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## TRANSCRIPT OF PROCEEDINGS

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### **CORONERS COURT**

### **CLEMENTS, Deputy State Coroner**

### **No 41 of 2008**

### **IN THE MATTER OF AN INQUEST IN THE CAUSE AND CIRCUMSTANCE SURROUNDING THE DEATH OF KAREN LEE MAHLO**

### **BRISBANE**

**9.53 AM, WEDNESDAY, 12 FEBRUARY 2014**

**Continued from 11.2.14**

### **DAY 3**

**WARNING:** The publication of information or details likely to lead to the identification of persons in some proceedings is a criminal offence. This is so particularly in relation to the identification of children who are involved in criminal proceedings or proceedings for their protection under the *Child Protection Act 1999*, and complainants in criminal sexual offences, but is not limited to those categories. You may wish to seek legal advice before giving others access to the details of any person named in these proceedings.

**RESUMED**

**[9.53 am]**

D/STATE CORONER: Good morning. Please be seated. Ms Zerner.

5

MS M.G. ZERNER: May it please the court, your Honour, my name is Zerner, Z-e-r-n-e-r, initials M.G., of Counsel. I'm instructed by K&L Gates, and I appear on behalf of Dr Clive Fraser. I understand leave has already been sought, your Honour, for my appearance.

10

D/STATE CORONER: Yes, it has. Thank you, Ms Zerner.

MR CHOWDHURY: Thank you, your Honour.

15

D/STATE CORONER: Mr Chowdhury.

MR CHOWDHURY: Yes. Anna Sasonow is in the witness box, your Honour.

D/STATE CORONER: Good morning, Ms Sasonow.

20

MS SASONOW: Good morning.

D/STATE CORONER: Do you have any objection to taking an oath on the Bible?

25

MS SASANOW: I'll take an affirmation.

D/STATE CORONER: Thank you.

30

**ANASTASIA SASONOW, AFFIRMED**

**[9.53 am]**

**EXAMINATION-IN-CHIEF BY MR CHOWDHURY**

35

D/STATE CORONER: Thank you. Mr Chowdhury.

MR CHOWDHURY: Thank you.

40

Is your full name **Anastasia Jane Sasonow**?---Yes.

Have I pronounced your surname correctly?---Yeah, Sasonow, yeah.

Thank you. And are you commonly called **Anna**?---Yep.

45

All right. You have provided three statements to the police. Your Honour, they are exhibits B12, B12.1 and B12.2.

D/STATE CORONER: Thank you.

MR CHOWDHURY: Just have a look at the documents there, Ms Sasonow, and just be satisfied they're your statements?---You just want me to look at them?

5

Just have a quick look through them, yes?---Yep.

Thank you. I really want to focus on 2008 from the beginning of that year up until your mother's death on the 28<sup>th</sup> of May 2008, okay? Are you aware that your mother  
10 had been in a relationship with a man called John Hehir?---Yeah – yes.

All right. And that – and she'd been in a relationship for some years?---With John?

John Hehir?---I think it was a year and a half.

15

Year and a half? All right?---Under two years.

All right. And John Hehir had moved into your mother's house at Moffat Beach?---Yes.

20

All right. Now, you had actually worked for Mr Hehir for some time; is that correct?---Yes.

You detailed in your statement some problems that you had with Mr Hehir, correct?---Yes.

25

And there was a staged April Fools Day joke about a man pretending to be a police officer and searching your desk, correct?---Yeah.

All right. Thank you. Can you just tell me, please: how often did you go to your mother's house in 2008?---Pretty much every day. Maybe every two days.

All right. And how long would you spend at your mother's house?---A couple of hours.

35

All right. Would that be during the day or at night?---During the day or sometimes at night. After I stopped working for John, then it was during the day a lot, but, when I was working, it was at night.

All right. Sorry, I just missed your last answer?---But when I was working, it was at night.

At night. All right. Can you just tell us when you stopped working for John Hehir?---A couple of weeks before everything happened.

45

Before your mum died?---Yep.

All right. Thank you. I want to ask you about your knowledge of the state of your mother's relationship with John Hehir. In your first statement given to police, you said that they broke up in April 2008?---Yes.

5 How did you know that they had broken up?---Because work got crazy. Like, I had to take things to work of his for Mum. He acted mental towards me, like, just constantly talking about it.

10 Sorry?---Mum – Mum didn't want to talk about it. He did. He wouldn't stop talking about it. Mum would tell me not to listen and everything sort of just fell apart quickly.

15 All right. You said constantly talking about it. What – about what?---About, you know, everything he'd done for her and how, you know, unfair it was and how much he loved her and can you go tell her, like, you know, like, just all this kind of stuff, like, just – because I was – I'd sit in my office and he'd just come and sit on my desk and yap, yap, yap about it.

20 So he was talking about how unfair it was of your mother to end this relationship?---Yep.

Is that what he was talking about?---Yeah.

25 And he made comments such as all the things he'd done for her?---Yeah, how she'd ruined him.

All right. Is that something he'd said to you in these conversations he'd come into your office?---Yeah.

30 All right. Did he say how she had ruined him?---No, just – I didn't entertain it. I just sort of knew that I was going to leave, but was scared to leave, so I just didn't want to be rude to him, you know? I was just – just kind of in the middle of everything.

35 Okay. Do you know when in April 2008 that relationship between your mother and John Hehir broke down?---When in 2008?

40 No, when in April 2008?---Towards the end, I suppose. It was somewhere around then. I'm not sure about dates, exactly, but I just know it was – it didn't take – I knew it only took a week or two at work for me, after they ended it, for me to say I'm going.

45 Okay. You can have a look at this. The pages aren't numbered of your first statement. It's the fourth page and it's the middle paragraph. Just before I go onto that, this statement doesn't appear to be signed?---I just wrote this on the computer. Like, my family said, while it's fresh, write it down, so I wrote it down and just – on the computer and printed it out.

So you actually typed all this up yourself?---Yeah.

5 All right. Thank you. You said that John Hehir was constantly calling your mother and Mum was kicking him out. What was – how did you know that? That he was constantly calling your mother?---Am I on the wrong page?

They're not numbered, so if you look for the start?---What does the start of the paragraph say?

10 "Mum and I had a long talk about John and how ridiculous and controlling he was"?---Yep.

15 All right. I counted four pages from the start?---Oh, how did I know that he was calling her?

Yes?---Because my office was across the way from his and his office was right outside the printer, so you could hear everything.

20 All right. So you could hear - - -?---And he'd tell me, as well. Like - - -

All right. So you could hear conversations between John Hehir and your mother, correct?---Yeah.

25 And he would tell you that he had been ringing your mother?---Yeah, and you – I could just walk past the office, look in and know what he was doing. You know, by the look on his face, you could tell. It's just – and, you know, he'd come out and tell me have you talked to your mother today.

30 Okay. You say that he took everything he owned away from the house and Mum wanted to get rid of him. How did you know that he took everything he had owned away from the house?---Mum told me.

35 All right?---And, like, they – in their master bedroom, there was – like, it was an open wardrobe - - -

Yes?--- - - - and his stuff was on one side and her stuff was on the other. It was all gone.

40 All right. When you went to the house, did you see that belongings of John Hehir had been removed?---Yes.

All right. After – are you able to say when that was that he took his belongings away from the house?---How long it took?

45 No, no, when that happened. Was it the same time as the relationship broke down at about the end of April two thousand - - -?---Yep.

5 All right. Thank you. Did – to your knowledge, did John Hehir ever stay over most nights at your mother’s house after the relationship broke down?---Not that I know of, but I was – I know that he was coming around there and, you know, trying to talk to her and stuff, and – but – but I wasn’t living there, so I don’t know if – like, you know.

Yeah?---At night I was at my house.

10 Okay?---I only knew what Mum told me.

All right. Well, did your mum ever say that John is still coming over and staying at the house most nights?---No.

15 From what you had – discussions with your mum, did she want to continue to see John Hehir?---No. No, she was done.

20 Thank you. I want to ask you about a conversation that you had on the 27<sup>th</sup> of May 2008. If you look to the fifth page, and it’s the second paragraph on the fifth page?---Yep.

Now, you lived not very far from your mother’s house, didn’t you?---Yeah, three blocks, if that.

25 Right. And your mum asked you to call – said that she was feeling down -- --?---Yeah.

-- -- and asked you to come over?---Yeah.

30 Did that happen from time to time?---Well, maybe not come over, because I’d be at work, but, since I wasn’t working – sorry.

That’s all right. Just take your time. It’s all right?---Yeah, when I wasn’t working.

