



*Western*

*Australia*

## **RECORD OF INVESTIGATION INTO DEATH**

*Ref No: 49/17*

*I, Barry Paul King, Coroner, having investigated the suspected deaths of **Chantelle Jane McDougall, Leela McDougall, Antonio Konstantin Popic and Gary Felton** with an inquest held at **Busselton Courthouse** on **6 December 2017 to 8 December 2017**, have not found that any of the deaths have been established beyond all reasonable doubt.*

### **Counsel Appearing:**

Sergeant L Housiaux assisting the Coroner

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## **INTRODUCTION**

1. From November 2003, Chantelle Jane McDougall (Chantelle), Gary Felton, also known as Simon Anthony Kadwill (Simon), and their daughter Leela McDougall, (Leela) lived on a rented rural property in Nannup. Their friend Antonio Konstantin Popic (Tony) resided with them intermittently in a caravan over the same period.
2. For the sake of convenience, I shall refer to Chantelle, Simon, Leela and Tony together as ‘the group’.
3. Simon was a British national who was a self-styled spiritual leader, while Chantelle and Tony appeared to follow his beliefs.
4. Chantelle and Tony worked at various jobs in or near Nannup, but Simon stayed mostly at home, where he spent a lot of time on the internet. Leela did not attend school.
5. In about May 2006, Simon, Chantelle and Tony began telling family and friends that they intended to move to Brazil.
6. From about 24 June 2007, Simon did not appear in public or on the internet.
7. On 10 July 2007, Tony sold his vehicle to a dealer in Bridgetown. The next day or so, he visited his parents in Manjimup and said goodbye to them.
8. On 13 July 2007, Chantelle sold her car to a car dealer in Busselton. She also sold three of her dog’s puppies to a pet shop in Busselton.
9. On 14 July 2007, Chantelle sold the remaining puppy and the adult dogs to a woman from Perth, Carolyn French, who drove to Nannup to buy them.
10. The next day, 15 July 2007, Ms French tried to call Chantelle but was answered by an answering machine. It appears that, on the same day, either Tony or Simon went to Perth by train and stayed overnight. It seems that

Tony and or Simon left Perth on 16 July 2007 by train to travel to Kalgoorlie and or Northcliffe.

11. On 16 July 2007, the owners of the rural property, Lyndon and Elizabeth Crouch, went to the house and found that it had been vacated in spotless condition, with several valuable furnishings left behind. There was a note from Chantelle indicating that the group had gone to Brazil. In Tony's caravan was a note saying that Mr and Mr Crouch were welcome to keep the caravan.
12. In October 2007, Chantelle's father, James McDougall, reported to police in Victoria that Chantelle and Leela were missing and that he had serious concerns for their welfare. This information was passed along to Western Australian Police (WAPOL).<sup>1</sup>
13. Tony's brother, Joseph Popic, contacted WAPOL in early November 2007 to report that Tony was missing.<sup>2</sup>
14. A missing persons investigation was undertaken by WAPOL First Class Constable Lucy Greatorex, resulting in the completion of 444 investigative actions, but the movements and the whereabouts of the members of the group were not established. A year later, a draft report to the coroner was compiled.<sup>3</sup>
15. On 30 October 2011, Chantelle's father and her mother, Catherine McDougall, wrote to the then State Coroner to request an inquest into Chantelle's and Leela's disappearance.<sup>4</sup>
16. On 1 December 2011, the State Coroner wrote to the officer in charge of the WAPOL Missing Persons Unit to request information upon which he could reasonably suspect that the members of the group had died. Upon receipt of that information, the State Coroner had the power to direct that the suspected deaths be investigated.<sup>5</sup>

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<sup>1</sup> Exhibit 1, Volume 2, Tabs 21 and 22

<sup>2</sup> Exhibit 1, Volume 2, Tab 23

<sup>3</sup> Exhibit 1, Volume 2, Tab 24

<sup>4</sup> Exhibit 1, Volume 1, Tab 5

<sup>5</sup> s23 *Coroners Act 1996*

17. Constable Greatorex completed a detailed report dated 2 July 2012.<sup>6</sup>
18. In July 2013, WAPOL commenced an investigation review led by (then) Detective Senior Sergeant Greg Balfour of the Major Crime Division, resulting in a second investigation which commenced on 10 March 2014. That investigation focused on the potential movements of Tony and or Simon on 16 July 2007. Detective Senior Sergeant Balfour was appointed as the senior investigating officer.
19. As part of the investigation, an independent ‘overview’ by a UK criminal investigation advisor was obtained in January 2015.<sup>7</sup>
20. On 16 September 2016, WAPOL provided to the current State Coroner a report compiled by Senior Sergeant Balfour, now of the Tactical Response Group, of the second investigation into the disappearances of the members of the group.
21. On 29 December 2016 the State Coroner determined that she had reasonable cause to suspect that the members of the group had died. She directed that the suspected deaths be investigated, so a coroner was required to hold an inquest.
22. I held an inquest into the suspected deaths on 6, 7 and 8 December 2017 at the Busselton Courthouse.
23. The documentary evidence adduced at the inquest comprised:
  - a. Senior Sergeant Balfour’s report<sup>8</sup> and attachments, comprising four lever-arch files;<sup>9</sup>
  - b. an email to the court from Barry McIntosh, Chantelle’s uncle, containing a series of questions relating to the WAPOL investigation, together with

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<sup>6</sup> Exhibit 1, Volume 2, Tab 24

<sup>7</sup> Exhibit 1, Volume 1, Tab 3

<sup>8</sup> Exhibit 1, Volume 1, before Tab 1

<sup>9</sup> Exhibit 1, Volumes 1 – 4

answers to those questions provided by Senior Sergeant Balfour;<sup>10</sup>

c. a witness statement by Warren Sunkar, a casual friend and associate of the group;<sup>11</sup>

d. a witness statement by Elanor McKie, a friend of Chantelle's in Nannup.

24. The following witnesses, in order of appearance, provided oral evidence:

a. Senior Sergeant Balfour;<sup>12</sup>

b. Lyndon Crouch;<sup>13</sup>

c. Elizabeth Crouch;<sup>14</sup>

d. Carolyn French;<sup>15</sup>

e. Warren Sunkar;<sup>16</sup>

f. Elanor McKie;<sup>17</sup>

g. Justine Smith;<sup>18</sup> and

h. Dr Kristine Giesen.

25. Under section 23(2) of the *Coroners Act 1996* (the Act), if a coroner finds that the death of a missing person has been established beyond all reasonable doubt, the coroner must inquire into how the death occurred and the cause of death.

26. I have not been able to find that the death of any of the members of the group has been established beyond a

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<sup>10</sup> Exhibit 2

<sup>11</sup> Exhibit 3

<sup>12</sup> ts 3-77 per Balfour, G S

<sup>13</sup> ts 77-89 per Crouch, L M

<sup>14</sup> ts 90-104 per Crouch, E A

<sup>15</sup> ts 107-116 per French C A

<sup>16</sup> ts 116-135 per Sunkar, W S

<sup>17</sup> ts 136-155 per McKie, E C

<sup>18</sup> ts 155-175 per Smith, J A

reasonable doubt. To be clear, this does not mean that I have found that any member of the group is alive.

## **THE MEMBERS OF THE GROUP**

### **Chantelle**

27. Chantelle was born on 5 June 1980 in Melbourne, making her 27 years old at the time of her disappearance. She had good relationships with her parents and with her older brother and sister. She went to several schools in Victoria and enjoyed gymnastics, swimming, Brownies, netball and acting.<sup>19</sup> There was unconfirmed evidence that she was dyslexic.<sup>20</sup>
28. After completing year 12, Chantelle moved to Brunswick to study acting and the arts, but she was unable to obtain a place at a tertiary institution. She remained in Brunswick and worked as a swimming teacher and lifeguard.<sup>21</sup>
29. In about 1997 Chantelle visited an ashram in Melbourne and met Simon Cookerman, with whom she began a relationship.<sup>22</sup>
30. In 1997/1998 Chantelle and Mr Cookerman went to a spiritual seminar in Melbourne where they met Simon, who was presenting the seminar. They eventually lived with Simon and his partner, Deborah Fleischer, in Victoria. Chantelle was employed as a nanny for their son.<sup>23</sup>
31. In 1998/1999, Chantelle and Ms Fleischer went to Perth for a women's group session. After the session they met Justine Smith, and Ms Fleischer gave her a copy of Simon's book 'Servers of the Divine Plan'. Ms Smith found the book compelling and, after trying unsuccessfully to contact Ms Fleischer, emailed Simon and began corresponding with him.<sup>24</sup>

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<sup>19</sup> ts 15 per Balfour, G S

<sup>20</sup> ts 171 per Smith, J A

<sup>21</sup> ts 15 per Balfour, G S

<sup>22</sup> ts 16 per Balfour, G S

<sup>23</sup> ts 16 per Balfour, G S

<sup>24</sup> Exhibit 1, Volume 4, Tab 113;

32. In 1999 Ms Fleischer separated from Simon, who returned to England. Chantelle, Ms Fleischer and her son moved to the suburb of Floreat while Ms Smith went to England about that time as Simon's spiritual follower and then as his partner.<sup>25</sup>
33. Chantelle ended her relationship with Mr Cookerman, and in November 1999, she went to England to meet up with Simon. She returned to Perth and arranged for Simon to obtain a visa to come back to Australia. He came back with Ms Smith, and they moved into the house in Floreat with Chantelle, Ms Fleischer and her and Simon's son. In 2000, Ms Fleischer and her son left Australia.
34. In December 2000 Chantelle became pregnant to Simon. She later told Ms McKie, who knew her for about 3 years in Nannup, that she had not planned to have children but, after she met Simon, the name Leela kept coming to her as if Leela wanted to be born and it was Chantelle's destiny to have her.<sup>26</sup> According to Ms Smith, the name Leela means 'play'.<sup>27</sup>
35. Chantelle gave birth to Leela in Perth on 6 September 2001. She experienced post-natal depression and sought counselling at the time.<sup>28</sup> She did not declare Simon to be Leela's father on Leela's birth certificate.
36. In about 2002 Ms Smith left the Floreat house.
37. In 2003, Chantelle, Simon and Leela moved to Denmark, and at the end of the year they moved to the rental property in Nannup. The property was a working beef farm on Roberts Road about 11 kilometres from the Nannup town site (the name 'Roberts' becomes significant later). Chantelle and Simon had come across the property advertised to rent, and liked it because it was isolated.<sup>29</sup> Chantelle later told Ms McKie that they had left Denmark because they did not want to live there due to the bad vibes

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<sup>25</sup> ts 157-158 per Smith, J A

