

CITATION: *Inquest into the death of Sarah Johnson* NTMC 001[2004]

TITLE OF COURT: Coroner's Court

JURISDICTION: Darwin

FILE NO(s): D0001/2002

DELIVERED ON: 10 February 2004

DELIVERED AT: Darwin

HEARING DATE(s): 3-4 March, 9-10 March, 26 September 2003

FINDING OF: Mr G Cavanagh

CATCHWORDS: CORONERS: Inquest Death by drowning, referral pursuant to section 35 of the *Coroners Act*, open finding

REPRESENTATION:

Counsel:

Assisting:	Lyn McDade
David Dixon:	Peter Tiffen - NAALAS
Family:	Diana Elliott

Judgment category classification: B

Judgement ID number: NTMC 001 [2004]

Number of paragraphs: 33

Number of pages: 18

IN THE CORONERS COURT
AT DARWIN IN THE NORTHERN
TERRITORY OF AUSTRALIA

No. D0001/2002

In the matter of an Inquest into the death of

SARAH JOHNSON
ON 1 JANUARY 2002
AT LAMAROO BEACH, DARWIN

FINDINGS

(Delivered 10 February 2004)

Mr GREG CAVANAGH:

THE NATURE AND SCOPE OF THE INQUEST

1. On the first of January 2002 Sarah Johnson, (the “deceased”), was found dead at about 0755hrs on Lameroo Beach Darwin. She was 33 years old. Her death was unexpected and suspicious and was reported to the Coroner pursuant to S12 of the Coroners Act (The Act).
2. A public inquest into her death, pursuant to S15 of the Act, was held in Darwin on the 3rd and 4th of March, 9th and 10th April and 26th of September 2003. Counsel Assisting me was Mrs Lyn McDade. The family of the deceased was represented by Ms Diana Elliott and the deceased’s husband by Mr Peter Tiffen of NAALAS. I thank all Counsel for their assistance.

FORMAL FINDINGS

1. The deceased was SARAH JOHNSON also known as SARAH JOHNSTON a female Aboriginal Australian born 29 September 1968 at Darwin in the Northern Territory of Australia.

2. The deceased died sometime between midnight and 0755 hrs on 1 January 2002 at Lameroo Beach Darwin.
3. The cause of death was drowning contributed to by a high level of intoxication.
4. The particulars required to register the death are:
 - (i) The deceased was female.
 - (ii) The deceased was of Australian Aboriginal origin.
 - (iii) The death was reported to the Coroner.
 - (iv) The cause of death was confirmed by post mortem examinations.
 - (v) The cause of death was drowning contributed to by a high level of intoxication.
 - (vi) The pathologists viewed the body after death.
 - (vii) The pathologists were Dr Derek Pocock and Dr Paul Botterill.
 - (viii) The father of the deceased was William Johnson and the mother was May Yakiyibina Niwanama Garawa
 - (ix) The usual address of the deceased was Bagot Community Darwin.
 - (x) The deceased was a full time mother and carer.

RELEVANT CIRCUMSTANCES SURROUNDING DEATH

3. At about 10:34 hours Detective Sergeant Lade and Detective Senior Constable Gavin of the Northern Territory Police Service were called on duty to attend Lameroo Beach Darwin to investigate the discovery of the deceased's body. The deceased was naked and laying on her back on the sand near rocks as described in exhibit "1". On examination of her body, four stab wounds were noted.
4. During that search a number of items were located. Those items were subsequently exhibited at the inquest and I refer to exhibit "5". During Detective Senior Constable Gavin's evidence she informed the court of items recovered in the vicinity of the deceased's body. In particular a bra, two cigarette butts, a knife, a brush and comb, blue jeans, an 18 plus card with a photo of the deceased, blue lighter and an empty packet of "Winfield Blue" cigarettes. Other items were recovered and exhibited at the inquest during the search, however, these items were largely discounted by the Police as being irrelevant to the inquiry. The black bra, the knife, the cigarette butt labeled "located with jeans" and some other items, were subjected to forensic examination.
5. Dr Derek Pocock, a Forensic Pathologist, examined the body in situ. He opined at the scene that the stab wounds had not caused or contributed to the deceased's death and that she had died from drowning. He certified life extinct at 09:50 hours on 1 January 2002. He subsequently performed a post mortem examination at 14:00 hours on that day. His opinion as to cause of death was:

"The appearances are classically those of drowning. The deceased has sustained four wounds probably caused by a sharp knife and none of these have been in any way a complicating factor in the death. One wound has penetrated

the peritoneal cavity causing no injury to any organ and the other wounds pass only into soft tissue.”