35 All right. Okay. Well, when you weren’t working – when you had stopped work, would you get calls from your mother to say that she was feeling down and wanted you to come over?---Not really. Like, I just – I’d go over there, you know? Like, this was the only time when she was, like – you know, I think she said that she was not in the mood today, and I was like, okay, I’ll come over and we’ll make it better.

40 All right?---Just walked over.

Now, you overheard this conversation between your mother and John Hehir when you asked her to put it on the speaker phone?---Yeah.

45 All right. Can you – you’ve set out there in that paragraph some of the statements that he made to your mother, correct?---Yep.

5 All right. Can you recall what your mother was saying to him?---Practically nothing. She was just, like – she was like okay, John. Yes, John. Okay, John. I understand. All right. And then, like – but not that fast. Just in-between his rude comments, like, and ramblings. And she'd be just sort of like yes, John. Okay. Like, just sort of, like, letting it go.

10 Thank you. How was he saying these things? Can you describe it?---Absolutely – I could not even believe it. It was, like, you've ruined your children's lives. Like, that sort of voice. Like, look what you've done to me. And, like, it was just so spiteful, and I – I couldn't believe she was just sitting there listening to it. And she wouldn't hang up. I was just hang up. Let's go. Like, why. It went on for ages.

15 So how long the conversation went?---Ages. Like, 30 minutes, like – I don't know. It felt like we were sitting there for ages, and he just kept saying the same things over and over again. Like, this stuff that I've written here and there's another one: it's all that kind of stuff plus more. Like, it just went on and on.

20 In your second statement, you detail similar comments. If you have a look at your second statement, page 6, and your second statement is dated the 24<sup>th</sup> of August 2010?---Yep.

And if you look at the bottom of page 6?---Yep.

25 That's detailing the, you know, conversation?---Yep, all this stuff and that – that stuff that he said to her. It's all the same. It's all the sort of wavelength that was going down.

30 Did you say anything during this conversation?---Well, he didn't know I was there  
- - -

Right?--- - - - and because I wrote put it on loudspeaker down, there wasn't – he didn't know I was there, but, towards the end, I was starting to get a bit louder. I was, like, hang up.

35 All right?---Let's go.

Now, you described in your original statement – that's the one you typed up yourself – that, after that phone call, your mother was very upset?---Yeah.

40 That's correct?---Yeah. Well, yeah, she was down. Like, she was kind of – it take – took a lot out of her.

45 Is that what you meant when you said she was very upset? She was just down?---Yeah.

Okay. How long did you stay with your mother that day, the 27<sup>th</sup>, at her house after you'd gone over?---All day.

All day?---Like, we were – we went shopping, we went around to the Transport Office and all that stuff.

5 What was your mother's mood like during that day?---It got fine. It got better and better. We were – she was fine. Like, by the time we got home, we were having drinks at my house, and she was laughing and – she was kind of like thank God it's over sort of thing.

10 Were you present when John Hehir came around to collect the BMW motorbike?---No.

Had you gone home by that stage?---Well, we weren't at Mum's house; we were at my house.

15 Having drinks?---Yeah.

Yeah?---And then she went home.

20 All right. Do you know what time she went to your place for drinks?---No.

All right?---No.

Was it afternoon, night? Are you able to say?---Yeah, afternoon/night.

25 Can you recall how long she stayed at your house having drinks?---Couple of hours. Yeah.

Are you able to estimate what time she left?---No, I'm not. I'm sorry.

30 All right. You do detail there was a discussion about the BMW motorbike because you went with your mother to Queensland Transport?---Yep.

35 All right. Okay. Did she say what she was doing with the motorbike?---Yeah. She said that – she said that he wouldn't stop complaining about the deck saying that like he'd put in, you know, like I built that deck out the back, I've contributed to this house and you throwing me out with nothing, blah, blah, blah. And so she was like look, if I give him the BMW then he'll go away. I can't drive it anyway. If like I can't drive it just give it to him, get him out, away.

40 Okay?---And, yeah, so she was just like I'll just transfer it over and you can come pick it up later that will be the end of it.

45 So that was that day the 27<sup>th</sup> of May 2008 that you went to Queensland Transport for your mum to put in transfer papers - - ?---Yes.

- - - for the registration?---Yeah, I believe so.



All right. Thank you. When your mum was having drinks with you at your house did she say anything about John Hare coming over to collect the bike?---Maybe. I'm not sure. I don't think so. I don't know.

5 Okay. Did you see what your mum was drinking at your place that night?---Beer.

Do you see how much she drank of it?---We only bought a six pack so probably three.

10 Half of a six pack?---Yeah. Maybe something else. I don't know. I can't be sure.

All right. And were you living with a friend Rhiannon Clarke?---Yep, Rhiannon, Dan; a few people.

15 Okay. All right?---Everyone was there.

If you just look at your original typed statement at page 5, and it's the third – fourth paragraph on that page?---Yep. Like, at this time everything was very fresh.

20 Yeah. Okay. Well, there you refer to having a conversation with some friends, Darren Farmer and Francesca Redhead?---Yep.

And that they had see John Hare at your mum's house arguing with her and picking up the bike?---Yep.

25 Did you have a conversation with your mum about that?---I'm not sure.

If you just look at the next sentence - - -?---I know. I know what the sentence says. When I was reading that today I can't remember it.

30 All right. Well, that conversation with your mum, to see if she was okay, must have been after she went home - - -?---Yeah.

35 - - - after you were having drinks. All right. Can you assist us at all in when that might have been, what time?---It was night time I remember that.

Right?---Sorry.

40 But was it close to midnight, was it earlier, middle of the evening?---Yeah. Closer to midnight. Like it could have been between – it could have been any time between eight and 12.

All right. You can't indicated - - -?---No. I just – I was drinking.

45 Yeah. I understand. That's fine. What was her mood like during that phone call?---Fine but stressed. She sounded like – she sounded fine but stressed.

All right. Did she say what she was stressed about?---No. I can't remember. I just remember not being worried.

5 Okay. All right. Now, you had been aware that your mum had suffered from depression for some time - - -?---Yep.

A number of years, correct?---Yep.

10 And you're also aware that your mum had made attempts to take her life previously, correct?---Yep. Two.

Yes. I'm sorry to go into this - - -?---Yeah. That's - - -

15 - - - but it is important?---I know.

Do you recall the last time your mum was admitted she was at New Farm Clinic?---Yep.

20 Right. Did you go and visit her?---Yeah.

25 Did you have any conversations with your mum about why she was trying to take her life?---Yeah. Well, she was trying to shield me from it but when she was down she'd say - she's just keep saying I'm sorry, I'm a bad mum. And, yeah, just the work stuff was really getting to her.

That was her problem, was it, Queensland Health?---Yep.

All right?---And John keep going and I don't know.

30 Sorry, I just missed that last bit?---I said and John just kept going and she said that, you know, she couldn't please him and he was always at her.

35 Why?---And he was controlling some sort of - I don't know the word - her Queensland Transport stuff, he had like a big file on her, and he was like helping her fight it. Does that make sense, like, helping her fight Queensland Transport over her suspensions and stuff.

Over license suspensions?---Yeah.

40 All right?---And he had this big file and he kept hammering it into her. He'd like have the file out all the time and he'd be like lets do this [indistinct] and she'd just be like I'd don't want to talk about it no and he'd be like no, we're going to talk about it now and he'd just, you know.

45 Where was this, at the house?---At the house. At night times.

Are you sure it was Queensland Transport not Queensland Health?---Queensland Health. Did I say Queensland Transport?

You did?---Sorry. I'm sorry.

5

All right. Thank you. But this occurred at the house that you saw?---Yeah. Sorry.

10 No, that's all right. I understand. It is some time ago and it is distressing. You made the comment in your statements, several times, that John Hare was very controlling towards your mother. What did you mean by that; what were the things he did?---Everything. Like I remember one time it's just – like it was like controlling and manipulative but with like this background of instability; is that a word?

15 Instability?---Instability. Like one time he jumped out of my car going 20 kilometres and hour because I lit up a cigarette in the car. I was doing him a favour and driving him to work and I couldn't – we were on Nicklin Way and I was driving and I lit up a cigarette, in my own bloody car, and he goes I can't handle it, like just absolutely dramatic, and he goes pull over, pull over now and he started yelling at me and I put my blinker on and went to pull over and I think it – I can't remember but I think  
20 Nicklin Way is like maybe a 70 zone - - -

I was just going to stop you there I was actually asking questions about controlling behaviour towards your mother - - -?---Just crazy stuff.

25 But was her smoking - - -?---Just crazy stuff like that. Like he - - -

30 Okay?--- - - - would just be dramatic and he would like leave the whole house and go for a walk when she'd have a cigarette. If she drunk he'd just, you know, like go nuts and just go sit in the corner out the back with his phone and he wouldn't come back in until mum went out and apologised. And with the Queensland Health thing he controlled all of that and mum didn't want to talk about it.