<sup>26</sup> ts 138 per McKie, E C

<sup>27</sup> ts 171 per Smith, J A

<sup>28</sup> ts 170 per Smith, J A

<sup>29</sup> Exhibit 4

from so many Aboriginal people having been massacred there.<sup>30</sup>

38. Chantelle fit in well with the community in Nannup and was well-known and well-liked.<sup>31</sup> She went to exercise classes and took Leela to playgroup and swimming. She gave swimming lessons, worked in the Nannup Hotel as a waitress, worked in a fish and chip shop and sold beauty products from home.<sup>32</sup> She kept chickens at the property and sold the excess eggs.<sup>33</sup> She also worked as a carer for a disabled person as well as being the main carer for Leela.<sup>34</sup>
39. Ms Smith said that Chantelle loved children and worked with them as well as having a strong connection to them. She was also gifted with people with autism. She had a sense of difference about her in her world view and her dyslexia, and this made her feel more connected to children in particular.<sup>35</sup>
40. Chantelle was Simon's partner, but it appears that their relationship was not emotionally intimate. It seemed to Chantelle's mother, Mrs McDougall, that they did not have a personal relationship and that they only shared in the same spiritual beliefs. Chantelle had told her that it was 'the relationship you have when you are not having a relationship'.<sup>36</sup> Ms McKie said that she never saw Chantelle and Simon as a couple, and that 'there was nothing that connected him and Chantelle together in a relationship. There was nothing there.'<sup>37</sup>
41. Ms McKie said that Chantelle's role was to look after Leela. She said that Chantelle 'loved Leela so much, and she took care of her really well, and that's what her main priority was.'<sup>38</sup>

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<sup>30</sup> Exhibit 4

<sup>31</sup> ts 102 per Crouch, E A

<sup>32</sup> Exhibit 1, Volume 1, before Tab 1, p.20; Exhibit 4

<sup>33</sup> Exhibit 1, Volume 1, Tab 6

<sup>34</sup> Exhibit 4; Exhibit 1, Volume 1, before Tab 1, p.20

<sup>35</sup> ts 171 per Smith, J A

<sup>36</sup> Exhibit 1, Volume 1, Tab 7

<sup>37</sup> ts 146 per McKie, E C

<sup>38</sup> ts 143 per McKie, E C

42. The spiritual beliefs Chantelle shared with Simon were predominantly those propounded by Simon. She appeared subservient to him, even described by Ms McKie as controlled and brainwashed by him.<sup>39</sup>
43. By contrast, Chantelle's relationship with Tony was one of best friends. According to Ms McKie, when Chantelle talked about Tony, she would laugh and say that they had a great time, and that he was hilarious and they could talk about anything.<sup>40</sup>
44. Mrs McDougall noted that Chantelle was organised and very good financially, and that she took responsibility for earning all their income and looking after Leela. She said that Chantelle always planned everything out.<sup>41</sup>
45. Chantelle had a happy, outgoing personality. Ms McKie described her as a free spirit, who was open to New Age ideas, a really social person who loved people.<sup>42</sup> At the same time, Ms McKie said that she thought that Chantelle and Simon seemed to feel they did not belong in modern society.<sup>43</sup> She said that Chantelle could probably have been a lot freer if Simon allowed her to be so.<sup>44</sup>
46. Chantelle's close relationship with her parent's continued while she was in Nannup. She spoke to them regularly by phone and they both visited her and her family in Nannup twice up to 2005. Mrs McDougall also visited them on her own in May 2007.<sup>45</sup>
47. An important aspect of the evidence is that Chantelle maintained contact with her parents despite Simon's disapproval.

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<sup>39</sup> ts 144 per McKie, E C

<sup>40</sup> ts 146 per McKie, E C

<sup>41</sup> Exhibit 1, Volume 1, Tab 7

<sup>42</sup> ts 139 and 145 per McKie, E C

<sup>43</sup> ts 142 per McKie, E C

<sup>44</sup> ts 145 per McKie, E C

<sup>45</sup> Exhibit 1, Volume 1, Tab 7

## Leela

48. Leela was about two years old when she and her family moved to the property in Nannup. As a child she was bubbly and outgoing. A short video recording which the group had taken of themselves was displayed on an ABC on-line news article. In the video, Leela appeared to be healthy, energetic and, as Mr Crouch described her, full of beans.<sup>46</sup>
49. Chantelle home-schooled Leela, but Leela also went to playgroup regularly, and she went to swimming lessons and karate.<sup>47</sup> Ms McKie also home-schooled her children, who were about the same age as Leela. She would take them to the property and they would play with Leela. Chantelle took Leela to the McKie's home on the odd occasion.<sup>48</sup>
50. Leela also played with Mr and Mrs Crouch's daughters, who would visit with her while Mr and Mrs Crouch worked on the farm. Leela had a large number of videos which they would watch together.<sup>49</sup>
51. The evidence in relation to Chantelle's and Simon's parenting of Leela was somewhat unusual. On one hand, there was evidence that they allowed her a great deal of latitude. According to Ms McKie, Leela pushed boundaries and had tantrums without a great deal of parental discipline. She was used to getting her own way and would often shout at Chantelle, then become emotional and cry.<sup>50</sup> Ms McKie said that Leela 'ruled the roost'.<sup>51</sup>
52. On the other hand, Mr McDougall noted that Simon would tell him and Mrs McDougall what they could say to Leela because they could poison her mind with their worldly ways. Simon did not allow Leela to spend much time with them, even preventing her from going to them to say goodbye after their visit in 2005, despite her crying,

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<sup>46</sup> ts 79 per Crouch, L M

<sup>47</sup> Exhibit 1, Volume 1, before Tab 1, p.21

<sup>48</sup> ts 137 per McKie, E C

<sup>49</sup> ts 92 and 98 per Crouch, E A

<sup>50</sup> Exhibit 4

<sup>51</sup> ts 147-148 per McKie, E C

screaming and wriggling.<sup>52</sup> However, it also seems that Leela stayed overnight with Mrs McDougall in May 2007.<sup>53</sup>

## Tony

53. Tony was born in Northam on 10 May 1967, so he was 40 years old at the time he disappeared. His parents, Lucy and Josip Popic, are still alive and live in Manjimup. He has an older sister, Susanne, and two younger brothers, Joseph and Daniel.
54. Tony went to Toodyay District High School from Year One through to Year 10 and then completed part of Year 11 at Northam District High School before leaving school to work in the family fruit market business.
55. In 1992-93 Tony disclosed to his family that he was gay. He worked as a state buyer for the fruit and vegetable division of a major supermarket chain and commenced a long-term relationship with a partner with whom he purchased a property in Mullaloo in joint shares. His partner described him as initially being a well-adjusted, well-dressed and very capable businessman. He was good with money, laid-back, non-aggressive and happy.
56. In 1996 Tony attended a seminar called 'Turning Point' and returned from it believing that he was of a higher power, with spirituality surrounding him. He became uncommunicative with his partner, and their relationship deteriorated and then ended when he left suddenly.
57. In September 1998 Tony bought a unit in Mosman Park with his brother, Joseph. At the end of 1999, Joseph bought Tony's share in the unit and Tony travelled to the eastern states of Australia. It seems that, while he was there he met Simon and or Chantelle because in 2002 he moved into their house in Floreat, though he slept in a tent in the back yard despite there being spare bedrooms.<sup>54</sup>

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<sup>52</sup> Exhibit 1, Volume 2, Tab 22

<sup>53</sup> Exhibit 1, Volume 1, Tab 7

<sup>54</sup> Exhibit 1, Volume 2, Tab 30

58. It is also possible that Tony met Chantelle in Perth in 1998 or 1999 when she went to Perth with Ms Fleischer to attend the women's conference. He had told his mother that he met Chantelle in Perth some years previously through mutual friends.<sup>55</sup>
59. Tony moved out of the house in Floreat, but in 2003 he met up with Chantelle and Simon again in Denmark where he worked as a housekeeper at Merribrook Retreat. From there he moved to a caravan park in Augusta and then to Nannup where he stayed with them again. He worked at the Nannup Hardware Store and for an orchardist on Balingup Road. In May 2005 he suddenly resigned from the hardware business by leaving a note for the owner under the shop door. He also vacated his rental accommodation without notice, advising his landlord by a posted letter in which he also forfeited the bond he had paid in advance.<sup>56</sup>
60. In 2005 Tony made an official complaint to the WAPOL fraud squad, alleging that his former partner had fraudulently disposed of some of their joint shares. His partner was charged with forgery, but the prosecution was discontinued when Tony disappeared. The partner was not considered a person of interest in Tony's disappearance.<sup>57</sup>
61. Tony moved to a farming property in Carlotta, and in about early 2006 he moved back to Augusta and worked at a hotel before returning to the property in Nannup. He bought a caravan with \$7,000 he had borrowed from his parents and placed it behind the house as his home. He repaid them \$3,000 before he disappeared.<sup>58</sup>
62. Prior to borrowing the money from his parents, Tony's parents gave him \$20,000, ostensibly for money owed for previous work he had done but possibly just to help him out.<sup>59</sup>

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<sup>55</sup> Exhibit 1, Volume 1, Tab 11

<sup>56</sup> Exhibit 1, Volume 1, before Tab 1, p.22; Exhibit 1, Volume 2, Tab 49

<sup>57</sup> Exhibit 1, Volume 1, before Tab 1, p.22

<sup>58</sup> Exhibit 1, Volume 1, Tab 11; Exhibit 1, Volume 2, Tab 17

<sup>59</sup> Exhibit 1, Volume 1, Tab 11; Exhibit 1, Volume 2, Tab 30

63. Tony was universally seen as a kind, gentle man who loved nature and got along with everyone in general. He loved working in the garden and all forms of music.<sup>60</sup> He was helpful to Mr and Mrs Crouch around the property<sup>61</sup> and was known in Nannup as ‘a beautiful ... gentle dude’.<sup>62</sup> Joseph stated that Tony was a soft, gentle human being who showed no remorse or anger towards anything or anyone.
64. The short video recording of the group showed Tony’s obvious affection for Leela.
65. Tony was not materialistic. He had an old Nissan van,<sup>63</sup> and a month or so before he disappeared he bought a second hand utility vehicle (ute) which he planned to use in a lawn-mowing business.<sup>64</sup> He gave the van to his parents.<sup>65</sup>
66. Tony did not smoke or use illicit drugs, but was an occasional binge-drinker. He had no known medical or mental health condition, though his brother Joseph thought that he suffered depression from time to time and had lacked direction for many years. He never gave Joseph any indication that he would harm himself or take his own life.<sup>66</sup>
67. Tony had a spiritual side and it seems clear that he was under Simon’s influence in spiritual matters.

