

IN THE CORONERS COURT  
OF VICTORIA  
AT MELBOURNE

Court Reference: 2011 / 4573

**FINDING INTO DEATH WITH INQUEST**

*Form 37 Rule 60(1)*

*Section 67 of the Coroners Act 2008*

**Inquest into the Death of: PAUL JODY THORNELL**

Delivered On:

Delivered At:

Coroners Court of Victoria, Melbourne

Hearing Date:

14 November 2013

Findings of:

Judge Ian L. Gray, State Coroner

Representation:

N/A

Police Coronial Support Unit

Sergeant Sharon Wade

I, Judge Ian L. Gray, State Coroner having investigated the death of Paul Jody Thornell

AND having held an inquest in relation to this death on 14 November 2013

at Melbourne

find that the identity of the deceased was Paul Jody Thornell

born on 23 March 1973

and the death occurred on or about 5 December 2011

at 11 Caroline Avenue, Cockatoo, Victoria

**from:**

1 (a) stab wound to abdomen

**in the following circumstances:**

**Background**

1. Paul Jody Thornell died of a stab wound to the abdomen on 5 December 2011, after being assaulted in his home at Cockatoo, Victoria.
2. Mr Thornell was the youngest son of Jeffrey Thornell and Christine Brougham. He had an older brother, Jason Thornell, and sister, Sharon Thornell, who sadly died in a car accident.
3. Mr Thornell worked as a baker and manager at TipTop, and then in the hospitality industry. At the time of his death, Mr Thornell was working for the United Voice Union.

**Summary of circumstances**

4. On Saturday, 3 December 2011, Mr Thornell and his friend, James Constable, attended DT'S Hotel, in Church Street, Richmond before attending The Peel Hotel, in Peel Street, Collingwood.
5. Mr Constable left Mr Thornell at The Peel Hotel at approximately 2.30 am on Sunday, 4 December 2011. Mr Thornell later made acquaintance with two men at The Peel Hotel, Steven Bassett and David Oppedisano. Mr Thornell smoked drugs in his car in a side street near The Peel Hotel with Mr Oppedisano present. They then decided they wanted some GHB (Gammahydroxybutyrate acid).
6. Mr Thornell and Mr Oppedisano observed two men sitting in a white sedan near The Peel Hotel and approached them, believing they looked like drug dealers. The man seated in the driver's seat identified himself as 'Max', however his real name was Lansley Simon.

Mr Thornell provided his mobile phone number to Mr Simon, who stated he would attempt to obtain some GHB for them and would call them soon. Mr Thornell and Mr Oppedisano waited for some time in Mr Thornell's vehicle but Mr Simon did not return.

7. Mr Thornell and Mr Oppedisano then contacted the 'gay chat-line'. The 'gay chat-line' enables males to call and state what they want (sex or drugs) and connect with other willing males. They were directed to go to an unknown street opposite the MCG in Punt Road, Richmond.
8. Mr Thornell and Mr Oppedisano drove separately to this area. While walking along the footpath trying to locate the address, they were approached by another male, Pasquale 'Pat' Rossi.
9. Mr Rossi struck up a conversation with Mr Thornell and Mr Oppedisano and they established they had all been directed to the same address, which appeared to be false. Mr Rossi told Mr Thornell and Mr Oppedisano that he may be able to obtain some GHB for them. Mr Rossi went with Mr Thornell in his vehicle, while Mr Oppedisano followed, and directed Mr Thornell to drive to a 'beat' off Heidelberg Road, Fairfield. Mr Rossi then made a phone call to arrange some GHB and directed Mr Thornell and Mr Oppedisano to the Docklands area.
10. At approximately 9.00am, Mr Rossi told Mr Thornell to park near Bourke Street, Docklands. He told Mr Thornell and Mr Oppedisano that he needed \$180 for 50ml of GHB. Mr Oppedisano asked how long it would take for Mr Rossi to complete the deal. When Mr Rossi told him 15-20 minutes, Mr Oppedisano told them he had no money and he had to return the vehicle he was driving to the owner. Mr Oppedisano wrote his name and mobile phone number in a notebook Mr Thornell had in his vehicle and left the area.
11. Mr Thornell unsuccessfully attempted to withdraw money from his bank account at a nearby ATM. He then borrowed Mr Rossi's mobile phone to call his home number, intending to ask his father to transfer some money to his account, but was unable to reach Mr Jeffrey Thornell. At approximately 7.55am, Mr Thornell called his friend, Nicole Henry, and asked her to obtain some 'liquid G' (GHB) for him. Ms Henry told him she couldn't get him any and the call ended.
12. Mr Thornell arranged to borrow \$200 from Mr Constable. Mr Thornell and Mr Rossi went to Mr Constable's apartment to collect the money and then returned to the Docklands. Mr Rossi took the \$180 from Mr Thornell and gave him his wallet as insurance. Mr Rossi