6. He described the four wounds as follows:-

- “1. In the abdominal area just above the umbilicus virtually in the midline there was an irregular wound, 8mm in length which passed into the soft tissues of the abdominal wall, slightly downwards and medially to a depth of some 7cm where it perforated the peritoneal cavity but had caused no injury to an intra abdominal organ.
2. A wound 1cm in length horizontally beneath the right breast. This wound was 5cm in depth, passed upwards and to the left side in the subcutaneous tissues of the chest wall and did not enter either chest cavity.
3. A 9mm long wound in the left loin area which was shallow and only 2cm deep passing in no specific direction.
4. On the left thigh approximately at the junction of the upper third and lower two thirds, a 13mm long wound passed into the soft tissues of the thigh at this point for a distance of some 4cm.”

7. During this examination reference and medical samples were taken from the deceased.

8. The Police by this time believed the deceased to be Sarah Johnson and quickly became aware of her association with David Dixon. A check of police computer records (known as the “PROMIS” system) confirmed a long standing and violent relationship between them. The most recent incident reported on the PROMIS system was on 28 December 2001. Ironically (in light of the whole of the evidence addressed at this Inquest), that was a complaint by David Dixon who complained the deceased had entered his room at the Bagot Community and removed photographs of their children and left a distasteful note. Meanwhile, police officers spoke with Lloyd and

Donald Johnson, the deceased's brother and cousin brother, who were able amongst things to inform the police they had seen the deceased alive at the Hippe Club (a Darwin Nightclub in Mitchell Street, central Darwin) at 03:00 hours that morning. At 16:40 the deceased was positively identified by her natural father. David Dixon was located at 20:12 hours at Raintree Park in central Darwin and taken to Peter McCauley Police Headquarters. He was intoxicated. However, he did inform police that he had last seen the deceased at the Hippe Club in the early hours of the morning. Further, that he had left the club alone and had no idea whether the deceased was still there or not. He claimed to have walked into the inner city area of Darwin and met up with his cousin Roger James and then travelled to Palmerston. Dixon was released and asked to re-attend at the Peter McCauley centre at 11.00 hours that day. He failed to keep that appointment. Police located and took statements from Roger James and Rodney Taylor. Rodney Taylor attended the inquest and gave evidence and his statement was tendered.

9. In his evidence at the inquest Rodney Taylor said that he and Dixon went to the Hippe Club together. Sarah Johnston was there and she approached Dixon and struck him. He claimed to have left the Club alone and walked into Darwin. He believed that Sarah Johnson was still at the Club when he left. He was seen by Aboriginal Community Police Officer (ACPO) Shawn Lew Fatt walking into Darwin at about 6am in the morning. Roger James failed to answer his summons but his statement was tendered. Roger James in his statement said that he did meet up with Dixon in the Mall and that Dixon was a little bit wet. He met Dixon at about 6am Police took statements from a number of people who saw Sarah Johnson on the night of her death. A number of those witnesses were called to give evidence at the inquest, and or their statements were tendered.
10. On the fifth of January 2002 police spoke with Kumar Selvaratnam, a witness of events at Lameroo Beach.

11. At 13:15 on the fifth of January 2002, after speaking with Kumar Selvaratnam the police arrested David Dixon for murder. Kumar Selvaratnam provided a statement, a taped record of conversation and video recorded re-enactment of what he saw at Lameroo Beach during the early hours of New Years Day 2002. His evidence was substantially the same as his statement – from which I quote:

“I got up and I walked to the Esplanade down near Lameroo Beach. As I walk down the path I could hear a male voice. He was talking loudly. I kept walking and walked down to the stairs on the right hand side of the path near the beach. I heard a male and female talking loudly. I saw a man and he walked over to me.

He said to a female person who was in the water. “I know this fellow, Indian fellow”. I heard a female voice in the water, she said, “he’s skinny dipping”.

I could see the woman, she was naked. She was swimming and did not appear to have any trouble swimming, she was up to chest height in the water. She came forward towards the beach and I could see that she had very big breasts. She looked Aboriginal but not full blood Aboriginal. She had a very round face and looked like a big built lady. She had long black hair and she was an attractive lady.

The man walked over to me and he was naked. He had come from the water, he came over and said, “Have you got a lighter mate?, Can I have your lighter?”

