



CORONERS COURT NEW SOUTH WALES

Inquest:	Inquest into the death of Matthew Thomas
Hearing dates:	24 March 2015, 17 June 2015
Date of findings:	19 June 2015
Place of findings:	Coroners Court, Glebe
Findings of:	Magistrate C. Forbes, Deputy State Coroner
Catchwords:	CORONIAL LAW-Cause and manner of death-homicide
File number:	2013/130615
Representation:	Ms E Sullivan, Counsel Assisting instructed by Mr S Milesi, Crown Solicitor's Office Mr Spartalis representing the NSW Commissioner of Police Mr Gooley representing BVM Clean Scene Pty Ltd
Findings:	I find that Matthew Thomas died on 25 April 2013 at 19 Quarter Sessions Road, Westleigh, NSW. I am satisfied the cause of his death was gunshot wounds to his head and chest. The manner of his death was as a result of injuries inflicted by Peter Junghans.

REASONS FOR DECISION

Introduction

1. This is an Inquest into the sad death of Matthew Thomas. On 25 April 2013 Mr Thomas died as a result of two gunshot wounds. His friend Mr Peter Junghans inflicted those wounds. Mr Junghans subsequently turned the rifle upon himself and died as a result of a self-inflicted gunshot wound. At the time of their deaths, Mr Thomas was aged 31, and Mr Junghans was aged 30.
2. The role of a Coroner as set out in section 81 of the *Coroner's Act 2009* ("the Act") is to make findings as to:
 - (a) the identity of the deceased;
 - (b) the date and place of the 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.
3. Section 27(1) (a) of the Act requires me to hold an inquest in this matter as the death was a result of homicide.

Matthew Thomas

4. Matthew Thomas was born on 9 August 1982 to Louise and Glyn Thomas. He has one brother, Clint Thomas. The family have lived at the premises, 19 Quarter Sessions Rd Westleigh since around 1995. Mr Thomas had been working with his mother in the pet grooming industry.
5. During the 1990s, Mr Thomas attended Turrumurra High School. He became good friends with Peter Junghans, and they were later described as "best friends". After leaving school, they remained friends and enjoyed shared interests, such as cars, watching movies and mixed martial arts.

Mr Thomas and Mr Junghans

6. Mr Thomas and Mr Junghans had a number of friends in common. Although the two would often argue, days later they would resolve their differences and resume the friendship. Police inquiries reveal that friends of the two men were aware of a conflict between them in the months prior to their deaths.
7. Since at least 2010 the evidence suggests that Mr Junghans had begun dealing cannabis. A number of his friends were aware of this, including Mr Thomas.
8. The evidence clearly establishes that Mr Junghans had become increasingly concerned about the prospect of his illegal activities being advised to police.
9. In this respect, the evidence suggests that by February 2013, within Mr Junghans' and Mr Thomas' friendship group, there was discussion about the cannabis operations. In particular, on the evening of 22 February, Michael Suey, a friend of both, was contacted by Mr Thomas, who had apparently argued with Mr Junghans. In this conversation, Mr Thomas told Mr Suey that he had told his brother, Clint Thomas, about Mr Junghans selling drugs.
10. Apparently having reflected on this discussion, two days later, on 24 February, Michael Suey called Mr Thomas, and told him that he should tell Mr Junghans that he had told his brother about Mr Junghans' drug activities as he believed that Clint Thomas would probably go to the police. However, Mr Thomas assured him that it was okay, and that his brother would not do so.
11. The following day, on 25 February 2013, Mr Thomas called Mr Suey, and told him not to tell Mr Junghans about the conversation. Mr Thomas said he was worried that Mr Junghans would find out he had told his brother about the cannabis.
12. In early March (on either 3rd or 10th), Mr Junghans told Mr Suey that he had met Mr Thomas for a drink the previous night, and that Mr Thomas had "sounded really strange". Mr Junghans also said that Mr Thomas had said that Mr Suey would "dob" Mr Junghans into the police. It was then that Mr Suey told Mr Junghans that it was Mr Thomas who had in fact told Clint, his brother about the cannabis, but that Mr Thomas had also said he did not think his brother would go the police.