told Mr Thornell to wait and walked to the IGA supermarket where he purchased food and cigarettes and waited for Mr Thornell to leave. Mr Rossi stated that he had no intention of purchasing drugs for Mr Thornell at any time.<sup>1</sup>

13. At approximately 2.00pm on Sunday, 4 December 2011, Mr Thornell called his father on their home phone. Mr Thornell asked his father to transfer \$200 into his bank account, but Mr Jeffrey Thornell told him he was unable to do so as it was Sunday. At approximately 4.30 pm, Mr Thornell arrived home in Cockatoo. Mr Thornell told his father that he had been ripped off \$200, having given someone the money and waited two hours for him to return. Mr Thornell used the home phone and also his mobile phone over the next few hours.<sup>2</sup>
14. Mr Thornell told his father that someone was coming over to their house who may know the identity of the male that took his \$200 and may be able to help him get it back. Mr Jeffrey Thornell then went to his bedroom to watch television and sleep.<sup>3</sup>
15. At approximately 11.30 pm, Mr Jeffrey Thornell heard a vehicle coming down the driveway. He then heard Mr Thornell walk from the kitchen to the front door and a male voice asking Mr Thornell about the male who took his money. Mr Thornell and the male, now known to be Mr Simon, went into the kitchen and Mr Jeffrey Thornell heard the door shut.
16. At 11.47 pm, Mr Oppedisano received a phone call from Mr Thornell's mobile phone number. The caller identified himself as 'Max' (Mr Simon) whom Mr Oppedisano had met early Sunday morning. Mr Simon stated he thought Mr Oppedisano and Mr Thornell were friends and that Mr Oppedisano would be with Mr Thornell. When Mr Oppedisano told Mr Simon he had only met them all that morning and was now at home in with his family, Mr Simon stated he thought Mr Oppedisano had organised some ice for him in return for him arranging the GHB.<sup>4</sup>
17. Mr Oppedisano told Mr Simon that he would try to arrange ice for him and that it would cost \$80. Mr Simon told Mr Oppedisano that Mr Thornell had got him a 'joint' (marijuana cigarette), thinking that when Mr Simon asked him for 'puff' he meant marijuana, however

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<sup>1</sup> Statement of Pasquale ROSSI

<sup>2</sup> Statement of Jeffrey THORNELL.

<sup>3</sup> Ibid.

<sup>4</sup> Statement of David OPPEDISANO.

