



*Western*

*Australia*

## **RECORD OF INVESTIGATION INTO DEATH**

Ref No: 1/17

*I, Barry Paul King, Coroner, having investigated the suspected death of **Robyn Louise Santen** with an inquest held at the **Perth Coroner's Court** on **9 January 2017**, find that the death has been established beyond all reasonable doubt and that the identity of the deceased person was **Robyn Louise Santen** and that death occurred on or about **9 August 2015** in the **Indian Ocean off City Beach** from **an unknown cause** in the following circumstances:*

### **Counsel Appearing:**

Sergeant L Housiaux assisting the Coroner

Mr H Quail (instructed by Dwyer Durack Lawyers) appearing on behalf of Mr T and Mrs P Paton

Mr B C Tyers (Julian Johnson Lawyers) appearing on behalf of Mr T Santen

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## **SUPPRESSION ORDER**

**No report may be published of any part of the proceedings or of the evidence given at this inquest that could lead to the identification of the person called Marty whom the deceased first met in about June 2015.**

### **INTRODUCTION**

1. Robyn Louise Santen (the deceased) was an engineer who lived in West Leederville. She had recently separated from her husband and was in the process of negotiating with him the terms of their pending divorce, including arrangements for custody of their two young children.
2. On the evening of 8 August 2015 the deceased met friends in Northbridge for drinks and dinner. She went home alone by taxi, arriving at about 10.40 pm.
3. While the deceased was socialising with her friends, her husband Troy Santen (Mr Santen) went to their home in West Leederville and dropped off a letter which he had composed over the previous two days. The letter related primarily to proposed custody arrangements of their children.
4. At 12.36 am the next morning, Mr Santen was woken by a text message from the deceased. That was the last available evidence that the deceased was alive.
5. During the morning of 9 August 2015 the deceased's brother, Andrew Paton (Mr Paton), sent text messages to the deceased but received no reply. He spoke to a friend of the deceased who was to meet the deceased for a coffee, but the friend had not heard from her. The deceased's parents also tried to call her from New South Wales, without success. Mr Paton and his partner, Emma Donnelly

(Ms E Donnelly), went to the deceased's house to look for her and notified the police that the deceased was missing.

6. Mr Paton and Ms E Donnelly searched for the deceased. They found her car in a beach car park in City Beach, with the doors unlocked, the keys in the ignition and the deceased's mobile phone in the centre console. They could not find the deceased, so they called police.
7. Police officers attended the City Beach car park and launched a search for the deceased and an investigation into her disappearance. She was never found.
8. Under section 23 of the *Coroners Act 1996* (the Act), where a person is missing and the State Coroner has reasonable cause to suspect that the person has died and that the death was a reportable death, the State Coroner may direct that the suspected death of the person be investigated. Where the State Coroner has given such a direction, a coroner must hold an inquest into the circumstances of the suspected death of the person and, if the coroner finds that the death of the person has been established beyond all reasonable doubt, into how the death occurred and the cause of death.
9. A reportable death is relevantly defined in section 3 of the Act to mean a Western Australian death that appears to have been unexpected, unnatural or violent.
10. On 2 December 2015 the Office of the State Coroner received an email from Mr Santen requesting that a coroner investigate the circumstances of the deceased's death.
11. On 8 December 2015 the State Coroner wrote to the Commissioner of Police to request information upon which she could determine whether she had reasonable cause to suspect that the deceased had died and that the death was a reportable death.
12. On 18 December 2015 the State Coroner received a letter from an acting sergeant of the Missing Persons Team in the Major Crime Squad, in which he provided information about the deceased's disappearance.

13. On 31 December 2015 the State Coroner directed that the deceased's suspected death be investigated. An inquest was therefore mandatory under the Act.
14. On 9 January 2017 at the Perth Coroner's Court, I held an inquest into the deceased's suspected death. The documentary evidence adduced at the inquest comprised a report compiled by the officer in charge of the Missing Persons Team, Detective Sergeant S J Perejmibida.<sup>1</sup>
15. The following witnesses, in order of appearance, provided oral evidence:
  - a. Detective Sergeant Perejmibida;<sup>2</sup>
  - b. Gayrth Santen (Mrs Santen), Mr Santen's mother;<sup>3</sup>  
and
  - c. Mr Santen;<sup>4</sup>
16. Following the hearing of the evidence, counsel provided oral submissions, for which I am grateful.
17. After the holding of the inquest, I also received submissions and evidence from Mr Santen, Ms E Donnelly and her sister, Sarah Donnelly (Ms S Donnelly).<sup>5</sup>
18. Ms S Donnelly submitted a letter which led me to seek further evidence by way of a forensic examination of the letter left by Mr Santen at the deceased's house on the night of 8 August 2015. The results of that examination were inconclusive.
19. I have found that the death of the deceased has been proved beyond all reasonable doubt, but I have found that the cause of her death is unascertained and that the finding of how death occurred is open.