I said, “Yes I have a lighter, but I only have one lighter”.

He said, “I have one dollar, I will give you one dollar for the lighter”.

I thought that he was with the woman and he probably didn’t want to leave her to go and get a lighter so I said, “okay.

We walked over to near the entrance of the stairs to where his clothes were. I saw him pick up his black jeans and reach into his pocket and he pulled out a 50 cent, 20 cent and 10 cent piece because I didn’t want to leave him without any money.

I saw that he had a packet of Benson and Hedges cigarettes. I could see that there were only a few cigarettes in there but not many. He gave me one of them. I then gave him my lighter. My lighter was dark blue with a black top and the brand name is "Cricket".

He said "I am married to her and have three children to this lady".

I said "all right I will catch up with you later".

He then walked back towards her. I then walked back up the path to the top on the Esplanade. I was sitting down next to an Aboriginal male and female and then the police came and took them away. The police told me that I couldn't sleep there and I told them that I wasn't. After that I went to the bench and sat down and had a cigarette and sat there for about 15 minutes.

I walked back down the path towards the beach. I went to the beach and I did not see the man and woman who were there before. His clothes were still there though. I turned around and saw a black handbag just on the ground."

12. Kumar recognized the male person he spoke with at the beach as David Dixon. see transcript pages 107 and 108:

"And a person approached you? ... Mm mm.

And said, "Hello Indian man." I know that Indian man"?
Yeah. Yeah, I know him. I don't know him personally but I know him because since I've been here he's one of the whoever called me, "You Indian", you know, he introduced to a few of his friends and families. And, you know, before those incident happen he's always been friendly to me. And one of the location – one of the night he was – I was sleeping on the bench, I wake up, I saw him, he was sleeping about 100 yards away from me and, you know, his shoes was out and the police car came and stop and they say, "You can't sleep here", you know. He said something to the police, then the police convince him you can't sleep here and they put him in the car and they took him. That was – this is all this incident before it happened. And so, you know, I know him very well but I don't know him personally, you know, his family, etcetera, etcetera.

I'll just stop you there, Kumar. At the time he approached you and you had your conversation about the lighter ...? ... Yes.

...did you know who he was? ... Yes.

Did you know his name? ... Not very well. I don't know – I only know him as Dixon. I don't know him as his first name because that's – I've been always been call him.

And you recognized him ...? .. Yep.

...because you recognized him ..? ... Yep.

And, in fact, you recognized him when the police showed you a series of photographs, didn't they? ... Yes.

And you pointed him out and you said, "That's him"? ... Yeah.

What I really want to know, at the time you first spoke to him did you know it was David Dixon then? .. MM mm.

Or did you subsequently come to know that it was him? ... Yeah. Yes.

And do you recognize Mr Dixon here today? ... No.

THE CORONER: Well, have you had a look around

MS McDADE: Do you recognize him. Have a look around. Do you recognize Mr Dixon here today; the man that you spoke about in that video?... No.

You don't recognize him? ... No. Oh, yeah.

Where is he? ... With the blue shirt.

For the record he indicates David Dixon who is wearing a blue shirt.

Now, is that the man you were speaking to at the beach? ... Yes.

And he's the man that came up to you and said, "Have you got a lighter"? ... Yes.

And you've told us about your transaction with him where you sold him your lighter? ... Yes.

Can I show you something. Would you have a look at this? ... Yes.

No, no, have a look. Now, is that the lighter that you gave to David Dixon at the beach – or sold to him? ... Yep. Yeah.

Are you sure about that? ... Yes.

And further at page 110 of the transcript:

And they were both in the water together talking when you first saw them? ... Yeah,

And it was only he that came out of the water to talk to you? ... Yes

And he came out of the water together talking when you first saw them? ... Yeah.

And it was only he that came out of the water to talk to you? ... Yes.

And he came out of the water and he didn't have any clothes on? ... No, he didn't have any clothes on whatsoever, no.

So after you've exchanged the lighters and he's given you a cigarette? ... Yes.

She stayed in the water the whole time while this is happening? ... yeah.

Did he go back to the water? ... I'm not sure because ...

You just left and went away? ... Yeah, I left. Yeah.

Went up to the top and had your cigarette ... Yes. No, I had the cigarette while I was going on top yeah.

While you were walking? ... Yeah.

So you lit that cigarette? ... Yes.

And you walked up smoking? ... Yeah.