All right. I think you've given us an example of what he did with the file?---Yep.

35 Okay?---I'll just have to think - - -

40 That's all right. I don't need you to go into too much detail about that. And any time in your conversations with your mother after she'd been at New Farm Clinic or while she was there did she ever say anything to you like "Next time I do it no one will be able to save me"?---Maybe. I'm not sure. I'm not sure.

Okay?---Next time I do it no one will be able to save me. I'm not sure.

45 All right. Look, I understand this was a very terrible time for you and your mother with hospitalisations and so forth. Can I ask you, now, about – you mum had been suspended from work for some months leading up to her death, correct?---Yep.

All right. So she wasn't working?---No.

She had a home computer?---Yep.

5 All right. Can you remember the brand of that?---I don't even know what brand mine is.

Okay?---Sorry.

10 If I suggested a Dell?---Okay. Yep.

All right. And would you mum use that computer often, to your knowledge, in the months - - -?---Yeah. Yeah.

15 - - - leading up to her death. All right. Can you – do you know what she used the computer for?---Emails.

Banking?---Yeah. Just normal stuff. She was always on it, like, she was always in the study a lot.

20

All right. Now, to your - - -?---She didn't use it heaps.

All right. To your knowledge did she have a USB stick?---No. No.

25 You know what I mean by USB stick?---Yep. Yep.

It's a small device that stores data. You can insert it into USB - - -?---Yep.

Right. Your mum never had one?---No.

30

Did you ever see her use one?---No.

To your knowledge did she have a need for one?---No. She's only got one computer. What's she going to transfer files to?

35

All right. Now, you've talked about, in your second statement to the police, about a USB stick - - -?---Page 7?

40 Yeah. This is the second statement dated the 24<sup>th</sup> of August 2010. I'm looking at page 5 in particular paragraph 3?---Yep. Yep.

Where you said that you recall that John Hare used to carry a USB stick with him at all times. How did you know that?---Because I worked with him and I'd see him at mum's house and he always had it and he'd put – and then the work computer. We'd  
45 see it in the work computer and then he'd bring it home and plug it into mum's computer and then he'd take it back to work with him the next day. I'd just see it all the time. It was on a keyring.

All right. Do you know what colour it was?---Black, I suppose.

5 Right. Thank you. Now, you say in that statement that when ever he put that USB stick into his work computer it would come up on the network that John's USB was plugged in?---Yep.

10 All right. Was it in that order "John's USB" or "USB John" do you recall?---Could have been either. It could have been changed a couple of times as well because I used to change it.

I take it the computer's at Mr Hare's business were interlinked, that was internal [indistinct]?---Don't ask me about that but they were all linked.

15 All right?---And you could send messages.

Okay. And you talk about that sometimes you would change the name on the USB stick - - -?---Yep.

20 - - - to get at John. Is that a fair statement?---Yeah.

All right. Thank you. How many times did you see him use that USB stick at home on your mother's work computer – on your mother's home computer I should say?---A couple of time, like, that I'd seen. Yeah.

25 All right. Thank you. Were you aware that John Hare moved into a unit at Cotton Tree at Maroochydore - - -?---Yes.

- - - after the break up with your mother?---Yep.

30 Did you ever go there?---No.

35 All right. To you knowledge did your mother ever go there?---No. Or maybe. She – I think it was near the beach and I remember her telling me once that he said he was going to commit suicide and he was walking up and down a beach. I'm not sure if she went down there but I don't know what time – when that was.

You don't know when that was?---No.

40 Are you able to say how long [indistinct] - - -?---But like it was around the time of them breaking up. Like - - -

Right?---So that's the time that he was going to the extremes.

45 So that's about, from your recollection, at the end of April 2008?---Yeah, somewhere like that. [indistinct] but, yeah, he was down at that beach so she might have gone down there. I can't remember.

All right. Thank you. Did you have any discussions with John Hare at all, at work, or anything about your mother changing her will?---Sorry? I was just – sorry, I was thinking about something else.

5 That's all right. Did you have any discussions with John Hare about your mother changing her will?---Yeah. No, maybe not with John. Maybe. Maybe.

Can you recall any?---Yeah. I think at work he said he was sending the documents for her. I'm not sure. I don't want to answer that one. I don't know.

10 Okay. All right. You said he had conversations with your mother about changing her will?---Yeah. Yeah. She told me that – I know that she told me that she'd asked him to send all the templates down so she could change everything.

15 Were you aware, at any time, that John Hare had been the executor and beneficiary of the house under a will made in February 2008?---Yeah, I knew it.

How did you become aware of that?---Because I worked there and I went through my mum's file just to see what was written about her. I wanted to like go back to the beginning and - - -

20 All right?--- - - - see when it became personal.

In the days leading up to your mum's death can you describe how she was?---Stressed.

How her mood was?---Stressed. She was depressed but she was coming out, you know, like, just like every other - [indistinct] you hear about all the other boyfriends and like she'd be really upset but towards the – when she knew that it wasn't

30 happening anymore she'd just sort of, you know, come on up again and then she'd go find someone else.

All right?---It's like kind of at that stage in the pattern.

35 Did your mum, at all, in the weeks leading up to her death, talk to you about any plans for the future or what she was going to do, say about work or life or anything?---Yeah. Well, we had a few conversations about it because I – like, because the work stuff was stressing her out and I just said let's do something else, like, you're not old, let's do something else, you can have a GP practice, you can get

40 any business, like, she had enough money to like sell off some stuff and buy a business like and just do that and she was like, yeah, maybe I could find something else to do. I can't remember what she'd settled on but she was thinking about other things. Yeah. Because, like, I think she was just sick of fighting; sick of trying to back into thingo.

45 Into Queensland Health?---Yep.

All right. And these conversations that you had about that were they happening regularly or one offs; do you recall?---Maybe twice.

All right?---Just like when it came up. Yeah.

5

Do you recall when the last time that top of conversation came up?---Yeah. Like maybe a couple days before - - -

Before she died?---Yeah.

10

Yeah. All right. Thank you. Yes, I have nothing further, your Honour.

D/STATE CORONER: Thank you. Mr Lewis?

15

**EXAMINATION BY MR LEWIS**

**[10.24 am]**

MR LEWIS: Thank you, your Honour. Just in relation to that USB stick?---Mm.

20

You said that John would carry a USB stick all the time?---Yes.

You wouldn't know whether the actual USB stick that he carried changed from time to time?---No.

25

Like he'd get rid of one - - -?---Like if he got a new - - -

- - - and get a new one?---Yeah. No.

30

No. And you're unable to really describe what colour it was or anything of that nature. Did you notice if he had ones of different colours?---No. Well, I remember only seeing the same one.

All right. And you think that was black?---Yep.

35

But you're not sure?---I'm not sure.

Okay. You know that he had a USB stick?---I'm pretty sure it was black.

40

And you used to – when you'd see it you used to be able to get into it and change the name?---Yeah.

Yeah?---Because it was a network.

45

Yeah. Now, that was when at work and you'd get in and change it to "fuckhead's USB" or something like that. And you did that for the sole purpose of annoying him?---Yeah.

Yeah. And then he'd change it back?---Yeah, quickly.

Yeah. And he'd also rant and rave at you about doing it?---Well, he'd rant and rave about anything so yes.

5

He's a very dramatic man, if I can put it that way, for example – the example that you gave is when you lit up a cigarette in the car. That's the way he reacted to things, wasn't it?

10 D/STATE CORONER: You're agreeing, are you?---Yes, sorry.

Thank you.

15 MR LEWIS: His reactions to things could be described as being over the time?---Yes.

If it was something he wasn't happy about?---Yes.

20 And the – your mother drinking and smoking was a source of friction between them?---Yes.

Now, I'm not being disparaging of your mother but she was a heavy drinker?---Yes.

25 And through periods – particularly the period in 2008 she was drinking very heavily?---I don't know. But yeah. She was drinking.

All right?---But I don't know how heavily - - -

30 Okay?--- - - - because I wouldn't be there all night.

Now, you said on the night of the 27<sup>th</sup>, for example, that you saw her only drink three beers?---Assuming, yeah.

35 The afternoon and the evening?---Probably more I said.

Okay. So she might have drunk something else?---Yeah.

40 I suppose you wouldn't be specifically aware about whether she had alcohol in her house when she went home that night?---No. No.

Your mother was consulting Dr Fraser?---Yeah.

After your mother died did you talk to Dr Fraser about it?---Yeah.

45 Did you say to Dr Fraser that she had drunk a whole bottle of spirits - - -?---I'm not sure.



- - - that night she died?---I'm not sure. I – this – I don't remember - - -

No. That's okay?--- - - - anything I said to Clive Fraser after my mum died. I was messed up.

