



IN THE CORONERS COURT
OF VICTORIA
AT MELBOURNE

COR 2022 003460

FINDING INTO DEATH FOLLOWING INQUEST

Form 37 Rule 63(1)

Section 67 of the Coroners Act 2008

Inquest into the Death of Vincenzo Lobosco

Delivered on:	24 June 2024
Delivered at:	Coroners Court of Victoria 65 Kavanagh Street Southbank
Hearing date:	24 June 2024
Findings of:	Coroner Ingrid Giles
Counsel Assisting the Coroner	George Carrington, Coroner's Solicitor
Keywords:	Uncharged homicide, drug toxicity, physical assault, mesothelioma, criminal charges discontinued, death of accused.

INTRODUCTION

1. Vincenzo Lobosco (**Mr Lobosco**) was 56 years of age when he died on 25 June 2022. Mr Lobosco was previously married to Nicole Lobosco, who passed away in April 2012. They had one son together. Mr Lobosco had three other children; however, he was reportedly not close with them and had minimal contact.
2. Mr Lobosco worked as a tow truck driver. He spent some time in prison when he was young and reportedly began using heroin during this period. Mr Lobosco continued to use heroin throughout his life.
3. In the last six months of his life, Mr Lobosco reported to his nephew that he had low energy, breathing difficulties, and chest pain. He did not seek medical attention in relation to these symptoms.
4. Mr Lobosco had a close friend, Mr Darren Heaney (**Mr Heaney**), who he spent a great deal of time with in the years before his death. Mr Heaney was a regular house guest of Mr Lobosco, and helped him with general parenting of Mr Lobosco's son, who resided with him. Mr Heaney was well-known as a friend to Mr Lobosco by his extended family and friends.

THE CORONIAL INVESTIGATION

5. Mr Lobosco's death was reported to the coroner as it fell within the definition of a reportable death under the *Coroners Act 2008* (**the Act**). Reportable deaths include deaths which are unexpected, violent, or result from accident or injury.
6. The Act recognises that it is in the public interest to hold a public hearing when a person causes the death of another. It is mandatory for the coroner to hold an inquest if the death occurred in Victoria, the coroner suspects the death was the result of homicide, and no person or persons have been charged with an indictable offence in respect of the death.¹
7. The role of a coroner is to independently investigate reportable deaths to establish, if possible, identity, medical cause of death, and surrounding circumstances. Surrounding circumstances are limited to events which are sufficiently proximate and causally related

¹ Section 52(2)(a); section 52(3)(b).

to the death. The purpose of a coronial investigation is to establish the facts, not to cast blame or determine criminal or civil liability.

8. Under the Act, coroners also have the important functions of helping to prevent deaths and promoting public health and safety and the administration of justice through the making of comment or recommendations in appropriate cases about any matter connected to the death under investigation.
9. Then-Deputy State Coroner Jacqui Hawkins initially held carriage of the investigation into Mr Lobosco's death. I assumed carriage on 21 September 2023 for the purposes of finalising the investigation and making findings.
10. Victoria Police assigned an officer to be the Coroner's Investigator for the investigation of Mr Lobosco's death. The Coroner's Investigator conducted inquiries on the Court's behalf, including taking statements from witnesses – such as family, the forensic pathologist, treating clinicians, and investigating officers – and submitted a coronial brief of evidence.
11. This finding draws on the totality of the coronial investigation into the death of Vincenzo Lobosco including evidence contained in the coronial brief. Whilst I have reviewed all of the material, I will only refer to that which is directly relevant to my findings or necessary for narrative clarity. In the coronial jurisdiction, facts must be established on the balance of probabilities.²

CIRCUMSTANCES IN WHICH THE DEATH OCCURRED

12. On 25 June 2022, Mr Lobosco was at his home address with Mr Heaney. Mr Lobosco's son was also at home.
13. At about 7:00am, Mr Lobosco and Mr Heaney had a verbal argument which escalated to physical violence.

² Subject to the principles enunciated in *Briginshaw v Briginshaw* (1938) 60 CLR 336. The effect of this and similar authorities is that coroners should not make adverse findings against, or comments about, individuals unless the evidence provides a comfortable level of satisfaction as to those matters taking into account the consequences of such findings or comments.

14. Mr Heaney is believed to have struck Mr Lobosco multiple times to the head and neck with a blunt object, causing lacerations to his head and injuries to his neck. Mr Heaney then left the home.
15. Mr Lobosco's son came out of his room after hearing and witnessing part of the assault. He found Mr Lobosco unresponsive and lying on the floor. He contacted emergency services and commenced CPR at the instruction of the call taker.
16. Ambulance Victoria (**AV**) and Fire Rescue Victoria (**FRV**) arrived shortly after and continued CPR. Mr Lobosco was intubated at the scene, and compressions continued for about 35 minutes. Mr Lobosco was confirmed to be deceased at 8:40am.

