



**CORONERS COURT  
OF NEW SOUTH WALES**

<b>Inquest:</b>	Inquest into the death of Anthony Cawsey
<b>Hearing dates:</b>	11,12 & 13 December 2017
<b>Date of findings:</b>	13 December 2017
<b>Place of findings:</b>	NSW Coroner Court - Glebe
<b>Findings of:</b>	Magistrate Paula Russell, Deputy State Coroner
<b>Catchwords:</b>	CORONIAL LAW – s78 Suspension of inquest
<b>File number:</b>	2009/473097

**Representation:**

Counsel Assisting

Ms Ragni Mathur of Counsel  
instructed by Ms T Howe, Crown Solicitor's Office

Moses Kellie

Ms Madeleine Bridget of Counsel

**Findings:****Identity:** Anthony Cawsey**Date of death:**

26 September 2009

**Place of death:**

Centennial Park, Sydney, New South Wales

**Cause of death:**

Direct Cause: Haemopericardium

**Antecedent Cause:**

Stab wound to the left chest

**Introduction****Inquest**

S 81 of the *Coroners Act 2009* requires that a coroner holding an inquest into the death of a person

must, at its conclusion or on its suspension, record in writing the coroner's findings as to:

(a) the person's identity, and

(b) the date and place of the person's death, and

(c) in the case of an inquest that is being concluded-the manner and cause of the person's death.

**Findings:**

I make the following findings:

Anthony Cawsey died at Centennial Park, Sydney, New South Wales on 26 September 2009. The cause of his death was haemopericardium as a result of a stab wound to his left chest.

**S 78 Coroners Act 2009**

S 78 Coroners Act 2009 is relevantly in the following terms:

*78 Procedure at inquest or inquiry involving indictable offence*

(1) *This section applies in relation to any of the following inquests or inquiries:*

*(b) an inquest or inquiry if, at any time during the course of the inquest or inquiry, the coroner forms the opinion (having regard to all of the evidence given up to that time) that:*

- (i) the evidence is capable of satisfying a jury beyond reasonable doubt that a known person has committed an indictable offence, and*
- (ii) there is a reasonable prospect that a jury would convict the known person of the indictable offence, and*
- (iii) the indictable offence would raise the issue of whether the known person caused the death, suspected death, fire or explosion with which the inquest or inquiry is concerned.*

(3) *If this section applies to an inquest or inquiry as provided by subsection (1) (b), the coroner may:*

- (a) continue the inquest or inquiry and record under section 81 (1) or (2) the coroner's findings or, if there is a jury, the verdict of the jury, or*
- (b) suspend the inquest or inquiry and, if there is a jury, discharge the jury.*

(4) *The coroner is required to forward to the Director of Public Prosecutions:*

- (a) the depositions taken at an inquest or inquiry to which this section applies, and*
- (b) in the case of an inquest or inquiry referred to in subsection (1) (b)—a written statement signed by the coroner that specifies the name of the known person and the particulars of the indictable offence concerned.*

I have formed the opinions that there is evidence capable of satisfying a jury beyond reasonable doubt that a known person has committed an indictable offence and that there is a reasonable prospect that a jury would convict that person of that offence. I have formed the opinion that the indictable offence would raise the issue of whether that person caused the death of Anthony Cawsey.

The question of whether a person is guilty of a criminal offence is a question which is not to be decided in this jurisdiction. The consequence of my forming those opinions is that the inquest will be suspended without my making findings on the manner in which Anthony Cawsey sustained the stab wound which led to his death.

Pursuant to s 78(3)(b) of the Coroners Act 2009 I suspend this inquest.

Magistrate Paula Russell  
Deputy State Coroner  
Glebe  
Date: 13 December 2017