

IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

Court Reference: 2009 / 5098

FINDING INTO DEATH WITH INQUEST

Form 37 Rule 60(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of: LUCIA AMENTA

Delivered On:	18 September 2014
Delivered At:	Coroners Court of Victoria 65 Kavanagh Street, Southbank
Hearing Dates:	16, 17, 18 & 19 December 2013
Findings of:	JUDGE IAN L GRAY, STATE CORONER
Representation:	Mr Jason Buckland on behalf of Mr John Amenta
Police Coronial Support Unit	Acting Inspector J Brumby

I, JUDGE IAN L GRAY State Coroner, having investigated the death of Lucia Amenta

AND having held an inquest in relation to this death on 16, 17, 18 and 19 December 2013
at Melbourne

find that the identity of the deceased was Lucia Amenta

born on 8 December 1937

and the death occurred on an unascertained date

at an unascertained location.

from:

1 (a) UNASCERTAINED

in the following circumstances:

Background

1. Mrs Lucia Amenta was a 70 year old woman who was reported missing by her son Mr John Amenta on Saturday, 19 January 2008. Mrs Amenta lived with her husband Mr Paolo Amenta in their house in Sydney Road, Fawkner where they had both resided in excess of 30 years. On the day of her disappearance Mrs Amenta had been preparing food to take over to Mr John Amenta's house for lunch later in the day. Mrs Amenta was very close to her son, Mr John Amenta, and would often cook for him and had regular contact with him via both the phone and visits to their respective houses.
2. Mrs Amenta did not drive, and relied on her husband to take her to Mr John Amenta's house in Taylors Lakes. Sometime during the mid-morning Mrs Amenta had asked that her husband go out and buy bread for the meal she was preparing. Mr Paolo Amenta left the house and went to the bakery in Anderson Road, Fawkner to make the purchase. Mr Paolo Amenta informed police he returned to the house with the bread he had purchased to find Mrs Amenta missing. The food she had prepared for Mr John Amenta's lunch was sitting on the table cooling.
3. Mrs Amenta was never seen alive again after the morning of 19 January 2008 and no person can confirm speaking to her that morning, aside from a friend she spoke to on the telephone when Mr Paolo Amenta was out buying the bread. A neighbour saw Mrs Amenta in her front yard at approximately 10.45am but did not speak with her. Mrs Amenta was reported missing to police approximately 9.03pm on 19 January 2008. Police conducted an investigation into her disappearance which included inquiries with friends, neighbours and

relatives in addition to extensive media coverage both locally and nationally. Aerial and ground searches were undertaken in addition to a multitude of checks with government and financial agencies, all to no avail.

4. On Monday, 19 October 2009, maintenance workers at the Millstone Creek in Broadmeadows noticed a plastic drum lying on its side down a culvert in the creek.
5. The barrel was transported to Envirochem Technologies on or about Friday 23 October 2009. The following Monday it was moved outside because of odours emanating from the barrel.
6. On Tuesday 27 October 2009 the barrel was opened. Human remains were seen inside. The police were contacted and the barrel was transported to the Victorian Institute of Forensic Medicine (VIFM). A CT scan was performed on the barrel.
7. The results of the CT scan were provided to Dr Richard Bassed, Forensic Odontologist, who compared the CT scan to the dental records for Mrs Lucia Amenta (which were, at that time, held by the Coronial Services Centre). Dr Bassed noted that the CT findings were consistent with the dental records.¹
8. The following persons gave evidence at the inquest:
 - Dr David Ranson
 - Ms Sirmoula Dimou
 - Detective Sergeant Raymond Freeman
 - Dr Chris O'Donnell
 - Mr Nathan Toey
 - Ms Mary Kiparoglou
 - Mrs Sarina Maurici
 - Leading Senior Constable Bernard Carrick
 - Mr Vincenzo Carrabba
 - Detective Senior Constable Benjamin Wiseman
 - Mr Paolo (Paul) Amenta Jnr (Mr Paul Amenta)
 - Mr Paolo Amenta
 - Mr Sebastinano John Amenta (Mr John Amenta)

Identity

9. On the basis of the medical and scientific evidence I find that the identity of the deceased was Mrs Lucia Amenta born on 8 December 1937.