## Simon

68. Simon was born on 15 January 1962 in England. His name was actually Gary Felton. His father was last known to be living in Erith in Kent. His mother is deceased. He had a brother who was last known to be living in Canada. He was not close to his father or to his brother.<sup>67</sup>

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<sup>60</sup> Eg. Exhibit 1, Volume 1, Tab 11; Exhibit 1, Volume 2, Tab 30

<sup>61</sup> Exhibit 4

<sup>62</sup> ts 126 per Sunkar, W S

<sup>63</sup> Exhibit 1, Volume 1, Tab 11

<sup>64</sup> Exhibit 1, Volume 2, Tab 17

<sup>65</sup> Exhibit 1, Volume 1, Tab 11

<sup>66</sup> Exhibit 1, Volume 1, Tab 11; Exhibit 1, Volume 2, Tab 30

<sup>67</sup> Exhibit 1, Volume 1, before Tab 1, p.16

69. Little is known about Simon's early life. He had a medical history of a back ailment<sup>68</sup> and apparently told Chantelle that he had been a body builder but had a bad back because he had broken it twice.<sup>69</sup> He told Ms Smith that he had attempted suicide, possibly by taking pills, but there is no evidence about when that may have occurred.<sup>70</sup>
70. On an unknown date, Simon was convicted of two counts of fraud in England for using a friend's password to access a computer system to send emails to friends and family. In 1986 he worked at a software company where he met the real Simon Anthony Kadwill and stole his birth certificate. He obtained a United Kingdom passport in the name of Simon Anthony Kadwill, born 9 July 1962.<sup>71</sup>
71. In the 1990's Simon travelled extensively under his new identity on a spiritual pilgrimage. He began a relationship with Ms Fleischer in India in 1993 and travelled with her for the next four years before they settled in Melbourne. In 1997 they had a son together.<sup>72</sup>
72. Between 1996 and 2000 Simon published books devoted to his spiritual or philosophical beliefs, notably 'The New Call', 'Servers of the Divine Plan' and 'Rare Insights'. He created a website called 'The Truth Fellowship' as well as several on-line chat forums on which he discussed his beliefs and encouraged others to follow them.<sup>73</sup>
73. It appears that Simon did not hold any formal pay-earning jobs after leaving England. He either lived off the charity of others, the income from his books or the income of his spouses.<sup>74</sup>
74. In 1997-1998 he presented the seminar at which Chantelle and Mr Cookerman met him.<sup>75</sup>

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<sup>68</sup> Exhibit 1, Volume 1, before Tab 1, p.16

<sup>69</sup> Exhibit 4

<sup>70</sup> ts 174 per Smith, J A

<sup>71</sup> Exhibit 1, Volume 1, before Tab 1, p.16

<sup>72</sup> Exhibit 1, Volume 1, before Tab 1, p.17

<sup>73</sup> Exhibit 1, Volume 1, before Tab 1, p.17

<sup>74</sup> Exhibit 1, Volume 1, before Tab 1, p.17

<sup>75</sup> Exhibit 1, Volume 1, before Tab 1, pp.17 and 19

75. When back in England in 1998, Simon went to Somerset, where Ms Smith joined him. He took her to meet his parents and she found it odd that they called him Gary. He told her that he had a friend at school who had been adopted and had a different name. He said that friend had given him the documents to the other name, so he took it on because he had done some things at the time and that 'he had a spiritual thing and he knew he had done a bad thing'.<sup>76</sup>
76. There is uncorroborated and rather vague evidence indicating that Simon may have been involved in a criminal activity in which he stole money.<sup>77</sup> That evidence, if correct, would provide an explanation for Simon's lifestyle, reclusiveness and, possibly, part of his motivation for disappearing.
77. Simon told Ms Smith that he had returned to England to reconcile with his mother, who had abused him as a child, but this was not discussed with his parents when he took Ms Smith to visit them.<sup>78</sup>
78. In 1999 Simon decided to return to Perth, possibly because at the time he missed his son. He told Ms Smith to tell anyone who asked that he was moving to North America.<sup>79</sup> Chantelle, who was living in Floreat with Ms Fleischer and her son by then, arranged for a visa for him.
79. In about 2000, Simon and Ms Smith arrived in Perth and moved into the house in Floreat. Simon carried on intimate relationships with all three women simultaneously for a brief period until Ms Fleischer and her son moved out a short time later.
80. Simon and Ms Fleischer were then involved in Family Court proceedings in relation to Simon's access to their son, which resulted in Simon being granted supervised visits.<sup>80</sup> According to Ms Smith, Simon was very mean to Ms Fleischer and her family by demonising them for their

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<sup>76</sup> Exhibit 1, Volume 4, Tab 113

<sup>77</sup> ts 159 and 174 per Smith, J A

<sup>78</sup> Exhibit 1, Volume 4, Tab 113; ts 160 per Smith, J A

<sup>79</sup> ts 164 per Smith, J A

<sup>80</sup> ts 162 per Smith, J A

religion.<sup>81</sup> The irony of the case was that, probably as a result of it, Simon obtained permanent residency in Australia and income support. Prior to that, he had no income.<sup>82</sup>

81. In 2002 or so, Ms Smith left the house in Floreat and broke away from Simon's influence. She found it quite emotionally challenging because she felt that the group had a kind of cult influence on her. Part of the context of the group when she was in it was a discouragement to contact her family or to focus on the past or on personalities. She started seeing a psychologist to assist her.<sup>83</sup>
82. Ms Smith provided candid and thoughtful evidence about Simon and her relationship with him. She said that it was hard to know what was true with him,<sup>84</sup> or that every story he told was true.<sup>85</sup> She said that his viewpoint when interacting with people was to breakdown their personalities, whatever their identity was.
83. Ms Smith found that Simon was possibly manipulating her, that he was the controlling person in the group, and that the others were his followers and supported him financially.<sup>86</sup>
84. Ms Smith also said that Simon did not give her any cause to believe that he could harm her, and she remembered him challenging a man whom they knew to be involved in domestic violence. However, she also recalled a one-off incident where Simon had intimidated her physically by holding her arms above her head to request that she return a book before she left the group.<sup>87</sup>
85. Simon, Chantelle and Leela moved to Denmark and then Nannup as described earlier. Simon spent a large amount of time on the internet at night and slept through much of the day. Simon's website had a forum that was divided into

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<sup>81</sup> ts 173 per Smith, J A

<sup>82</sup> ts 162 and 165 per Smith, J A

<sup>83</sup> ts 164 per Smith, J A

<sup>84</sup> ts 159 per Smith, J A

<sup>85</sup> ts 173 per Smith, J A

<sup>86</sup> ts 165 and 167 per Smith, J A

<sup>87</sup> ts 166 per Smith, J A

three ascending categories, with the highest being reserved for his closest followers.<sup>88</sup> Part of the time, he would go on to forums other than his own and pretend to be someone else.<sup>89</sup>

86. Simon was not physically active or able; for example, he would ask Mr Sunkar to go to the property to move gas bottles for him,<sup>90</sup> and he did no physical work on the farm.<sup>91</sup> He was reclusive and had no real friends outside the group and his associates on his forum. Occasionally, 'clients' visited him at the property during the day, but the evidence was unclear as to who they were or what his involvement with them entailed. When they visited, Chantelle took Leela to a park in Nannup.<sup>92</sup>
87. Simon kept contact with a select few people on his forum, two of whom being Alixander Fomioff and Kirk Helgason, young men from North America. In 2003-2004 they travelled together to Nannup, where they stayed at a backpackers accommodation managed by Mr Sunkar and visited Simon at the property. They were avid followers of Simon and distributed his books.<sup>93</sup> Mr Sunkar said that they were nice guys who became his close friends.<sup>94</sup>
88. Another person with whom Simon kept in contact by email was Sandra Hickey, who I infer was in the USA. Ms Hickey told the original investigating officers that, long before 2007, Simon mentioned to her that his health was declining, and he sounded depressed. He mentioned bouts of depression, fleeting thoughts of suicide and the continuing wish to move to a remote area.<sup>95</sup>
89. Simon also had contact with another follower in the USA, Sheryl Plocharczyk, whom he emailed shortly before he disappeared.<sup>96</sup>

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<sup>88</sup> Exhibit 1, Volume 1, before Tab 1, pp.17-18

<sup>89</sup> ts 163 per Smith, J A

<sup>90</sup> ts 118 per Sunkar, W S

<sup>91</sup> ts 79 per Crouch, L M

<sup>92</sup> Exhibit 1, Volume 2, Tab 17

<sup>93</sup> Exhibit 1, Volume 1, before Tab 1, p.67

<sup>94</sup> ts 120-121 per Sunkar, W S

<sup>95</sup> Exhibit 1, Volume 1, Tab 8.M

<sup>96</sup> Exhibit 1, Volume 1, Tab 8.O and 8.P

## **SIMON'S SPIRITUAL BELIEFS**

90. I briefly skimmed over Simon's books, Servers of the Divine Plan and The New Call, on-line and do not pretend to understand or appreciate fully the spiritual views within them. I recognised elements of Christianity and Buddhism, including Zen Buddhism, but there were also quotations from Tolstoy and Thoreau cited. From what I saw, the over-riding message was a need to lose the ego and to devote oneself to the enlightenment of humanity through a sort of universal love. The language used, especially in The New Call, is grandiose and replete with hyperbole and unsupported assertions, some of which appeared bizarre to me.
91. Dr Giesen provided a report in which she described Simon's belief, as she understood it from reading some of his emails and writings and related blogs from other writers, as follows:<sup>97</sup>

In brief, the main premise of his belief is that some supposedly selfless few are moving from what is our three dimensional, physical plane (known as the 'Piscean' era) to a five dimensional, 'vibrating' plane (known as the 'Aquarian' age) through what is known as an 'ascension' process. This ascension process is achieved through death - although apparently it doesn't feel like dying; more like going to sleep. The few who enter this five dimensional plane are considered to pass through a purification process and ascend into vibrating energies of varying frequencies. When a sufficient frequency is reached, one that matches that of the fifth dimension, a new level of reality emerges for the individual, one where a 'consciousness of love, compassion, peace and spiritual wisdom prevails'. This supposed transformation only happens to those who have learned to relinquish personal desires and material possessions for a greater, collective good, and are therefore considered to be superior to those left behind.

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<sup>97</sup> Exhibit 1, Volume 4, Tab 96

Further, this new level of consciousness is apparently extra-terrestrial in entity and capable of interplanetary travel. For those few who are ready for the ascension process and essentially waiting, they find living on earth as being toxic and polluted, and that there is nothing left but murder, hatred and putrefaction. They believe that we are heading towards an Armageddon; a judgment day; the end of the world (believed to be December 21 2012). This apocalyptic philosophy is based on the premise that all 'good' people get to go home (which is the fifth dimension) whereas all the 'sinners and failures are subjugated to reincarnation again for more suffering' by staying in the third dimension (our world).

92. Dr Giesen goes on to say that Simon told Ms Fleischer that he believed that 'we could be taken from the earth by energy or psychic beings; that we are not from this planet, but there were different realms or realities that we could be taken to, and this could happen instantly'.<sup>98</sup>
93. Mrs McDougall recalled an occasion when she went to a winery with Chantelle and Simon. After Simon had a bit to drink he started asking her about which planet she was from. She thought that he genuinely believed that people came from outer space to Earth.<sup>99</sup>
94. Ms Smith's overview of Simon's spiritual belief was roughly as follows. At its core, it was about knowing God and feeling that you are in service of the divine plan and a servant of God. That feeling will help with decisions in life. The belief followed a gnostic tradition of religion and borrowed from many religions in its teachings, including Indian religions, Christianity, Buddhism and New Age spirituality. Some 'way out' aspects were a belief in star seeds, walk-ins and reptilians, which are concepts quite popular in niche areas on the internet. There was also reference to Theosophy. It was a mishmash of many

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<sup>98</sup> Exhibit 1, Volume 4, Tab 96

<sup>99</sup> Exhibit 1, Volume 1, Tab 7

things, but also included belief in aliens, which is what star seeds and walk-ins were.<sup>100</sup>

95. Ms Smith agreed that Simon had talked about leaving the dimension on which we live and going to another dimension. She said that the idea was seen as the arrival of a sort of cataclysm which would automatically occur and that, if you were caught up in that, your 'soul' would rise to a different dimension, of which there were different levels. This concept did not involve suicide or a doomsday cult in her experience when she was with the group. Suicide was not part of the plan. Rather, the belief was they were being prepared for the cataclysm and some people would just automatically wake up without any preparation.<sup>101</sup>
96. Mr Sunkar was not part of the group, but he was also interested in New World spirituality and had written five books about it himself. He said that Simon's belief was that the earth was going through a massive catharsis because the system was crashing, and that people were going to start waking up all around the planet to what was going on. Ascension to a spiritual realm was part of the process, but Mr Sunkar did not think that the belief system involved a death cult.<sup>102</sup>
97. The following introductory note provided by Google Books for Servers of the Divine Plan reflects Ms Smith's and Mr Sunkar's evidence:

MANKIND AND PLANET EARTH HAVE TODAY ARRIVED at a critical juncture in their evolutionary journey. At the close of this 75,000 year major cycle, a New World is about to be born. The memories and higher faculties of certain individuals are just today returning to them, and they are beginning to recall the purpose of their incarnation, their duty to humanity and to planet Earth. They are becoming aware of the close attendance of legions of incorporeal divine Emissaries, the exalted ranks to which they

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<sup>100</sup> ts 167-168 per Smith, J A

<sup>101</sup> ts 167-169 per Smith, J A

<sup>102</sup> ts 124 per Sunkar, W S

inherently belong. They are remembering that they are an essential part of a vast collective effort and tremendously important task, the scope of which stretches back across millions of years and a myriad of past lifetimes upon Earth and elsewhere, all geared toward the forthcoming and conclusive glory. In their remembrance, they are perceiving that they are about to realise the grand consummation of a vital phase of the Divine Plan for Earth, the solar system and beyond.