Mr Simon had meant to smoke ice.<sup>5</sup> Mr Oppedisano sent a text message to a friend, Erin Whelan, who said she could supply some ice but they had to be there within an hour and a half.<sup>6</sup>

18. At 11.54 pm, Mr Oppedisano called Mr Thornell's mobile and spoke firstly to Mr Thornell and then to Mr Simon. When Mr Oppedisano's asked how long it would take for Mr Simon to get to his suburb, he replied, "Well, I'm just going to finish my smoke. I've got to run to the car – it's about 100 metres away, get this bottle of G for Paul 'cos the guy's a paranoid cunt".<sup>7</sup> Mr Oppedisano believed from the conversation that there was another person waiting in Mr Simon's vehicle. Mr Simon did not want to give Mr Oppedisano his phone number and asked for Mr Oppedisano's address instead. Mr Oppedisano gave him the street name and suburb. They arranged for Mr Simon to call Mr Oppedisano when he arrived and Mr Oppedisano would then take him to his friends' address to conduct the deal.<sup>8</sup>
19. Sometime between 12:00am to 12.30am, Mr Jeffrey Thornell heard Mr Thornell and Mr Simon walk along the hallway towards the front door. He then heard a noise he likens to someone hitting the hallway wall before Mr Thornell's bedroom door was slammed. Mr Jeffrey Thornell opened his bedroom door and observed Mr Simon standing at Mr Thornell's bedroom door, yelling at Mr Thornell to open the door.
20. Mr Jeffrey Thornell grabbed a hammer and a piece of wood from his bedroom and went back to the hallway. Mr Simon was no longer in the hallway, so Mr Jeffrey Thornell walked to his son's bedroom. The door was open and Mr Jeffrey Thornell saw Mr Thornell lying on his back on the floor between the bed and the door. Mr Simon was standing next to Mr Thornell, facing the doorway and holding a knife in his right hand. Mr Thornell's stomach was exposed.
21. Mr Simon gave evidence in his trial that Mr Thornell had lunged at him with a knife in his hands and that there was a struggle, during which Mr Thornell apparently accidentally stabbed himself in the abdomen.<sup>9</sup> Mr Simon gave evidence that Mr Thornell then tripped

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<sup>5</sup> Statement of David OPPEDISANO.

<sup>6</sup> Statement of Erin WHELAN.

<sup>7</sup> Statement of David OPPEDISANO.

<sup>8</sup> Ibid.

<sup>9</sup> *The Queen v Lansley Simon* [2013]



and fell on his back. Mr Simon stated that it was at this point that Mr Jeffrey Thornell opened the door.

22. Mr Simon started walking towards Mr Jeffrey Thornell with the knife facing outwards. Mr Jeffrey Thornell walked backwards in the hallway in the direction of his bedroom. Mr Jeffrey Thornell threw the hammer at Mr Simon, however it failed to hit him and fell to the floor. Mr Jeffrey Thornell then swung the piece of wood at Mr Simon and Mr Simon grabbed the piece of wood from Mr Jeffrey Thornell.
23. Mr Simon, pointing the knife at him, began walking towards Mr Jeffrey Thornell, causing him to walk back down the hallway and into the kitchen. Mr Simon gave evidence at his trial that Mr Jeffrey Thornell was blocking his escape and he was trying to get out of the house. Mr Jeffrey Thornell stated that he pleaded with Mr Simon to be allowed to go and assist his son. Mr Simon said to him, "You're not going yet. You're not going yet", and then, "Where's the money, where's the money. There's got to be money in the house". Mr Jeffrey Thornell told him there was no money.
24. Mr Simon stated that he went to the kitchen to retrieve his phone. Mr Jeffrey Thornell stated that Mr Simon:
  - a. then began ransacking the kitchen;
  - b. took Mr Thornell's work mobile phone and two wallets from the kitchen bench, one belonging to Mr Rossi and the other to Mr Thornell;
  - c. then used some A4 pieces of paper to lift the basket and place it on the bench, removing another mobile phone belonging to Mr Thornell;
  - d. then took two sets of keys from the bench and a material wallet containing a diabetes testing kit.
25. Mr Jeffrey Thornell told Mr Simon they were their car keys and pleaded with him to leave them so he could take Mr Thornell to the hospital. Mr Simon threw the keys and wallet at Mr Jeffrey Thornell. Mr Jeffrey Thornell stated that he was told him to wipe them down, which he did. Mr Jeffrey Thornell stated that Mr Simon threatened him, stating if he was to 'ring the jacks, I'll get my mates to come back and get you'. Mr Simon denied this in his evidence at trial.
26. Mr Simon, with the piece of wood under his right arm and the knife in his hand still pointed at Mr Jeffrey Thornell, walked out into the hallway, forcing Mr Jeffrey Thornell back near

