or persons committed an offence. As such, Coronial Findings are to be made on the balance of probabilities, rather than the higher criminal standard of beyond reasonable doubt.
- 12 During these proceedings, evidence has been received in the form of statements and other documentation, which was tendered in court and admitted into evidence. In addition, expert medical evidence was received from Associate Professor Naren Gunja, a clinical and forensic toxicologist, Professor Anne-Maree Kelly, an emergency physician; and Dr Rianie Van Vuuren, forensic pathologist.
- 13 All the material placed before the Court has been thoroughly reviewed and considered. I have been greatly assisted by the written submissions prepared by counsel assisting, Mr Christopher McGorey. At times, I have embraced his descriptions in these findings.

Background

A Brief Overview of Mr Huynh's Life

- 14 Mr Chi Khanh Huynh was born in Vietnam. He arrived in Australia in 1985 as a refugee. After living in South Australia, he settled in Sydney in 1995.
- 15 He lived independently at unit 23, 6 Clisdell Street in Surry Hills for many years. He was known to friends and other local residents as "Tim Tam".
- 16 Mr Huynh returned to Vietnam for approximately five years. During that time, he married and fathered a son. His wife and son remained in Vietnam.
- 17 Mr Huynh had a long-term dependence on methylamphetamines, heroin and suboxone. He also had an extensive criminal history in New South Wales, almost exclusively associated with drug-related offending. He was the subject of numerous police intelligence reports relating to the use and supply of methylamphetamines and other opiates.

- 18 In September 2018, Mr Huynh suffered a head injury after being involved in a scooter accident and required an urgent right intracranial procedure at St Vincent's Hospital in Sydney.

Events leading up to the Triple Zero call on 2 January 2019

- 19 Police attended Mr Huynh's apartment at 10.27am on 2 January 2019 in response to a triple zero call made by a neighbour, Mr Wilson. Mr Wilson was acting on information that he had received from a homeless person, Mr Trigg. Mr Trigg had arrived at Mr Huynh's apartment that morning to purchase illicit drugs.
- 20 Mr Trigg had called out to Mr Huynh through his kitchen window to gain access to the apartment complex. He gained access to the complex and found Mr Huynh's front door ajar and entered the apartment. He found Mr Huynh lying on his back with what appeared to be significant injuries. Mr Trigg did not contact emergency services. He later ran into Mr Wilson and told him what he had seen.
- 21 Police arrived on the scene at 10.33am. They found Mr Huynh's apartment door slightly ajar. They noted that the flyscreen door was dented, and the door handle appeared to have been torn off. The wooden front door also appeared to have sustained damage.
- 22 Constable Sayer described the scene as follows:
- “... [Mr] Huynh was lying on his back in the middle of the lounge room, the top of his head was facing towards the front door and his legs were facing towards the kitchen area, his left arm was bent inward and positioned above his head, his right arm was lying out to the side with his palm facing upwards. [Mr] Huynh was wearing black track suit pants, a black long sleeve shirt, no shoes and a watch on his left wrist. I observed [Constable Barlow] enter the unit and I followed behind him, [Constable Barlow] and I cleared the unit and observed no other persons inside. Once this was completed, I heard [LSC De Fraine] who was standing outside of the unit yell out for me to check Huynh's pulse. I walked over to Huynh's right side bent down and checked his pulse. I felt that his wrist was cold and had no pulse. I looked at [Mr] Huynh's face, I observed that his mouth was slightly open and could see flies and other bugs crawling around inside and outside of his mouth, I also observed that Huynh had severe bruising and swelling on his head. I could also see several syringes surrounding his body, I also noticed the apartment was littered with syringes as well.”
- 23 Constables Logan and Barlow both observed a syringe in Mr Huynh's right leg and a small amount of blood seeping from Mr Huynh's right temple area. Crime scene photos depict the syringe in Mr Huynh's right leg just above his right knee.