### **EVENTS LEADING UP TO THE DISAPPEARANCE**

98. It appears that the plan for the group to leave the property in Nannup was initially formed around April 2007. There appear to have been two seemingly unconnected motivations for the plan. The first hint of that plan occurred after Mr and Mrs Crouch had subdivided the property and had arranged for Western Power to install a new transformer that was to be connected to the house. The transformer was about 90 metres from the house.<sup>103</sup>
99. In April 2007, Bruce Blackburn, an electrical contractor who lived near the property, was digging a trench and laying cable from the transformer to the house when Simon came out of the house and complained about the electromagnetic field (EMF) given off by the transformer and how it was making him sick. He told Mr Blackburn that he wanted to pack up and move away. He mentioned going to Brazil as a Third World country where he could get away from it.<sup>104</sup>
100. The suggestion by Simon that he might move to Brazil was likely started from an idea which members of his on-line group, especially Ms Plocharczyk, had presented to him. They had done research on the Santo Daime Church in the Brazilian Amazonian state of Acre, and Ms Plocharczyk was trying to talk him into taking a trip there.<sup>105</sup>

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<sup>103</sup> Exhibit 1, Volume 1, Tab 6

<sup>104</sup> Exhibit 1, Volume 1, Tab 6

<sup>105</sup> Exhibit 1, Volume 1, Tab 8.P

101. Ms Plocharczyk told police investigators that she was unsuccessful in talking Simon into going to Brazil. He rejected the idea and held to a spiritual hopelessness that was consuming him, also telling her that he would be physically incapable of making the trip without months of therapy first.<sup>106</sup>
102. Simon's purported concern about an EMF at the property appears to have been a pretext. Mr Blackburn explained to him that the EMF from appliances in the house was greater than that given off from the transformer. Simon did not appear to accept the explanation and became agitated. Mr Blackburn went back three times, and each time Simon became increasingly more agitated about it. The transformer was not actually connected during that period.<sup>107</sup>
103. The second possible motivation to leave Nannup had its genesis in July 2004. At that time Mr Cookerman had showed up in Nannup and had gone to the group's house. Chantelle called the local police officers to complain about him and they advised her about obtaining a violence restraining order (VRO).<sup>108</sup>
104. On 6 July 2004, one of the police officers, (then) First Class Constable Taylor, received another call from Chantelle about Mr Cookerman. Constable Taylor went to Busselton court to obtain a copy of the VRO and then went to the property, where he and another officer found Mr Cookerman waiting for them.<sup>109</sup>
105. Constable Taylor took Mr Cookerman to overnight accommodation in Nannup and the next day went with staff from the Bridgetown Mental Health Service to take him to Bunbury Hospital for psychiatric assessment. On the way to Bunbury, Mr Cookerman told Constable Taylor that the group were part of a cult and that Simon, who was the leader of the cult, was a fake and that his real name was Gary Felton.<sup>110</sup>

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<sup>106</sup> Exhibit 1, Volume 1, Tab 8.P

<sup>107</sup> Exhibit 1, Volume 1, Tab 6

<sup>108</sup> Exhibit 1, Volume 2, Tab 36

<sup>109</sup> Exhibit 1, Volume 2, Tab 36

<sup>110</sup> Exhibit 1, Volume 2, Tab 36

106. After dropping Mr Cookerman off in Bunbury, Constable Taylor contacted the WAPOL district office for more information about Simon and the cult. He was informed that WAPOL had no adverse intelligence about Simon.<sup>111</sup>
107. Constable Taylor saw little of Simon around Nannup over the next three years. However, on 5 May 2007 (by now) Sergeant Taylor stopped him for speeding on the Vasse Highway and asked him about his background in England. Simon appeared to be nervous and uncomfortable about answering questions about where he came from. He seemed to be attempting to be excessively nice and cooperative.<sup>112</sup>
108. When Constable Taylor was later made aware that the group had left the house on the property, he concluded that they had all left in a hurry because of his contact with Simon on 5 May 2007.<sup>113</sup>
109. Whether or not Simon's contact with police on 5 May 2007 was the precipitating factor, on 6 May 2007 Chantelle lodged a passport application for Leela at the Busselton Post Office with an intended travel date of 26 June 2017. Chantelle lodged another document indicating that Simon had not signed any document acknowledging paternity of Leela.<sup>114</sup>
110. Mrs McDougall was visiting Chantelle and her family when Leela's passport arrived about two weeks later. She asked Chantelle if they were planning to stay there or not. Chantelle told her that they did not know, but that they were concerned about living near the high voltage wires near the house.<sup>115</sup>
111. During May 2007 Simon told Ms Plocharczyk by email that the group in Nannup had a plan for a family suicide with a quick-acting drug. The plan was for the four of them to wander into a wilderness area where he, Chantelle and Leela would take the drug and Tony would bury them.

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<sup>111</sup> Exhibit 1, Volume 2, Tab 36

<sup>112</sup> Exhibit 1, Volume 2, Tab 36

<sup>113</sup> Exhibit 1, Volume 2, Tab 36

<sup>114</sup> Exhibit 1, Volume 1, before Tab 1, p.59

<sup>115</sup> Exhibit 1, Volume 1, Tab 7

Tony would then wander further into the wilderness and take the drug where no-one would find his body. Simon told her that he thought that Chantelle could not do it because she kept delaying. She told him that it would be murder to kill Leela, and after that Simon was no longer as open with her.<sup>116</sup>

112. Ms Plocharczyk said that she and others in the on-line chat group tried to convince Simon to move to another location away from the EMF, but he refused their advice.<sup>117</sup>
113. By June 2007, Simon's chat room contact, Sandra Hickey, considered that Simon was more often in pain than not.<sup>118</sup> At about that time, Mr Sunkar had a conversation with Simon, who told him that he felt that 'the energy was a bit withdrawn' as it was 'being affected by the planet'.<sup>119</sup> He told Mr Sunkar that he felt very depressed and was taking strong antipsychotic medication.<sup>120</sup>
114. In early June 2007 Simon emailed Ms Plocharczyk and told her that he did not want to live anymore and that he would end his life when he went off-line. He said that Tony was awake and knew of his intentions, but that Chantelle and Leela were asleep and he wanted to do it before they awoke.<sup>121</sup>
115. Ms Plocharczyk was relieved in a way, because of what he had earlier told her about the family suicide plan. She did not hear from him again. She tried unsuccessfully to contact Chantelle by phone and eventually heard from Mr Sunkar by email that Simon was dead.<sup>122</sup>
116. Meanwhile, in early June 2007 Simon and Chantelle advertised puppies for sale. Their dachshund dogs had produced a litter in about April or May 2007.<sup>123</sup>

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<sup>116</sup> Exhibit 1, Volume 1, Tab 8.O

<sup>117</sup> Exhibit 1, Volume 1, Tab 8.O

<sup>118</sup> Exhibit 1, Volume 1, Tab 8.M

<sup>119</sup> Exhibit 3; ts 122 per Sunkar, W S

<sup>120</sup> ts 122 per Sunkar, W S

<sup>121</sup> Exhibit 1, Volume 1, Tab 8.O

<sup>122</sup> Exhibit 1, Volume 1, Tab 8.O

<sup>123</sup> Exhibit 1, Volume 1, Tab 9

117. A travel agent living in Thornlie, Carolyn French, contacted them several times by phone and email to inquire about the puppies. She usually spoke with Simon. The second time she called, he told her that he, Chantelle and Leela were moving to Brazil. She told him that she was a travel agent and that she spoke Portuguese so could offer assistance, but he told her that he already had people in Brazil to help. In the course of their conversations, she arranged to buy a puppy for \$600 and to foster the parent dogs. She transferred a deposit into Chantelle's bank account. She later received an email from Simon indicating the date on which he was leaving.<sup>124</sup>
118. On 12 June 2007, Tony was charged by summons with disorderly behaviour in relation to an incident that day in a public toilet in Margaret River in which he exposed himself to a plain clothes police officer who was in the facility after receiving a complaint from a member of the public.<sup>125</sup>
119. On 19 June 2007 Chantelle withdrew about \$1110 from her savings account.<sup>126</sup>
120. Mr Blackburn said that in June 2007, they (whom I take to be Chantelle and Simon) took their chickens to his house and gave them to his wife to keep. He said that the chickens were Chantelle's pride and joy.<sup>127</sup>
121. Around 17 June 2007, Mr Blackburn went to the property in order to complete the cabling to the transformer. Simon brought out beer which they drank, sitting with Tony on the porch. Simon appeared happy and said nothing about EMF or anything else unusual. Rather, Simon chatted about life in general, which was a bit of a shock to Mr Blackburn.<sup>128</sup>
122. The last email Ms French received from Simon was dated 24 June 2007. He informed her that he could not hold the dogs until the end of July 2007 as she had earlier planned because they were emigrating sooner than they thought.

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<sup>124</sup> Exhibit 1, Volume 1, Tab 9

<sup>125</sup> Exhibit 1, Volume 1, Tab 12

<sup>126</sup> Exhibit 1, Volume 1, before Tab 1, p.53

<sup>127</sup> Exhibit 1, Volume 1, Tab 6

<sup>128</sup> Exhibit 1, Volume 1, Tab 6

He said that she would have to pick up the puppies on 15 July 2007. That was the last reported contact he had with anyone. Ms French tried to email him subsequently, but her emails bounced.<sup>129</sup> She later spoke by phone with Chantelle, who told her that Simon had already gone.<sup>130</sup>

123. Towards the end of June 2007, Mr Sunkar called Chantelle to ask about Simon after he had heard from Ms Hickey that Simon had committed suicide. When he asked her if Simon had committed suicide, Chantelle asked, 'Oh, is that what they said?' which struck Mr Sunkar as really unusual.<sup>131</sup>
124. Between 14 June 2007 and 14 July 2007 Chantelle spoke to her parents by phone. On 24 June 2007 she told her mother that she and her family were moving in about six weeks' time to a community on the outskirts of Rio Branco in Brazil.
125. In early July, Chantelle called her parents and told her mother that she was still not sure what her address would be in Brazil. She said that she was still packing and that they would make arrangements to send their things to Brazil by boat. She said that Simon had already left and that she and Leela were going to follow by plane. Tony was going to travel around a bit and then go to Brazil on his own.<sup>132</sup>
126. On 3 and 4 July 2007 Chantelle withdrew another \$3940 from her savings account.<sup>133</sup>
127. On 5 July 2007 Tony withdrew \$420 from his savings account in Manjimup.<sup>134</sup>
128. On 10 or 11 July 2007 Tony went to see his parents in Manjimup to say good-bye to them. He said that Simon was going to spend a few days in Perth and then go to Brazil. Simon would make sure everything was all right in Brazil and then send Chantelle and Leela there as well.

