



CORONERS COURT OF NEW SOUTH WALES

Inquest:	Into the death of Sylvester Butler Jr.
Hearing dates:	3 May 2019
Date of findings:	30 May 2019
Place of findings:	State Coroners Court, Lidcombe
Findings of:	Deputy State Coroner E.Truscott
Catchwords:	Coronial Law-Cause and manner of death-cruise ship-missing person
File number:	2017/168641
Representation:	Coronial Advocate: Mr D Welsh
Findings:	That Sylvester Butler Jr. is deceased. He died between 1 May 2017 and 3 May 2017 whilst at sea between Vanuatu and Sydney, NSW Australia. The manner and cause of his death is undetermined.
Recommendations:	Nil

IN THE CORONERS COURT
LIDCOMBE
NSW

SECTION 81 CORONERS ACT 2009

REASONS FOR DECISION

1. This inquest concerns the disappearance and suspected death of Sylvester Butler who was last seen on 1 May 2017 by a stateroom steward on board the Golden Princess voyaging from Vanuatu towards Sydney, Australia.
2. Sylvester Butler was born on the 4 December 1956. He is a United States resident and citizen, and was born and raised in Albany, New York. At the time of his disappearance he resided at 11 Osborne Drive, Colonie, New York (also referred to as Osborne Rd, Albany New York).
3. Mr Butler had previously served in the military for 3 to 4 years after he left school. After leaving the military, he worked for a long period at Secret Garden Bed and Breakfast in Los Angeles, California, until returning to New York when he purchased his home after inheriting \$250,000 US from a trust fund in 2014. He was never married and never had children.
4. On 27 February 2017 Mr Butler booked a 14 day cruise round trip from Sydney departing Sydney 21 April 2017. His booking included return airfares leaving Albany New York on 19 April and arriving on return at 10.51 pm on 4 May 2017. Mr Butler departed Albany as planned but missed a connecting flight in San Francisco apparently not being able to

receive a boarding pass in time. He had been due to 21 April 2017 at 7:00 a.m. He rearranged his travel so that he then flew into Sydney and took a connecting flight to Noumea where he embarked the Golden Princess on 24 April. This was the ship's first port of call. Mr Butler was travelling by himself.

5. The Golden Princess cruise ship is owned by Princess Cruises out of Carnival Corporation. The ship was built in 2001 and refurbished in 2005. She is 289 metres long, 36.2 metres wide and 18 storeys high. She weighs 43 474 tons and is registered in London. On-board are 1106 staff and crew. She has the capacity to carry 2625 passengers.
6. Mr Butler's cabin was C753, which is located stern Deck 10, starboard. Joel Morfe was the accommodation attendant responsible for looking after room C753 during Mr Butler's stay on the Golden Princess. Mr Morfe recalls meeting Mr Butler within the room at 6 p.m. on the 24 April 2017. He describes Mr Butler as smiling and appearing happy.
7. On the 25 April 2017, about 8 or 9 a.m., Mr Morfe saw Mr Butler in shorts and t-shirt in the accommodation corridor on deck 10. Mr Morfe describes Mr Butler as smiling and very happy. Mr Morfe asked Mr Butler if he needed him to check his room. Mr Butler said that he didn't and said that he was going to the gym. When Mr Morfe approached the room, he saw that there was a privacy sign on the door.
8. About 7 p.m. he saw Mr Butler again in the deck 10 corridor. He was carrying a plate of food toward his cabin. When he entered his cabin, he put up the privacy sign on his door.
9. On the morning of the 26 April 2017, Mr Morfe again saw Mr Butler on his way to the gym. Mr Morfe asked him if he needed anything, and Mr Butler told him no, he was okay. Mr Morfe went to check his room. The

“privacy” sign was displayed. Mr Morfe again saw Mr Butler in the evening. Mr Morfe states that Mr Butler was always happy when he saw him.

10. On the 27 April 2017, Mr Morfe approached Mr Butler who was on his way to the gym. Mr Morfe informed Mr Butler that it was policy that Mr Morfe cleans his room at least once. Due to the privacy sign being displayed, Mr Morfe had been unable to clean Mr Butler’s room. Mr Butler was happy with this and Mr Morfe cleaned the room. Mr Morfe describes the state of the room as clean. He observed that Mr Butler was not using the coat hangers for his clothing and Mr Morfe did not observe clothes lying around the room.