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<sup>1</sup> Exhibit 1, Volumes 1 and 2

<sup>2</sup> ts 4 – 40 per Perejmibida, S J

<sup>3</sup> ts 41 – 56 per Santen, G H,

<sup>4</sup> ts 57 – 77 per Santen, T A

<sup>5</sup> Exhibit 1, Volume 2, Tab 61

## **THE DECEASED**

20. The deceased was born on 1 June 1979 in South Africa. She had an older brother, Mr Paton.<sup>6</sup>
21. In 1980 the deceased and her parents and brother immigrated to Australia and eventually settled in Western Australia in 1991.<sup>7</sup>
22. The deceased graduated from university in 1999 with a degree in engineering. While at university she met Mr Santen, who was another engineering student, and they began a relationship.
23. After attaining their degrees, the deceased and Mr Santen travelled overseas and worked in different countries. They were married in Perth in November 2005.<sup>8</sup>
24. The deceased and Mr Santen bought a house in West Leederville in about 2008 and had their first child, a boy, in December 2009. Their second child, a girl, was born in April 2012.<sup>9</sup>
25. The deceased enjoyed the outdoors, including adventurous activities such as the Avon Decent and the Rottnest Swim. She surfed and was a strong swimmer. Her favourite beach was City Beach.<sup>10</sup>

## **THE DECEASED'S MENTAL HEALTH**

26. According to Mr Santen, the deceased had always had her ups and downs, which he had initially found attractive.<sup>11</sup>
27. Following the deceased's first pregnancy she developed postnatal anxiety and insomnia. Her doctor prescribed paroxetine for the anxiety and referred her to a clinical psychologist (the psychologist) whom she saw for the first

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

<sup>7</sup> Exhibit 1, Volume 1, Tab 2

<sup>8</sup> Exhibit 1, Volume 1, Tab 2

<sup>9</sup> Exhibit 1, Volume 1, Tab 2

<sup>10</sup> Exhibit 1, Volume 1, Tab 2

<sup>11</sup> Exhibit 1, Volume 1, Tab 7

time in April 2010 and then went on to see regularly for 55 sessions until 28 July 2015.<sup>12</sup>

28. On the first consultation with the psychologist, the deceased reported significant anxiety symptoms, including feeling constantly agitated and physically tense, inability to relax, insomnia, loss of appetite, and impaired concentration and decision-making.<sup>13</sup>
29. In January 2011 the deceased started seeing a new doctor. The deceased was doing well psychologically and was interested in reducing the dosage of paroxetine. The doctor agreed to cut it back by half.
30. In 2011 the deceased also became pregnant with her second child. At 30 weeks gestation she experienced anxiety, insomnia and panic attacks. She told Mr Santen that she was 'very close to ending it all'.<sup>14</sup> Her obstetrician provided a report in which he stated that the deceased had developed very severe suicidal depression.<sup>15</sup>
31. The deceased was admitted to Perth Clinic for stabilisation under the care of psychiatrists. She was prescribed escitalopram and mirtazapine, and she recovered well.<sup>16</sup>
32. In June 2012 the deceased was prescribed lorazepam to help with anxiety. When she saw her doctor in August 2012 she was feeling well and did not need to continue to take the lorazepam. In January 2013 she was able to cut back on the paroxetine again. She remained on a reduced dose for the rest of 2014.<sup>17</sup>
33. In May 2014 the deceased told her doctor that she had experienced some panic attacks and anxiety. She had stopped taking the paroxetine. She agreed to recommence taking the reduced dose, after which she again reported feeling well.<sup>18</sup>

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<sup>12</sup> Exhibit 1, Volume 1, Tab 40