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<sup>129</sup> ts 108 per French, C A

<sup>130</sup> Exhibit 1, Volume 1, Tab 9; ts 109 per French, C A

<sup>131</sup> Exhibit 3; ts 121-122 per Sunkar, W S

<sup>132</sup> Exhibit 1, Volume 1, Tab 7

<sup>133</sup> Exhibit 1, Volume 1, before Tab 1, p.53

<sup>134</sup> Exhibit 1, Volume 1, before Tab 1, p.53

Tony said that he was not going to Brazil at that time and that he may go to Alice Springs.<sup>135</sup>

129. While Tony was at his parents' house, his mother called his brother, Joseph, to speak with him. Joseph had a brief conversation with him to tell him at least to touch base with their parents to let them know that he was safe and well.<sup>136</sup>
130. Tony had previously told Joseph about the plan to go to Brazil. Joseph had met Simon and Chantelle when Tony lived with them in Floreat. He had not warmed to Simon and had an uneasy feeling about him and his motives towards Tony. He felt that Simon was brainwashing Tony and felt strongly enough about it to warn Tony. When Joseph had asked Tony about going to Brazil, Tony did not really answer his questions about the plan.<sup>137</sup>
131. After saying good-bye to his parents, Tony went to a car yard in Bridgetown and sold the ute he had purchased for a lawn-mowing business. He accepted \$1,500 for it without bargaining.<sup>138</sup>
132. On 12 July 2007 several things of significance occurred:
  - a. an unidentified person called TransWA from the land-line at the property;
  - b. an unidentified person went to the Manjimup Visitors Centre and bought a ticket for an adult passenger with the name J Roberts travelling from Bridgetown to Northcliffe on 15 July 2007. The telephone number provided on the booking record was the land-line at the property;
  - c. Tony appeared at the Margaret River Magistrates Court and pleaded guilty to the disorderly behaviour charge. He was fined \$300 plus court costs.

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<sup>135</sup> Exhibit 1, Volume 1, Tab 11

<sup>136</sup> Exhibit 1, Volume 2, Tab 30

<sup>137</sup> Exhibit 1, Volume 2, Tab 30

<sup>138</sup> Exhibit 1, Volume 1, Tab 10

The event on 12 June 2007 may have evidentiary significance, as described below;

- d. Chantelle contacted Synergy and arranged for a final meter reading to be done on 20 July 2007; and
  - e. a person, presumably Chantelle, called Telstra from the land-line at the property, probably to arrange disconnection of the telephone service.
133. On 13 July 2007, Chantelle, Leela and Tony went to Busselton, where Chantelle sold her car for \$4000 at a car-yard. Chantelle told the proprietor of the car yard that they were going to Brazil.<sup>139</sup>
134. On the same day, she and the others went to a pet shop in Busselton where she sold three of their puppies for a total of \$975. Before they left the pet shop, Leela played with the puppies and was upset that she had to say goodbye to them.<sup>140</sup>
135. Chantelle then went to a bank in Busselton, where she deposited the cheque for the car and cashed the cheque for the puppies. Tony went to the Busselton Courthouse and arranged for an enduring power of attorney, appointing his brother Joseph to manage his affairs. He mailed that document to Joseph.<sup>141</sup>
136. Also on 13 July 2007, a ticket was purchased with cash at the East Perth train station for a return journey from East Perth to Kalgoorlie on the morning of 16 July 2007. The ticket was for a passenger named 'J Robwerts'.<sup>142</sup> Not unreasonably, as is apparent by later evidence, Senior Sergeant Balfour inferred that the name was most likely a typographical error made by the TransWA employee taking the booking for a person claiming to be J Roberts.<sup>143</sup>

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<sup>139</sup> Exhibit 1, Volume 1, Tab 13

<sup>140</sup> Exhibit 1, Volume 1, Tab 14

<sup>141</sup> Exhibit 1, Volume 1, Tab 15

<sup>142</sup> Exhibit 1, Volume 1, before Tab 1, p.56

<sup>143</sup> ts 39 per Balfour, G S

137. On 14 July 2007 Ms French called Chantelle to confirm that she would drive down to Nannup the next day to collect the dogs as arranged with Simon. Chantelle told her that Simon had already left and that she would have to come down on 14 July 2007 because she, Chantelle, was due to leave. Ms French drove to Nannup that afternoon, arriving at about 2.30 pm.<sup>144</sup>
138. When Ms French arrived at the property, Chantelle was sitting on the grass with a puppy and the parent dogs. The dogs were barking, so it was difficult to have a conversation, but Chantelle appeared to be sweet and softly spoken.<sup>145</sup> They moved inside, and Ms Smith noticed that there was furniture and a large-screen TV, which seemed strange to her if Chantelle was leaving the next day.<sup>146</sup>
139. Chantelle organised a number of items for Ms French to take with the dogs, including a dog bed and immunisation records. Ms French mentioned to Chantelle that she did not appear to have packed since there was furniture in the house, to which Chantelle said that she was leaving some things behind and was going to Perth for three days. Ms French asked her if her daughter wanted to say goodbye to the dogs, and Chantelle told her that her daughter was unwell and was in the caravan with their room-mate.<sup>147</sup> It appeared to Ms French that Chantelle was trying to hurry her out.<sup>148</sup>
140. Before Ms French left with the dogs, Chantelle disappeared into another room for a few minutes. The room was not in the direction of the caravan. When she returned, she seemed more anxious, and she said that she might have to take her daughter to the hospital.<sup>149</sup>
141. Ms French left and was halfway to Perth when she realised that she had not paid Chantelle the outstanding money for the puppy. When she got home, Chantelle called her and they arranged for her to transfer the money into Chantelle's

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<sup>144</sup> Exhibit 1, Volume 1, Tab 9

<sup>145</sup> Exhibit 1, Volume 1, Tab 9

<sup>146</sup> ts 110 per French, C A

<sup>147</sup> Exhibit 1, Volume 1, Tab 9

<sup>148</sup> ts 111-112 per French, C A

<sup>149</sup> ts 115 per French, C A

account. When asked, Chantelle said that she had not needed to take her daughter to the hospital.<sup>150</sup>

### **THE MEMBERS OF THE GROUP DISAPPEAR**

142. On 15 July 2007 Ms French tried to call Chantelle and left a message on her answering machine. Later that day, or in the next few days, Ms French received a phone call from a woman who asked who she was and if she knew Chantelle. The woman sounded angry. She did not give Ms French her name, only saying that Ms French's number came up on Chantelle's phone. Ms French presumed that she was Chantelle's landlady,<sup>151</sup> but Ms Crouch said in evidence, and I accept, that it was not her.<sup>152</sup>
143. The ticket purchased by phone from the property on 12 July 2007 for J Roberts to travel from Bridgetown to Northcliffe on 15 July 2007 was not used. However, at 2.20 pm on 15 July 2007, a ticket was purchased for J Roberts at the Bunbury train station for a journey from Bunbury to Perth departing at 2.45. A man travelled to Perth on that ticket, arriving at the Perth train station at about 5.15 pm.<sup>153</sup>
144. From about 5.30 pm, Tony's mobile phone was in the Northbridge area, being used to call budget accommodation and the Court Hotel, a venue known to be gay-friendly. The phone was also used to order pizza to be delivered to a location in King's Park near a toilet block known to be frequented by gay men looking for sexual encounters.<sup>154</sup>
145. A pizza delivery driver drove to the location in King's Park and delivered a pizza to a man whom he identified to be Tony.<sup>155</sup>
146. While, by necessity, the identification of Tony by the pizza delivery driver took place years later and in less than ideal

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<sup>150</sup> Exhibit 1, Volume 1, Tab 9

<sup>151</sup> Exhibit 1, Volume 1, Tab 9

<sup>152</sup> ts 103-104 per Crouch, E A

<sup>153</sup> Exhibit 1, Volume 1, before Tab 1, pp.54-55.

<sup>154</sup> Exhibit 1, Volume 1, before Tab 1, pp.49-50

<sup>155</sup> Exhibit 1, Volume 2, Tab 35

circumstances, the evidence taken overall leaves little room for doubt that it was Tony who received the pizza. It also appears highly likely in my view that he had travelled to Perth that day.

147. That night, a person using Tony's driver's licence as photographic identification checked into a double room in the Underground Backpackers Hostel in Northbridge for two nights.
148. At 6.35 am on 16 July 2007 Tony's phone was used in Northbridge to call TransWa. At 6.53 am the same morning, his phone was used to call NAB online trading from Northbridge. That was the last known call from his phone.<sup>156</sup>
149. Also on the morning of 16 July 2007, at 6.54 am a taxi conveyed a fare booked in the name 'Tony' from the Underground Backpackers Hostel to the East Perth train terminal, arriving at 7.09 am according to the taxi meter.<sup>157</sup>
150. At 7.02 am on 16 July 2007 at the Perth City Terminal, a ticket was purchased for J Roberts for travel from Perth to Northcliffe, departing at 9.30 am that morning. The journey went by train to Bunbury and then on to Northcliffe by bus.
151. At 7.15 am that morning, an adult male passenger undertook the journey to Kalgoorlie from the East Perth train terminal on the ticket purchased on 13 July 2007 for J Robwerts. The manifests for the return journey were not kept, so it was not possible to ascertain whether anyone undertook the return journey.<sup>158</sup>
152. At 9.30 am an adult male passenger undertook the trip to Northcliffe via Bunbury on the ticket purchased that morning in the name of J Roberts.