IDENTITY OF THE DECEASED

17. On 28 June 2022, Vincenzo Lobosco's identity was confirmed by way of fingerprint identification.
18. Identity is not in dispute and requires no further investigation.

MEDICAL CAUSE OF DEATH

19. On 25 June 2022, Forensic Pathologist Dr Heinrich Bouwer (**Dr Bouwer**) from the Victorian Institute of Forensic Medicine (**VIFM**) conducted an autopsy. Dr Bouwer reviewed the Victoria Police Report of Death Form 83, post-mortem computed tomography (**CT**) scan, request for autopsy, AV Report, statements of paramedics, and scene photographs and provided a written report of his findings. Dr Bouwer also attended the scene.
20. The autopsy revealed evidence of relatively minor **blunt force trauma to the head, upper chest and neck regions.**
21. There was an acute fracture of the left greater horn of the hyoid bone and a single bruise to the left sternohyoid strap muscle, raising the possibility of neck compression and potential asphyxia mode of death. However, other stigmata one might associate with neck compression such as florid facial congestion and petechiae were not present.

22. Ambulance Victoria MICA paramedic, Daniel Gebeyehu provided a statement and confirmed there was no way he could have damaged Mr Lobosco's hyoid in the process of intubation. He stated the process of intubating was smooth, resistance-free, and that no force was used.
23. There were three blunt force injuries (abraded somewhat linear lacerations) in three different planes on the right, mid and left forehead respectively. There was no underlying skull fracture or intracranial haemorrhage. These injuries may have been caused by an edged weapon, object, or similar surface.
24. There were scattered bruises and abrasions on the upper limbs and subcutaneous bruising on the dorsa of the hands.
25. There were no typical stab wounds.
26. Dr Bouwer noted that there was **significant underlying natural disease**. There was extensive involvement of the left chest cavity by malignant mesothelioma, which was complicated by large malignant pleural effusion, approximately 3500mL, with collapse of the left lung and marked mediastinal shift towards the right. Malignant mesothelioma is a type of cancer that occurs in the thin layer of tissue that covers the majority of internal organs of the chest and abdomen. Mesothelioma is caused by inhaling or ingesting asbestos.
27. The autopsy also revealed **stigmata of chronic injecting drug use**. Toxicological analysis detected the recent use of heroin together with benzodiazepines and methylamphetamine. Dr Bouwer noted that, following injection of heroin, it is rapidly metabolised to 6-monoacetylmorphine and then to morphine. Heroin together with benzodiazepines increase central nervous system depression, which may lead to severe sedation, coma, and even death in the absence of other contributing factors. Methylamphetamine is a stimulant illicit drug which has adverse cardiovascular affects. The autopsy revealed a degree of coronary artery atherosclerosis which may in part be due to methylamphetamine use.
28. Post-mortem biochemistry was noted to be non-contributing.

29. The severity of the injuries to the forehead, upper chest, and neck region were not considered by Dr Bouwer to be of a degree significant enough to have caused or contributed to death on their own, but may well have contributed to death in the context of advanced underlying natural disease (significantly compromising the cardiorespiratory function), and toxicological findings.
30. Given the extent of relatively minor blunt force head and neck trauma, together with significant underlying natural disease, and evidence of injecting drug use, Dr Bouwer provided an opinion that the medical cause of death was '*I (a) consequences of a physical struggle in the setting of injecting drug use (heroin, benzodiazepines, methylamphetamine) in a man with mesothelioma*'.
31. I accept Dr Bouwer's opinion.

VICTORIA POLICE HOMICIDE INVESTIGATION

32. The Victoria Police Homicide Squad attended the scene and conducted further investigations to assist in determining the circumstances of Mr Lobosco's death.