<sup>13</sup> Exhibit 1, Volume 1, Tab 40

<sup>14</sup> Exhibit 1, Volume 1, Tab 7

<sup>15</sup> Exhibit 1, Volume 1, Tab 37

<sup>16</sup> Exhibit 1, Volume 1, Tab 38

<sup>17</sup> Exhibit 1, Volume 1, Tab 38

<sup>18</sup> Exhibit 1, Volume 1, Tab 38

34. At some stage during the last couple of years before her death, the deceased reported to the psychologist that she had increasing dissatisfaction with her relationship with Mr Santen and feelings of anger and resentment towards him. She said that for a few years she had frequent thoughts of separating from him, and that her relationship problems were significant triggers for anxiety and mood changes.<sup>19</sup>
35. The deceased's father provided a statement in which he noted that in mid-2014 the deceased and Mr Santen went to Mauritius for a second honeymoon to resolve some of the issues between them. From then until about May 2015, it appeared to the deceased's father and mother that the deceased's relationship with Mr Santen was going well.<sup>20</sup>
36. However, in February 2015 an entry in the deceased's journal suggested that she was dissatisfied with the lack of excitement in her life. She was apparently receiving extra-marital attention and was confused about how she felt about it. In April 2015 she wrote in her journal that she needed to drink less alcohol, eat better and exercise more in order to take better care of herself. She wrote that her focus needed to be on her children and her career, and on working out how she felt about Mr Santen.<sup>21</sup>
37. On the evening of 3 June 2015 the deceased went out with work colleagues for drinks. When she and a colleague shared a taxi home, she had a severe panic attack.<sup>22</sup> The colleague eventually called Ms E Donnelly, who took the deceased to Ms E Donnelly's home. While she was there the deceased told Ms E Donnelly that she wanted 'to end it all and swim out to sea', but also said that she would not do anything because of her love for her children.<sup>23</sup>
38. On 4 June 2015 Mr Santen and Mr Paton took the deceased to the psychologist. Before the session, Mr Paton

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<sup>19</sup> Exhibit 1, Volume 1, Tab 40

<sup>20</sup> Exhibit 1, Volume 1, Tab 30

<sup>21</sup> Exhibit 1, Volume 1, Tab 19

<sup>22</sup> Exhibit 1, Volume 1, Tab 25

<sup>23</sup> Exhibit 1, Volume 1, Tab 16

told the psychologist privately what the deceased had told Ms E Donnelly the night before.<sup>24</sup>

39. In the session with the psychologist, the deceased disclosed that she had felt increased anxiety and depression over the previous few months and had been trying to avoid those feelings by 'partying'. She said that on the previous night she had felt very distressed and overwhelmed after drinking. She said that she had no wish to die and that her thoughts were about wanting to escape and not go home. She denied any urge to act on her thoughts or of any ambivalence to living or dying. She denied any planning or preparation to end her life.<sup>25</sup>
40. Immediately after that session, Mr Santen, Mr Paton and the deceased discussed a treatment plan with the psychologist whereby the deceased would stay with Mr Paton over the following weekend and he would control her medications. The deceased was to make an appointment with her doctor and the psychologist the following week.<sup>26</sup>
41. On 8 June 2015 the deceased saw her doctor, who administered a K10 test which indicated more depressive symptoms. The deceased reported the recent panic attack.<sup>27</sup>
42. The deceased saw the psychologist on 17 June 2015 and 1 July 2015. She reported that she continued to have concerns about continuing with the marriage and that her thoughts about escaping related to Mr Santen.
43. On 3 July 2015 the deceased and Mr Santen separated because, according to Mr Santen, the deceased said that she needed time apart. On 6 July 2015 Mr Santen moved into Mrs Santen's house in Karrinyup while the deceased remained in the family home.
44. On 14 July 2015 the deceased again saw the psychologist. This time she reported that she was relieved, happier and

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<sup>24</sup> Exhibit 1, Volume 1, Tab 40

<sup>25</sup> Exhibit 1, Volume 1, Tab 40

<sup>26</sup> Exhibit 1, Volume 1, Tab 40

<sup>27</sup> Exhibit 1, Volume 1, Tab 38

less anxious after Mr Santen moved out of their home. She and the psychologist discussed bipolar affective disorder, as she had been told that it was a possible diagnosis to explain her symptoms and decisions. The psychologist reached the view that the deceased's symptoms were consistent with an anxiety disorder and did not meet the criteria for bipolar affective disorder.<sup>28</sup>

45. On 16 July 2015 the deceased and Mr Santen together attended an appointment with a clinical psychologist whom Mr Santen had seen a year beforehand. The deceased asked the clinical psychologist to help Mr Santen to understand and accept why she had decided to end the relationship two weeks previously. She said that she had been telling Mr Santen for 18 months that she did not want to be in the relationship. The deceased was visibly upset but rational and coherent. She said that she had felt suicidal six weeks earlier because she wanted to end the relationship but felt trapped and did not want to be judged.<sup>29</sup>
46. The deceased returned to see her psychologist for the last time on 28 July 2015. She reported feeling clearer about what she needed and more positive and hopeful about the future. She said that she felt a significant reduction in anxiety and stress, and that she was very engaged with her children. She was keen to establish a clear plan of the contact she and Mr Santen would have with the children.<sup>30</sup>
47. The psychologist saw no indication of any suicidal ideation or suicide risk. She and the deceased arranged for another session in mid-August.<sup>31</sup>