11. About 2 p.m. in the afternoon Mr Morfe noticed the privacy sign was again displayed on Mr Butler’s door. The sign was still on his door at 5:30 p.m.

12. On the 28 April at 9:30 a.m., Mr Morfe saw Mr Butler and informed him that staff was changing the mattresses in the rooms. Mr Butler was okay with this occurring, and Mr Morfe returned at 2 or 3 in the afternoon and changed the mattress in Mr Butler’s room. That evening, Mr Morfe noted that the privacy sign was displayed.

13. On the morning of the 29 April, Mr Morfe saw Mr Butler again. Mr Morfe assumed that Mr Butler was going to the gym. Mr Butler informed Mr Morfe that he did not need his room cleaned. The privacy sign was displayed. Mr Morfe asked Mr Butler if he needed anything and Mr Butler said that he was okay.

14. Between 9 a.m. and 10 a.m. on the 30 April, Mr Morfe saw Mr Butler in the corridor. Mr Butler said, “Hello.” Mr Morfe asked him if he could clean his room. Mr Butler said, “Go ahead.” Mr Morfe entered the room

between 1:00 p.m. and 1:30 p.m. and cleaned the room. When he cleaned the bathroom he did not notice a hairbrush, a toothbrush or toiletries being present. Mr Morfe assumed those items were within Mr Butler's luggage. Mr Butler's luggage bag was standing upright near the toilet.

15. Later on the 30 April, Mr Morfe returned to Mr Butler's room and saw the privacy sign again in place. He did not see Mr Butler.

16. About 9 a.m. on the 1 May 2017, Mr Morfe saw Mr Butler in the corridor. Mr Morfe assumed, because of the clothing Mr Butler was wearing, that he was returning from the gym. He was wearing the yellow shirt and black shorts that Mr Morfe had observed him wearing on previous occasions. Mr Morfe said, "Good morning."

17. Mr Butler said, "You are a good man." Mr Morfe said, "Can I clean your room?" Mr Butler said, "I will have a shower first and you can clean my room."

18. About 9:30 a.m. on the 1 May 2017, Mr Morfe noticed Mr Butler in the corridor. Mr Morfe asked Mr Butler if he could clean his room. Mr Butler said, "Yes." Mr Morfe did not immediately clean the room, as he had other tasks. This was the last time he saw Mr Butler. Mr Morfe cleaned the room later that day.

19. During the remainder of the 1 May 2017, Mr Morfe walked past Mr Butler's room several times. Every time he walked past the room, he observed the privacy sign on the door. Later that evening Mr Morfe returned to Mr Butler's room to turn down the bed. There was no privacy sign on the door. He knocked several times but received no answer. Mr Morfe unlocked the door using his master key and entered the room. Mr Butler was not in the room. The balcony door was closed with the curtain pulled across. The room appeared in an identical

condition as when Mr Morfe had left it in the morning. He turned down the bed leaving a complimentary chocolate on top.

20. Mr Morfe returned on the morning of the 2 May to clean the room. The room was empty and appeared exactly as Mr Morfe had left it the previous evening. On this occasion, Mr Morfe cleaned the balcony. The only rubbish was a can of soda. There was water on top of the fridge. The water was the same level as when Mr Morfe had entered on the previous evening.

21. Mr Morfe next entered the room on the evening of the 2 May to clean it. The room appeared exactly as previously.

22. On the 3 May 2017, Mr Morfe again entered the room. Due to the untouched state of the room, Mr Morfe became concerned and informed his supervisor Wannaporn Pratumwong. Ms Pratumwong has made a statement to the police. She says that as a result of Mr Morfe's report she entered Mr Butler's cabin at about 11 am. She saw that the luggage was packed and that there were no personal effects or toiletries in the bathroom, no clothing in the wardrobe and the bed was made with the chocolates on the bed. She concluded that the room had not been used. She did not escalate the matter because she believed that he was perhaps staying with someone else in another stateroom. Later that evening she noted that Mr Butler's luggage had not been placed outside room for disembarkation collection and it was then that she reported him as a missing person to her supervisor.