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<sup>156</sup> Exhibit 1, Volume 1, before Tab 1, p.49

<sup>157</sup> Exhibit 1, Volume 2, Tab 24

<sup>158</sup> Exhibit 1, Volume 1, before Tab 1, p.56

153. On 16 July 2007 Mr and Mrs Crouch went to the property to attend to the cattle. They had not seen any of the group for a few days by that stage. Mr Crouch noticed an envelope on the back door of the house, so he went to the door and opened the envelope.
154. In the envelope was a note to Mr and Mrs Crouch from Chantelle, Simon, Tony and Leela saying that they had 'left suddenly due to the lack of sleep created by the EMF'. They said that they had moved to Brazil and could not take most of their furniture with them. Whatever was left was Mr and Mrs Crouch's to do as they wished. They apologised for leaving quickly.<sup>159</sup>
155. In Tony's caravan was a considerate note from Tony to the Mr and Mrs Crouch in which he reiterated that they were welcome to all the items he had left behind in the caravan, and described the condition of the caravan and how necessary repairs could be effected.<sup>160</sup>
156. The house and the caravan were in spotless condition. In the house, all of the food except for a bucket of rice, and all personal items including clothing had been removed. However, all the electrical appliances remained, including a large plasma TV, Xboxes, a DVD player, scores of DVDs, two computers, clock radios, lamps and oil heaters in every room. The fridge door was left open with the inside clean and empty. All the furniture had been left behind, including mattresses on the beds, but there were no sheets or towels.<sup>161</sup>
157. Also on 16 July 2007, Joseph Popic received a package through Australia Post from Tony, containing the power of attorney forms, Tony's bank statements and superannuation policy details. Included was a handwritten note from Tony in which he outlined the bank account and superannuation policy details, apologised for being a crap brother, and thanked Joseph for all his help.<sup>162</sup>

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<sup>159</sup> Exhibit 1, Volume 1, Tab 16

<sup>160</sup> Exhibit 1, Volume 1, Tab 16

<sup>161</sup> Exhibit 1, Volume 2, Tab 17; ts 98 per Crouch, E A

<sup>162</sup> Exhibit 1, Volume 2, Tab 30

158. No confirmed evidence of contact or sighting of any member of the group has been made again.

### **INVESTIGATIONS INTO TRAVEL ON 16 JULY 2007**

159. The identities of the persons travelled to Northcliffe as J Roberts and to Kalgoorlie as J Robwerts on 16 July 2007 is a mystery within a mystery.
160. While I have concluded that it was most likely Tony who travelled by train as J Roberts from Bunbury to Perth on 15 July 2007, it does not necessarily follow that Tony returned to Bunbury and then on to Northcliffe the next day. This is particularly so given that Tony was from Northam and had told his family that he may go to Alice Springs. There are any number of possible reasons why he may have travelled on the Kalgoorlie train instead of going to Northcliffe.
161. Most importantly, the meter times of the taxi from the backpackers hostel to the East Perth train terminal (6.54 am to 7.09 am) and the time at which the ticket to Northcliffe was purchased (7.02 am), suggests that whoever travelled in the taxi did not buy the ticket to Northcliffe. As it appears that Tony travelled in the taxi, it is likely that he did not buy that ticket. In that case, it would seem unlikely that he travelled to Northcliffe, though that remains a possibility given the highly likely involvement of another person.
162. Of course, it is also possible that the taxi meter was not closely synchronised with the TransWA clock. If that were so, support for the conclusion that Tony travelled on the train to Kalgoorlie would be lessened.
163. While it does seem likely, but not certain, that Tony was one of the passengers in question, and though the evidence available does not reveal his motivation for travelling to either destination, the question of who the other traveller was is even less certain.

164. It is tempting to conclude that Simon was the most likely person, especially given that there is no evidence that Tony was close to any other man at that time, and because Ms French's evidence gave rise to the possibility that Simon was still somewhere inside the house when Chantelle left her for a short time. Such a conclusion would involve a large degree of speculation, though the evidence does leave open the possibility that it was Simon, as Detective Senior Sergeant Balfour said in his oral testimony.<sup>163</sup>
165. What does appear almost certain, given the fact that the ticket purchased in Manjimup from Bridgetown to Northcliffe on 12 July 2007 (and not used) was booked in the name J Roberts from the land-line at the Nannup property, is that Tony or someone connected to him travelled to Northcliffe on 16 July 2007 under the same name.
166. Senior Sergeant Balfour analysed the evidence of the relevant travel in detail, but could not draw a conclusion either way as to which man travelled on which service.<sup>164</sup> He said that it was improbable that Tony purchased the ticket to Kalgoorlie on 13 July 2007 given his other activities in Bunbury that day. It was, he said, plausible that another person, possibly Simon, bought the ticket and arranged to meet Tony at the East Perth train terminal where Tony had travelled in a taxi from Northbridge, arriving at 7.09. However, if that were correct, it raises the question of who purchased the ticket to Northcliffe at 7.02 am, once again assuming that the taxi meter and the TransWA clock were close.
167. In the end, this evidence leads to at least two reasonable inferences. One inference is that it is possible that Simon was still alive on 16 July 2007. The second is that Simon or Tony, but probably Tony, travelled on the train to Kalgoorlie that morning and that a male associate of his, possibly Simon, travelled to Northcliffe that same day.

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<sup>163</sup> ts 62 per Balfour, G S

<sup>164</sup> ts 58 per Balfour, G S

168. However, the evidence does not take the investigation much further. In Detective Senior Sergeant Balfour's words, it 'Probably poses more questions than answers'.<sup>165</sup>

## **REPORTED SIGHTINGS**

169. During the investigation into the disappearance of the group, there was extensive media coverage, including national and international media releases by WAPOL via the internet, television, newspapers and magazines. Leela's disappearance was included in the International Missing Children's Day, and Mr and Mrs McDougall travelled throughout Australia handing out posters of Chantelle and Leela.<sup>166</sup>
170. Chantelle, Leela and Tony are listed as missing persons with Interpol. Simon is listed as a suspect.<sup>167</sup>
171. After watching a missing persons report on TV on the night of 26 May 2011, a resident of King River near Albany, Glenn Bevan, gave police in Albany a statement in which he said that, on a weekend sometime in 2007, he had been drinking at a tavern in King River when he met a patron who appeared to be with another man, a woman and a young girl. The patron told him that his name was Tony and that they were all going to walk across the bottom of Australia together. He said that he was only going so that he could look after the woman and the child.<sup>168</sup>
172. When Mr Bevan attended the Albany Police Station, he was shown photos in which he recognised Leela and Tony. A photo of Simon looked similar to the other man he had seen. He did not recognise Chantelle in a photo which police had of her. He said that, on the day when he spoke to the group, he hardly looked over at her because she was very quiet and hardly spoke.<sup>169</sup>

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<sup>165</sup> ts 61 per Balfour, G S

<sup>166</sup> Exhibit 1, Volume 2, Tab 24

<sup>167</sup> Exhibit 1, Volume 1, before Tab 1, p.76

<sup>168</sup> Exhibit 1, Volume 2, Tab 37

<sup>169</sup> Exhibit 1, Volume 2, Tab 37

173. In a later statement, Mr Bevan said that Tony told him that the other man was a spiritual leader, but that Tony did not buy it. Mr Bevan heard the other man talking to locals and quickly formed an unfavourable impression. The other man was about five foot ten inches tall with a stocky build, olive skin and short brown hair.<sup>170</sup>
174. On either 13, 21 or 26 February 2008, a woman who lived in Nannup and who had known Chantelle, Simon and Leela well for more than two years was in a queue at a Muffin Break shop in Busselton when she saw a woman and her daughter going into a nearby shoe shop. She thought that they looked a lot like Chantelle and Leela, but did not think much more of it until she heard on the radio that they were missing. A police officer obtained a statement from the woman and accepted her report as reliable.<sup>171</sup>
175. On 1 April 2008, Crimestoppers received an anonymous report of a male person and a female child similar in appearance to Leela and Simon or Tony being seen at a bottle shop in Bassendean. On 7 April 2008 a police officer called the bottle shop and spoke to a staff member who said that there was video surveillance available from 1 April 2008, which could be downloaded. Apparently that was not followed up by police.<sup>172</sup>
176. Also on 1 April 2008, a woman called Crimestoppers and reported seeing a couple depicted in media releases shopping in a Salvation Army shop in O'Connor. They were looking for a wheel chair because the man was going to undergo back surgery at Shenton Park Hospital and was currently receiving treatment at Royal Perth Hospital. He spoke with an unidentified accent but appeared to be an 'Australian Caucasian'. They both appeared unkempt. Police inquiries with Royal Perth Hospital, which includes Shenton Park Hospital, revealed no records of Chantelle, Simon or Tony apart from a record of Tony having attended Sir Charles Gairdner Hospital in 1996.<sup>173</sup>

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<sup>170</sup> Exhibit 1, Volume 2, Tab 37

<sup>171</sup> Exhibit 1, Volume 4, Tab 86, Viper Actions 61

<sup>172</sup> Exhibit 1, Volume 4, Tab 85, Viper Actions 32 and 47

<sup>173</sup> Exhibit 1, Volume 4, Tab 85, Viper Action 48

177. On 2 April 2008, a woman who lived in Dunsborough was driving to Busselton when, about 10 km from Busselton, she saw a man and a woman with a small child holding a teddy bear. They looked like photos of the group depicted in the newspaper. They were walking towards Busselton. A police officer contacted the woman, who said that she had seen video footage on the TV the previous evening which caused her to doubt that the people she saw were members of the group.<sup>174</sup>
178. In March 2014, a man who ran a petting zoo and children's amusement park about one kilometre out of Dunsborough contacted the Busselton Police Station and said that around April 2008, a woman and child who looked like Chantelle and Leela in photos in the media attended the park. At around the same time, he thought he saw a man who looked like one of the men in those photos walking on the road between Yallingup and Dunsborough.<sup>175</sup>
179. On 16 June 2008 a woman who lived in Busselton was standing in a queue in a newsagent in Busselton with her 11 year old daughter when she made eye contact with a six or seven year old girl who was also waiting. They smiled at each other and the woman thought that the girl had a beautiful smile. When that occurred, a man standing in the queue ahead of her half-turned to look at her as if to let her know that he was aware of what was happening. He appeared agitated and disapproving of her contact with the girl.<sup>176</sup>
180. When the man was served at the counter, he dropped a \$2 coin. The woman picked it up and handed it to him. He thanked her without looking at her and said to the girl, 'C'mon Leela'.<sup>177</sup>
181. The woman told police that the man appeared to be in his late 40's. He was Caucasian, about six feet tall and thick set but not too big. He had short brown receding hair and a deep voice, possibly with a slight English accent.

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<sup>174</sup> Exhibit 1, Volume 4, Tab 85, Viper Action 49

<sup>175</sup> Exhibit 1, Volume 4, Tab 88, Viper Action 577

<sup>176</sup> Exhibit 1, Volume 4, Tab 89, Viper Action 133

<sup>177</sup> Exhibit 1, Volume 4, Tab 89, Viper Action 133

The woman did not think much of it until she saw pictures in the Sunday paper the next day of the group.<sup>178</sup>

182. One of the pictures was of a girl and the woman immediately thought that it was the girl in the newsagent. The caption below the photo said that the name of the girl was Leela.<sup>179</sup>
183. One of the photos of the men in the group looked to the woman to be strikingly similar to the man she had seen in newsagent. She read the article in the paper and was sure that the man and girl she saw were the ones in the article. She called Crimestoppers and provided a statement.<sup>180</sup> She also identified the man as the one in a photo which police had of Simon.<sup>181</sup> Investigators did not inquire as to whether CCTV footage was available in the vicinity of the newsagent.