Where did you go to when you got to the top? ... That's – actually when I went up to the top there was – there was a couple. Was – one was lying, you know. That's something I don't want to interfere with. That's police – police knows because when I went up there at the top there was a police there, right.

You didn't stay up the top very long and you came back down again? ... About maybe 10 minutes later, yeah.

And you've showed us on the video where you went back to? ... Yes.

And by this stage David Dixon and the lady had moved? ... Yep.

And you've told us how when you went down there along the beach? ... Yeah.

You looked across? ... Yes.

And you've told us that she was laying on her back? ... Yeah.

And it appears he was laying next to her with his arm around her? ... Yeah.

And it was his left arm, do you recall? ... Right arm.

Now, are you sure that's the same two people that you saw earlier? ... yes.

Positively? ... almost. 99% I'm sure because I could recognize his skin, you know, only I was like about 10 metres away, you know, 10-15 metres away. I was not that far.

And you looked for a little while, didn't you? ... Maybe about a minute, two minutes.

Kumar, you had a really good look, didn't you? ... I didn't have that very good – exactly what they're doing but I had a look.

But a good enough look to recognize that it was David Dixon and that lady? ... Because I recognized him.”

13. During cross-examination by Mr Tiffin his evidence was, and I refer to page 120 of the transcript:

“Mr Kumar, do you think you might’ve been mistaken as to who you saw at the beach that night? ... I reckon the first time who I saw was not mistaken. 101% I’m sure. Maybe the second time who I saw it can be mistaken. But the first time I saw it’s not mistaken.

Now, you go there a lot, you’ve told us. Could it be that when you went there and spoke to the man you call Dixon, it was some other time, not that New Year’s Eve? ... Come again.

You say that you went to the beach and one time you spoke to the man you call Dixon?... Mm mm.

I’m asking you if you might be mistaken about when that was; if it might have been some other time that you were down there? ... No.”

14. At this time police did not have the DNA results. Dixon declined to partake of a record of interview or participate in a line-up. The Police submitted their file to the DPP who declined to prosecute. The charges were withdrawn and Dixon was released. On 9 January 2003 the DNA results became available and again suspicion centred on David Dixon being involved in the death of the deceased. On 11 January 2002 the father of the deceased requested that a second autopsy be conducted. A second autopsy was conducted on 12 January 2002 by Dr Paul Boterill. During this examination additional injuries were discovered, in particular a bruise over each collar bone, bruising on the right cheek and bruises to the anal passage, bruising to the left calf and thigh areas and bruising to the right leg. Dr Boterill concurred with Dr Pocock that the cause of death was drowning however he was unable to say whether or not the drowning was at the hands of another person. Dr Boterill was also of the opinion that the deceased’s death was contributed to by her alcohol intoxication which was as established by toxicology examination as being .192% in her blood and .230% in her urine.

The doctor during his evidence at the inquest commented in relation to the level of intoxication of the deceased, and I quote from page 29 of the transcript:

“There is no question in the literature that alcohol intoxication is definitely associated with an increased risk in drowning. So from that point along I think it’s a significant contributor. It may have contributed to whatever the circumstances were in this case, but again I’m not in a position to say exactly what those circumstances were”.

15. The doctor was able to assist me in relation to the stab wounds and I accept his opinion that they were inflicted while the deceased was alive. However, both he and Dr Pocock were unable to assist me in determining whether or not a person or persons contributed to the drowning of the deceased. The police continued to follow various “leads” which at that time largely consisted of hearsay and rumour. On 31 January 2002 the deceased’s father, Bill Johnson, contacted police with information that had been related to him by Robyn Hume that Cynthia Baird had informed her that she had been at Lameroo Beach and seen the deceased with Dixon and Taylor. After some effort Baird was spoken to by police on 4 February 2002 when she gave her statement that was tendered at the inquest. Despite making inquiries police have been unable to locate the heavily tattooed male who approached Baird in Raintree Park and told her that Dixon had stabbed Johnson while Taylor held her head under the water and drowned her. Baird also provided a statement, taped record conversation and video recorded reenactment. Her evidence was as follows:

“When we were outside, Dixon and Taylor came up to Sarah and Dixon asked her “you coming home with me or what?” Sarah said, “No, I’m not.” I heard Sarah say, “I’m not coming with you, I’m going home where my family is”. They both then grab Sarah. Taylor was on this side (indicated right side and grabbed Sarah by the right upper arm). I then said to Dixon,