23. Mr Morfe said that at about 6 pm he again entered Mr Butler's room and saw it was untouched. He contacted his supervisor again. Executive House Keeping and the Front Desk also attended. It was at that point that an investigation was started.

24. On 3 May at 9:15 p.m. Staff Captain, Jonathan Baranski, notified Captain Lubrano-Lavadera that a passenger, Sylvester Butler, was

missing. Captain Lubrano-Lavadera was informed that Mr Butler had last been seen at 9:30 a.m. on the 1 May 2017. The Golden Princess's location at the time of this sighting was approximately 141 miles south east of Aneitym Island – Vanuatu. More formally, the ship's position was Latitude 21 05.4 South, Longitude 172 11.75 East.

25. Upon being notified a passenger was missing, Captain Lubrano-Lavadera ordered a full search of the ship, commencing at 9:41 p.m. The search included CCTV review. At 10:30 p.m., Captain Lubrano-Lavadera made a broadcast to all passengers informing them of the missing person case. At 11:15 p.m., Captain Lubrano-Lavadera notified passengers that the search had been unsuccessful.
26. The Golden Princess docked at Sydney Overseas Passenger Terminal, Circular Quay, on the 4 May 2017, with the gangways deployed and ready for use at 6:22 a.m. At 6:30 a.m. on the 4 May 2017, police from the Marine Area Command boarded the vessel at Circular Quay after receiving notification from Princess Cruises employees that Sylvester Butler had gone missing.
27. When police arrived, staff were conducting a second search of the Golden Princess for Mr Butler. Once all the passengers had disembarked, a third search was conducted without success.
28. Police requested a "PACE" alert be placed on Mr Butler, which means that NSW Police and Australian Federal Police would be contacted in the event Mr Butler attended any point of departure within Australia. He has not.
29. The ship has numerous CCTV cameras using a DiBos recording system. A full review of the camera footage has been undertaken by Princess Cruises. After the hearing I received a letter from Myrl Wesley Demory III, Senior Manager of Fleet Security for Princess Cruises and the Holland Line. He states that the DiBos recording units were

removed from the Golden Princess to prevent data being overwritten by new recordings. The units were sent to Princess Cruises corporate offices so that a forensic analysis could be conducted. That was not possible so Shoreside members of the Fleet security department spent about 40 man hours reviewing the CCTV footage from prior to the last sighting of Mr Butler which was recorded as 13:10 on 30 April up to the ships arrival in Sydney on 4 May 2017.

30. Mr Demory says that the video reviewed included that of cameras covering gangways, public areas and the ships perimeter. Of the perimeter cameras, #048 included a portion of the balcony of Mr Butler's stateroom. Camera #039 also covers a portion of this balcony. A third camera #034 port side aft deck 14 would have covered the stern balconies on port side. In his letter Mr Demory says that "it is possible that Mr Butler could have gone over the side of the ship in the area that would only have been covered by this camera". I do not see how that would be possible given Mr Butler's stateroom is starboard. In any event, apparently camera #034 was out of service.

31. CCTV image on camera #039 was reviewed by Gajanan Damajoi, a security Supervisor who was on board the Golden Princess. In his statement he says that "During reviewing camera, No 39 at 18:30 hrs on 29 April 17 UTC passenger was seen in balcony with head covered with a white towel. During the next 12 hours he was seen several times in balcony eating breakfast and sitting on lounge chair and using mobile device". The last brief clip of passenger was on 30 April at 07.29.49 UTC where he appeared on the balcony...no other suspicious activity to match above incident was observed".

32. The ships recordings on CCTV and its database and referred to in statements carry with it "+UTC" times to local times which involves adding between 10-12 hours depending on the ship's positioning. The last sighting of Mr Butler contained on the CCTV is whilst he was on his stateroom's balcony at 7.29 pm on 30 April on camera #39.