5

I understand you would have been distraught so you may well have said that?---I don't know. Yeah. Maybe. I could have said anything.

10 Okay. The conversation that you detailed in relation to that morning on the 27<sup>th</sup> and you say Mr Hehir was being spiteful?---Yep.

Clearly there was a situation going on, wasn't there, where there had been a relationship breakdown that one person was at least more comfortable with than the other?---Yes.

15

Mr Hehir clearly wanted to continue the relationship?---Yep.

And you mother, by that stage, had made a firm decision that the relationship was not continuing?---Yep.

20

And Mr Hehir was, could I say it this way, perhaps trying to say things that might persuade your mother to reconsider?---Yep. And then trying to hurt her as well.

And then try harder. It was clear he wasn't accepting the break down?---Yeah.

25

Yeah. Okay. And you gave evidence just before that your mother's mood would perhaps go down towards the end of a relationship but then start to come back up once she knew she was getting out?---Yep.

30 And then she'd be in a position to find somebody else and unfortunately it was a cyclical thing would happen?---I don't know what that word means.

It's the same sort of thing that would happen when she had a relation - - -?---In the past?

35

It would be really good, get back, her mood would be very, very down and then it would start to improve again?---Yeah. Well, yeah, if she broke it up – if she broke up – well, she always broke up with them.

40 Yeah?---It wouldn't be as bad as if it ended badly [indistinct].

Now, whilst John was still living at the house did it get to the stage where you would ask him to go in first just to check that everything was all right?---Yeah. I think that happened a couple of times.

45

And that followed you finding your mother having cut her wrists?---Yep.

Okay. And you didn't want to do that again?---Sorry.

D/STATE CORONER: It's all?---I'll be all right in a second.

5 Yeah. No. If you'd like to take a break?---No. I'm all right. Just please - - -

Okay. Well just - - -?---I have to get this out. I'll be right.

Just take your time.

10

MR LEWIS: I only have a couple more questions, your Honour?---I'll keep going. What was the last one?

15

You asked Mr Hehir to do that as a result of what you – the situation you found yourself in with finding your mother having cut her wrists and sitting there with her arms in a bucket of water?---Yeah. A couple of times. Yep.

20

Yeah. With the Queensland Health file you say that there was times when Mr Hehir wanted to keep talking about it and would lay the file out and your mum wasn't interested - - -?---Yep.

- - - in talking about it?---Yeah.

25

From what you could see Mr Hehir was hell bent on trying to fix the situation, wasn't he?---Yeah.

30

And from what you saw at work about him and in the situation with that he can get a little bit obsessive about things like that if he's trying to sort them out; you agree with that?---Yes.

35

His relationship with you really, when he moved into the house, didn't start off terribly well, did it, when he had a list of the these are the jobs you have to do if you're going to - - -?---That and other things like just couldn't – just didn't feel like a house anymore.

40

All right. He had a certain way of doing things which was perhaps not as casual as yours and your mum's?---The rest of world's. Yes.

All right. Yes, thank you, your Honour.

D/STATE CORONER: Thank you. Anything further, Mr Chowdhury?

45

**EXAMINATION BY MR CHOWDHURY**

**[10.33 am]**

MR CHOWDHURY: Yes. I should ask, after your mother's death, did you take possession of your mother's belongings?---Yep.

5 All right. And I understand you arranged for a friend to clean the house afterwards?---Yep.

Did you ever find a USB device - - -?---No.

10 - - - at the unit – at the house, I should say?---No. We searched the whole house for anything. We couldn't find anything.

And can you say how long after your mother's death did you do that search?---My grandma did it. I didn't leave the house until they got there.

15 Okay. All right. Was it the couple of days after your mum's death or was it a couple of weeks?---Couple of days later.

20 Couple of days later?---Wasn't long. As soon as they got there they started going through things.

All right?---Within a couple of days.

Did you get your mum's handbag?---Yeah.

25 Did she have only one handbag or a number of handbags?---A number but, yeah, everything was in one at the time.

All right. And did you search your mum's handbag?---Yep.

30 Did you find a USB stick in there?---No. No.

Okay. Yes, nothing further, your Honour.

35 D/STATE CORONER: Right. Thank you. Ms Zerner, I presume you don't have any questions - - -

MS ZERNER: I have no questions, your Honour.

40 D/STATE CORONER: - - - in relation to your client.

MS ZERNER: Thank you.

D/STATE CORONER: Thank you. All right. Thank you very much for attending today?---Thank you.

45 Say good morning?---[indistinct].

**WITNESS EXCUSED**

**[10.34 am]**

MR CHOWDHURY: Yes, I'll call Benjamin Sasonow.

5

D/STATE CORONER: Mr Sasonow, please take a seat. Do you have any objection to taking an oath on the Bible or would you prefer an affirmation?

MR SASONOW: Affirmation, please.

10

D/STATE CORONER: Thank you.

**BENJAMIN YURI SASONOW, AFFIRMED**

**[10.36 am]**

15

**EXAMINATION-IN-CHIEF BY MR CHOWDHURY**

20 D/STATE CORONER: Thank you, Mr Chowdhury?

MR CHOWDHURY: Thank you. Sir, is your full name Benjamin Yuri Sasonow?---Yes.

25 Thank you. You provided a statement to police dated 24 August 2010 about your mother's death, correct?---Yes.

Just have a look at that document that's there in front of you, just turn it over, just have a very quick look at it just to confirm that's your statement?---Yes.

30

Thank you. Now, in 2008, you were living on the Gold Coast; is that correct?---Yep.

35 All right. How often would you see your mother during – from the beginning of 2008 through to her death?---I used to travel up and see her about once a month.

All right. Thank you. And would you stay with her in her house at Moffat Beach?---Yep.

40 All right. Were you in regular telephone contact with your mum?---Yes.

All right. How often would you speak with her?---Once a week at least.

45 All right. Now, you had your sister Anna, she was living at Moffat Beach as well?---Yes.

But in a different house?---Yep.

All right. Did you have regular contact with your sister?---Yes.

All right. How often was that?---Around about the same, about once a week.

5 All right. Thank you. Are you able to tell me, from your recollection, what your mother's mood was like throughout the months leading up to her death?---Yeah, it was up and down a bit. But definitely towards the end, the last six weeks to a month, there was a notable improvement in her mood. She was – yeah, she was back to her old self in a lot of ways.

10 All right. You are aware that she had made an attempt to take her own life in April 2008?---Yes.

15 All right. And that she spent some time at New Farm Clinic?---Yes.

Are you aware that she had also spent some time in a hospital in Buderim?---Yes.

20 All right. Had you visited your mother at both times she was in hospital?---We visited her at – at New Farm twice. The second time was kind of like a counselling session.

25 Right. All right. Did you speak to your mum – starting again, I will withdraw that. During the time that you visited your mother at New Farm Clinic, are you able to say what her mood was like?---When I visited mum at New Farm Clinic she was still a bit shaky and down at that point, yeah. When we – when we had our counselling session, she was – her mood was not the best at that particular time.

30 Did she talk about trying to commit suicide again [indistinct]?---No, she didn't talk about it again.

35 All right. To you, did she ever say, "Next time I do it, no one can save me"?---No. She said kind of the opposite. She said that – to me, once she had the – we went to see her in hospital and everything like that and she said that after seeing my face and Anna's face, she would never ever think about it again because she saw that – how upset that it had made us and she, yeah, couldn't – couldn't quite understand the impact until she saw how affected we were.

All right. Was that when she was at New Farm?---I believe so, yes.

40 All right. You had met John Hehir on several occasions?---Yeah.

All right. You are aware that your mum had been in a relationship with him?---Yes.

45 All right. Just have a look at your statement, paragraph 5, where – and just looking at the third sentence – fourth sentence, in fact, "I recall mum saying to me after she had ended the relationship with John, she was having difficulty taking back control of her finances"?---Yes.

All right. Can you recall when that conversation took place?---It was – it was actually said on multiple occasions - - -

5 All right?--- - - -when we had telephone contact several times in the month leading up to her death.

Can you recall when the first time she said that she had ended the relationship with John Hehir?---Well, she did, I think, try and end it prior to going to New Farm but it wasn't – it didn't seem as firm as the second time which was around about five or  
10 probably six weeks – four to six weeks before her death - - -

All right?--- - - -when she told me that she had completely ended it and that she wasn't going to have anything to do with him again.

15 All right. Thank you. Now, I just want to clarify a matter with you. Paragraph 14 of your statement you talk about a conversation with your mother on the telephone at about 8 pm. Just have a look at paragraph 14?---Yep.