CCTV footage capturing pedestrian movements between 4.35am to 5.30am on 1 January 2019

- 24 Mr Huynh's apartment was located on the ground floor of a three-storey building, which was part of a larger public housing complex known as the Northcott residential complex.
- 25 Mr Huynh's apartment complex was accessible through two separate locked external doors. The front door was accessible via Clisdell Street and the rear door led to an external laundry and rear pathway connecting to other apartment blocks within the larger housing complex.
- 26 The two external doors required a swipe pass to access the building. No security logs were generated when either external door was accessed. No CCTV cameras were located in the Clisdell Street buildings; however, CCTV cameras were located in and around the Northcott Residential complex.
- 27 Investigating police located CCTV footage capturing pedestrian movements in the vicinity of the Northcott public housing complex where Mr Huynh's apartment was located, in the hours prior to the triple zero call.
- 28 At 4.43am on 1 January 2019, two men are depicted walking along the Northcott public housing complex's western driveway toward Mr Huynh's unit about 30 - 40 metres from his home. These two men are later identified by police as Mr Cheng Chia and Mr Christopher Lupton.
- 29 At 5.27am, both men are seen walking back along the same path that they had taken earlier. Mr Chia was seen to be holding an electric scooter, which was later identified as belonging to Mr Huynh. Mr Chia and Mr Lupton are then seen to go in separate directions.
- 30 Mr Chia and Mr Lupton were both out of view of the CCTV cameras between 4.43am until 5.35am on 1 January 2019. It was contended by investigating police that both men were inside Mr Huynh's apartment for the majority of that period of time.
- 31 On 8 January 2019, both Mr Chia and Mr Lupton were arrested by police and interviewed.

Mr Chia and Mr Lupton

- 32 Mr Cheng Yee Kevin Chia and Mr Christopher Paul Lupton both had long term drug dependencies with drug related criminal histories.
- 33 Mr Chia and Mr Lupton were living transient lifestyles in December 2018.
- 34 In late December 2018, Mr Chia had been staying at times with a friend, Mr Lin at the Kendall Public Housing complex in Redfern. Mr Chia first met Mr Lupton at the Kendall Building complex on or about New Year's Eve 2018.

- 35 Mr Lupton had known Mr Huynh for about 10-11 years through their mutual drug use. Mr Lupton had reportedly stayed at Mr Huynh's home for about 9 days.

Mr Chia's history with Mr Huynh

- 36 Mr Chia was born in Singapore and moved to Australia in 1992. He indicated to police that he had previously trained in kickboxing, including participating in some "official" bouts and had been employed to perform some security work.
- 37 Mr Chia informed police that he had met Mr Huynh in mid-2018 at the Matthew Talbot Shelter at Woolloomooloo.
- 38 On 16 July 2018, Mr Chia made a formal written complaint to the Department of Housing which owned and managed the complex where Mr Huynh lived. Mr Chia complained that Mr Huynh had agreed to allow him to sublet the apartment for \$100 per week, however, they argued, and the tenancy did not proceed. Mr Chia also complained that he had tried to collect his belongings from the apartment, without success.
- 39 Mr Chia told police that he had paid Mr Huynh \$250 in cash and a further \$250 in methylamphetamines for one month's rent. He complained that he had only stayed for a couple of days and believed that he was owed at least \$500 in cash by Mr Huynh.
- 40 He indicated that he left the apartment one day and Mr Huynh changed the lock on the front door when he was gone. Mr Chia returned to the apartment and when he found that he had been locked out of the apartment proceeded to attempt to kick the front door down.
- 41 Mr Chia also believed that Mr Huynh had victimised a woman they knew and had taken compromising photographs of the woman. Mr Chia told police that he was motivated to recover these photographs, rather than the outstanding rent money, when he attended Mr Huynh's apartment on 1 January 2019.
- 42 Mr Chia told police that he believed that Mr Huynh also owed money to Mr Lupton at this time.
- 43 On one occasion before Christmas 2018, Mr Chia took Mr Huynh's mobile phone as part-payment for the rental debt he considered was outstanding. He maintained that Mr Huynh still owed him \$450 plus a "collection fee" of another \$500. Mr Chia told police that Mr Huynh had physically threatened him and he "took him down" by punching him outside his apartment.

Mr Chia's attempts to recruit assistance

- 44 Prior to New Year's Eve in 2018, Mr Chia was living at Mr Lin's home.