33. The CCTV is poor quality, especially at night. One camera captures the entire balcony rail, while another camera captures a partial of the balcony. Security Manager Warren Clough and CCTV operator Michelle Fernandez reviewed the footage and Mr Clough informed the Officer in Charge that he believed that the only image that might represent a person crossing over Mr Butler's balcony rail was about 3 minutes after this last sighting. However, he also believed it might have been an ocean reflection. The evidence that Mr Butler possibly went over the balcony is contradicted by sightings of him the following morning by Mr Morfe and indeed on the 2nd by another passenger – though it is possible that she was recollecting an incorrect date.
34. Unfortunately, the ships CCTV camera system, due to the inoperation of some camera's and the privacy placement of others, together with poor lighting conditions, have not been able to determine where and what Mr Butler's last movements were. Further, footage from a number of stern positioned cameras has been viewed and none show anybody going overboard stern.
35. Access to each stateroom is gained by a Passenger Cruise Card issued to each passenger. That card also records any movements of embarkation and disembarkation from the ship and any purchases made on-board. Stateroom Stewards have a similar card which allows them access; the card is referred to by them as a "Bing" card. Each time the door is accessed whether by passenger or crew, it is recorded on the Locklink database, but it does not record exiting the cabin via the door. Mr Butler's card was last used to enter his cabin at 6:58 p.m. on the 30 April 2017. There is no data in relation to when a person exits the room as a card is not required.
36. Apart from Noumea, the port Mr Butler joined the ship; there were 5 other ports where the ship stopped to enable passengers onshore. Mr

Butler did not go onshore at any ports. This was confirmed by the Locklink database as well as the viewing of the Gangway CCTV footage.

37. Mr Butler did not make any telephone calls from his stateroom nor did he receive any. Though the telephone system recorded a 48 second call being made from Stateroom C745 at 6:47 p.m. on the 25 April 2017 it appears this was made by one steward calling Mr Morfe who at that time must have been inside cleaning Mr Butler's stateroom.

38. The passenger cruise card data shows that Mr Butler's last recorded transaction was when he purchased a laundry token at 6:27 p.m. on 30 April 2017. Indeed, Mr Butler's expenditure was minimal whilst on-board. The data shows that he had purchased laundry tokens and laundry soap on 26 April, a soft drink on 27 April at the Calypso Bar, a soft drink in his room on 29 April and another on the promenade on 30 April. I note that on 30th Mr Butler bought 2 coke soft drinks in the one transaction which means he was keeping company and had bought some-one a drink or it could be that he intended on taking one down to his room to drink as there was a glass of perhaps coke in the fridge in his stateroom which is shown in one of the photographs.

39. There is evidence from other passengers that Butler was seen after the CCTV balcony footage of 30 April. Mr Roger Vincent occupied stateroom C745. He both provided a statement to the police. Mr Vincent said that he was shown a photograph of Sylvester Butler by Chief Security Guard Paige and that he recognised Mr Butler. He believes he saw Mr Butler in the hallway near his stateroom around 30 April 2017 or the 1 May 2017. Mr Vincent says that Mr Butler appeared as if he was undecided about whether to go back to his room or not.

40. Julie Begley and Lance Knox were passengers occupying a stateroom near to Mr Butler's. They spoke with him on a few occasions and on one occasion attended his stateroom and spoke with him for about 45

minutes. They are not specific about the date in their statements, but their visit was captured on the balcony CCTV prior to when Mr Butler was seen alone on the balcony on the 30 April 2017. Julie Begley believes she saw Mr Butler at about midday on the 2 May 2017 at the elevators close to their staterooms. She said that Mr Butler did not get in the lift as it was full.

41. Neither Lance Knox nor Julie Begley noticed anything unusual about Mr Butler's behaviour in their interactions with him. Julie Begley states that he did not appear drunk or affected by illness. She did note that Mr Butler spent a lot of time in his cabin and she was aware that Mr Butler elected not to go ashore in Fiji. Lance Knox says that Mr Butler did not appear depressed on the times he saw him.

42. Mr Butler did not appear to have unpacked his luggage and I have given consideration as to whether any conclusions can be drawn from this. I also note that on 3 May 2017 his luggage was packed though it did not have any disembarkation labels on it. He had medication which included blood pressure medication. It would seem unlike Mr Butler to not return to his stateroom to take the medication if he intended to complete his cruise. Though it would seem unusual that he did not use drawers or the wardrobe, and though it might seem out of the ordinary for a passenger to not go ashore whilst on a cruise and have the privacy sign on their door throughout the cruise, it may not have been unusual for Mr Butler.