20 All right. I just want to query with you about the date because we know that your mother was found dead on the morning of 28 May 2008?---Okay.

So is that an error in the statement?---That would have been, yeah. It would have been the 27<sup>th</sup>.

25 The 27<sup>th</sup>?---It was night the before, I think.

Yes?---The police officer that had helped me with recording the statement put the date in there.

30 Look, I understand that. And if you just go over to paragraph 16 on the last page. Should that date be the 28<sup>th</sup> of May rather than the 29<sup>th</sup> of May?---Yes.

All right. Thank you. Now, the conversation you had with your mother on the 27<sup>th</sup> of May was about 8 pm; correct?---Yep.  
35

All right. Did she call you?---Probably. I would say so, yeah. She – she tended to call me. She would have called me, yeah, definitely, on that occasion. She tended to call me a lot more - - -

40 All right?--- - - -than I called her, unfortunately.

Right. No, that's fine. The details of the conversation that you set out at paragraph 14, is that the extent of the conversation you had?---Yeah, the best I can recall. Yeah, she – she just seemed quite bubbly actually. She was telling me how happy  
45 she was at the time and told me a whole bunch of things that she was planning for the future and in terms of work because I know that work was a bit up in the air and that she wasn't 100 per cent sure what she was going to do for work. And she told me

she had gotten rid of her motorbike. Gotten rid of it and gave it to John because that was a big strain. Apparently he kept coming round trying to - - -

5 Yes?--- - - -argue about it and start [indistinct] about something and initially [indistinct] create some sort of dialogue over it. So she told me that she, kind of, cut that tie as well.

Well, the expression you've put in your statement was that she had given John the BMW motorbike and told John not to come back?---Yep.

10 All right. Do you recall her saying those words to you?---Yes.

During that conversation, about how long did it last?---The conversation in total, probably 15 minutes, 20 minutes.

15 Okay. And what was your mother's mood. I'm sorry, you think, you said, she was bubbly?---Yeah, she was - - -

20 She was happy?---Yeah, the best – the best mood that I had heard her in in, probably, a year.

Okay. Did she appear to be affected by liquor?---No.

25 Did she appear to be affected by taking – you know, did she appear to be slurring her words or affected by something?---No, it was always pretty obvious when she was taking something or - - -

All right?--- - - -under the influence of alcohol and, yeah, there was no slurring or anything that would have – that would have – that, kind of, pointed to any of that.

30 Okay. You are aware that your mum did drink alcohol?---Yeah. Yeah.

And did she drink heavily at times, to your knowledge?---Yeah, at times.

35 All right. Thank you. Yes. So I'm sorry, just one other matter. Paragraph 15, just looking at the last sentence in paragraph 15?---Yep.

You say a couple of times in the months before mum died or passed away, she told you she had changed her will to take John out of the will?---Mmm.

40 So are you able to pinpoint at all when those conversations took place?---They would have been, pretty much, at around the same time she was telling me that, you know, she had finally ended it with John and she was a lot happier because of, you know, not having that. And she would go on to say, I've taken him out of the will as well.  
45 I've done up a new will as well. But I always try to steer the conversation away from wills because I know that I [indistinct] hear about wills. I didn't care what was in the will.

All right. So you said it was around the same time she talked about ending the relationship with John?---Yes.

Is that correct?---Yes.

5

All right. And you said earlier that was about five to six weeks - - -?---Yeah, I - - -

- - - she first started talking about that - - -?---I'd say four to six weeks. I can't pinpoint the timeframe any more - - -

10

So four to six - - -?--- - - -narrowly.

Sorry?---Yes, sorry.

15

Four to six weeks before your mother died?---Yes.

All right. Thank you. Yes, I have nothing further.

D/STATE CORONER: Thank you. Mr Lewis?

20

**EXAMINATION BY MR LEWIS**

**[10.47 am]**

25

MR LEWIS: Thank you. Just briefly, did you get a phone call from your mother earlier on that day as well?---I don't remember getting a phone call from her earlier on in the day. I could have.

30

Where you would have spoken for about four minutes or so?---I certainly could have. I tend to be in pretty regular contact with her by phone.

35

All right. So about 25 past 11, it looks like you received a phone call from her. You don't remember what that was about?---I think it actually might have been about - she was calling me just to tell me that John was coming to pick the bike up. I think that's what it - - -

40

Okay. So she had told you earlier in the day that John was going to go round later on to pick up the bike that day?---Yeah, I'm assuming so because I did know that he was going to pick up the bike on that particular day.

All right. And, then, she rang you, it seems, at about 7.38 which is the phone call you've talked about when - for some time?---Yep.

45

So John had been and gone by that stage?---Yes.

All right. Thank you, your Honour.



D/STATE CORONER: Thank you.

MR CHOWDHURY: Yes. No re-examination.

5 STATE CORONER: All right. Thank you very much Mr Sasonow. You are excused?

WITNESS: Thank you.

10

**WITNESS EXCUSED**

**[10.49 am]**

15 MR CHOWDHURY: Your Honour, the next witness to be called is Dr Fraser. I've just been given a copy of his notes. I don't believe Mr Lewis has. And I think Dr Fraser wants to refer to his notes. So we might need to just stand down for about half an hour.

20 D/STATE CORONER: Yes, certainly.

MR CHOWDHURY: Thank you.

D/STATE CORONER: Just advise me when you are ready.

25 MR CHOWDHURY: Thank you, your Honour.

**ADJOURNED**

**[10.49 am]**

30

**RESUMED**

**[11.29 am]**

35 D/STATE CORONER: Please be seated.

MR CHOWDHURY: Thank you, your Honour. Dr Fraser is in the witness box.

D/STATE CORONER: Thank you. Good morning, Dr Fraser.

40 DR C. FRASER: Good morning.

D/STATE CORONER: Do you have any objection to taking an oath on the bible or would you prefer an affirmation.

45 DR FRASER: I'm happy to use the bible.

D/STATE CORONER: Thank you.

**CLIVE FRASER, SWORN**

**[11.29 am]**

**EXAMINATION-IN-CHIEF BY MR CHOWDHURY**

5

D/STATE CORONER: Thank you. Mr Chowdhury.

10 MR CHOWDHURY: Thank you. Sir, would you please state your full name and occupation?---Clive Fraser. I have no middle name. My occupation is medical practitioner. I'm a registered specialist in Queensland. I'm a consultant psychiatrist.

15 Thank you. Dr Fraser, you provided a report to Queensland Police on the 1<sup>st</sup> of July 2008 which should be in front of you there, and you also sent two further letters to the police, and your Honour that's exhibit B3, B3.1 and B3.2.

D/STATE CORONER: Thank you.

20 MR CHOWDHURY: You were a treating psychiatrist of Dr Mahlo, who you knew had been the medical superintendent at the Nambour Hospital, correct?---That's correct.

And you commenced treating her from 17 January 2007?---That's correct.

25 She's been referred by her general practitioner?---That's correct.

30 All right. Had you known Dr Mahlo before?---I'd only met her once and that was about six months earlier. I'd gone to her office to seek her assistance in the management of a doctor who was working at the hospital and I'd only met her that once.

35 All right. Now in the initial report that you gave to the Queensland Police dated 1 July 2008, you set out in general terms her history and also previous attempts at self harm, correct?---That's correct.

All right. I just want to take you forward to your diagnosis. If you go to page 5 of that report, and the second paragraph. Do I take it that your diagnosis was that Dr Mahlo was suffering from a major depressive disorder?---That's correct.

40 And that was complicated by intermittent alcohol abuse?---Correct.

She required long term treatment for that condition?---Correct.

45 And that treatment included prescription medication?---Correct.

Are you able, during the time that you treated Dr Mahlo, to say whether she was on the same medication or did you get her to change?---There were some changes in her

medication. Initially when she came to see me she was taking the medication called Effexor. Then I gave her a combination of Effexor and Quetiapine. Then I gave her Effexor and Mirtazapine and then following her second hospitalisation she was changed to a tablet called Lexapro, so there were a number of changes that happened with her medication.

All right. Now I understand that you have brought with you your notes of your consultations with Dr Mahlo?---Correct.

10 All right. Are you able to tell me when she was changed to Lexapro?---She was changed to Lexapro when she was admitted to the New Farm Clinic and that would've been in April 2008.

15 Right. Now you were away on leave at that time, correct?---That's correct.

Right. But you were aware that she had taken an overdose of medication?---I found out about that when I came back to work, yes.

20 All right. And I take it you would've had her records from the New Farm Clinic sent to you?---A – a letter from the psychiatrist at the New Farm Clinic was sent to me.

