



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the death of David Luc Monlun
Hearing dates:	17-18 July 2013, 15-18 July 2014, 2-4 March 2015, 8 July 2015
Date of findings:	4 August 2015
Place of findings:	NSW Coroner Court - Glebe
Findings of:	Magistrate Sharon Freund, Deputy State Coroner
Catchwords:	CORONIAL LAW – Cause and manner of death, suspicious death, GHB, methyl-amphetamine, multi drug toxicity.
File number:	2011/389616
Representation:	Mr S Buchen instructed by Ms G Lewer and Mr S Milesi, Crown Solicitors Office as Counsel Assisting the Coroner; Mr P Saidi and Mr M Spartalis instructed by Ms K Dobie of McCabes Lawyers for the Commissioner of Police; Mr G Brady instructed by Mr R Hudson for AB; Mr M Smith instructed by Ms J Johns of SCT Lawyers for Mr D Cole
Findings:	I find that David Luc Monlun died on 30 May 2011 from multi drug toxicity in suspicious circumstances. Accordingly, I refer the matter to the unsolved homicide squad.
Orders:	Pursuant to s. 74 of the Coroners Act 2009 I order that there be no publication of any information that identifies: <ul style="list-style-type: none"> a. the names of the deceased's daughters or their carer the deceased's ex-wife; and b. AB;.

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REASONS FOR DECISION

Introduction

1. This is an inquest into the death of David Luc Monlun who was found deceased on 30 May 2011 in his apartment at 28 Harbour Street, Darling Harbour ("**the Apartment**") where he was residing with his 7 year old daughter, YCM.
2. An extensive investigation was carried out by police into Mr Monlun's death. As a result, it became abundantly clear that his death occurred in circumstances which can only be described as suspicious. Accordingly, this is a mandatory inquest pursuant to section 27(1)(a) of the *Coroners Act 2009* ("the Act").

The function of the Coroner and the nature of the inquest

3. The role of a Coroner, as set out in section 81 of the Act, is to make findings as to:
 - a) the identity of the deceased;
 - b) the date and place of a person's death;
 - c) the physical or medical cause of death; and
 - d) the manner of death; in other words, the circumstances surrounding the death.
4. In the event that the Coroner is satisfied that the evidence is:
 - a) capable of satisfying a jury beyond reasonable doubt that a known person has committed an indictable offence; and
 - b) that there is reasonable prospect that a jury would could convict a known person of an indictable offence; and
 - c) the indictable offence would raise the issue of whether the known person/s caused the death with which the inquest is concerned,

then the Coroner must suspend the inquest and refer the transcript to the Director of Public Prosecutions pursuant to section 78 of the Act. I did not reach such a conclusion at any point during this inquest.

5. As indicated at the outset of this inquest, which unfortunately for Mr Monlun's family, and in particular his daughters, went for much longer than anticipated, there is no issue in relation to the identity, date, place or direct cause of Mr Monlun's death,

which was mixed drug toxicity, caused by the consumption of Gamma Hydroxybutyrate (GHB), or a precursor to that drug which converts to GHB in the body, and methyl-amphetamine¹. Accordingly, this inquest only sought to determine the circumstances surrounding Mr Monlun's overdose and subsequent death and in particular, whether he died as a result of an intentional or accidental self administered overdose or whether the drugs that ultimately killed him were administered by another or others without his knowledge or consent.

Background

6. Mr Monlun was born in the Bordeaux region of France. After completing his baccalaureate, which is the European equivalent of our HSC, Mr Monlun commenced a degree in business and finance at a well-regarded tertiary institution in France. He met his first wife, MSB, who was also studying there. They both graduated in 1993 and married in 1994.
7. Over the next few years, Mr Monlun and MSB worked in various locations in the Pacific region. Mr Monlun worked in the area of airline freight movements.
8. In mid-1996 the couple moved to Sydney. Mr Monlun established a freight business in Australia in that year.
9. In 1997 their daughter OCM was born. However, the marriage deteriorated and by 1999 the couple separated and subsequently divorced. Their divorce was not finalised until 2003.
10. At the time of his death, Mr Monlun was a partner of a successful freight sales agency business called Repworld and also co-owned a French wine internet sales business called Bistrow. The businesses seemed to provide Mr Monlun with a good standard of living and the visible trappings of success, such as expensive cars, frequent travel and an apartment near the harbour.
11. The evidence indicates that in about 2000 or 2001, Mr Monlun commenced a relationship with Ms Sarah Manning. That relationship was on all accounts highly

¹ Exhibit 1, tab 4, Autopsy report

volatile and intermittent. When the relationship was on foot, it involved the regular use of prohibited drugs. In the period leading up to Mr Monlun's death, GHB, ice and cocaine were his drugs of choice. The relationship was also reportedly highly sexual.