- 45 During that time, Mr Chia asked another temporary resident, Mr K, for assistance to help recover a \$500 debt from a person referred to as 'Tim Tam'.
- 46 Mr K told police that Mr Chia was attempting to recruit visitors to Mr Lin's unit who he believed knew 'Tim Tam', to help him get inside Mr Huynh's home. Mr K indicated that Mr Chia had offered him 'ice' if he helped. Mr K declined the offer.
- 47 Mr K told police that he had seen Mr Chia speak with Mr Lupton and offered him "2 grams of Ice if we get into the flat." Mr K stated that he then saw the two men leave Mr Lin's house, believing that they were going to Mr Huynh's home.
- 48 Mr Lin told police that on either 1 or 2 January 2019, he went with Mr Chia and another unidentified person to Mr Huynh's home. He confirmed that they had not seen Mr Huynh, nor had they entered his home. He recalled Mr Chia kicking the front door of the unit and breaking the handle on the door.
- 49 Sometime prior to New Year's Eve in 2018, Mr Chia had arranged with a Tongan associate named 'Solo' to accompany him to Mr Huynh's apartment in an effort to gain access to Mr Huynh's home. 'Solo' agreed to accompany Mr Chia but only if there was to be no violence.

Mr Chia's accounts to investigating police

- 50 Mr Chia made various admissions to police, both at the time of his arrest, as well as during a formal recorded interview or ERISP, on 8 January 2019.
- 51 Mr Chia told police that he had met Mr Lupton on New Year's Eve at Mr Lin's home. He indicated that Mr Lupton was 'high' on drugs at that time.
- 52 He stated that his plan was for Mr Lupton, who knew Mr Huynh, to gain entry to Mr Huynh's apartment, where they would then proceed to 'rip off' Mr Huynh. Mr Chia planned to take Mr Huynh's scooter and he told Mr Lupton that he was free to take whatever he liked from Mr Huynh's home.
- 53 Mr Chia told police that it was his intention to torture Mr Huynh and leave marks on his face, but not kill him.
- 54 Mr Chia and Mr Lupton went to the rear of the building of Mr Huynh's home. Mr Chia hid while Mr Lupton knocked on the window of the unit. When Mr Huynh responded, Mr Chia ambushed him.
- 55 Mr Lupton and Mr Chia entered Mr Huynh's home and Mr Chia made him sit on the sofa. He told police that Mr Huynh kept trying to stand up and then Mr Lupton sat on the sofa next to Mr Huynh and asked him "how much you got?" and Mr Huynh responded by saying "nothing". Mr Huynh then punched Mr Chia to the face.

- 56 Mr Chia responded by grabbing Mr Huynh and pinning him to the ground. Mr Chia then proceeded to punch and elbow Mr Huynh numerous times to the face, causing Mr Huynh's dentures to dislodge.
- 57 Mr Huynh then screamed out saying "let me go" and "help me". A passing neighbour told police that she recalled hearing a male yelling out "get out, get out" at around 4.30am.
- 58 Mr Chia told police that Mr Lupton did not participate in the assault and that the only time he touched Mr Huynh was when they shook hands at the beginning.
- 59 Mr Chia indicated that he had demanded the keys to Mr Huynh's scooter, as well as the disputed photographs of the female associate.
- 60 Mr Chia told Mr Lupton to get the 'fit box' containing syringes. Mr Lupton retrieved the box and tipped out the contents.
- 61 Mr Huynh reached out and grabbed a syringe and attempted to strike Mr Chia with the syringe. Mr Chia blocked the strike using an 'arm bar'. Mr Chia recalls feeling a 'pop' and seeing Mr Huynh drop the syringe. He recalled that the plunger on the syringe was "pushed down already" indicating that it was empty.
- 62 Mr Chia kept Mr Huynh held to the ground with 'arm bar' holds until Mr Huynh stopped resisting him. Mr Chia stopped hitting him to his face and recalled that Mr Huynh's face was "busted up".
- 63 At some time during the assault, Mr Chia tied Mr Huynh's hands towards the front of his body with a cloth of some description. The cloth was never located by police.
- 64 Mr Chia told police that he estimated that he had punched Mr Huynh 20 to 40 times to the face, as well as elbowing him to his nose and face a few times. Mr Chia believed that he had fractured one of Mr Huynh's arms during the assault, although it is noted that the autopsy did not detect a fracture to either arm.
- 65 Mr Chia stated that he had taken a beer from Mr Huynh's fridge and after drinking half of the bottle, poured the remaining contents on Mr Huynh's face. He then indicated that he untied Mr Huynh's hands.
- 66 Mr Chia stated that at the time he untied Mr Huynh, he was "100% sure he's not dead" because he was moving when he untied him, as well as when they were leaving the apartment. He confirmed that they left the apartment door slightly ajar, so that someone would find Mr Huynh after they had left.
- 67 Police asked Mr Chia whether he believed he had killed Mr Huynh. Mr Chia stated that he had not killed him and speculated that Mr Huynh's death was