25 Thank you. Did you have discussions with Dr Mahlo about why she had taken that overdose in April 2008?---What had occurred had been that she'd just discovered that the people who had, I guess, been instrumental in canvassing allegations against her had both been promoted in their roles at Queensland Health and that she had herself been demoted and that seemed to be, you know, quite a significant, you know, turn of events for her.

30 All right. During the time that you were treating Dr Mahlo, was one of the prime – I'm sorry – can I suggest it was the prime stressor in her life workplace difficulties at Nambour Hospital?---That was certainly how it all commenced, correct, yes.

35 All right. Were there other stressors in your life that you were able to discern from your consultations with Dr Mahlo?

D/STATE CORONER: In her life.

40 MR CHOWDHURY: In her life, yes, sorry?---Yes. The problems that she was having at work then caused a crescendo of other difficulties with increased drinking, eventually arguments with her partner and it was almost a sort of domino effect of how things actually unfolded.

You are aware that in 2007 she'd made two attempts at suicide?---That's correct.

45 All right. And you set them out on page 2 of your report, 18 April 2007, two weeks previously she'd taken some pills and alcohol and wanting to cut an artery and had sliced down on her left ankle?---That's correct.

And then on the 23<sup>rd</sup> of May you received a call from her general practitioner and she had cut her wrist and had been previously threatening to commit suicide?---That's correct. On both of those occasions those lacerations were very, very tiny – small lacerations, so I guess you've use the word sliced. The thing is that the actual  
5 incision that I saw when she saw me and told me about the laceration two weeks earlier, it was only a centimetre long.

Right. From examining the actual scars that she had, did you reach a conclusion that they were serious attempts?---I would regard any attempt as serious but the thing is  
10 that neither one of those attempts would have in any way – she – she could not have bled or suffered any, you know, catastrophic event from those particular lacerations.

Now, Dr Mahlo, being a medical practitioner, would have a good knowledge of anatomy, correct?---Correct.

15 At an interview, if you look at the bottom of page 2, you talk about the interview of the 10<sup>th</sup> of April 2008 where she expressed suicidal feelings to you?---That's correct.

Can you expand on that. Can you tell what she said?---What she actually said at that  
20 interview – most of that interview was spent discussing what had happened in terms of the fall of her own career and the rise of the other careers, and as she was leaving the room, as she was actually leaving my office she said to me, do you think anyone would care if I killed myself? This was just like a comment that was just completely, sort of, like, a spontaneous comment. I said, yes, Karen, everyone would care. We  
25 would all care about you.

Did she make a response to that?---She smiled at me and – and happily accepted an appointment to come back to me, you know, at the next appointment.

30 Did you have concerns at that stage that she was likely to harm herself, or attempt to harm herself?---I regarded her risk as a chronic risk. At that particular moment I didn't see that there was any need to take any further action than just to maintain her treatment.

35 All right. Now, at some time in 2008 had you been responsible for arranging Dr Mahlo to be hospitalised at Buderim Hospital?---That was in 2007.

Thank you?---And that was in September 2007, after she'd cut off her hair.

40 Right. Why was the cutting of her hair a concerning act for you?---It was the third act involving something sharp within 12 months. The thing is that she was really quite an attractive woman, he was very proud of her appearance. She'd grown her hair long and for her to suddenly cut her hair off in a, sort of self destructive mind concerned me greatly. The other thing was that she was drinking at that stage much  
45 more than she was prepared to admit, so her drinking had become more secretive.

All right. Did you visit her whilst she was in Buderim Hospital?---She was under my care while she was in the hospital and she was in the hospital for about two weeks and I went to see her every day.

5 Was she resistant to the idea of going to hospital?---She had been resistant to the idea of going to hospital with the previous incidents and on that particular occasion it just had to happen and I just – she didn't resist going to hospital on that occasion.

10 All right. She was clearly a voluntary admission?---Correct.

And were you satisfied that she was well enough to be discharged after two weeks?---Yes.

15 All right. Clearly though, she had this chronic serious mental illness and needed to be continued on medication and regular consultations with you?---Correct.

I presume you advised her in a number occasions in no uncertain terms that excessive consumption of alcohol was bad for her condition?---That's correct.

20 Did she ever express anything to you about that, of why she was drinking to excess?---She told me that she started to drink much more heavily in November 2006 and that had occurred in relation to the – the issues that had arisen about her job and she was medicating herself with alcohol. She was trying to use alcohol to, sort of, tranquilise herself.

25 All right. Did Dr Mahlo have insight into her illness in your opinion?---I think that her insight was limited in – to the extent that it seemed to me that she'd really had a lifestyle where alcohol had been a significant part of it over the years, and I guess if she'd had complete insight she would have followed my advice and stopped  
30 drinking. So, yes, I would regard her insight as – as compromised.

All right. Now, I want to ask you about a consultation that occurred on the 8<sup>th</sup> of May 2008 and you refer to this at page 7, the second paragraph of your report where you report that Dr Mahlo advised you that she was no longer living with John  
35 Hehir?---That's correct.

Did she say anything else about that to your recollection, and you can check your notes if you need to?---I didn't make any other notes about what were the other circumstances, there are no other notes about it, but she had separated from him one  
40 month previously so I wasn't surprised when she told me that she had – after reconciling briefly with him – decided to separate from him entirely.

Right. So you were aware of one month before that consultation of the 8<sup>th</sup> of May?---Correct.

45 That she had separated from John Hehir?---On the 2<sup>nd</sup> of May.

On the 2<sup>nd</sup> of April did you mean?---Thank you for correcting that, it was on the 2<sup>nd</sup> of April. On the – on – actually if I – I don't want to actually get this - - -

5 Take your time and you can refer to whatever notes you need to?---Okay. She told me on the 3<sup>rd</sup> of April that she asked her partner to move out and so that she had asked him to move out on the 2<sup>nd</sup> of April.

10 All right. Now, you make a comment at the bottom of page 8, where you express an opinion that John Hehir appeared to be extremely controlling and calculating towards Dr Mahlo and her daughter. What was the basis for that statement?---The basis for that was simply my observations of him as he had attended many of the appointments that Dr Mahlo had with me. He appeared to be, I guess, running the show. There was very little that she did without consulting with him and he certainly seemed to have a great sway over what was happening. It seemed that the issues  
15 involving Queensland Health were almost like a, sort of, a chess game. It was all very strategic, we will do this, we will do that. If we do this then that will happen. It all seemed to me to be, you know, you know, really quite calculated.

20 Mr Hehir communicated with you by email on a number of occasions?---That's correct.

Expressing his concerns about Dr Mahlo?---Correct.

25 Did you doubt that he was genuine in his concerns for Dr Mahlo?---I saw no reason to doubt that he was concerned about her, and until the events that happened in April 2008 I saw no reason to see that he was otherwise genuine in his desire to try to help her.

30 All right. Did you consider that Dr Mahlo separating John Hehir was a positive thing for her in her treatment?---I saw it as positive. The particular issue that was constantly arising between them was her incapacity to stop drinking and her unwillingness to stop smoking, and they were unending causes of conflict in the relationship.

35 When you placed Dr Mahlo on Lexipro, did that have a positive effect on her? Do you remember?---It was actually the doctor at the New Farm Clinic that changed the medication to Lexipro, and certainly once she was on the Lexipro it did appear that there was some sustained improvement in her mood.

40 Right. I take it you didn't object to the changing of the medication to Lexipro?---I would've done the same thing myself.

45 Now, a major depressive illness: the patient will fluctuate in mood over days or even during a day?---Yes, there – certainly, but the pervasive problem with their mood is that they are depressed. There may be moments of improvement. You know, a morning that's a good morning, an evening that's a good evening, but over the course of weeks or months the – the mood is – is more commonly depressed.

If I can put an example. If Dr Mahlo's seen in the late afternoon, early evening, appeared to be in a good mood and happy, is it possible that in a matter of hours she could become quite down and depressed?---There could be two main contributing factors in that situation. One is later in the day it's more likely when people start  
5 drinking, and certainly her mood would deteriorate when she was drinking. There's also a phenomenon that's called diurnal mood variation where patients with depression often start off in the morning terribly, terribly unwell and then improve as the day goes on. So there are – and that can actually be reversed paradoxically as well. So there – there can be substances that will effect mood such as alcohol. There  
10 can be an – a – a sort a – a cycle that happens in the day as well.

Right. You're aware from information the police gave you that on autopsy there was a significant amount of alcohol in Dr Mahlo's body?---That's correct.

15 Which would be consistent with heavy consumption of alcohol that she had done throughout the time you had been treating her?---Well, the thing is that she did admit to me heavy consumption of alcohol throughout the time that she – I was seeing her. Her blood alcohol at the time of her death would really only be a reflection of what she'd actually done in the hours or the day leading up to her death, and I wasn't  
20 advised by the police about her blood alcohol reading. I was only aware of her blood alcohol reading when I received a copy of the autopsy report.