## **TWO INVESTIGATIVE OPPORTUNITIES**

184. At some time in 2007, a woman in Bunbury accompanied her son while he tried out a metal detector in bushland off Estuary Drive at Pelican Point bordering the Preston River. After they had driven up a bush track and got out, she noticed a number of articles of clothing, books and other items scattered over the track. Beside the track were two sand mounds, similar to what is seen on new graves at a cemetery. On one of the mounds was a pair of girl's underpants. She reported to Bunbury Police what she had seen, but they dismissed her concerns.<sup>182</sup>
185. The woman went back to the track several months later, but the mounds and the clothing were gone. After watching a TV program in 2013 about the disappearance of the group, she called Crimestoppers. In May 2014 Senior Sergeant Balfour accompanied her to the spot where she

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<sup>178</sup> Exhibit 1, Volume 4, Tab 89, Viper Action 133

<sup>179</sup> Exhibit 1, Volume 4, Tab 89, Viper Action 133

<sup>180</sup> Exhibit 1, Volume 4, Tab 89, Viper Action 133

<sup>181</sup> Exhibit 1, Volume 4, Tab 116, Photo 5; Exhibit 1, Volume 4, Tab 89, Viper Action 133

<sup>182</sup> Exhibit 1, Volume 4, Tab 112

had seen the mounds, but there was no sign of soil disturbance and the area was covered with weeds.<sup>183</sup>

186. It is not clear whether the woman's initial sighting of the mounds occurred before or after the group's disappearance.
187. On 31 October 2007 two police officers from the Pemberton Police Station attended a remote bush location near Northcliffe where they were informed that a group of prison workers had found a woman's old red T-shirt and that they could smell dead flesh in the area. The police officers thought that the T-shirt appeared to have been there for years rather than months but nevertheless seized it for testing. There is no record of a forensic examination of the T-shirt having been done or of a search of the bushland having been conducted.<sup>184</sup>
188. In October 2014, Senior Sergeant Balfour interviewed the police officers, who said that the shirt had been seized for forensic examination by a scene of crime officer, but that they did not know what happened to it. They said that they had searched the vicinity of where the shirt was found but could not detect the smell of dead flesh. The identities of the prison workers could not be established, but one of the police officers was confident that he could find the location they had attended in 2007.<sup>185</sup>
189. In February 2015, investigators attempted to find the spot where the police officers had attended but, due to the growth of new vegetation and the effects of a recent bushfire, they doubted the accuracy of their attempts.<sup>186</sup>
190. A further attempt to find the spot was made in March 2015 with the assistance of one of the police officers from 2007. A line search was conducted, but the conditions were very difficult, with several large, fallen trees and large quantities of ash and debris from fires. The searchers considered that, if any remains existed under the fallen trees, it would not be known.<sup>187</sup>

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<sup>183</sup> Exhibit 1, Volume 4, Tab 112

<sup>184</sup> Exhibit 1, Volume 4, Tab 110

<sup>185</sup> Exhibit 1, Volume 4, Tab 110

<sup>186</sup> Exhibit 1, Volume 4, Tab 111

<sup>187</sup> Exhibit 1, Volume 4, Tab 111

191. Senior Sergeant Balfour noted that police investigators did not follow up these and other reports during the original investigation, resulting in the loss of investigative opportunities.<sup>188</sup>

### **CHANTELLE'S MOBILE PHONE**

192. Investigators during the initial investigation obtained telco provider records for Chantelle's mobile phone for the periods 1 June 2007 to 16 November 2007. The following calls were considered potentially relevant.

193. On 19 June 2007 Chantelle received a call from a person in Peppermint Grove. Police interviewed her and confirmed that she was the owner of the relevant phone at the time, but she denied having any knowledge of the call or of any members of the group.<sup>189</sup>

194. On 22 June 2007 Chantelle received a 37 second call from a man who resided in Kalgoorlie-Esperance at the time. He was interviewed several times by police over the years. He said that he was a FIFO worker at the time and had lost his phone while in Perth on leave, but police found inconsistencies in his account. He denied having any knowledge of any members of the group.<sup>190</sup>

195. On 12 July 2007 a call was made to a phone in Victoria Park for a duration of five seconds. The subscribers of the number were a couple who lived with their daughter. Investigators interviewed them and they all were unfamiliar with the members of the group. They suggested that Chantelle had possibly mistakenly called their number, but the investigators noted that Chantelle had not then called another similar number as would have been expected.<sup>191</sup>

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<sup>188</sup> Exhibit 1, Volume 1, before Tab 1, pp.68-69

<sup>189</sup> Exhibit 1, Volume 1, before Tab 1, pp.50-51

<sup>190</sup> Exhibit 1, Volume 2, before Tab 52

<sup>191</sup> Exhibit 1, Volume 1, before Tab 1, p.50

## **GARY FELTON IN ALBANY**

196. In October 2014 investigators acting on the purported sighting of the members of the group at King River by Mr Bevan in 2007 identified all budget accommodation within the vicinity of King River and checked their lodger records.<sup>192</sup>
197. Records for the Emu Park Caravan Park indicated that on 22 February 2011 a person using the name 'Gary Felton' checked in overnight and paid cash for a powered site for two people. He claimed to be a Top Tourist member.<sup>193</sup>
198. Top Tourist Parks is a national network of affiliated holiday parks. Members of the public can join the network and receive benefits such as discounts on accommodation.<sup>194</sup>
199. Top Tourist Parks informed investigators that there had been no memberships in the name 'Gary Felton'.<sup>195</sup> Investigators conducted interviews with all other persons with that name who lived in Australia and eliminated them as being the man who checked into Emu Park Caravan Park in February 2011.<sup>196</sup>

## **PROPERTY SEARCHES**

200. A full forensic examination was not conducted of the group's house and caravan following the notification in October 2007 that Chantelle, Leela and Tony were missing because the investigating officers decided that there was no evidence to suggest that they had been the victims of a crime.<sup>197</sup>
201. In April 2008, detectives searched the group's house and caravan but did not carry out a full forensic examination. In July 2008 a Special Crime Squad detective reviewed the investigation and determined that such an examination

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<sup>192</sup> Exhibit 1, Volume 1, before Tab 1, pp.70-71

<sup>193</sup> Exhibit 1, Volume 4, Tab 90

<sup>194</sup> Exhibit 1, Volume 1, before Tab 1, p.71

<sup>195</sup> Exhibit 1, Volume 4, Tab 91

<sup>196</sup> Exhibit 1, Volume 1, before Tab 1, p.71

<sup>197</sup> Exhibit 1, Volume 1, before Tab 1, p.44

would not be done because of the time that had passed and because the property was occupied by new tenants.<sup>198</sup>

202. On 28 July 2012, the WAPOL Emergency Operations Unit coordinated a search by 60-70 State Emergency Service personnel of the rural property in Nannup and areas around it.<sup>199</sup>
203. On 12 and 13 January 2015 a WAPOL dive squad team searched the five dams on the property that had existed in 2007.<sup>200</sup>
204. Neither of those searches revealed any evidence of the members of the group.

### **RELATED SUICIDES**

205. On 24 July 2007 in Canada, Alixander Fominoff, who had visited Simon in 2003/2004 with Kirk Helgason, killed himself with pentobarbital (marketed as Nembutal and also known as pentobarbitone).<sup>201</sup>
206. On 26 August 2008 in the USA, Kirk Helgason and his girlfriend Christina Parrott killed themselves with pentobarbital. In 2006, Parrott had transferred two payments totalling \$6,000 into Chantelle's account.<sup>202</sup>
207. According to Constable Greatorex, suicide notes left by Mr Fominoff and Mr Helgason indicated that they were not unhappy or depressed, but that they were above this world and were moving onto a higher plane.<sup>203</sup>

### **INQUIRIES TO RELEVANT AGENCIES**

208. Police investigators made inquiries with the following agencies in relation to activities of the members of the

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<sup>198</sup> Exhibit 1, Volume 1, before Tab 1, p.44

<sup>199</sup> Exhibit 1, Volume 1, before Tab 1, p.45

<sup>200</sup> Exhibit 1, Volume 1, before Tab 1, p.45

<sup>201</sup> Exhibit 1, Volume 2, Tab 24

<sup>202</sup> Exhibit 1, Volume 2, Tab 24

<sup>203</sup> Exhibit 1, Volume 2, Tab 24

group after their disappearance. None of the agencies had a record of any such activity:

- a. police forces in other Australian jurisdictions;
  - b. government support agencies: Medicare, CentreLink, registrars of births, deaths and marriages, housing authorities, and education departments;
  - c. utilities providers: telecommunications companies, utilities companies and major financial institutions;
  - d. the Department of Immigration and Citizenship in relation to the movement of Australian passport holders;
  - e. domestic airlines;
  - f. TransWA, Great Southern Railway and domestic bus companies;
  - g. budget accommodation facilities in Kalgoorlie and Alice Springs;
  - h. Ceduna Quarantine Checkpoint records;
  - i. analogous UK authorities in relation to Simon under the name Kadwill and Felton;
  - j. the administrative body of the Santo Daime Church in Brazil;
  - k. the Australian Embassy in Brazil; and
  - l. Interpol Brasilia in relation to the identity of passengers killed on a plane crash in Brazil on 17 July 2007.
209. Inquiries were made in relation to international commercial and cargo seagoing vessels which left Fremantle, Bunbury and Albany between 13 July 2007 and 20 July 2007. No such vessels left from Bunbury or Albany, but seven vessels left from Fremantle for South America or the

Caribbean. The resources available to the investigators did not permit them to locate the vessels' skippers in order to question them about whether members of the group were on board any of them. Had the members of the group left Australia on such vessels, they would have circumvented the immigration process.<sup>204</sup>

210. Investigators also checked into outstanding cases of unidentified human remains in WA and in other jurisdictions in Australia, and were able to exclude them as relating to the members of the group.<sup>205</sup>

### **STOCKPILING MEDICATION**

211. Investigators obtained Medicare records from 1 June 2007 onwards to determine whether Chantelle, Simon or Tony had obtained medication that could have been stockpiled. Chantelle had one claim on 25 June 2007 for 50 tablets of diazepam. No other claims were made, leading the investigators to conclude that stockpiling had not occurred.<sup>206</sup>
212. However, this conclusion is at odds with the evidence of Mr Sunkar that Simon told him that he was taking strong antipsychotics. It is also inconsistent with evidence that medical records show that in the time leading up to their disappearance, Chantelle, Tony and Simon had obtained oxazepam and diazepam, and that Simon was also prescribed dextropropoxyphene, mirtazapine and chlorpromazine.<sup>207</sup>

### **FINANCIAL RECORDS**

213. Chantelle acquired just over \$6,000 in transactions with her bank between 19 June 2007 and 13 July 2007 inclusive. As at 12 May 2012 there was about \$6,800 in her remaining accounts.