12. Mr Monlun financially supported Ms Manning throughout the course of the intermittent relationship. At various times, they also lived together. There were periods when other people cohabited with Mr Monlun, including nannies, employees and friends. At one point a man named Matthew Haar, who may have been falsely introduced to Mr Monlun as Ms Manning's brother, lived with Mr Monlun and Ms Manning. Mr Haar was actually Ms Manning's former partner.
13. There is no evidence that Mr Monlun and Ms Manning were ever married in Australia. There is evidence of some type of ceremony taking place in Hawaii between the couple. Ms Manning has claimed at times, particularly in the context of Family Court proceedings, that the couple were married in Hawaii in June 2004. There is also evidence that Mr Monlun told his business partner that a ceremony did take place in Hawaii to appease Ms Manning, however there is no evidence to indicate that it was a genuine marriage ceremony.
14. In late 2003, Mr Monlun and Ms Manning had a daughter named YCM. Mr Monlun had DNA paternity testing performed to confirm that YCM was in fact his daughter. At the time of YCM's birth, Mr Monlun and Ms Manning lived together for a period of time, however this did not last. By 2005, the couple had separated. Ms Manning moved into an apartment in Randwick with Mr Haar and YCM. Mr Monlun owned the Apartment. It is possible that Mr Haar may have believed that YCM was his daughter.
15. In late 2006, Mr Monlun was kidnapped and assaulted on two separate occasions. Mr Haar was the sole perpetrator of the first incident, which involved injuries inflicted with a knife. Police attended the scene, however the evidence indicates that Mr Monlun did not feel sufficiently threatened and sent the police away. Of note, however, is the evidence that Mr Monlun was forced to ingest cocaine whilst he was detained.
16. The second incident occurred approximately a fortnight later. Mr Haar had two female accomplices. One of these accomplices was Ms Manning. Mr Monlun was

beaten and tied up and forced to sign over property, including a Harley Davidson motorcycle. The three offenders were convicted of various offences. Mr Haar received a total sentence of imprisonment of 3 years 3 months with a non-parole period of 1 year 9 months for crimes of assault occasioning actual bodily harm and aggravated kidnapping. Ms Manning received a 3 year good behaviour bond for a common law offence of unlawful imprisonment.

17. It would seem that as a result of the kidnapping and assaults, Mr Monlun installed CCTV cameras both inside and outside the Apartment.
18. In 2006, following his kidnapping and assault, Mr Monlun instigated further Family Court proceedings and was ultimately granted full custody of YCM, while Ms Manning was permitted to have supervised access to the child.
19. In late 2010, lawyers were engaged by Mr Monlun's first wife, who was seeking full custody of OCM without visitation rights for Mr Monlun and an order permitting OCM to change her surname. This dispute was unresolved at the time of Mr Monlun's death. Mediation was planned for the week beginning 30 May 2011.
20. In about early 2010, the relationship between Mr Monlun and Ms Manning appears to have resumed. It is not clear whether there was a constant relationship from that time, however there is evidence that the relationship intensified in the weeks leading up to Mr Monlun's death. The consumption of ice and GHB and drug-fuelled sexual encounters appear to have been a significant feature of the continuing relationship. Evidence was heard during the course of the inquest from a number of people who attended drug-fuelled parties held at the Apartment where both Mr Monlun and Ms Manning were in attendance.

Last known movements of Mr Monlun

21. At approximately midday on Sunday, 29 May 2011, Ms Jennifer Manning visited her daughter, Sarah Manning, at her home in Daphne St, Botany. Ms Manning lived at that address with her partner, Mr Ray Wilkinson. Jennifer Manning was accompanied by her former husband, Mr Raymond Giles. The visit appears to have been a surprise, after a lengthy period during which Sarah Manning and her mother had no contact with one another.