Yeah. Thank you. Can you just help me. The last time that you saw Dr Mahlo was on the 21<sup>st</sup> of May 2008 – that is in Percy?---That's correct.  
25

And you describe her as being much more positive about her future. What was she actually saying?---She had been thinking of approaching Nambour Hospital about returning there to work, and considering that had been a place that had been almost a war zone for her, it was quite a significant shift in how she was seeing the situation.  
30 She talked to me about whether she might be able to get a position there working as the director of training. Now, that was a much, much reduced position compared to being medical superintendent. In fact, I understand that the current director of training at that hospital isn't actually a doctor. So the thing is that she was willing to accept a position that was way below what she'd previously, you know, worked at,  
35 and it seemed to me that she was quite okay about going back to work with some of the people that she knew had actually made life so difficult for her.

All right. She had, to your knowledge, done some work down at the Redcliffe Hospital; is that correct?---That's correct.  
40

All right. Had she discussed that with you?---The issue with that work was that it was a fairly big commute to get to Redcliffe or Brisbane every day. The work that she was doing there was as a deputy medical superintendent. She felt the work was really quite demeaning and – and not really – that there was no career there.  
45

All right. Now, during that last consultation on the 21<sup>st</sup> of May 2008 she told you she had not been drinking for a few days; is that correct?---That's correct.

All right. Was that a positive sign for you?---I was relieved to see that she'd actually given herself a few days of sobriety.

5 All right. Had she appeared intoxicated at any of your consultations?---Never. And she kept every one of her appointments, always arrived in a very, very, very business-like type of fashion, never a hint of alcohol on her breath or any slurring of speech, etc.

10 Now, the last communication your office had was on the 27<sup>th</sup> of May when your secretary took a phone call from Dr Mahlo; is that correct?---That's correct.

15 And you refer to it at page 8 of your first report to the police, in the second paragraph. Is what's set out in that paragraph the entire content of that conversation?---Yes, as I know it.

All right. Thank you. Now, you actually attended Dr Mahlo's funeral; correct?---That's correct.

20 Was that something you would do for a patient?---I have never attended a patient's funeral otherwise.

25 What was the reason for attending Dr Mahlo's funeral?---Because I'd been asked by her daughter. Her daughter requested that I actually go to the funeral, and said that her family would be very happy for me to be there.

All right. Now, you seem to – in the second letter to police on the 15<sup>th</sup> of September 2010 you raise the funeral, and in particular I want to ask you about a few days after the funeral seeing John Hehir at Kmart at Maroochydore?---That's correct.

30 And what was the reason that you thought you needed to raise this with the police – that you saw him with a blonde haired woman, smiling in arm and arm with her?---The police had asked me to detail the nature of her relationship with John Hehir; when the relationship was actually on, when it was off, and the thing is that I thought – it's information I'm aware of. I saw no reason actually not to let the police  
35 know about it.

40 All right. You make a comment in that statement that you thought his behaviour – that is, Mr Hehir's behaviour during the funeral was out of proportion for a person who was no longer in a relationship with Dr Mahlo?---That's correct.

45 All right. Would you accept that people have different grief reactions – that people are different and they react to stressful instances, bereavement differently from each other?---That's correct. I guess the particular thing that I witnessed, actually, on that occasion is how, after appearing to be extremely distressed prior to making his statement, he gained his composure almost in an instant, read out his statement in what seemed to be a very composed fashion and then suddenly was then



decompensated again – sort of so grossly decompensated he had to be helped away. I thought that was very strange.

5 All right. And therefore you put that in that letter to the police on the 15<sup>th</sup> of September 2010?---That's correct.

10 Now, can I ask, to a lay person it would appear that a medical practitioner who suffers from depression would be in a better position to understand the need for following instructions about compliance with medication, not mixing it with alcohol and so forth. Are you able to comment on that?---I'd like to believe that that statement is correct. Unfortunately, the statistics and the health framework for doctors tends to be poorer than the actual general population. They have much higher rates of alcohol abuse, they have much higher rates of a tendency to self-medicate, they're much less likely to seek referral to other doctors, particularly  
15 psychiatrists, because of belief of how that may in some way, I don't know, destroy their reputations, etcetera. So I think – although I'd like to think that it would be correct, in practice it actually doesn't seem to be correct.

20 All right. From your treatment of Dr Mahlo, did she at least have the insight to realise that she needed to see you and take medication?---Yes, and I guess the particular thing that really struck me when I first met her is that she'd already seen two other psychiatrists, and over, you know, what had been quite a long history of depression, and that she'd only managed to have three appointments, actually, with those two people. So – so one person she saw once, one person she saw twice, and I  
25 saw it as my role to engage with her.

Thank you. Yes. I have nothing further, your Honour.

30 D/STATE CORONER: Thank you. Mr Lewis.

**EXAMINATION BY MR LEWIS**

**[11.55 am]**

35 MR LEWIS: Had you met Dr Mahlo before you were treating her, Dr Fraser?---I'd only met her once, and that was at her office at the Nambour Hospital, and I understand that was about six months prior to her attending me as a patient.

40 Okay. She wasn't known to you on a friendly basis before you started treating her?---Not at all.

Now, it appears that there were some self-harming incidents that occurred in a cluster, really, in about 2007, each within a relatively short period of time?---Okay. Two that occurred within a month of each other.

45 Right?---And then one that occurred about four months later.

Okay. But there's two within a month?---Yes.

Is that – well, the two within a month: one is the cut on the ankle. Now, as I understood it, that was the one that, although you said you take any attempt  
5 seriously, that that didn't appear to you to be a wound that would've caused too much problem?---That she could not have bled to death from that wound. Correct.

Yes. But then a few weeks later there's the incident where she had been consuming a large amount of alcohol and she cut her wrist?---That's correct.

10 That's an escalation in that behaviour, isn't it?---I would say it's a continuation of the behaviour. She was continuing to abuse alcohol, and she had – they were both very superficial lacerations. So they weren't – they didn't require any suturing, there wasn't any – with one of them there wasn't any medical attention for that until she  
15 came to see me two weeks later.

All right. And then there's the incident with her cutting her hair off?---Correct.

20 And that, obviously by that stage, had caused you – that caused you considerable concern?---Correct.

Now, what name was she admitted under to the Buderim Hospital?---It was discussed with her about what name she wanted to use, and – because she was the medical superintendent, and as I recall it there were discussions about using another  
25 name, but in the end I think she was admitted under her own name.

Okay. So you don't recall she might've been admitted under the name of Hehir?---I have some notes from that admission. There was discussion about admitting her under a nom de plume, and that's certainly happened before. But these are the notes,  
30 that is her sticker, and she was admitted as Karen Mahlo.

All right. Well – all right. So you're unaware of any hospitalisation where she was admitted under a different name?---She was admitted as Karen Mahlo in the New Farm Clinic, and they're the only two admissions that I'm actually aware of.

35 Okay. And you had been seeing her since, as I understand it, January 2007?---That's correct.

Now, when you first wrote to the police – and you wrote a report to the police – you had been contacted by that stage by Margaret McNamara from Biggs & Biggs solicitors?---That's correct.

Before you wrote your initial report to the police?---That's correct.

45 And was it Ms McNamara who suggested to you that there might have been a foul play in relation to Dr Mahlo's death?---That's correct.

And before that, that hadn't occurred to you, had it?---I had no reason to believe that her death was anything other than self-inflicted, so it had not occurred to me that there may have been any other possibility of how she might have died.

5 And against the background that you were aware of, that wouldn't have been – well – a surprising outcome for Dr Mahlo?---It wouldn't have been a surprising outcome.

No. In fact, it was in relation to her risk of suicide that you described to my learned friend, Mr Chowdhury, that she was a chronic risk?---Correct.

10 And that was after the statement she made to you about, "Would anyone miss me if I killed myself off"?---Correct.

Those type of thoughts, you know, that "no one'd miss me anyway" and things of that nature is entirely consistent with a depressive illness, isn't it?---Well, there is a whole range of thoughts that people have when they're depressed. That there's no future, that there isn't going to be – they can't contribute to the world, that no one will miss me, that they'll all be better off without me. She actually asked me a question which was do you think that anyone would miss me if I killed myself.