The incident of violence

33. On 24 June 2022, Mr Heaney arrived at Mr Lobosco's house at about 4:30pm to stay the night. Throughout the evening, Mr Lobosco, his son and Mr Heaney sat in the lounge room watching movies.
34. At about 4:30am on 25 June 2022, Mr Lobosco contacted another friend and asked him to come to the house to assist him to inject heroin. This was apparently a longstanding agreement between the two. The friend attended and injected Mr Lobosco with heroin at about 5:00am. The friend left the house shortly after this.
35. Mr Lobosco's son then left Mr Lobosco and Mr Heaney in the lounge room and went to his bedroom to try to go to sleep. He woke at about 7:00am to a breaking noise coming from the lounge room. He overheard an argument between Mr Heaney and Mr Lobosco.
36. Mr Lobosco's son walked to the lounge room and saw Mr Heaney crouching over Mr Lobosco, who was lying on the floor. He saw Mr Heaney physically restraining Mr Lobosco. Mr Lobosco's son heard his father say that he could not breathe, and that he was

dying. Mr Heaney was heard to say, “*hold still...I’m not going to kill you...just tell me the proof [sic]...people say you are going to fuck me over*”.³

37. Mr Lobosco’s son was uncertain of what to do, given Mr Heaney’s criminal history, and did not want to intervene. Mr Heaney walked past Mr Lobosco’s son and told him to go back to his room, and that he had had a fight with Mr Lobosco. Mr Lobosco’s son observed Mr Heaney return from the kitchen with a large silver kitchen knife.⁴ Mr Lobosco’s son stayed inside his room and heard Mr Heaney leave the address at about 7:30am.
38. Mr Lobosco’s son went to the living room about 15 minutes later and found Mr Lobosco on the floor with the knife in his left hand. As detailed above, he contacted emergency services who attended and confirmed Mr Lobosco was deceased.

Crime scene

39. Victoria Police found Mr Lobosco with injuries and blood staining to his head, hands, forearms, chest, and stomach. There was also blood on the floor and throughout the lounge room on the couch, pillow-cases, and coffee table.⁵
40. The silver kitchen knife that was observed in Mr Lobosco’s hand by his son was moved by AV during treatment. The knife was collected for forensic analysis. A baseball cap was located on the couch. CCTV footage depicted Mr Heaney wearing this cap when he arrived at Mr Lobosco’s home on 24 June 2022.
41. Victoria Police members determined that, following the physical altercation, Mr Heaney had obtained the silver kitchen knife from the kitchen and placed it in Mr Lobosco’s hand.⁶
42. Cash and prescription drugs were located throughout the home.⁷

Post-offence conduct and arrest of Mr Heaney

43. CCTV footage obtained after the death shows Mr Heaney leaving Mr Lobosco’s house holding something in a plastic bag. This was believed to be the weapon used to assault Mr

³ Transcript of interview of Mr Lobosco’s son.

⁴ Transcript of interview of Mr Lobosco’s son.

⁵ Statement of Senior Constable Hai-Tieng Lim.

⁶ Transcript of interview of Mr Lobosco’s son.

⁷ Statement of Senior Constable Hai-Tieng Lim.

Lobosco; however, it was not recovered.⁸ After leaving Mr Lobosco's home, Mr Heaney returned to his own house at Broadmeadows at about 8:12am.⁹ He washed the jumper he was wearing at the time of the assault, turned his phone off,¹⁰ and left the house. He did not return.

44. On 27 June 2022 at about 1:22pm, Mr Heaney contacted a mutual friend of his and Mr Lobosco's, turning his phone on for the first time in two days. During the conversation, Mr Heaney admitted to having a fight with Mr Lobosco. He stated Mr Lobosco had hit him with a spanner, and Mr Heaney then took the spanner and hit Mr Lobosco with it several times and hit him in the throat. The friend told Mr Heaney that the police had been looking for him.¹¹
45. This phone activation allowed police to track Mr Heaney's location within the Preston area, and investigators attended the area in search of Mr Heaney.
46. Following a police pursuit, on 27 June 2022 at about 4:35pm, Mr Heaney was apprehended by Victoria Police at Coburg Lake Reserve, where he initially remained in his vehicle. He then approached officers with a screwdriver-type object before they retreated 5-6 metres away from Mr Heaney for their safety. Mr Heaney was repeatedly instructed to drop the weapon, which he refused to do.
47. As a result, the police members discharged their weapons and fired a series of shots at Mr Heaney, who received gunshot wounds to both legs and his head. He was taken to hospital for treatment.
48. One month later, Mr Heaney was taken from hospital to Ravenhall Correctional Centre on charges flowing from the circumstances of his arrest (**arrest charges**). He was interviewed by police on 5 November 2022 and provided a 'no comment' interview in relation to Mr Lobosco's death. Mr Heaney agreed to fingerprint and DNA testing.

⁸ Exhibit – CCTV movie book.

⁹ Exhibit – CCTV movie book.

¹⁰ Exhibit – Call charge record of Mr Heaney.

¹¹ Statement of Norman Mancuso.