22. At about 2.15pm, Mr Monlun phoned Ms Manning and arrangements were ultimately made for Sarah, Jennifer and Raymond to come to the Apartment to see YCM. The group arrived at the unit at about 5.30pm.
23. The CCTV cameras installed in the hallway outside the Apartment captured the comings and goings. As previously indicated, Mr Monlun had also installed two CCTV cameras inside the Apartment. The cameras capture portions of the Apartment near the front door and in the dining and lounge room areas. The CCTV footage for the relevant period (i.e. the hours surrounding the death) has been obtained by police in evidence before me.
24. Analysis of the CCTV footage and telephone evidence has provided the basis for a chronology of events of the night that Mr Monlun passed away.
25. Ms Jennifer Manning and Mr Ray Giles were given a tour of the Apartment by YCM. This was the first time that they had visited the Apartment.
26. At about 6.12pm, Mr Monlun and Ms Manning left the unit. They returned about 10 minutes later. A take away food delivery arrived at about 7.30pm. The group ate dinner together and by most accounts, the atmosphere was congenial. YCM went to sleep at around 8.00pm. Although YCM's bedroom door was usually left open, on this night the door was closed.
27. Just after 8.00pm, Ms Manning again left the unit with Mr Monlun. He returned by himself at about 8.30pm. Mr Monlun left the Apartment again at 9.40pm, just over an hour later. He returned a few minutes later with Ms Manning and a male who called himself Jamie Philp. Sarah and Jamie were carrying bags. The evidence suggests that they had purchased some alcohol for Jennifer and Ray.
28. Mr Philp, who may also have been known at some time by the by the name Clifford Philpott, was a friend of Ms Manning and possibly of Mr Monlun as well. Mr Philp was introduced to Ms Manning by his former boyfriend, Mr David Byrom. Mr Byrom was also a friend of Mr Monlun and had stayed with him in the Apartment for approximately a week in early May 2011.

29. Mr Philp, at the time of Mr Monlun's death, was a long time user of the drug GHB. He had been hospitalised on multiple occasions for GHB overdoses. His association with Ms Manning involved the use of GHB.
30. At about 10.40pm, Jennifer Manning and Ray Giles left the Apartment. Ms Manning and Mr Philp remained with Mr Monlun until they departed his unit just before 4.00am the following morning. Accordingly, they were the last people to see Mr Monlun alive.
31. The CCTV footage from inside the unit captures Ms Manning's and Mr Philp's departure. Mr Monlun sees them off at the front door. In the next few minutes Mr Monlun can be seen to deteriorate. He is unsteady on his feet and drops a phone, before moving beyond the scope of the camera in the direction of his bedroom.
32. Later that morning, at about 7.00am, YCM awoke and found her father lying face down on his bed. She tried unsuccessfully to wake him. He was cold to the touch. YCM covered him with a blanket. Hours later YCM managed to contact MSB and OCM. They came to the Apartment and MSB discovered that Mr Monlun was deceased. Ambulance and police officers arrived soon afterwards.
33. At approximately 7.15pm, whilst the police were in attendance at the Apartment, AB arrived. AB was a person of interest in relation to the death of Mr Monlun. As a result of his attendance, the police asked him for contact details for Ms Manning. He falsely denied having contact details for her².
34. Despite AB's claim of not having contact details for Ms Manning, he was found to be present at Ms Manning's residence at Botany when police arrived there to advise of Mr Monlun's death.
35. AB gave evidence on the 8th day of the inquest. His evidence can be summarised as follows:
 - a) In about early 2010, he had met Ms Manning at a dinner party and he commenced a sexual relationship with her. The relationship appears to have continued at least until the time of Mr Monlun's death;

² Exhibit 1, Tab 17, Statement of Cassidy at paragraphs [8-10];

- b) He had met Mr Monlun through Ms Manning and they had become friends;
- c) He had attended a number of "gatherings" at the Apartment together with Ms Manning. Those "gatherings" included the consumption of illicit drugs including GHB, "ice" and cocaine;
- d) Despite being a registered medical practitioner in NSW and working in a major public hospital, he partook in the consumption of those substances;
- e) He could not recall whether YCM was present when the "gatherings" occurred, though evidence from others present suggest that she was;
- f) He had been invited to attend the Apartment on 29 May 2011 however he had chosen not to go and spent the early evening at an establishment called "Mistys" instead;
- g) That he had attended the Apartment on 30 May 2011, after receiving a phone call from Ms Manning urging him to go there and check on Mr Monlun. He only agreed to go as she was "genuinely worried" and "disproportionately anxious" as she was unable to reach Mr Monlun;
- h) He conceded that he deliberately misled investigating police, claiming that he did so because he did not want Ms Manning to find out about Mr Monlun's death from the police;