### **EVENTS ON 8 AUGUST 2015**

48. On the morning of 8 August 2015 the deceased dropped off her children at Mrs Santen's home while Mr Santen was there. The deceased went inside with Mrs Santen while Mr Santen remained outside. The deceased had a chat

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<sup>28</sup> Exhibit 1, Volume 1, Tab 40

<sup>29</sup> Exhibit 1, Volume 2, Tab 41

<sup>30</sup> Exhibit 1, Volume 2, Tab 40

<sup>31</sup> Exhibit 1, Volume 1, Tab 40

with Mrs Santen in which Mrs Santen said, among other things, words to the effect of 'it's not easy being a single mum' and 'I hope you can work this out because you are part of the family'.<sup>32</sup> The deceased left after about half an hour.

49. When Mr Santen saw the deceased speaking with Mrs Santen, he sent her a text message in which he apologised for Mrs Santen. The deceased replied by accusing Mr Santen and his mother of being manipulative. When the deceased had gone, Mr Santen told Mrs Santen that the deceased was not happy with her.<sup>33</sup>
50. At about 10.15 am the deceased went to Ms E Donnelly's unit where, apparently upset, she told Ms E Donnelly and Mr Paton that Mrs Santen had accused her of,<sup>34</sup> or asked her about,<sup>35</sup> having an affair and had purported to make final decisions about the deceased's and Mr Santen's relationship. The deceased told them that Mr Santen had sent her a text message and had been inappropriate, which had made her angry.<sup>36</sup>
51. Mrs Santen was asked in oral evidence whether she had raised with the deceased the issue of having an affair. Mrs Santen denied ever accusing the deceased of having an affair,<sup>37</sup> and did not recall asking her about it on 8 August 2015. She said that she had asked her about it some weeks earlier.<sup>38</sup>
52. The deceased stayed with Ms E Donnelly and Mr Paton for some time, after which she appeared to be in a better state of mind. Mr Paton arranged to meet her later at a hotel, where he was meeting some friends to watch a rugby game on television.
53. At about 4.30 pm that afternoon Mrs Santen visited the deceased on the spur of the moment to see if she could smooth things out between them. When she arrived, the

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<sup>32</sup> ts 47 and 52 per Santen, G H

<sup>33</sup> ts 74 per Santen, T A

<sup>34</sup> Exhibit 1, Volume 1, Tab 16

<sup>35</sup> Exhibit 1, Volume 1, Tab 17

<sup>36</sup> Exhibit 1, Volume 1, Tab 17

<sup>37</sup> ts 47 per Santen, G H

<sup>38</sup> ts 45 per Santen, G H

deceased appeared to be friendly and invited her in for a cup of tea. They spoke for about half an hour. It seems that, rather than smoothing things out, the conversation had the opposite effect, possibly because Mrs Santen raised the likelihood that the house would have to be sold.<sup>39</sup> The deceased showed her to the door and appeared to be upset with her as she left.<sup>40</sup>

54. After Mrs Santen had left, the deceased met with Mr Paton and his friends at the hotel as arranged. She stayed for a while and, before she left, told Mr Paton that on the next morning she planned to have breakfast with friends and then meet another friend for coffee. She and Mr Paton made a loose arrangement to go surfing after she had gone for coffee.<sup>41</sup>
55. The deceased then went by taxi to meet friends and work colleagues at a bar in the Perth CBD at about 7.15 pm. She and her friends met and then walked to a restaurant in Northbridge for a meal. They stayed at the restaurant until about 9.30 pm. During the meal, the deceased had two glasses of wine.<sup>42</sup>
56. After the meal, the deceased and her friends went to a bar where they talked and drank wine while more friends joined them. The deceased stayed only for half an hour or so before she took a cab home. She had one glass of wine at the bar.
57. At about 8.00 pm that evening while the deceased was in Northbridge, Mr Santen drove from Mrs Santen's home in Karrinyup to the deceased's home in West Leederville to deliver a letter relating to pending custody arrangements of their children. He left the letter on a meals table where the deceased would be sure to find it.<sup>43</sup> He then returned to Mrs Santen's home where he stayed for the rest of the night.<sup>44</sup>

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<sup>39</sup> ts 44 and 54 per Santen, G H

<sup>40</sup> ts 55 per Santen, G H

<sup>41</sup> Exhibit 1, Volume 1, Tab 16

<sup>42</sup> Exhibit 1, Volume 1, Tab 22

<sup>43</sup> ts 60 per Santen, T A

<sup>44</sup> Exhibit 1, Volume 1, Tab 7

58. The deceased arrived home by taxi at about 10.40 pm. About 10 minutes later, she sent Mr Paton a text message to let him know that she was home safely.<sup>45</sup> Just after 11.00 pm, she sent a text message to one of her friends who was at the earlier meal, in which she stated 'Vegimite on toast, two glasses of water, bed socks, simba – best cat in the world!!, night x'.<sup>46</sup>
59. At 12.36 am on 9 August 2015 the deceased used her mobile phone to send Mr Santen a text message: 'Fuck you'. That was the last time the deceased was known to be alive.