possibly as a result of the residual material in the syringe causing a heart attack.

- 68 Mr Chia confirmed that he and Mr Lupton had left Mr Huynh's apartment in possession of the scooter. Mr Chia denied returning to Mr Lin's apartment at Redfern with the scooter, although CCTV footage appears to confirm Mr Chia entered the building and used the elevator after he left Mr Huynh's home.

Mr Lupton's accounts to Police

- 69 Mr Lupton spoke with police on 3 January 2019 and provided a written statement at their request. Subsequent police enquiries indicated that his statement was false in a number of aspects.
- 70 In his statement, he indicated that he had attended at Mr Huynh's apartment a few days earlier to smoke 'ice' with him.
- 71 He returned some days later and found the front door of Mr Huynh's apartment was open, however, he did not enter the apartment. He stated that he could see inside the unit and at that time he witnessed another Asian man, who he did not know, assaulting Mr Huynh. He saw this Asian man holding Mr Huynh by the scruff of his neck and punching him to his face. He could hear Mr Huynh yelling at this Asian man to stop.
- 72 Mr Lupton stated that he then left the area, believing that the altercation between the two men was a family matter.
- 73 He told police that he returned to Mr Huynh's apartment in the company of a man known as "Biggie" to see if Mr Huynh was all right, after telling 'Biggie' what he had seen on an earlier occasion.
- 74 In his second account, recorded in a formal record of interview, or ERISP on 8 January 2019, Mr Lupton continued to make statements which were clearly false.
- 75 He informed police that he had seen this Asian man assaulting "Tim Tam" and he did not intervene and left the location. He again indicated that he did not know this Asian man.
- 76 Police then showed Mr Lupton photos depicting him in the company of Mr Chia in the building's elevator, and Mr Lupton then confirmed that this person was Mr Chia. He then told police that he had just met Mr Chia and had asked him for a cigarette and could not recall what they spoke about as he was "high" on drugs.
- 77 Police then showed Mr Lupton additional photographs that depicted him walking with Mr Chia outside the apartment blocks and he indicated to police that he was confused as he had been "awake for six days without sleeping."

- 78 Mr Lupton denied all allegations that he had attended with Mr Chia and assisted Mr Chia to enter Mr Huynh's apartment for the purpose of recovering money and photographs. He further denied that he had taken any items or cash from the unit or had ransacked the apartment while Mr Huynh was being assaulted.

Further police investigation and statements from witnesses

- 79 Sometime between midnight and 1am on 2 January 2019, Mr Lupton returned to Mr Huynh's apartment in the company of another friend of Mr Huynh, a person known as "Biggie".
- 80 "Biggie" knocked on Mr Huynh's kitchen window and called out to him, without receiving a response. "Biggie" and Mr Lupton were seen at this time by a neighbour. They did not enter the apartment complex.
- 81 "Biggie" later told police that he had been walking in the general area with Mr Lupton when Mr Lupton told him about witnessing an Asian male assaulting Mr Huynh. He told police that Mr Lupton denied being involved in the assault and that they agreed that they should visit Mr Huynh to check if he was all right. After receiving no response, "Biggie" and Mr Lupton left the complex area and attended a nearby hotel, where they were caught on CCTV footage playing the pokies until 2.21am on 2 January 2019.
- 82 Mr K spoke with police on 8 January 2019 and confirmed that Mr Chia returned to Mr Lin's apartment with an electric scooter. He stated that Mr Chia said "We got to Tim Tam's flat, and I bashed him. Tim Tam attacked me with a knife and dirty needles. I had to bash him. I had to hurt him."
- 83 Mr K also told police that Mr Lupton attended Mr Lin's unit sometime after and stated that Mr Chia "really went to town on Tim Tam. He was going over the top. I had to pull him off. He was really hurting Tim Tam."
- 84 Four residents of the housing complex told police on 2 January 2019, that they had seen "Tim Tam" in the afternoon of the day prior, being 1 January 2019, walking to or from Devonshire Street or around Clisdell Street. They described him as wearing black clothing at that time. Mr Huynh was wearing black clothing when he was discovered by police deceased in his apartment.