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<sup>204</sup> Exhibit 1, Volume 1, before Tab 1, p.63

<sup>205</sup> Exhibit 1, Volume 3, Tabs 63 to 65; Exhibit 1, Volume 4, Tabs 66 and 67

<sup>206</sup> Exhibit 1, Volume 4, Tab 78

<sup>207</sup> Exhibit 1, Volume 4, Tab 99

214. Tony had negligible funds in his accounts as at February 2008.
215. Simon had negligible funds in his one account. That account was closed by his bank after there had been no activity.
216. As at 9 September 2016, there had been no activity instigated by Chantelle or Tony on their accounts since July 2007.<sup>208</sup>

### **PSYCHOLOGICAL PROFILING**

217. Senior Sergeant Kris Giesen PhD is a behaviour analyst with the WAPOL Major Crime Division. She prepared a report in which she provided an opinion, based on an analysis of the police investigation material, as to whether the members of the group are still alive and where they might be located.<sup>209</sup>
218. Dr Giesen described her impressions of Simon's, Chantelle's and Tony's personalities and, as noted earlier, her understanding of Simon's belief. She then provided opinions that:
- a. Simon was likely to have killed himself. She took into account that he had tendencies to steal identities and use false names, but understood that those tendencies occurred prior to his spiritual awakening. She said that it was difficult to eliminate the possibility that he was alive under another identity, but if he were, she would expect that he would emerge on the internet as a spiritual leader under a different identity. She said that determining if that were the case would require a thorough analysis and comparison of esoteric writings. She considered that not killing himself would undermine his credibility as being spiritually superior if he were discovered, and he was too narcissistic to risk that. In addition, he had grown increasingly troubled and despondent,

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<sup>208</sup> Exhibit 1, Volume 1, before Tab 1, pp.52-54

<sup>209</sup> Exhibit 1, Volume 4, Tab 99

consistent with the helplessness and hopelessness expressed by Mr Fominoff, Mr Helgason and Ms Parrott in their suicide notes;

- b. Chantelle's pliable and passive nature and a tendency to be easily influenced and submit to instructions from Simon, together with the belief that suicide was not really death or killing but an ascension transformation, made it likely that she and Leela were dead. That conclusion also took into account that, after Simon's supposed suicide, they began to sell or give away property and removed their personal effects from the house, signalling a planned intention to leave permanently. The story of going to Brazil was a ruse to avoid any scrutiny and questions as to their intentions. Their lack of money and lack of activity on Chantelle's bank account meant that they did not travel far from Nannup or stay alive for long. Her lack of contact with her family was completely out of character, which supports that conclusion;
- c. Tony's apparent belief in, at least, the values, attitude and lifestyle associated with Simon's spiritual beliefs, including the ascension process, and Tony's actions in preparing to leave Nannup permanently suggest that he is dead. An important part of those actions was in posting Joseph his papers and the power of attorney forms, and in apologising for being a crap brother. As with Chantelle, his lack of contact with his family was completely out of character; and
- d. as noted above, medical records show that Chantelle, Tony and Simon obtained serapax and diazepam from their doctors in the time leading up to their disappearance. Simon was also prescribed doloxene for pain management, mirtazapine for sleeping, maloxon for nausea and chlorpromazine as an antipsychotic or sedative. The drugs may have been stockpiled to initiate a peaceful death as Simon had told Ms Plocharczyk, with the maloxon used to ensure that the drugs would have been metabolised and not purged. The use of drugs would have been consistent

with the use of pentobarbital by Mr Fominoff, Mr Helgason and Ms Parrott.

219. In oral evidence, Dr Giesen accepted that another expert in her field might arrive at a different opinion from hers.<sup>210</sup>
220. Dr Giesen also accepted that she had based her opinion of Simon's personality on secondary information since she had 'not been able to witness or ask him questions specifically'.<sup>211</sup> That observation would necessarily apply to her opinions of Chantelle's and Tony's respective personalities.
221. Dr Giesen said that one of the main indicators for her that Chantelle was now deceased was the fact she had no further contact with her mother even though she had defied Simon and maintained that contact in the past.<sup>212</sup> She thought it almost inconceivable that Chantelle would not contact her family in some way to let them know that she was okay.<sup>213</sup>
222. However, Dr Giesen accepted that, if Simon were alive and had planned that the group would move to a different place where Chantelle and Tony would not contact their families, he could exert pressure on them. If he were not there, there would not be the same extent of pressure.<sup>214</sup>
223. Dr Giesen said that she was fairly confident that Chantelle and Leela are no longer here, followed closely by Tony. However, she was a little ambivalent about Simon due to his history of having adopted another identity and starting his life over again.<sup>215</sup>
224. Dr Giesen thought that an important aspect of Simon's beliefs, and one which set them apart from other belief systems, is that the whole idea of his ideology is based on trying to ascend rather than waiting for oneself to die.<sup>216</sup>

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<sup>210</sup> ts 179 per Giesen, K

<sup>211</sup> ts 180 per Giesen, K

<sup>212</sup> ts 181-182 per Giesen, K

<sup>213</sup> ts 190 per Giesen, K

<sup>214</sup> ts 193 per Giesen, K

<sup>215</sup> ts 188 per Giesen, K

<sup>216</sup> ts 195 per Giesen, K

However, she said that trying to understand the actions of the members of the group based on their ideology and their experiences is very difficult.<sup>217</sup>

225. I found that Dr Giesen provided valuable insights into the probable actions of the members of the group based on her understanding of their personalities and the circumstances in which they found themselves. I have no doubts about her professional qualifications or her expertise to provide her opinion. However, her conclusions were necessarily presented in terms of likelihoods and were based on incomplete information.

### **HAS THE DEATH OF ANY OF THE MISSING PERSONS BEEN ESTABLISHED?**

226. Senior Sergeant Balfour submitted in the Conclusion of his admirably comprehensive report that the investigation into the disappearance of the members of the group has now been completed but for a search of the vicinity of King's Park where the pizza was delivered on 15 July 2007. In my view, the decision made by his superior not to carry out a search of the area was reasonable given the passage of time and the unlikelihood, even had a search taken place relatively soon after that date, that evidence of a more cogent nature than the existing evidence would have been obtained.
227. Senior Sergeant Balfour went on to submit that an inference may be drawn from the following evidence that the members of the group are now dead:
- a. they have not accessed bank funds;
  - b. they had not contacted family;
  - c. they had not been recorded as having left Australia;
  - d. they have not come under the notice of any authorities or government agencies;

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<sup>217</sup> ts 193 per Giesen, K

- e. their spiritual beliefs about ascending to a higher plane through death;
  - f. Simon's apparent despondency and his remarks to Ms Plocharczyk about a contemplated family suicide; and
  - g. Dr Giesen's opinions.
228. To that list I would add the potential for the group to have had sedatives that could have been used to end their lives.
229. Senior Sergeant Balfour went on to submit that the following evidence supports the contrary hypothesis; namely, that the members of the group are alive and living in seclusion in Australia after orchestrating their own disappearances to give the impression that they are dead:
- a. their propensity to disassociate from mainstream society as a result of their spiritual beliefs;
  - b. Simon's coercive influence over Chantelle and Tony, suggesting that he could convince them to disappear with him;
  - c. Chantelle's application for a passport for Leela the day after Simon was stopped and questioned by Sergeant Taylor, suggesting that she was complicit in a plan to leave Nannup and possibly Australia as soon as possible. I would add that Simon's disappearance three weeks before Chantelle, Leela and Tony disappeared also suggests that it related to Sergeant Taylor's questioning;
  - d. Simon's history of disappearing to another country with his partner;
  - e. Chantelle's acquisition of \$6,000 in cash through bank withdrawals and the sale of pets, giving the financial means to pay for short term living expenses;
  - f. their preparatory behaviour before their disappearance; namely, arranging for utility

disconnections, paying off credit cards, selling vehicles and pets. To this I would add Mrs Crouch's evidence that, when Chantelle and Leela left the house, they removed the bedding and the towels, which was consistent with a plan to use it elsewhere;

g. their deceptions; namely,

i. Simon's ability to assume a false identity. To this I would add Ms Smith's evidence of Simon telling people that he was going to America when he intended to go to Australia;

ii. Chantelle's not declaring Simon as Leela's father;

iii. concealing their true intentions as to their place of relocation;

iv. the strong likelihood of the use of the name J Roberts to book and travel on TransWA tickets;

v. Chantelle's failure to dispel Mr Sunkar's understanding that Simon had committed suicide and then indicating to her parents that he had gone ahead to Brazil. I would add that Chantelle's apparent lack of grief, and her unexplained disappearance to another room when speaking with Ms French, may indicate that Simon was still alive at the time;

vi. phone calls to and from Chantelle's phone by people who denied knowing her or other members of the group, implying that those people may have been complicit in the disappearance;

h. no evidence of the acquisition of illicit drugs or the stockpiling of medications that could have been used to facilitate suicide (but I note the evidence that members of the group had access to several medications);

- i. no evidence of suicidal ideation on the part of Chantelle or Tony. To this I would add that the evidence of Ms Smith and Mr Sunkar, my own limited reading of Simon's books, and the attempts of Simon's on-line associates to dissuade him from suicide did not suggest that suicide was tenet of his spiritual beliefs, despite the actions of Mr Fominoff, Mr Hegalson and Ms Parrott.
  - j. Tony potentially wanting to disassociate from his family to avoid shame or embarrassment from his conviction for disorderly conduct relating to public homosexual conduct;
  - k. the four reported sightings of Simon, Chantelle and Leela in the vicinity of Dunsborough and Busselton in the seven to ten months after they had disappeared from Nannup;
  - l. the record of a man using the name 'Gary Felton' when staying at the Emu Point Caravan Park in February 2011; and
  - m. I would add the evidence that the possibility that members of the group left Australia on a cargo ship from Fremantle was not excluded.
230. Senior Sergeant Balfour concluded that, in the circumstances, there were not sufficient grounds to be reasonably satisfied that the members of the group are dead.
231. I make the following comments which add possible support to Senior Sergeant Balfour's conclusion.
232. First, it is difficult to see any reason for the continuing deception regarding relocation to Brazil if the group intended to commit suicide. The only obvious purpose would be to mislead anyone attempting to find them, as Simon had done when he returned to Australia with Ms Smith. That motive may have arisen following Simon's questioning by Sergeant Taylor. It appears that the group's

supposed concerns about EMF and Simon's purported on-line despondency both commenced around that time.

233. Second, there appears to have been no reasonable basis for the group to have committed suicide and then to have to have hidden that fact after the event. I note the evidence that Mr Fominoff, Mr Helgason and Ms Parrott left notes explaining their actions. It seems to me that, if Simon had truly been motivated to end his life by his desire to be considered a spiritual leader, making his ascension known would have been a powerful message.
234. Third, the evidence of a spiritual imperative for Chantelle to have been influenced by Simon's purported desire for a family suicide is off-set by the evidence that she did not comply with his encouragement not to remain in contact with her parents. It is difficult for me to accept that she could have defied Simon in relation to family contact, but would have been complicit in Leela's death.
235. I qualified the preceding comments of support with the word 'possible' because each comment is based on what appears reasonable to me. I appreciate, as Dr Giesen noted, that attempting to apply logic based on my own experiences and biases when trying to understand the actions of members of the group based on their ideology and experiences is very difficult.

## **CONCLUSION**

236. As noted in the Introduction above, in order to conclude that any one or more of Chantelle, Leela, Tony and Simon is dead, I must find that the death or deaths have been established beyond a reasonable doubt.
237. There are reasonable bases to ground a belief that Chantelle, Leela and Tony are dead, especially the fact that they have not been in touch with their respective families for over ten years. There is also evidence, especially the evidence relating to Simon's apparent despondency and his belief in ascension, which would, if accepted, support a conclusion that Simon is dead.

238. However, given the nature and quantity of evidence inconsistent with any of their deaths, I cannot be satisfied to the required standard of proof that any one of them is dead.
239. For the sake of clarity, I must add that my conclusion does not mean that I have found that any of them is alive.
240. I must also emphasise that my conclusion is based on the evidence presently available.

B P King  
Coroner  
2 May 2018