“Why don’t you leave her alone?” He said, “You better shut up or I’ll give you this” and when he said that he lifted up his shirt and I saw a knife down his pants just here (Indicated right front side of waist area). I could not see what colour the handle was as the shirt was wide (indicates a width with fingers of about 2 to 3 centimetres). When he said that to me I understood him to mean that I would cop the knife. When Dixon and Taylor grab Sarah, that was near those traffic lights on the corner. They were on the footpath. They then walk off towards the beach on the Esplanade. When Dixon and Taylor grab Sarah, she was screaming out for “help”. She was screaming out real loud saying “Can someone help me please”. She was trying to pull away from them two. I followed behind. They took her across the road to where the lights are (corner of Mitchell Street with Daly Street) and they then took her towards the Esplanade. I followed along, a bit way back. I watch them take Sarah into that park. I saw that Dixon pull her top off. He was trying to make her hurry up. They were about 20 metres into that Park when this happened. This was the last thing that I saw. I then turned around and went back to where I had left my friends. I was a bit worried for that Sarah and I saw some Police who were trying to stop a fight at the cinema. I was going to tell them about Sarah but they were too busy, so I didn’t. I didn’t tell my friends about that trouble. We just caught a bus home.

About a week later, I was in the Raintree Park with I think Terry Liddy when a white bloke come up to me and told me that he had seen what had happened down the beach. He told me that Dixon had stabbed Sarah and Taylor had drowned Sarah in the sea. I don’t know why this white bloke told me this for. I had never seen this white bloke before and I haven’t seen him since. I think he is a “long grasser” and lives in the City area. He would be probably 30 or 40 years old, a skinny bloke with blonde hair which he tied up in a pony tail. He had lots of tattoos down both arms. Those tattoos are right from the shoulders down to his hands. I can’t remember what those tattoos were. He didn’t have a beard or moustache. This bloke was carrying a bag when I saw him. He was by himself when he told me this. I think that Terry might know him. That Terry works and lives out at Jabiru. That Terry did not hear what this white bloke said to me.

I haven’t seen Dixon or Taylor since that night. I have told a few people about this story.

I didn't tell police about this business because I am frightened of Dixon and Taylor.”

16. The Police eventually received the results of the forensic examination of items found on the beach. The examination was conducted by Julie-Anne Garrett. Ms Garrett was provided with reference samples from the deceased and David Dixon and Kumar Selvaratnam. She was also provided with medical samples (high and low vaginal swabs and vulval swabs) and fingernail clippings of the deceased as well as control blood. DNA was extracted from fingernail clippings, both cigarette butts, and reference samples labelled David Dixon, Kumar Sav and Sarah Johnson. Garrett found mixed DNA profiles from the fingernail clippings with the major profile found from the right hand fingernail clippings matching the DNA profile of David William Dixon. The minor components of this mixture was contributed to Sarah Johnson. The mixed DNA obtained from the left hand fingernail clippings was consistent with the biological matter from these two individuals. Mixed DNA profiles was obtained from the two cigarette butts. The major profile was identical to the DNA profiles of the deceased. The minor components was the same as the components possessed by David Dixon. Kumar Selvaratnam was excluded from being a contributor of all DNA profiles obtained. Blood was not detected on the knife. Attempts to extract DNA from the bra, knife handle and cigarette lighter were unsuccessful. Nothing of significance was found on other items submitted for testing.
17. At the inquest a number of witnesses were called to give evidence and I received into evidence a number of exhibits and statements.
18. I am satisfied after considering all the evidence that on the night of 31 December 2001 the deceased was at the Bagot Community with family members drinking alcohol until shortly before 9.00pm. The deceased left the

Community with her brother and cousin brother and travelled by bus to the Hippe Club in Darwin arriving shortly after 9pm.

19. At the club the deceased drank alcohol and celebrated New Years Eve with family and friends.
20. The deceased was well and in good spirits prior to arriving at and whilst at the Club. There is no evidence to suggest that she had been stabbed prior to going to the Club or whilst at the Club.
21. The deceased remained at the Club until the early hours of New Years Day. She was observed to be happy and enjoying herself. David Dixon the deceased's former de facto partner was at the Club. There is evidence that the deceased approached Dixon at the Club and struck him and that they subsequently engaged in conversation for some time.
22. The deceased and Dixon had been in a long and violent de facto relationship which ended in early 2001 after Dixon had assaulted the deceased by stabbing her a number of times. Dixon was convicted of aggravated assault and sentenced to imprisonment. A Domestic Violence Order was in force at the time of the deceased's death restraining Dixon from contact with the deceased. The affidavit sworn by the deceased in support of that application was read during Counsel Assisting's opening and tendered into evidence. It provides a detailed and graphic account of the relationship and of the deceased's many attempts to leave it. A copy of the affidavit is attached to my findings. Dixon was the father of three of the deceased's children.
23. Dixon was at the Club with Rodney Taylor.
24. The deceased was observed by a number of people at the Club, however only Cynthia Baird was able to give evidence of her leaving. The deceased's brother and cousin brother left the Club together at about 3:00am. At that time the deceased was still at the Club.