Victoria Police conclusion

49. The Homicide Squad considered the evidence and determined that Mr Lobosco had several undiagnosed and untreated medical illnesses, along with a history of chronic drug use. The evidence suggested Mr Heaney assaulted Mr Lobosco on 25 June 2022. Immediately afterwards and as a result of the assault, Mr Lobosco died.
50. Forensic analysis of items found at the crime scene was commenced. The forensic analysis of the knife located in Mr Lobosco's hand showed a mix of two DNA profiles on the handle, one for Mr Lobosco and one for Mr Heaney.¹²
51. Mr Lobosco's injuries from the assault in isolation were not believed to be fatal, however were considered to have contributed in a meaningful and significant way to the death. Victoria Police concluded that Mr Lobosco died as a result of the consequences of the physical assault committed by Mr Heaney.¹³

Criminal proceedings

52. On 22 February 2023, a brief of evidence was provided to the Office of the Public Prosecutions for advice in relation to possible charges against Mr Heaney. On 23 February 2023, Mr Heaney was granted bail by the Melbourne Magistrates Court in relation to the arrest charges, and was released to appear at a committal hearing on 1 August 2023.

Mr Heaney's death

53. Before any charges could be laid in relation to Mr Heaney causing the death of Mr Lobosco, Mr Heaney died unexpectedly on 22 April 2023, in Werribee.
54. Mr Heaney's official cause of death was 1(a) mixed drug toxicity (methadone, pregabalin, diazepam) in a man with cardiac hypertrophy.
55. Due to Mr Heaney's death, the criminal prosecution in connection with Mr Lobosco's death was discontinued. A finding into his death in the coronial jurisdiction was made on 9 February 2024 by my colleague, Coroner Katherine Lorenz.

¹² Statement of Nicole Haycraft.

¹³ Coronial Brief, prepared by Detective Senior Constable Telen Stanfield.

FINDINGS AND CONCLUSION

56. Having held an inquest in relation to the death of Vincenzo Lobosco, I make the following findings pursuant to section 67(1) of the Act:
- a) the identity of the deceased was Vincenzo Lobosco, born, 28 October 1965;
 - b) the death occurred on 25 June 2022, at Albanvale, Victoria, 3021, from 1(a) consequences of a physical struggle in the setting of injecting drug use (heroin, benzodiazepines, methylamphetamine) in a man with mesothelioma;
 - c) the death occurred in the circumstances described above.
57. Having considered all of the circumstances, including the medical examiner's report of Dr Bouwer, I find that the death occurred in the context of a number of complicating factors, including Mr Lobosco's drug use and mesothelioma. The physical struggle also contributed to his death. Having sought the opinion of Dr Bouwer on the degree of contribution of each of the factors listed in Mr Lobosco's cause of death, I cannot determine the degree of contribution of the physical altercation. Dr Bouwer has opined, and I so find, that the cause of death must be viewed holistically and that the impacts of the underlying natural disease, drug use and physical struggle are not capable of being individually quantified.
58. Ultimately, I find on the balance of probabilities that Mr Heaney physically struck Mr Lobosco with an object, and the resultant physical struggle was a factor contributing to Mr Lobosco's death. However, the severity of the injuries to the forehead, upper chest, and neck region that resulted from the altercation was insufficient to have caused the death on its own.
59. I make no further comment in relation to the legal characterisation of Mr Heaney's conduct, noting the limits imposed by section 69 of the Act. I note further that, for natural justice purposes, Mr Heaney's senior next of kin was afforded the opportunity to make comment on my proposed findings, and determined not to do so in the circumstances.
60. I thank Acting Detective Sergeant Telen Stanfield, Coroner's Investigator, for the comprehensive coronial brief, for his capable assistance during this investigation, and for his presence at Inquest. I also thank Ms George Carrington for her excellent assistance.

61. I convey my sincere condolences to Mr Lobosco's family for their loss.

ORDERS

Pursuant to section 73(1) of the Act, I order that this finding be published on the Coroners Court of Victoria website in accordance with the rules.

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

Rocco Lobosco, Senior Next of Kin

Senior Next of Kin of Daniel Heaney

Acting Detective Sergeant Telen Stanfield, Coroner's Investigator

Signature:



Coroner Ingrid Giles

Date: 24 June 2024



NOTE: Under section 83 of the *Coroners Act 2008* ('the Act'), a person with sufficient interest in an investigation may appeal to the Trial Division of the Supreme Court against the findings of a coroner in respect of a death after an inquest. An appeal must be made within 6 months after the day on which the determination is made, unless the Supreme Court grants leave to appeal out of time under section 86 of the Act.