### **THE SEARCH FOR THE DECEASED**

60. As noted in the introduction above, on the morning of 9 August 2015, Mr Paton and Ms E Donnelly became concerned that the deceased was not contactable and had not attended planned social events with friends. They searched for her and eventually found her unlocked car in the car park at the beach in City Beach and called police.
61. Police officers from the Missing Persons Team attended the car park and searched the deceased's car, finding nothing suspicious and no damage to indicate foul play. They conducted foot patrols to search the adjacent beaches and car parks and arranged for calls to be made to enquire whether the deceased had been admitted to a hospital.
62. At about 10.30 pm that evening, police officers attended the deceased's home with Mr Santen, Ms E Donnelly and Ms S Donnelly. The officers found no indication of foul play. They apparently took photographs of the deceased's medication and the letter left by Mr Santen, the latter having been found scrunched up on the floor by Ms S Donnelly. Mr Santen took possession of the letter, put it into a plastic sleeve and placed it in his car.<sup>47</sup>

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<sup>45</sup> Exhibit 1, Volume 1, Tab 17

<sup>46</sup> Exhibit 1, Volume 2, Tab 60

<sup>47</sup> ts 75 per Santen, T A

63. Police officers returned to City Beach that night and conducted a thorough search of the City Beach and Floreat Beach areas, including buildings. Fifteen State Emergency Services personnel comprising four teams searched surrounding bush areas.
64. A search and rescue unit from Fremantle Sea Rescue was dispatched to conduct ocean searches, and a grid search was organised by water police. Police Air Wing was mobilised to conduct air searches of the area.
65. The marine search commenced at about 3.50 pm on 9 August 2015 and continued until 14 August 2015. An air search using a helicopter and a fixed wing aircraft was conducted from 9 August 2015 to 12 August 2015. By the third day of the search, the time frame for the deceased's survival had been exceeded by 24 hours. No sign of the deceased was seen.

### **FURTHER INVESTIGATIONS**

66. Analysis of the deceased's and Mr Santen's telephone network data records established that the deceased's message to him at 12.36 on 9 August 2015 was hitting the cell tower at Bold Park in City Beach and that, at that time, the closest tower to Mr Santen's mobile phone was in Karrinyup.<sup>48</sup>
67. Detective Sergeant Perejmibida explained that mobile phone signals go to their closest tower unless that tower is very busy, in which case the signal diverts to another tower.<sup>49</sup>
68. That evidence confirms that the deceased sent Mr Santen a text from the car park at City Beach at 12.36 am on 9 August 2015 while he was at his mother's house in Karrinyup.
69. Police investigators also ascertained that, following the deceased's disappearance:

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<sup>48</sup> Exhibit 1, Volume 1, Tab 2; Volume 2, Tabs 52 and 53

<sup>49</sup> ts 22 per Perejmibida, SJ

- a. the deceased had made no claims for Medicare or benefits under the Pharmaceutical Benefits Scheme;<sup>50</sup>
  - b. the Registry of Births, Deaths and Marriages, had no registration of the deceased's death or change of name;<sup>51</sup>
  - c. the deceased was not a Centrelink customer
  - d. the department of Immigration and Border Security had no record of the deceased having left Australia;<sup>52</sup>
  - e. the deceased made no banking transactions on accounts she had held before then;<sup>53</sup>
  - f. the deceased had no contact with, and had not come to the attention of, police services in any jurisdiction in Australia;<sup>54</sup>
  - g. the State Mortuary had no unidentified human remains which could have been the deceased;<sup>55</sup> and
  - h. the department of Corrective Services had no record of the deceased being incarcerated.
70. WA Police technology crime services interrogated two laptops seized from the deceased's home and found no information that would have assisted in locating the deceased.<sup>56</sup>
71. The deceased's car was examined by police forensic examiners in relation to blood and DNA. No suspicious items or areas of interest were identified.<sup>57</sup>
72. Police conducted a public awareness campaign, commencing with a media release on 10 August 2015.