25. The only evidence I have regarding how the deceased left the Club is that of Cynthia Baird. Cynthia Baird's evidence was that at closing time she saw the deceased with David Dixon and Rodney Taylor leaving the Club. She observed that the deceased was reluctant to go with Dixon and Taylor.
26. Her evidence, if accepted, would suggest that Sarah Johnson left the club and was forced against her will by David Dixon and Rodney Taylor to go with them to the Esplanade. It is clear from the evidence that the deceased eventually went to Lameroo Beach. The area on the Esplanade where Cynthia Baird claimed to have last seen the deceased is adjacent to Lameroo Beach.
27. However, her evidence is in stark contrast to the evidence given by Kumar Selvaratnam, who in his statement and oral evidence at the coronial described observing a happy frolicking couple swimming at Lameroo Beach at about 4:30am.
28. The deceased's family have continued to inform police of information they have become aware of from time to time relating to the death. This has generally taken the form of telephone calls and Statutory Declarations. These declarations were received into evidence and the allegations contained in them were investigated by police. Given the relationship between the deceased and David Dixon and the circumstances of her death, I appreciate that the family honestly believe that David Dixon contributed to her death.
29. The Statutory Declarations of Bill Johnson and Phillip Escobar refer to a conversation with Brett Lovell who informed Johnson and Mr Escobar that he had witnessed Dixon kill the deceased. Brett Lovell gave evidence at the inquest where he denied witnessing the death of the deceased admitting that he was just relating stories he had heard. He indicated that a person named Roberta Dann had personal knowledge of the death of the deceased. However, Roberta Dann provided a Statutory Declaration which was also tendered at the inquest in which she claimed to have had no knowledge of

the death of the deceased. I was pressed to have her called by Ms Elliott however as I explained at the inquest after she had denied any knowledge in her Statutory Declaration, it was highly unlikely that she would give different evidence at the inquest.

30. David Dixon gave oral evidence at the inquest. His evidence was effectively this: I know nothing about the death of Sarah Johnson. I was not at Lameroo beach with her on the morning of her death and I was never at Lameroo Beach with her. He claimed not to know Kumar Selvaratnam or to have had any dealings with him on 1 January 2002 or before. He admitted to regularly carrying a knife for his own protection. In my view much of his evidence was untruthful and unhelpful. His evidence was also contradicted by the statements and evidence given by other witnesses, in particular Roslyn Nikki, Kumar Selvaratnam, Cynthia Baird, Roger James and Theresa Johnson.

SUMMARY

31. I am satisfied to the requisite standard of proof that the deceased was with David Dixon at Lameroo Beach shortly before her death. I accept the evidence of Kumar Selvaratnam and his identification of David Dixon. The DNA evidence also is compelling and clearly establishes that Dixon was with the deceased on the morning of her death at Lameroo Beach. I am unable to find whether David Dixon or any other person caused or contributed to the death of the deceased, to do so would be mere speculation. I reiterate that I found David Dixon's evidence to be unreliable and untruthful. His persistent denial about being with the deceased at Lameroo Beach does him no credit and may be suggestive of a guilty conscience. He has lied in his evidence at this inquest.

32. It is clear that the deceased may well have been assaulted prior to her death which is evidenced by the four stab wounds and accordingly, I refer the transcript of these proceeding and my findings to the Commissioner of Police and the Director of Public Prosecutions pursuant to section 35(3) of the *Coroners Act*.
33. The deceased died from drowning. I am aware that the family of the deceased are of the opinion that David Dixon caused the death, as is Senior Sergeant Greg Lade (the investigating police detective), however, on all of the evidence I cannot conclude nor exclude such a hypothesis. I leave open a finding as to how the deceased drowned and whether another person or persons were involved.

Dated this 10th day of February 2004.