Police recovered forensic evidence at the scene

- 85 Police located Mr Lupton's fingerprints on a makeshift lamp, on a plastic shopping bag between Mr Huynh's legs and a book under the coffee table.
- 86 Mr Chia's fingerprints were located on the exterior of a ground floor window of Mr Huynh's apartment. They were also located on a white board at Mr Huynh's feet and the top of a bottle cap.

Autopsy and post mortem report

- 87 Dr Van Vuuren performed an autopsy on 7 January 2019. Dr Van Vuuren made the following observations which were recorded in an autopsy report dated 10 September 2019:
1. A subdural haematoma, (believed to be an old injury, most likely associated with the scooter accident in September 2018), and small traces of acute subarachnoid were observed. This was not causative of his death.
 2. Recent intracranial haemorrhaging was not seen and although there were signs of an old intracranial procedure (there was no evidence of traumatic axonal injury present).
 3. The blunt force trauma to Mr Huynh's face and upper limbs was described as consisting of scalp bleeding, a black eye, and a displaced nasal fracture. These were not causative of his death.
 4. There was a bruise on the back above the buttocks and a focal right rib fracture (noted in radiologist report to be a "healing fracture")
 5. Injection markings: a lesion which appeared to be a recent injection mark on the anterior aspect of the right antecubital fossa (inside arm at point of elbow) along with an older appearing puncture mark present on the medial aspect. A third marking, possibly an injection mark, was present in the right inguinal (groin) area.
- 88 Dr Van Vuuren noted that the: "Toxicological examination showed a low level of alcohol in the blood, all or none potentially due to postmortem changes. Methylamphetamine was present in a level overlapping toxic to lethal while its metabolite amphetamine was present in a non-toxic level. The metabolite of cannabis and morphine and its metabolite were present in non-toxic levels".
- 89 Dr Van Vuuren commented that: "Methylamphetamine is present in a level overlapping toxic to lethal. Methylamphetamine concentration alone cannot be used to determine the cause of death, because there is a huge overlap between the level that causes toxicity and in people using the drug but who died of other causes. Tolerance should also be considered. Methylamphetamine can cause hypertrophy of the heart and accelerate atherosclerotic heart disease".
- 90 Dr Van Vuuren further noted that: "Moderate coronary atherosclerosis was present". This finding was not causative of death.
- 91 Dr Van Vuuren opined: "In light of these findings it is therefore difficult to determine the exact cause of death, or how much, if any, the blunt force injuries on a background of coronary atherosclerosis and methylamphetamine toxicity, would have contributed to death".

- 92 Dr Van Vuuren indicated that the cause of Mr Huynh's death was "Undetermined" given the above results.

Charging of Mr Chia and Mr Lupton by police

- 93 On 8 January 2019, Mr Chia and Mr Lupton were charged with the following indictable offences relating to Mr Huynh:
1. Aggravated robbery intentionally inflict actual bodily harm;
 2. Aggravated break and enter and commit a serious indictable offence, being aggravated robbery;
 3. Aggravated break and enter intending to commit a serious indictable offence, being demand money or property with menaces, and in the company of another;
 4. Assault Occasioning Actual Bodily Harm in the company of another.
- 94 Mr Chia and Mr Lupton were sentenced by District Court Judge Huggett (as she then was) for the offences of Aggravated Break and Enter and Assault Occasioning Actual Bodily Harm.
- 95 The agreed factual account for sentencing indicated that both Mr Chia and Mr Lupton entered Mr Huynh's unit and Mr Chia told him to sit down, stating that he still was owed money by Mr Huynh. At this time, Mr Lupton was moving through the unit, looking through Mr Huynh's property. The agreed facts indicated that Mr Chia believed that Mr Huynh may try to stab him, and he tackled him to the ground. Once on the ground, Mr Chia punched Mr Huynh several times to the head and face. Mr Huynh tried to retrieve a syringe; however, Mr Chia grabbed it from his hand and stabbed Mr Huynh in the cheek with the syringe. The facts stated that Mr Lupton did not physically assault Mr Huynh, nor did he do anything to assist Mr Huynh.
- 96 Mr Chia was sentenced to a period of imprisonment of 2 years and four months, with a non-parole period of 18 months.
- 97 Mr Lupton was sentenced to a period of imprisonment of 2 years and two months, with a non-parole period of 14 months.