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<sup>50</sup> Exhibit 1, Volume 1, Tab 2

<sup>51</sup> Exhibit 1, Volume 1, Tab 2

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

<sup>53</sup> Exhibit 1, Volume 1, Tab 2

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

<sup>55</sup> Exhibit 1, Volume 1, Tab 2

<sup>56</sup> Exhibit 1, Volume 1, Tab 2

<sup>57</sup> Exhibit 1, Volume 1, Tab 2

The campaign included news articles on the internet and an image and profile of the deceased in a retail catalogue that was distributed across Australia in October 2015. No further information relating to the deceased's whereabouts was generated.<sup>58</sup>

73. At the end of the police investigation, investigators concluded that all avenues of inquiry had been exhausted and that the results of the search and the investigation, together with the fact that the deceased had not contacted friends of family members, indicated that the deceased was not likely to be alive.<sup>59</sup>
74. Police found no evidence suggesting any criminality related to the deceased's disappearance.<sup>60</sup>
75. In oral evidence, Detective Sergeant Perejmibida said that he believed that the deceased was dead and that the only likely scenario based on the evidence he had gathered was that she had driven her car to the City Beach car park and had gone into the water.<sup>61</sup>

### **HAS THE DEATH OF THE DECEASED BEEN ESTABLISHED?**

76. On the basis of the foregoing details, particularly the fact that the deceased has not contacted her children, family and friends, I am satisfied that the death of the deceased has been established beyond all reasonable doubt.

### **THE CAUSE OF DEATH**

77. While it seems clear that that the deceased entered the water at City Beach, it is not possible for me find whether she drowned, was taken by a marine predator, or died from some other cause. I am therefore unable to find the cause of death on the available evidence.

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<sup>58</sup> Exhibit 1, Volume 1, Tab 2

<sup>59</sup> Exhibit 1, Volume 1, Tab 2

<sup>60</sup> Exhibit 1, Volume 1, Tab 2

<sup>61</sup> ts 24 per Perejmibida, S J

## HOW DEATH OCCURRED - DISCUSSION

78. As to the question of how death occurred, my conclusion above that I am unable to find the cause of death makes the finding of how death occurred problematic.
79. Putting the difficulties associated with the unascertainable cause of death to one side, it appears to me that the crucial question is whether the deceased committed suicide. In order to reach that verdict, I would have to be satisfied that the deceased acted with an intention to end her own life. Given the absence of any direct evidence, such an intention would have to be inferred from the circumstantial evidence.
80. The evidence establishes that, after 11.00 pm on 8 August 2015, the deceased drove to the beach car park at City Beach, from where she sent Mr Santen the text message: 'Fuck you', at 12.36 am on 9 August 2015.
81. In my view, there is little doubt that the message was a response to the letter which Mr Santen had left at the deceased's home earlier that night. There is no other rational explanation given the timing of the message and the lack of other potentially relevant communication between the deceased and Mr Santen on the afternoon of 8 August 2015.
82. However, the deceased's emotion underlying the message she sent Mr Santen is not clear. As her father suggested, she could have been experiencing anger or despair.<sup>62</sup> In my experience, the words she used can be used to convey a broad spectrum of attitudes, depending on the context.
83. Mr Santen said in oral evidence that the response was expected in the circumstances. He said that the contents of the letter acted as a catalyst for what had happened. He explained that a reference in the letter to the deceased's mental health being an issue that the court would be considering in their pending custody dispute would have made her upset. He said that he was effectively saying to her that, 'We're going to get your medical records, put them

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<sup>62</sup> Exhibit 1, Volume 1, Tab 30

on the table in the Family Court, and it paints not a very nice picture'.<sup>63</sup>

84. Mr Santen said that he knew the letter was important, and for that reason he took it from Ms S Donnelly and put it in his car.<sup>64</sup> In his statement to police dated 12 August 2015, he indicated that he knew that the letter would upset the deceased, but he did not think that she would do what she did and that he would have to live with it for the rest of his life, implying some responsibility for what he believed was her suicide.<sup>65</sup>
85. Mr Santen believed that the deceased had 'snapped' or 'had a meltdown' when she read the letter, similar to the way in which she had experienced panic attacks three to five times in the past.<sup>66</sup> He said that the deceased had talked about suicide for about five years.<sup>67</sup>

### **Mr Santen's submissions**

86. In an email to Sgt Housiaux dated 17 January 2017, Mr Santen stated that he believed that the deceased had committed suicide. He did not consider an alternative scenario, in which the deceased went into the water at City Beach to 'cool off' and then accidentally drowned, to be likely because he understood that the sea conditions on the night were extremely rough and that the deceased was too safety conscious to go for a swim in those circumstances. He also suggested that there was a shore-dumping wave at City Beach and that, if she had gone for a swim and got into trouble, her body would have been found on the beach.
87. Following the hearing of the inquest, the Bureau of Meteorology provided the Court with weather observations and forecasts for Swanbourne for the relevant periods. The Department of Transport provided swell and sea data at Cottesloe for the same period.