GREG CAVANAGH
TERRITORY CORONER

**NORTHERN TERRITORY OF AUSTRALIA
DOMESTIC VIOLENCE
Section 4**

**IN THE MAGISTRATES COURT
AT DARWIN**

**Sarah Johnston
APPLICANT**

AND

**David William Dixon
DEFENDANT**

AFFIDAVIT IN SUPPORT OF RESTRAINING ORDER:

I, Sarah Johnston, of C/- Domestic Violence Legal Help, Withnall Maley & Co, 18 Harry Chan Avenue, Darwin NT 0801

Make oath / affirm as follows:

1. I am the applicant to this Restraining Order, I have been in a defacto relationship with the defendant for a period of ten years. The relationship commenced in December 1991, and the final separation occurred on the 6th April 2001.
2. There are three children of the relationship, being: Clarissa Dixon born 17/12/1992; Tiarnle Dixon born 25/01/1997; and Anthony Dixon born 10/06/1999. I also have two children of a previous relationship who live with my Father at Bagot Community.
3. I estimate that I have tried to escape from the defendant five times. Each time, he has found out where I was, and forced me to return. I have returned out of fear of what he will do if I do not accede to his wishes. Each time I have returned he has beaten me for leaving.
4. The other separations were as follows: In about August 1992, I fled to Pine Creek after the defendant beat me and kicked me in the eye when he came home drunk. After about two weeks, he found out where I was and came down to pick me up. We went to stay at my Father's house, and he did not attack me again until after my daughter Clarissa was born in December.
5. In January 1993, I again tried to leave the defendant. He had been coming home drunk and becoming argumentative, and I knew he was going to become violent so I got a lift to Pine Creek with my father when he was on his way to Borroloola. I did not want to go on to Borroloola because the McArthur River was flooded and I was concerned for my babies' health. After 2 - 3 weeks, the defendant located me at Kybrook Farm. He arranged for his brother to pay for my bus fare back to Darwin, and I felt that I had no choice but to go back for the babies' sake and his mother assured me that he had changed.
6. In 1994, I asked D.A.I.W.S to help me get out without the defendant knowing. This time, I went to Borroloola. My cousin and my Mother picked me up at Highway Inn between Larrimah and Dunmarra, and we went back to Borroloola

the same night. I was there about a month when he telephoned me to get someone to pick him up. I told him not to come, but he went to Tennant Creek and got one of his cousins to drive him to Borroloola. Within five days, he had convinced me that he had changed, and we went back to Darwin.

7. Each time he has made me believe that he has changed. His behaviour always changes and he becomes violent again as soon as he gets me back to Darwin, and he knows he has me on my own.
8. In December 1998, the defendant was drinking with his friends at my flat. I asked them to leave because I wanted to have a rest. He started arguing. He grabbed me by the hair and kicked me in the face. Then he punched me in the nose, and kicked me all over my body. I got up and he got a heavy recliner chair and threw it at me. My auntie rang the police. He was charged with Grievous Bodily Harm and was subsequently imprisoned for around six weeks. I was granted a restraining order against him at that time. When he got out of prison, he stayed away until the restraining Order ran out. After this, we reconciled and his behaviour was a lot better than it had ever been before.
9. After my daughter Tiarnie was born in 1997 the defendant slowly became violent again. It began with his being argumentative, and progressed until he was abusing me physically. The situation escalated until in June 1998, when he had taken a bus to Katherine in a drunken state, I got a lift back to Borroloola. When he got back to Tennant Creek and found out I was gone, he went looking for me and caught up with me at my cousin's house. Again, he was charming and kind to me and he persuaded me to go to Darwin with him. This time I left my daughter Clarissa in Borroloola so that he would not be able to detain me in Darwin. At this time also, I had to stop the defendant from having access to my bank account as he was taking my money and spending it on alcohol, leaving me without day-to-day necessities for the children and myself.
10. After this, things were relatively peaceful until after my son Anthony was born in June 1999. The defendant began drinking heavily again and spending a lot of time with his mates, He used to prevent me from seeing my older children from a previous relationship and call them names. He called me rude names, and he called my children names. He would try to make me give him the PIN number to my bank account, and when I refused, he would become angry. There were many incidents of emotional and verbal abuse, where he would tell me I was useless and worthless. He would try to make me leave the house, and leave the children with him. On the occasions where I actually packed my bags to go, he would cry and prevent me from leaving.
11. At Christmas 2000, I wanted to spend the holiday season with my mother and brothers in Katherine. His mother told him that the children and I were going down there. He was furious, and said that he would not allow his children to leave Darwin but that if I wanted to go, I could go alone. There was an argument, I was going to my Aunties house a few streets away to get some cigarettes, but the defendant thought I was leaving him, so he picked up the children and walked into the middle of Patterson St. Malak, hoping to get run over. I ran back and hit him with a stick, but he would not let go of the baby. By this stage. I regularly thought of committing suicide as I felt that it would be the only way to escape from the relationship. I questioned myself and my sanity and I felt quite desperate and frustrated,
12. In early 2001, I started thinking about how I could get away safely. I was afraid