Coronial proceedings following sentence

- 98 The Coronial proceedings had been suspended after Mr Chia and Mr Lupton were charged to allow the criminal matters to be dealt with to finality.
- 99 After both men were sentenced, the Coronial matter was reviewed and proceeded as a mandatory inquest given the cause of Mr Huynh's death had not been resolved and may have been the result of a homicide.

- 100 Expert opinions were sought from Associate Professor Naren Gunja and Professor Anne-Maree Kelly.
- 101 Associate Professor Gunja provided a report dated 14 June 2021 where he opined that:
- “based on the information provided to me, Chi Huynh died after multiple traumatic injuries to his face, airway and chest leading to asphyxiation and hypoxaemia. A potential alternative cause of death could be due to a cardiac event (heart attack or arrhythmia) secondary to methamphetamine use – this scenario is less likely due to the prolonged PM interval between death and blood sampling, with significant PM redistribution and artificial elevation of the methamphetamine level.”
- 102 Professor Anne-Maree Kelly, an emergency physician, provided a report dated 27 August 2021. Professor Kelly opined that:
- “the most likely cause of death (on the balance of probabilities) was trauma to the head and neck, probably associated with aspiration and hypoxia.” Professor Kelly noted that “there is however insufficient evidence to conclude this beyond reasonable doubt.”
- 103 On 21 June 2022, Dr Van Vuuren, Associate Professor Gunja, and Professor Kelly participated in a conclave conference and were asked to consider what could safely be concluded in relation to Mr Huynh’s cause of death.
- 104 On 5 July 2022, a jointly signed report, known as the Conclave Report, was completed. All three experts agreed, as follows:
- a. It is difficult to be sure of the cause of death in the circumstances;
 - b. Methamphetamine alone is unlikely to have caused death;
 - c. Blunt force trauma alone is unlikely to have caused death;
 - d. A combined cause is more likely; and
 - e. Significant blunt force trauma (especially to the head) in a man affected by drugs (methamphetamine and opiates) and with significant co-morbidities (coronary artery disease and resolving head trauma) is the most likely cause of death.
- 105 The three experts agreed however, that:
- f. But for the blunt force trauma, it is unlikely that Mr Huynh would have died at the time.

The issues

- 106 An issues list was circulated to the parties prior to the commencement of the inquest in 2022. The Court received evidence in these proceedings in relation to the following issues relating to Mr Huynh's death:
1. The manner and cause of Mr Huynh's death including any relevant contributing circumstances; and
 2. Subject to the determination of the manner and cause of Mr Huynh's death, whether there is sufficient evidence for a referral of a known person(s) to the Director of Public Prosecutions, pursuant to s. 78 of the *Coroners Act 2009* (NSW).

Considerations and evaluation of evidence

- 107 While it is not possible to refer to all of the evidence in detail in these findings, I have considered, assessed, and taken into account all of the documentary and audio-visual material that has been tendered.
- 108 I am of the view that the evidence indicates, on the balance of probabilities, the following factual matters:
- a. Mr Chia, Mr Lupton, and Mr Huynh all had longstanding drug histories.
 - b. Mr Chia held a grievance with Mr Huynh over money and the retention of photographs and was actively seeking the assistance of others to gain access to Mr Huynh's home to retrieve the cash and photographs.
 - c. Mr Lupton met Mr Chia in the hours prior to the offences being committed, however, had known Mr Huynh for around ten years.
 - d. Mr Lupton agreed to assist Mr Chia to enter Mr Huynh's apartment and would have foreseen the likelihood that Mr Chia would inflict bodily harm once inside.
 - e. The violence inflicted on Mr Huynh was inflicted by Mr Chia alone, at the same time that Mr Lupton was ransacking the unit.
 - f. The violence inflicted by Mr Chia was severe and sustained. During the assaults, Mr Huynh's hands were bound which would have exacerbated his physical exertion, in a person with heart disease.
 - g. Mr Chia left Mr Huynh on his back lying on the floor with his head facing towards the front door and his legs facing the kitchen. Mr Huynh was photographed by police lying in the same position when they attended some 30 hours later.