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<sup>63</sup> ts 66-67 and 75 per Santen, T A

<sup>64</sup>ts 65-66 and 75 per Santen, T A

<sup>65</sup> Exhibit 1, Volume 1, Tab 7

<sup>66</sup> ts 60, 70-71 per Santen, T A

<sup>67</sup> ts 71 per Santen, T A

88. On my reading of those forecasts and data in relation to wind, a cold front moved through the area on the morning of 8 August 2015 bringing west to southwest winds reaching 44 km per hour with gusts up to 68 km per hour at 7.00 pm. A strong wind warning had been issued. By 10.00 pm the wind speed had turned southerly and abated to about 10-15 km per hour, and by midnight it was calm. The winds then remained less than 10 km per hour.
89. The forecasts and data in relation to swell and sea indicate that, on 8 August 2015, seas increased from about 1 metre to 2.5-3 metres in the morning. The swell was west to south-westerly, likewise increasing from 1-2 metres to 2-4 metres around midday. The seas and swell remained about the same until about 8.00 pm, after which they decreased slowly, with seas decreasing to less than 1 metre during the morning of 9 August 2015. The swell was still 2.5-4 metres at 10.00 am that morning.
90. It appears to me that Mr Santen was probably correct in his submission that the sea conditions were rough overnight on 8 August 2015 and the morning of 9 August 2015, but I am not convinced that I can infer from that information that the deceased would not have entered the water without an intention to end her life. If, as he believed, the deceased was experiencing an episode of psychological instability, it is difficult for me to ascribe rational motives to her decisions at the time.
91. As to a reliance on the deceased's body being washed up on the beach, Detective Sergeant Perejmibida noted that in the year and a half before the inquest, there had been five or six persons who had been lost at sea and their bodies did not turn up. He said that in the cases where a person who has swum out to sea or has been overcome by surf, the failure of the body to be located is not uncommon.<sup>68</sup>

### **A pearl necklace**

92. During the course of the inquest, Ms E Donnelly informed Sergeant Housiaux that, on the evening of 8 August 2015, the deceased had been wearing a recently purchased pearl

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<sup>68</sup> ts 32 per Perejmibida, SJ

necklace, and that Ms E Donnelly and Ms S Donnelly had been unable to find it when they attended the deceased's home on 9 August 2015.<sup>69</sup> Mr Quail also asked Detective Sergeant Perejmibida about that necklace, but he said that had never arisen as a line of inquiry.<sup>70</sup>

93. Mr Santen testified that he had not found any pearls in the house and was unaware that the necklace was of interest.<sup>71</sup> Following the inquest, on 17 January 2017 he sent an email to Sergeant Housiaux in which he stated that he had gone through the deceased's jewellery and found two pearl necklaces, a photograph of which were attached to the email.
94. On 19 January 2017 Sergeant Housiaux forwarded the photograph of the two necklaces to Ms E Donnelly, who on the same day informed him by return email that the missing necklace was not either of those shown in the photograph he sent to her.
95. I received no submissions from any party about the potential relevance of the missing necklace.
96. In my view, stand-alone evidence relating to a possibly missing pearl necklace is not probative to the germane issues of the deceased's cause of death or how she died.

### **Ms S Donnelly's submissions and suggestion**

97. In a letter to the Court dated 1 March 2017, Ms S Donnelly called into question the authenticity of the copy of the letter from Mr Santen to the deceased that was received into evidence.
98. Ms S Donnelly was present at the inquest and considered that the extracts of the letter which were read aloud were not in the letter she had found on the evening of 9 August 2015. She considered the contents of the letter she had read to have been fair and level-minded. She thought that the contents of the letter to which Mr Santen referred

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<sup>69</sup> ts 69 per Housiaux, Sgt

<sup>70</sup> ts 30 per Perejmibida, S J

<sup>71</sup> ts 69 per Santen, T A

portrayed a much less amicable situation, with inflammatory language. Ms E Donnelly expressed similar concerns in an email to Sergeant Housiaux dated 19 January 2017.