¹ Autopsy Report by Dr Melissa Baker

10. Acting Inspector Jenny Brumby, assisting the coroner, categorised the matter as “*one of an unsolved homicide*”² and noted that the focus of the inquest was to “*establish who was responsible for the death of Lucia Amenta, what factors may have motivated those responsible for her death and what person or persons were responsible for the disposal of Lucia’s body.*”³

Date of Death

11. Dr Melissa Baker performed an autopsy on the remains of Mrs Amenta on 28 October 2009.

In her autopsy report she said:-

*“It is not possible to determine the time since death with any degree of certainty as the rate of decomposition is extremely variable and dependant upon a number of factors I am aware the deceased had been missing for a period of eighteen months and the degree of decomposition is not inconsistent with death having occurred at this time.”*⁴

12. Dr David Ranson gave evidence at the inquest. He was asked to comment on how long Mrs Amenta had been deceased given the state of decomposition of her remains. He discussed factors which can affect the rate of decomposition and said:-

*“...there would be nothing inconsistent with the person having been deceased for some 18 months, but the time variation around that could be quite considerable.”*⁵

13. I accept that the proper inference to be drawn from these experts is that it is possible that Mrs Amenta died at the time of her disappearance, however the time of her death cannot not be definitively determined from the state of her remains.
14. Ms Sirmoula Dimou gave evidence at the inquest. Her evidence was that at some time between 10.35am and 10.45am on the date of her disappearance (19 January 2008), Mrs Amenta was seen standing on the nature strip outside her home.
15. Mr Paolo Amenta gave evidence that between 11.00am and 11.30am, he left their home at 1318 Sydney Road, Fawkner, to drive to a bakery in Anderson Road, Fawkner. Mrs Amenta was in the home when he left.
16. Mrs Santa Franzo rang the Amenta household at about 11.00am. Her evidence was that she spoke to Mr Paolo Amenta who told her that Mrs Amenta was cooking and would ring her

² Transcript, page 4

³ Transcript, page 4

⁴ Autopsy Report of Dr Melissa Baker p. 12 -13

⁵ Transcript of proceedings p.9, lines 13 – 16.

back when she was finished. Mrs Franzo received a telephone call from Mrs Amenta about five minutes later.

17. Telephone records indicate that a telephone call was made from the Amenta home to Mrs Franzo's home phone with a duration of 33 minutes and 22 seconds. This is the last known contact with Mrs Amenta.
18. The appropriate finding in relation to date of death is that Mrs Amenta died on or after the 19 January 2008 but that the precise date cannot be definitively determined.

Place of death

19. The precise location of Mrs Amenta's death also cannot be definitively determined. Her remains were extremely decomposed. The fact that she was found in a barrel which was apparently moved from one place to another, further complicates the question of location of death. The appropriate finding is that Mrs Amenta died at an unknown location.

Medical cause of death

20. As stated above, the autopsy was performed on the remains by Dr Melissa Baker. She gave the cause of death as "unascertained". In her report she commented on the fractured greater horn of the thyroid cartilage on the left side, and made the observation that "*This finding is commonly seen in cases of deaths due to neck compression,...*"⁶ and she cited neck compression as a possible cause of death. However, as counsel (Mr Buckland) for Mr Paolo Amenta and Mr Sebastiano John Amenta said, other pathology findings, often seen in deaths due to neck compression were not found in this case. They include:-

- a. bruising of the skin and soft tissues (including the strap muscles) of the neck;*
- b. haemorrhage around the sites of laryngeal fractures;*
- c. conjunctival and facial petechial haemorrhages and congestion of the facial skin.*"⁷

Dr David Ranson agreed with this.

21. Dr Baker also pointed out that the histological examination of the larynx revealed no evidence of fractures or micro-fractures. In her report she expressed the view that the absence of such indicators could be explained by decomposition. As Mr Buckland put it:-

"The presence of these indicators can be interpreted as evidence of the application of force and struggle on the part of the victim. Had any of those indicators been present the argument that death was caused by neck compression is strengthened.

