



## STATE CORONER'S COURT OF NEW SOUTH WALES

<b>Inquest:</b>	Into the death of Momtaz Kabbout
<b>Hearing dates:</b>	7 May 2019
<b>Date of findings:</b>	7 May 2019
<b>Place of findings:</b>	State Coroners Court, Lidcombe
<b>Findings of:</b>	Deputy State Coroner E.Truscott
<b>Catchwords:</b>	Coronial Law-Cause and manner of death- homicide
<b>File number:</b>	2012/208342
<b>Representation:</b>	Counsel Assisting : Police Advocate Hart
<b>Findings:</b>	That Momtaz Kabbout died on 2 July 2012 in Shortland Bush Reserve, Lansdowne from multiple gunshot wounds inflicted by person/s unknown.
<b>Referral:</b>	To unsolved homicide unit NSW Police Force
<b>Non-Publications Order</b>	<p>I make an order under section 74(1) Coroners Act 2009 for the entirety of the brief of evidence contained in Exhibit 1.</p> <p>I make an order under s65(4) of the Coroners Act 2009 that no part of the evidence contained in Ex.1 is to be provided to any person without the consent of the coroner.</p>

IN THE STATE CORONER'S COURT  
LIDCOMBE  
NSW

SECTION 81 CORONERS ACT 2009

## **REASONS FOR DECISION**

### **Introduction**

1. This inquest concerns the death Momtaz Kabbout who was found deceased in the Shortland Brush Reserve, Henry Lawson Drive, Lansdowne on 3 July 2012.
2. This is a mandatory inquest under s27 of the Coroners Act 2009 as the cause of Mr Kabbout's death is multiple gunshot wounds inflicted by person/s unknown.

### **BACKGROUND**

3. Momtaz Kabbout was a 46 year old man who lived with his wife and 3 children at the family home in Fairfield. Momtaz met his wife Bouchra in Lebanon about 2 years before marrying her in Australia in 1996.
4. Momtaz was self-employed as a driving instructor and operated the business 'Mizzo Driving School'. Through the police investigation it became apparent that Momtaz and his wife Bouchra were each involved in numerous extra-marital affairs.

5. As a result, important details about the movements of certain people on and around 2 July 2012 and what their relationships to Momtaz and others were, were concealed from police.
6. It is difficult to conclude whether those omissions and falsehoods were a deliberate attempt to avoid police suspicion over Momtaz's murder, or, to conceal sexual relationships to prevent unwanted consequences that would follow if that information was more widely known.

## **THE INVESTIGATION**

7. About 8.30am on 3 July 2012, Momtaz's body was located by two people who were walking their dogs in Shortland Brush Reserve, Lansdowne. He was lying face down. There was blood on his head. They called the police.
8. Police Officers from Bankstown Police Station attended the reserve and established a crime scene. Senior Constable McNeice checked for signs of life and found the deceased to be cold to the touch and that he appeared to have a head wound. Ambulance Officer Castell checked the deceased and observed no pulse, signs of lividity and the body was cold to touch.
9. Identification of the deceased was initially made from his drivers' licence which was located inside his wallet. In addition to the wallet, police located two mobile phones and keys inside a zipped-up pocket. There was \$412 cash inside the wallet indicating that Momtaz did not appear to have been the victim of a robbery.
10. At the crime scene police located several relevant items:
  - 5x .32 Calibre Federal bullet casings
  - Tissue paper with the deceased's semen and another unknown persons DNA

- Two cigarette butts with an unknown male's DNA profile
- A condom wrapper and tissues,
- 5 unopened condoms in a packet of 6

## **THE LOCATION**

11. Shortland Brush Reserve, Lansdowne is one of the five parks that make up the Mirabeena Reserve bordered by Henry Lawson Drive. Shortland Brush is a large green space with a lake, BBQ areas, park benches and tree-lined walking tracks. The reserve is easily accessible to the public 24 hours per day, though the access roads do have lockable boom gates.
12. It is known gay beat, though investigators in this case do not suspect that this murder has anything to do with a gay hate crime and there is no information within the brief to suggest that Momtaz may have been homosexual.

## **THE AUTOPSY**

13. A forensic autopsy was conducted by Dr Rebecca Irvine. She identified that Momtaz had been shot 5 times. One bullet was located in the skin of Momtaz's back. Dr Irvine tracked the entry of this projectile identifying that it was likely the first bullet fired. It had travelled from the chin, grazed along the neck, severing the carotid artery and entered the chest cavity travelling to his back. Two other bullets entered the left side of Momtaz's back and travelled in a parallel direction towards the left chest area. One bullet lodged between the skin and the singlet that Momtaz was wearing and the other was located in the skin near the left chest area. Two other bullets had entered the back of Momtaz's head, close to each other, one lodging in his right eye socket and the other in the right temporal skull.
14. Dr Irvine opined that prior to the entry of the first bullet, Momtaz had been possibly on his knees or crouching or rising from such a position as the first shot

was fired. Dr Irvine remarked that a linear blood spatter found on the ground near Momtaz head at the crime scene possibly came from the severed carotid artery in the first shot.