13. Uriah Fowler, a friend of both men, refers to a conversation with Mr Thomas around February 2013. He says Mr Thomas described meeting Mr Junghans in a park, and said that Mr Junghans had asked whether “he should be worried about anything”. Mr Thomas had apparently assured him that there was nothing to worry about. However, Mr Thomas told Mr Fowler that he thought Mr Junghans believed Clint Thomas would have told police that he was a drug dealer.
14. Mr Junghans told his father that he had heard from a friend that Mr Thomas had told his brother he was dealing marijuana, and that his brother worked for customs, and was likely to tell the police. Mr Junghans told his father that he had then approached Mr Thomas, and asked what happened, but that Mr Thomas reassured him “nothing had happened”, and also said he had told his brother that what he’d earlier told him when he was upset “wasn’t true.” Mr Junghans was arrested a few days later.
15. On the evening of the shooting Mr Junghans told Mrs Thomas, Matthew’s mother, that he was “paranoid” about getting caught before he was arrested and “couldn’t sleep”.
16. Mr Junghans’ illegal activities in fact came to police notice around January 2013 in the context of Operation Ipswich, which was an investigation into the supply of prohibited drugs within the Ku-ring-gai Local Area Command. Mr Junghans was first observed at a suspicious Warrawee residence on 25 January 2013. Targeted covert surveillance of him then commenced a month later, on 27 February 2013.
17. On the afternoon of 20 March 2013, Mr Junghans was driving in Thornleigh when he was stopped by Senior Constable Douglas Polley and Senior Constable Mark Lucas. He had been under police surveillance earlier that day.
18. Senior Constable Polley told him that he was in possession of “intelligence” or “information” suggesting that Junghans was involved in the supply of prohibited drugs, amongst other things.
19. Police exercised their search powers under the *Law Enforcement Powers and Responsibilities Act* and searched Mr Junghans’ vehicle. Cannabis was located in the boot. Mr Junghans was arrested and conveyed to Hornsby police station to be charged.
20. At Hornsby Police Station Mr Junghans asked how the police received information about him. Senior Constable Polley told him that his car had been seen at an address that was under surveillance.

21. A search warrant executed at 93 Quarter Sessions Road at 7.45pm that evening uncovered a hydroponic cannabis operation consisting of 153 plants, Mr Junghans was charged with a range of offences, including supply, possession and cultivation of prohibited drugs under the *Drug Misuse and Trafficking Act 1985*.
22. Those criminal matters were listed for mention at the Downing Centre on 5 June 2013.
23. I am satisfied that the information conveyed to Mr Junghans by the police about their investigation and his arrest was appropriate and in compliance with LEPR. Nothing the police said indicated to Mr Junghans that Mr Thomas or any other friend had provided them with information about his drug dealing activities.
24. Following his arrest Mr Junghans' formed the view that Mr Thomas and his brother Clint Thomas were in some respect involved in bringing him to police notice.
25. Mr Junghans told Paul Franklin, a mutual friend of the two men, that he thought Mr Thomas had "done the worst thing possible to a mate and had completely ruined his life" and wanted to get back at him.
26. On 25 April 2013 Mr Junghans obtained two rifle firearms from a family friend, John Wardell, purportedly for the purposes of an Anzac Day shooting competition that weekend (on Saturday, 27 April 2013).
27. After briefly returning home, Mr Junghans then went to Mr Thomas' house at 19 Quarter Sessions Road around 6.30pm
28. Mr Thomas had spent the day at home with his brother, Clint, and Clint's fiancée Doneen, and his dad, Glyn. Louise Thomas, Mr Thomas' mother, had been home since around 1 pm.
29. After Mr Junghans arrived at around 6.30 pm, there was some conversation between Louise Thomas, Matthew Thomas and Mr Junghans about Mr Junghans' upcoming court case relating to the charges. Mr Thomas drank some beer, Mr Junghans some bourbon. Mrs Thomas states that Mr Junghans talked for about an hour, and mentioned his paranoia about being caught prior to the arrest, and that he could not sleep. Mr Junghans also stated: "someone's dobbed me in", and suggested that although the police had not told him this in "so many words", he had worked it out from what they were saying and who he had sold to. He stated: "Yeah I need to speak to Clint about that". Mr Junghans also said that the police

were going to charge his father, he would lose the house and that the Crime Commission would become involved. He said he thought he would get five years in jail.

30. Mrs Thomas then went off to have a bath. Soon after, she heard the front door, followed a short time later by three bangs. Mrs Thomas thought the sound may have been a car backfiring, but after putting her dogs in the kitchen, went down to Mr Thomas' room and made the terrible discovery of her son having been shot in the head and chest, and also Mr Junghans having suffered a head injury.
31. Mrs Thomas contacted the NSW Ambulance Service, and attempted to administer first aid to her son assisted by an ambulance telephonist, until ambulance paramedics arrived at 7.59pm. Police were also called, and arrived at the same time as paramedics. Unfortunately, both Mr Thomas and Mr Junghans suffered fatal injuries, and ambulance officers declared them deceased at 8.02pm and 8.05pm respectively.
32. A post mortem examination determined that Mr Thomas died from gunshot wounds of the head and chest. A post mortem examination of Mr Junghans found the cause of death to be a gunshot wound to the head. I accept the forensic evidence that Mr Junghans inflicted the two gunshot wounds to Mr Thomas' and then after firing a hesitation shot put the rifle to his own right temple and fired a fatal shot.
33. I am satisfied that the reason Mr Junghans shot Mr Thomas is that he believed Mr Thomas was involved in providing police with information that led to the police arresting him and charging him with the drug related offences. Importantly, however, I note that there was no evidence in support of that view-rather, Mr Junghans formed that view based on his own suspicions.

Issues in the aftermath of the Shooting

34. On 26 April 2013 BVM Clean Scene Pty Ltd undertook cleaning of Mr Thomas bedroom where the shootings had occurred. Mr Clint Thomas stated that the family were not informed that they would be responsible for the cost of that cleaning. Doneen Jenkyns stated that on the night of the incident the police had advised that the cleaning would be arranged and paid for by police. In contrast, police were unable to recall the discussions regarding the forensic cleaning.
35. It is clear there was confusion in the minds of the Thomas family about the forensic cleaning process.