- the front door. Mr Jeffrey Thornell stated that Mr Simon walked past him, entered Mr Jeffrey Thornell's bedroom and asked Mr Jeffrey Thornell about some medication on his tallboy and also for his credit card. Mr Jeffrey Thornell told him the medication was his heart pills and he did not have a credit card. Mr Simon denied this in his evidence at trial.
27. Mr Simon walked out into the hallway and towards the front door, still holding the knife and pointing it at Mr Jeffrey Thornell. Mr Simon left the house through the front door and got into a white sedan parked in the driveway on an angle and partly on the grass. As Mr Jeffrey Thornell tried to obtain the vehicle registration number, he stated that Mr Simon said "What are you trying to do?" and came towards him. Mr Jeffrey Thornell moved back into the house and locked the security door. Mr Simon denied this in his evidence at trial. He then ran down the hallway to Mr Thornell. He heard the vehicle being driven away from the house.
28. Mr Jeffrey Thornell checked Mr Thornell and could not find a pulse. He commenced giving Mr Thornell Cardio Pulmonary Resuscitation (CPR). Mr Thornell made a gurgling noise. Mr Jeffrey Thornell then ran to the house next door and knocked on the front door and bedroom window, however the neighbours did not answer. He ran back to his house and checked on Mr Thornell and at 12.37 am on Monday, 5 December 2011, he called emergency services from his home phone and then returned to Mr Thornell and tried to give him CPR again. Just before 1.00am, Mr Jeffrey Thornell again contacted emergency services requesting urgent assistance for Mr Thornell, as the ambulance had not arrived.<sup>10</sup>
29. At 12.58am, MICA paramedics Robert McReadie and Mark McReadie arrived and examined Mr Thornell. Mr Thornell was found to be not breathing and without a pulse with an obvious wound to his abdomen. Mr Thornell's injuries were deemed incompatible with life and no further resuscitation attempts were made.<sup>11</sup>

## COMMENTS

Pursuant to section 67(3) of the **Coroners Act 2008**, I make the following comments connected with the death:

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<sup>10</sup> Statement of Jeffrey THORNELL

<sup>11</sup> Statement of Mark MACCREADIE

30. Mr Simon was charged with an indictable offence in relation to Mr Thornell's death. On 24 June 2013, a jury found Mr Simon not guilty of murder, defensive homicide and manslaughter.
31. Mr Thornell's mother, Christine Brougham, made a submission to me expressing the impact of Mr Thornell's death on her and her disappointment in the outcome of Mr Simon's criminal trial. Ms Brougham's anguish is palpable in her statement.
32. Pursuant to section 69 of the *Coroners Court Act 2008*, it is not open to me to find that a person is or may be guilty of an offence. Indeed, the accused in this matter was charged with an indictable offence and acquitted by a jury.

### **Finding**

33. I find that Paul Jody Thornell died at his home at 11 Caroline Avenue, Cockatoo, Victoria, on 5 December 2011, from a stab wound to the abdomen in the circumstances described above.

I convey my sincere condolences to Mr Thornell's family and friends on his tragic death.

Pursuant to section 73(1) of the **Coroners Act 2008**, I order that the finding be published on the internet.

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

Mr Jeffrey Thornell, Senior next of kin

Ms Christine Brougham,

LSC Sallyanne Leach, Investigating member, Victoria Police

Signature:



Judge Ian L. Gray

Date:

20/1/14