The circumstances of Mr Monlun's death

36. As indicated from the outset there are three possibilities in relation to Mr Monlun's death namely:
- a) he intentionally overdosed on the drugs with the intention of taking his own life;
or
 - b) he voluntarily consumed the drugs recreationally and accidentally overdosed and caused his own death; or
 - c) That some other person or persons administered some or all of the drugs to Mr Monlun thereby causing his death.
37. There was no credible evidence to suggest that Mr Monlun was suicidal, and would take steps to end his life. In fact, the evidence was to the contrary, namely:

- a) he had sole custody of his daughter YCM who was present in the Apartment at the time of his death;
- b) he had plans to travel to New Zealand with YCM in the days following his death;
- c) he had plans to meet an associate, Mr Cole, in the hours following his death to purchase a large quantity of GHB;
- d) he never made any prior attempts at self-harm and all who knew him reported him to be in good physical and mental health;

Accordingly, I am satisfied on the balance of probabilities that Mr Monlun did not take steps to end his own life on 30 May 2011.

38. It became abundantly clear during the course of this inquest that Mr Monlun, prior to his death, was engaging in activities that were illegal. He was not only a regular consumer of illicit substances such as GHB, "ice" and cocaine, he was also purchasing and had in his possession quantities of a precursor to GHB that indicates, on the balance of probabilities, that he was involved actively in its supply. Moreover, there was direct evidence that he was intending to meet up with an associate on the morning of his death to purchase a large quantity of GHB (or its precursor), however that transaction never occurred as a direct result of his death.
39. Accordingly, it is possible that Mr Monlun voluntarily consumed, on this particular occasion, an amount of GHB and "ice" that caused his death. However, the other theory remains open, that he was administered an amount of GHB over and above his usual dose with the intention of either incapacitating him or with the purpose of causing his death.
40. Ms Manning and Mr Philp were the last people to see Mr Monlun alive. Ms Manning has been described by many who knew her as a consummate liar. Her relationship with Mr Monlun was clearly volatile. She is last seen on the CCTV leaving the Apartment with Mr Philp and a number of bags. We do not know what was removed from the Apartment that night. There is evidence that Mr Monlun on occasions possessed large amounts of cash, often unaccounted for. Photographs on Mr Monlun's mobile phone dated 27 May 2011 show Ms Manning posing with a very large amount of cash. There is also evidence that on occasions Mr Monlun possessed large quantities of drugs. Such large sums of money and drugs could

provide strong motivators to persons to administer a substance to Mr Monlun so that the theft of these items could be facilitated. Drugs could also have been administered to Mr Monlun by another person to incapacitate him so that other property could be taken. There is evidence before me that Ms Manning had been communicating with Mr Monlun about taking away her personal belongings from the apartment, and Mr Philp understood his purpose for being there, on that night, was to assist with this.

41. Ms Manning only provided police with a statement in relation to the death of Mr Monlun on 5 March 2015. Much of her evidence is inconsistent with other evidence obtained during the course of the inquest and accordingly I do not find her to be a witness of truth.
42. Ultimately, an inquest has the ability to inculcate or exculpate persons of interest. Unfortunately, the events leading up to Mr Monlun's death can only be described as salacious and fraught with drama and intrigue. The persons of interest all have interwoven lives fuelled by deception, sex and illicit drugs. All have reasons to lie to protect each other and themselves. Accordingly, it remains open that Mr Monlun was administered the fatal dose of GHB by either Mr Philp or Ms Manning on the morning of 30 May 2011, and as a result, they both remain persons of interest in relation to his death.

Findings

Accordingly, I now turn to the findings I am required to make pursuant to section 81 of the Act:

I find that David Luc Monlun died on 30 May 2011 from multi drug toxicity in suspicious circumstances. Accordingly, I refer the matter to the unsolved homicide squad.

I close this inquest.

Magistrate Sharon Freund

Deputy State Coroner

Glebe

4 August 2015