36. It is also clear from police documentation¹ that it is the responsibility of the relatives or occupiers of premises to clean up scenes in situations of deceased persons, suicides, shootings or decomposed bodies where no chemical enhancement techniques have been used by police.
37. Unfortunately, in this case the Thomas family ended up in litigation with the cleaning company. This litigation was no doubt an unwanted stress added to the trauma they had experienced. It might have been obviated had they known from the outset they were responsible for the cleaning and for paying for it. It is unfortunate that police do not provide information by way of a document to victims requiring the services of forensic cleaners. The state of shock and sadness at these events require compassionate support and information.
38. I note that the NSW Police Force have prepared an information sheet entitled “Victims of Crime- Fact Sheet 10, Crime Scene Clean-up”² That document contains relevant information concerning who bears responsibility for forensic cleaning, and also notes that financial assistance may be available to aid with crime-scene clean up; it also provides contact numbers for further information and assistance from the Victim Services Support Scheme. The fact sheet contemplates that police have a role in advising victims of crime with respect to relevant information concerning the forensic cleaning of crime scenes
39. Mr Spartalis submits on behalf of the NSW Commissioner of Police that I should not make a recommendation in the form proposed by counsel assisting.
40. He states that the issue of forensic cleaning in this case is not connected to Mr Thomas’ death and accordingly I do not have jurisdiction to make such a recommendation. By way of authority, Mr Spartalis relied upon *Conway v Jerram, Magistrate and State Coroner* [2011]NSWCA 319. However, that decision does not support Mr Spartalis’ submissions. He further states that in any event, an undesirable outcome is not the foundation for a recommendation. In addition, Mr Spartalis suggested that it was open to victims of crime to find the relevant information (that is, “ Victims of Crime Fact Sheet 10”) themselves through internet searches. It was also stated, in effect, that requiring police officers to provide further information to victims of crime, when they are otherwise occupied in the investigation of crimes would be inappropriate.

¹ Ex 1, Vol 2

² Ex 1, Vol 2, Tab 104

41. Section 82 *Coroners Act 2009* states that a coroner may make such recommendations as the coroner considers necessary or desirable to make in relation to any matter connected with a death. Matters of public health are included in sub-section 2 as a matter that can be the subject of recommendations. The threshold test of “desirability” clearly invests a Coroner with significant discretion. In addition, the decision of *Doomadgee v Clements* [2005] QSC 357 (which considered a cognate provision, s.46(1), of the *Coroners Act 2003* (Qld)) confirms that the expression “connected with” is of wide import and connotes a connection or relationship between one thing and another. Additionally, the purpose of such a provision is to expose some failing, deficiency or wrong and/or to suggest some measure which may be implemented for the public benefit. Being remedial in nature, such a section should be construed literally (per Muir J at [31]). In *Doomadgee*, Justice Muir commented that “...something connected with a death may be as diverse as the breakdown of a video surveillance system, the reporting of the death, a police investigation or watch house concerned” (at [33]).
42. It follows that I do not accept Mr Spartalis’ submissions that there is no jurisdiction to make a recommendation in this matter. One of the very relevant circumstances surrounding Mr Thomas death was the forensic cleaning of his bedroom which had become a police crime scene after Mr Junghans had used a .303 calibre rifle to shoot Mr Thomas twice and then himself. The issues relating to the forensic cleaning were clearly a matter connected with the death.
43. I am satisfied that a lesson that is clearly learnt from the Thomas family’s experience in relation to the forensic cleaning of the room where their son was killed is that information about the responsibility of forensic cleaning should be provided to the victim or occupier at the time the crime scene is relinquished by police. In my view, having regard to Mr Spartalis’ submissions, it is inconceivable that grieving or traumatised families or victims might themselves undertake internet searches for relevant information regarding forensic cleaning which it might readily be provided by police (who are of course the original custodians of a crime scene); it also presupposes that families/victims will have the presence of mind to anticipate issues such as who bears responsibility for forensic cleaning, and the associated costs – of course, they are unlikely to know of such matters unless advised.

44. In those circumstances, I propose to make a recommendation that the Minister of NSW Police consider developing a policy to ensure that victims of crime requiring forensic cleaning are provided with information about the responsibility for the cleaning and the financial assistance available, as well as the contact details for Victims Services (who can assist them to access the available financial aid).

45. I will now turn to my formal findings and recommendations.

FINDINGS

I find that Matthew Thomas died on 25 April 2013 at 19 Quarter Sessions Road, Westleigh, NSW. I am satisfied the cause of his death was gunshot wounds to his head and chest. The manner of his death was as a result of injuries inflicted by Peter Junghans.

RECOMMENDATION

To the Commissioner of Police

1. I recommend that consideration be given to developing a policy to provide written information to victims of crime about who is responsible for forensic cleaning of a crime scene, what financial assistance is available and the Victims Services contact details.

Magistrate C Forbes
Deputy State Coroner
19 June 2015