15. Dr Irvine surmised that the following four shots were fired as Momtaz was falling or had become face down on the ground.

16. There were no other injuries found.

17. A ballistics examination of the recovered rounds inside the deceased confirmed that all five bullets were fired from the same firearm.

#### **MOMTAZ'S SEXUAL AFFAIRS**

18. It came to light within the investigation that Momtaz was sexually involved with several women and that he would carry out such arrangements at the Shortland Brush Reserve. Several of those women are identified within the brief and have been interviewed by Police. Initially many of these women denied having anything to do with Momtaz and provided conflicting versions about their contact with him, but as the police investigation intensified several of the women eventually admitted to police that they had been in long term and ongoing sexual relationships with Momtaz up to the time when he died.

19. As several of the women were married, investigators looked into whether Momtaz's murder was linked with any of these affairs.

#### **MOMTAZ'S BROTHER**

20. Momtaz's brother Fawaz died in April 2014 in Lebanon after complications of surgery. However, prior to Momtaz's death he had been in Australia. He and Momtaz spent the day together before Fawaz returned to Lebanon on 2 July 2012. Momtaz had driven Fawaz around during the day to say goodbye to friends and family and had then taken him to the airport. It was established that

the airline ticket used by Fawaz was obtained fraudulently and Fawaz himself appeared to have been having his own cash flow problems.

21. Fawaz was interviewed by police but he was not forthcoming with investigators and hindered the investigation.

#### **CRIMINAL ACTIVITY**

22. During the investigation police became aware that Momtaz was involved in a small-scale business of fraudulently obtaining driving licences for customers. Investigators do not consider, however, that this small-scale fraud had any bearing on his murder.

#### **2 JULY 2012**

23. Investigators were able to create a timeline of events on 2 July 2012:

9 am Fawaz attended Momtaz's family home in Fairfield and the pair left at 9.30am.

12.11pm -12.50pm, CCTV captures the two men at Centrelink in Fairfield and from there they attended the department of Housing, leaving at 2pm.

3-4.30pm Momtaz and Fawaz returned to the family home in Fairfield and picked up Momtaz's two sons and left to have dinner with Momtaz's father in Law in Granville.

5.30pm Momtaz and Fawaz left Granville and drove to pick up another male who had organised the plane ticket that Fawaz was to be using that evening.

6.22pm Momtaz, Fawaz and the male who had organised the ticket arrived at Sydney Airport as is evidenced by the parking ticket later recovered in Momtaz's car.

7.24pm and after Fawaz had gone through customs, Momtaz and the other male left the airport, dropping the male off at his home at 8pm.

8.02pm, Momtaz's wife saw him in Granville.

Between 8 and 8.30pm, Momtaz visited a friend in Granville.

8.30pm Momtaz returned to his Father in Law's home in Granville and played cards.

10.21pm Momtaz is captured on CCTV purchasing a phone recharge card in Granville

10.45pm a witness saw Momtaz at his home in Fairfield

11.30pm witnesses report hearing gunshots in the vicinity of Shortland Brush Reserve, about 4km from Momtaz's home.

24. Investigators surmise that Momtaz was picked up from his home by somebody he knew. Momtaz's motor vehicle was still at the home. There were no signs of a struggle and additionally from evidence at the crime scene at Shortland Brush Reserve it is likely that Momtaz had been having sexual intercourse immediately before the murder took place.

#### **STATE OF THE INVESTIGATION**

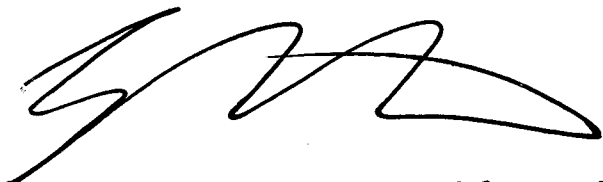
25. Momtaz was killed nearly 7 years ago. The police are of the view that the people who were closest to Momtaz have hampered the police investigation and omitted to disclose important facts to investigators. Why that is so, is unclear. What is clear is that Momtaz was involved romantically with several married and unmarried women. Investigators cannot rule out that one or more of these

relationships led to his murder but they are currently not in a position to further the current investigation.

26. To date the investigation is unable to identify a person or persons responsible for Momtaz Kabbout's death but following the completion of this inquest, the investigation will now be handled by the unsolved homicide unit of the NSW Police Force.

## FINDINGS

Momtaz Kabbout died on 2 July 2012 in Shortland Brush Reserve, Lansdowne from multiple gunshot wounds inflicted by person or persons unknown.



MAGISTRATE TRUSOTT  
7.5.19