99. Ms S Donnelly suggested that the letter in evidence be examined for fingerprints in order to determine whether hers or the deceased's were on it.
100. I infer that, at least to some degree, Ms S Donnelly and Ms E Donnelly suspect that Mr Santen was directly involved in the deceased's death and was covering up that involvement by using the letter as a false pretext for the deceased ending her own life.
101. At my request, Detective Sergeant Perejmibida arranged for the WA Police Forensic Fingerprint Bureau to examine the letter. I have since been informed that several fingerprints and partial fingerprints were on the letter.<sup>72</sup> Ms S Donnelly's fingerprints and Ms E Donnelly's fingerprints were not identified on it, but that fact was not conclusive.
102. The fingerprints of a police officer who had assisted in the search of the deceased's home were identified. That police officer has indicated that he could not remember how the letter came into his possession, and that he only became aware of it when Mr Santen handed it to police.<sup>73</sup>
103. Irrespective of the fingerprint evidence, in my view the concerns by Ms Donnelly and Ms E Donnelly are misplaced, for the following reasons. First, a review of the transcript makes clear that Mr Santen did not read extracts from the letter. Rather, he explained that references in the letter to issues of how the deceased's mental health would be considered by the Family Court would have upset the deceased. He said early in his testimony that he did not think that the letter was a bad letter.<sup>74</sup>

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<sup>72</sup> Email from Detective Sergeant Perejmibida to Sergeant Housiaux dated 2 May 2017 attaching email from Sergeant Geoff Markham of Central Metro DFIO enclosing an official notification by Sergeant Adam McCulloch of Forensic Fingerprint Bureau.

<sup>73</sup> Email from Detective Sergeant Perejmibida to Sergeant Housiaux dated 2 May 2017 attaching email from Sergeant Geoff Markham of Central Metro DFIO enclosing an official notification by Sergeant Adam McCulloch of Forensic Fingerprint Bureau.

<sup>74</sup> ts 60 per Santen, T A

104. Second, in my view, the tone of the letter is entirely consistent with Ms S Donnelly's recall of the contents of the one she read. When I read the letter before hearing Mr Santen's evidence, I too had difficulty appreciating what in its contents could have upset the deceased. It is relevant to note that Mr Andrew Paton said in his statement to police dated 11 August 2015 that the letter found scrunched up on the floor 'was strongly worded',<sup>75</sup> indicating that he appreciated the potential effect of its contents.
105. Third, as mentioned above, the only reasonable inference on the available evidence is that the deceased sent Mr Santen a text from City Beach as a result of reading the letter later found by Ms S Donnelly.
106. In these circumstances, I am satisfied that the letter in evidence was the one Ms S Donnelly found scrunched up on the floor of the deceased's home.
107. I can find no basis on the whole of the evidence to conclude that Mr Santen had any direct involvement in the deceased's death.

### **The deceased's parents' submissions**

108. On 13 November 2016 the deceased's parents wrote to the court to present a few questions and, in the process, to express their views that the most probable manner of the deceased's death seemed to be suicide, but that it was difficult to accept the idea that she had left her children in Mr Santen's care and had not left them a message. They also considered that a scenario in which the deceased went for a swim in order to relieve her anger and had been overcome by wild surf or a shark attack was similarly probable.
109. In closing submissions, Mr Quail said that the deceased's parents considered that suicide was the most likely manner of death, but that they understood that an open finding was almost inevitable.<sup>76</sup>

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<sup>75</sup> Exhibit 1, Volume 1, Tab 16

<sup>76</sup> ts 79 Per Quail, H

## **Ms Iverson's submission**

110. In a letter dated 30 January 2017, Donna Iverson, a woman who had been employed by the deceased and Mr Santen as their children's nanny and who had become close to the deceased, stated that the deceased 'was an amazing and devoted, loving mother and lived for her children'. For that reason, Ms Iverson firmly believed that the deceased did not attempt suicide.<sup>77</sup>
111. Ms Iverson also said she knew that the deceased liked to swim out her emotional upsets, even in winter, and that if the deceased had gone into the water that night, it may well have been to clear her head.

## **HOW DEATH OCCURRED - CONCLUSION**

112. The deceased's mental health history and her reaction to Mr Santen's letter suggest a likely possibility that she considered that she had been forced into such an untenable position that the only escape was by ending her life. In particular, it is possible that she feared that she would lose custody of her children because of her mental illness and the way in which it might affect a court's decision about that custody. The fact that the deceased left her car unlocked with the keys in it and her phone in the console is support for a finding of suicide.
113. There were, however, significant factors inconsistent with suicide. She was future-oriented and her anxiety had decreased following the separation from Mr Santen. She was surrounded by supporting family and friends and was socially active. Less than a fortnight before her disappearance, she had consulted a psychologist who had known her for years and who saw no indication of suicidal ideation or suicide risk. Most importantly, the deceased was engaging well with her children, whom she clearly loved.

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<sup>77</sup> See also Exhibit 1, Volume 1, Tab 28

114. Attempting to rely primarily on any one of these or other conflicting considerations appears to me to be an exercise in speculation. I cannot be satisfied to any degree of certainty of the deceased's intention when she entered the water or thereafter.
115. When that conclusion is added to the difficulties associated with the absence of an ascertainable cause of death, I regret that I must make an open finding as to how death occurred.

B P King  
Coroner  
15 June 2017