⁶ Autopsy report of Dr Melissa Baker, p.11

⁷ Submissions on behalf of Paolo Amenta and Sebastiano John Amenta, p5

Conversely, the absence of those indicators in circumstances where an alternative hypothesis for the fractures exists supports the contention that none of the indicators were ever present. This, in turn, weakens the case for death caused by neck compression.”⁸

22. He went on to quote Dr Ranson on an alternative hypothesis:-

“One of the other possibilities would be that if one was to manipulate and move a body, including let us say placing within a barrel, one might during the course of that put some pressure in various parts of the body and that could result in an injury if that was to squeeze across one side of the neck.”⁹

23. Dr Christopher O’Donnell, Consultant Radiologist, gave evidence and stated his opinion as:-

- a. The fracture was present before Mrs Amenta’s remains were removed from the barrel;*
- b. The fracture occurred either shortly before death, at the time of death or after death within the barrel;*
- c. Decomposition leads to fragility of tissues and potentially artefacts can be induced as a result.”¹⁰*

24. Sadly, the amount of time Mrs Amenta’s remains were in the barrel cannot be ascertained with precision, nor can the manner in which her remains were placed in the barrel be determined. Equally, there is no evidence regarding how the barrel came to be in the creek bed.

25. Ultimately, on the basis of the available, evidence it is not possible to definitively determine the medical cause of death.

26. Dr Baker alludes to “circumstances” which make Mrs Amenta’s death appear suspicious when she says:-

“Taking the circumstances of this case into account and the presence of a laryngeal fracture, neck compression would be a possible cause of death.”¹¹

27. In light of the opinions of Dr O’Donnell and Dr Baker, I conclude that it is probable that the fracture of the thyroid cartilage occurred either shortly before the death, or at the time of the death and was possibly the cause of the death.

Circumstances of Death

28. Mrs Amenta’s body was found in a barrel 20 months after she disappeared. The exact circumstances of her disappearance, sadly, remain unclear. Clearly there is a public interest

⁸ Submissions on behalf of Paolo Amenta and Sebastiano John Amenta, p.6

⁹ Transcript of proceedings, p.11

¹⁰ Submissions on behalf of Paolo Amenta and Sebastiano John Amenta, page 7.

¹¹ Submissions on behalf of Paolo Amenta and Sebastiano John Amenta, page 8.

in clarifying what happened to this woman whose death remains a mystery. As became clear during the inquest, the police conducted a thorough investigation with the focus upon Mr Paulo Amenta and his son, Mr John Amenta, but to date no charges have been laid against anybody.

29. Counsel for Mr Paulo Amenta and Mr John Amenta, submitted that I should not make findings about the circumstances, that they are not strictly required in this case and that to do so may be prejudicial to both Mr Paulo Amenta and Mr John Amenta, in particular to Mr Paulo Amenta.
30. To ensure that my findings do not have a prejudicial effect on a possible future trial of an accused person, I am prepared to order non publication of the potentially prejudicial parts of this finding. However, I believe it is appropriate for those involved in the case to be able to read my comments and conclusions about the matter.

Evidence at the inquest

■ [REDACTED]

■ [REDACTED]

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42. Ultimately, the inquest did not take the investigation any further in terms of identifying those responsible for the death of Mrs Amenta. I have no alternative but to record an open finding as to the immediate circumstances of Mrs Amenta's death. Even allowing for language difficulties and giving evidence in a court through an interpreter, I found much of the evidence of both men vague, unpersuasive and to a degree self serving. Their evidence threw no meaningful light on the circumstances of the death.

²⁶ Transcript, page 315

²⁷ Transcript, page 318-319

43. Mr Paul Amenta Jnr was convincing when he spoke of the relationship that he had with his mother, his closeness to her, her personality and his father's personality. Given his relationship with his mother, it is highly unlikely in my opinion that he would have played any part in his mother's death.
44. I do not propose to refer the matter to the Director of Public Prosecutions (DPP). In that context, I note that the case will remain an open homicide investigation.
45. It is particularly sad that this elderly woman met her end in the way that she did, that she was not found for a lengthy period of time and that findings cannot be made about those responsible for her disappearance and death.

Pursuant to section 73(1) of the **Coroners Act 2008**, I order that the following not be published on the internet:

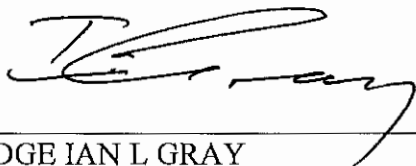
Paragraphs 31 to 39 inclusive, pursuant to section 18 of the *Open Courts Act 2013*

I direct that a copy of this finding be provided to the following:

The family of Mrs Lucia Amenta

Senior Sergeant Jennette Brumby, Police Coronial Support Unit

Signature:



JUDGE IAN L GRAY
STATE CORONER

Date: 18/9/14