- h. It is clear that Mr Huynh had received serious physical injuries and was highly unlikely to have been particularly mobile.
- i. No CCTV footage depicted Mr Huynh outside his apartment after 4.45am on 1 January 2019.
- j. No phone calls or text messages were made from Mr Huynh's mobile phone after 11.30pm on 31 December 2018 and all phone data ceased after 9pm on 1 January 2019, consistent with the phone running out of charge.
- k. The residents that spoke with police and indicated that they had seen Mr Huynh walking around during the afternoon of 1 January 2019 do not comment on the state of his face, which was clearly seriously bruised from the assault which occurred earlier that morning.
- l. At the time police attended Mr Huynh's home at 10.30am on 2 January 2019, they noted that rigor mortis and decomposition were evident.
- m. Mr Huynh died at some time between 4.45am on Tuesday 1 January 2019 when Mr Chia and Mr Lupton are seen on CCTV footage close to Mr Huynh's apartment and 10.30am on Wednesday 2 January 2019, when police arrived at Mr Huynh's home.

Conclusions

- 109 I am of the view that the totality of the available evidence indicates, on the balance of probabilities, that Mr Huynh died as a consequence of the combined effects of:
- a. Significant blunt head trauma suffered from the assault inflicted by known persons, and
 - b. The effects of methamphetamine and opiates in his system, and
 - c. On a background of significant co-morbidities, being coronary atherosclerosis and resolving head trauma.
- 110 It is not possible to determine the degree of the contribution of each of these physical findings, other than to conclude that his death would not have occurred, but for the head trauma that he suffered from the sustained assault.
- 111 In relation to the manner of Mr Huynh's death, the Court is unable to determine whether it was due to an unlawful act, together with misadventure or a combination of an unlawful act, misadventure, and natural causes. As such, the most appropriate course is to record an open finding as to the manner of his death.

Closing Observations

- 112 I would like to acknowledge Mr Huynh's family and friends who reside both in Vietnam and Australia for the profound loss and heartbreak that they are grappling with as a result of his very tragic passing.
- 113 I would like to record my gratitude to counsel assisting, Mr Christopher McGorey, and his instructing solicitor, Ms Clara Potocki for their assistance, their commitment and their untiring efforts to prepare and present this case.
- 114 I would also like to acknowledge and thank the Officer in Charge of the investigation, Detective Senior Constable Andrew Farquharson, whose professionalism and commitment has been outstanding.
- 115 Finally, I would like to record my most sincere condolences to Mr Huynh's family.

Findings required by section 81(1)

- 116 As a result of having considered all of the evidence and submissions I make the following findings pursuant to section 81 of the *Coroners Act 2009* (NSW):

The identity of the deceased

- 117 The person who died was Chi Khanh Huynh.

Date of Death

- 118 Mr Huynh died between 1 - 2 January 2019.

Place of Death

- 119 Mr Huynh died at Unit 23, 6 Clisdell Street, Surry Hills Sydney, New South Wales.

Cause of Death

- 120 The cause of Mr Huynh's death was a significant blunt head trauma suffered from an assault inflicted by known persons combined with the effects of methamphetamine and opiate toxicity, on a background of coronary atherosclerosis and resolving head trauma.

Manner of Death

- 121 The available evidence does not allow for any finding to be made as to the manner of Mr Huynh's death.

Recommendations

- 122 Pursuant to section 82 of the *Coroners Act 2009* (NSW), Coroners may make recommendations connected with a death.
- 123 There are no recommendations arising from this inquest that I find necessary or desirable to make.

I now close this inquest.

Magistrate Joan Baptie
Deputy State Coroner
8 November 2024