43. The brief contains a helpful statement from Mr Lanie Banguran, a stateroom steward on an earlier cruise taken by Mr Butler. That cruise was aboard the Emerald Princess in January 2017, apparently also in the Pacific Islands. Mr Banguran says that during that cruise Mr Butler always put the privacy sign out; he would leave in the morning to go to the gym. Mr Banguran said that when he was in the room he saw that Mr Butler had not unpacked his bag; he only had a couple of things hanging in the closet. He said that he would see him numerous times

during the day and evening he was always on his way to the gym or coming back, in which case he would have a small plate of food with him. He said that Mr Butler was always alone, nobody came to visit him and he would not talk very much, just say "hello". Like this cruise he did not go ashore either.

44. This case raises the possibility that Mr Butler has taken his own life by deliberately going overboard between the ship's last Fijian port of call and before its arrival in Sydney. Mr Butler had a genetic kidney disease; his 2 brothers had previously died of the same condition in 2009 and 2015. He was under the care of specialists; however, his medical records were unable to be obtained by the NSW police. Accordingly, it is unknown whether he had received information that his condition had deteriorated. The reports from Mr Morfe indicate that Mr Butler was in shorts and t shirt apparently going to the gym. However, inquiries with the gym did not suggest that any staff had seen him there. Likewise CCTV did not show him swimming in the pools and indeed inquiries would suggest that the pools were not open at the times Mr Morfe saw Mr Butler in the mornings. The reports from the neighbouring passengers that Mr Butler seemed happy and healthy would suggest that if there was any deterioration it had become life-threatening.

45. It is possible that Mr Butler had taken the cruise earlier in the year for the purpose of deliberately going overboard but failed to do so and this time rather than occupying a side balcony stateroom he occupied a stern stateroom explicitly for that purpose. However, there is no evidence of his going overboard and indeed though the last CCTV footage is at about 7.30 pm, there is evidence from Mr Morfe that when he cleaned the room on 1 May, the bed had been slept in the previous night.

46. I note that one of Mr Butler's bank account documents (Chase Bank) show that prior to taking the flight on 19 April there were payments to

the U-Haul Centre in Albany on 24 March, and 30 March and 6 April 2017, but there is no evidence that Mr Butler may have removed his belongings from his house prior to the trip. The remaining balance in that account was \$5447. There was a balance of about \$1000 in the Bank of America account.

47. A statement was taken from one of his friends, Thomas Duckett, who owns the Secret Garden Bed and Breakfast in Los Angeles. He had known Mr Butler for 35 years and describes him as someone who looked after his health. Although he did not think Mr Butler would suicide he said that perhaps he would if his medical condition became terminal and in those circumstances Mr Butler would prefer to choose his time. The police also contacted family members who understood that his medical condition was controlled well by medication. There is no evidence that Mr Butler's medical condition had deteriorated or that it had become terminal. Mr Duckett described Mr Butler as a very private person which is consistent with his behaviour seen on the ship.

48. The lack of any CCTV evidence showing stern movement though not ruling out that it didn't occur would be "cogent, exact and precise" evidence to find that he had deliberately taken his own life. The fact that there is no footage to that effect, taken together with the above evidence is insufficient to determine that Mr Butler took his own life. There is no evidence that he met foul play and his reserved nature would suggest that misadventure is unlikely.

49. I am satisfied that Mr Butler was last seen leaving his stateroom at about 1 May 2017 and that he did not return to his stateroom after that time. It is more likely that he was seen at the elevators in the afternoon of 1 May rather than 2 May by Ms Begley. I am satisfied that the ship was properly searched and that Mr Butler was not on-board when it arrived in Sydney on 4 May 2017. Mr Butler went overboard between 1 and 3 May 2017 but the circumstances of his going overboard are

unable to be determined accordingly, I am unable to determine the manner and cause of his death.

50. My findings are as follows:

Identity: **The person Sylvester Butler, Jr had died.**

Date: **He died between 1 and 3 May 2017**

Place: **At sea between Vanuatu and Sydney, Australia**

Manner and Cause: Undetermined.