for my safety, but I did not want to leave my children behind.

13. The most recent event is this; On the 6th of April 2001, we were at the Blue Heelers pub in Darwin. The defendant came along and was talking to my cousin, who is a teenager. They started arguing. My older brother told him "Hey cut it out." He turned around and said "You want to fight you cunt; I'll fight you any time." My brother said. "If you want to fight, you know where I live." After that, my brother asked the bouncers to kick him out, so I did not see him until the next day. He came around the next afternoon. My son and I were sitting on the veranda, playing cards at the table. He said. "What's going on? I said. "What's going on with you. I told my daughter Clarissa to go inside and got my father. Dad came out and asked him "Why did you go picking on Kirk (My Cousin)?" They began arguing about Kirk, who had flogged one of the Defendant's cousins on the previous Thursday morning. He gave my dad an arrogant look, so my Dad punched him in the mouth. My younger brother Alan asked him "Why are you calling us dogs David? What did we ever do to you?" Then my uncle Peter came out. Peter said, "What are you picking on Kirk for, he's only a little boy. If you want to fight, fight me; I'm a man." So they went outside. I told Alan to keep an eye on uncle Peter because he was still a bit drunk. David said, "Wait a minute", he bent down, and he pulled a boning / carving knife out of his sock. As soon as Alan saw the handle at the knife, he punched David in the jaw to give uncle Peter time to get away. David slashed at Peter's stomach, then he narrowly missed stabbing Alan in the back. We all scattered. I ran inside to ring the Police, while he was still chasing Alan around. The children were inside the house, so they were safe. The Police attended at around 1:30pm, but they could not find him, and suggested I go to D.A.I.W.S. I stayed at that refuge until I left, and they helped me to formulate an escape plan.
14. After I arrived in Katherine, on the 14th of April, the defendant telephoned my mother's house and my cousin Irene answered the telephone. I told her not to say I was there, but he said he was coming down anyway. Later that day, I telephoned the defendant and asked him why he was looking for me. He said he wanted the kids back and that I had better be back by Friday "otherwise I'll go to Bagot and after that all you'll be coming back for is a funeral". I told the defendant that I had called my mother's home, and my Cousin had told me that the defendant had telephoned. He said "I rang there too, and your mum is in hospital" then the defendant asked me where I was calling from, I said "Mt. Isa". On Thursday the 19th of April, my brother-in-law told me that he got off the bus at Katherine and that the defendant was on the same bus, and had told him that he was going to Mt. Isa. On Friday the 20th, my Auntie from Tennant Creek telephoned and said the defendant did catch the bus from there to Mt. Isa, and that she had seen him board the bus at Tennant Creek. On Wednesday the 25th of April, I telephoned the defendant's niece Jacinta Dixon, who is living in Darwin, and she told me that David was on his way back to Darwin today but if he finds out that I am in Katherine, he may get off the bus in Katherine.
15. From Katherine I intend to relocate interstate with the assistance from the Domestic Violence Network, as I am afraid that if the defendant finds me, my life may be in danger.
16. In the entirety of the relationship, I estimate that the defendant has blackened my eyes twenty times. He has caused me various head injuries, including a broken nose and stitches to the eyes, lips and occipital region of the head. He has bruised my ribs.

17. For the reasons outlined in paragraphs 1-15, I want no further contact with the defendant.
18. When I have relocated, I intend to apply to the Family Court for Residency of my children.
16. I will be requesting that there be no contact orders granted for the defendant in my Family Court proceedings, as I do not want the Applicant to contact me or the three children.

SWORN by the applicant
At Katherine
On this 26th day of April 2001

.....
(Sarah Johnston)

Before me:

Signed

Susan Leslie Meredith
Justice of the peace (NT)
Court House Katherine
(08 89738956)