20 Sure. Now, you were sent a copy of the autopsy report. And I accept that then you seem to have done some incorrect calculations about the blood alcohol level?---Correct. That's right. I rang the pathology company to simply ask me – ask them how to convert it, and the formula they gave me wasn't actually the correct formula, so - - -

25 They gave you something which was probably a bit more complication than what you actually need to do it?---Exactly.

30 But then – so you obviously had a chance to read Dr Olumbe's report?---That's correct.

And then you say you spoke to a doctor who had been a government medical officer who was employed at the funeral parlour to remove medical devices. Was he still a doctor – a government medical officer? Or it was his sole job, then, to remove medical devices?---He was no longer the government medical officer. He had been a government medical officer, as I understood it. And the things that – as I understood it, his work was simply going to the funeral home to remove pacemakers and the like.

40 Okay. So was he still practicing as a doctor? Or - - -?---He wasn't practicing in the sense of seeing patients.

No. And he told you that he'd viewed the body and thought that she had struggled with an assailant wielding a knife?---That's correct.

45 Who – do you remember the name of that doctor?---I do.

What was it?---It was Dr Michael Guilfoyle.

Okay. And did you go back and have a - - -

5 D/STATE CORONER: Can we just pause at this stage. Is there any member of press here at the moment?

UNIDENTIFIED SPEAKER: Yes.

10 D/STATE CORONER: There's nobody here to represent Dr Michael Guilfoyle; however, from my point of view, I don't think that that name should be recorded in a press coverage of this matter, because there's nobody representing his interests. Please continue.

15 MR LEWIS: Now, did you go back and look at anything Dr Olumbe had said about possible wounds that may or may not have been defensive wounds in his report as a pathologist?---Yes.

20 And you would have seen, wouldn't you, that he didn't believe there were defensive wounds?---Yes. That's what he said, yes.

All right. But you were still so concerned about what Dr Guilfoyle had said over what a specialist pathologist had said that you thought you better tell the police?---I thought that I should just let the police know what someone's actually telling me. So  
25 I couldn't see that there was any reason not to tell the police.

But on the 10<sup>th</sup> of March 2009, you write to Constable Williams at the Caloundra Police Station, and you say, "I was also concerned about the force which must have been exerted with the three wound tracks, one of which had divided the breast plate,  
30 and two of which where the knife was forced up to the hilt, and all of which had entered the chest cavity at different intercostal spaces. Now, that too was referenced by Dr Olumbe in his report, wasn't it?---He described the injuries, yes.

35 Yes. And it also gave an amount of force that would be required?---He described it as severe.

So, clearly, you would accept that the forensic pathologist would have an area of expertise in this area that you do not hold?---I'm not a forensic pathologist.

40 No?---No.

But you wouldn't expect a pathologist to start treating people for mental infirmity?---No.

45 Right. But you, it seems, didn't agree with the amount of force, well, or what was being described by Dr Olumbe?---I had no reason at all to disagree with doctor – Dr Olumbe said. I guess my concern was on the morning of the phone call from the

officer at Caloundra advising me of Dr Mahlo's death, that I had told him that she had been cutting at herself. I had said to him that she said to me that the next time she had to sharpen the knife – okay. So that's actually what I had told him, and I had my self-doubts about whether these – these injuries could've been self-inflicted. I  
5 thought it was simply appropriate to tell the police.

Because you say there are a number of things in the report that made you uncomfortable about accepting that her stab wounds were self-inflicted?---That's correct.  
10

Well – and did you actually undertake any research about self-inflicted chest stabbings and multiple wound tracks, and - - -?---I'm – I'm not an expert in this field. I simply wanted to let the police know that I was concerned.

15 Okay. Who sent you a copy of the autopsy report?---That was sent to me on the 17<sup>th</sup> of January 2009 by Dr Mahlo's brother.

Oh, is that Wade Mahlo?---That's correct.

20 I see. And was that for the purpose of you perusing it and passing comment upon it?---I don't know what his purpose in sending it to me for, because I'm not a forensic pathologist, but actually I – that is how I obtained a copy of that report.

All right. So then you read it and thought, "I'm not a forensic pathologist, but I  
25 better tell the police about what I'm concerned about in that report"?---I saw no reason not to let the police know that I was concerned.

Yeah. Yes. Thank you, your Honour.

30 D/STATE CORONER: Ms Zerner.

MS ZERNER: I have no questions, your Honour.

D/STATE CORONER: Thank you. Mr Chowdhury, any re-examination?  
35

**EXAMINATION BY MR CHOWDHURY**

**[12.07 pm]**

40 MR CHOWDHURY: Yes.

I just want to clarify a point, Dr Fraser. You were talking about – you had copies of the hospital notes for Buderim Hospital?---Only the notes that I made on the day that I saw her when she was admitted, which I think was Saturday the 15<sup>th</sup> of that month.  
45

All right. We've been given a copy of your notes. Is Buderim Hospital a Uniting Health Care hospital?---That's correct.

Okay. So if you look at the start of page 99 of your notes, of which we've been given a copy – I don't know if you've got those page numbers. You should have. I'll just have a look?---Yes.

- 5 You have that? And it's headed Discharge Leave Medication. That's part of the records of the Buderim Hospital?---That's correct.

All right. Just – what's the formal name of the hospital?---It's called the Sunshine Coast Private Hospital.

10

Okay. Which is why if we look at the fax header we see "Ward 3CT The Sunshine Coast Private Hospital TCBH"?---That's correct.

15

All right. So if you look through those notes, we see – and those familiar with medical records will see that there's a sticker in the top right-hand corner which sets out the patient's details. Correct?---That's correct.

Thank you. And those notes go onto page 104?---That's correct.

20

Is that all your writing or were are nursing notes in those documents?---Okay. When these things were photocopied they were photocopied slightly out of sync. My notes were on page 102 and then go to page 101. Unfortunately, they were sent back to front.

25

Yes?---One nurse has written the notes on page 103 and another nurse, who was the one who actually saw her when she came in, was page 104.

Okay?---So the chronological order of this is: my notes, page 102; then page 101; then page 104; and then page 103.

30

All right. And then the last – 99 and 100 should be the last document, the discharge summary?---That's correct.

35

All right?---And I had those notes sent to me – it was my routine at the hospital to have the initial pages of the files sent to me.

All right. Thank you. And the notes on the discharge summary, they're not yours?---The notes on the discharge medication sheets?

40

Yes?---That's my writing.

That is your writing?---That's correct.

45

All right. Thank you. Yes, I have no further questions.

MR LEWIS: Your Honour, subject, obviously, to Mr Chowdhury - - -

D/STATE CORONER: Mr Lewis.

MR LEWIS: - - - can I ask - - -

5 D/STATE CORONER: Yes.

MR LEWIS: - - - another question.

10 **EXAMINATION BY MR LEWIS**

**[12.10 pm]**

MR LEWIS: Is it possible, Doctor, that if – well, I'll place it this way: if  
somebody's admitted to the hospital under a nom de plume, it's called, that it could  
15 be done, say, for public consumption, that that person's not there, but the hospital  
records, say, the person's medical records are complete, would be under their own  
name?---I really can't answer what the hospital actually does, because the hospital  
has to deal with the health fund. And what I would imagine the hospital has to do is  
20 keep the person's name, but we may actually in the ward talk about Mrs Fizzlegig  
and Mr, you know, Cartwright, when that's not their names [indistinct]

And, for example, then, if a florist – someone thinks somebody's there and they want  
to send some flowers to John Smith, John Smith mightn't actually – as far as the  
front desk of the hospital's concerned, it might be Joe Blow?---He probably would  
25 be in the computer according to his name, because I don't believe this hospital had  
any way of recoding people's admissions and dealing with their health funds other  
than using their actual names. I was at the hospital for 19 years and there had never  
been anyone that I was aware of that was in the psych ward that was under my care  
or the other's care who actually was admitted under other name.

30 Okay?---And this was discussed with her about whether we would admit her under  
another name, call her another name, and when she came to the hospital she said I  
don't really care.

35 Okay. Thanks, Doctor.

MR CHOWDHURY: Yes, nothing arising out of that, thank you.

MS ZERNER: Nothing, your Honour. Thank you.

40 D/STATE CORONER: Thank you.

Thank you, Dr Fraser, for assisting us. You are excused?---Thank you very much.

45 **WITNESS EXCUSED**

**[12.12 pm]**

MR CHOWDHURY: Yes. My next witness will be John Hehir.

MS ZERNER: Your Honour, can I just seek leave to withdraw from the inquest.

5 D/STATE CORONER: Yes. Thank you, Ms Zerner.

MS ZERNER: Thank you, your Honour.

10 **JOHN MICHAEL HEHIR, SWORN** [12.14 pm]

**EXAMINATION-IN-CHIEF BY MR CHOWDHURY**

15 STATE CORONER: Thank you. Mr Chowdhury?

MR CHOWDHURY: So is your full name John Michael Hehir?---Yes, it is.

20 And your surname is spelt H-e-h-i-r?---Yes.

All right. You provided a statement to police dated 28 May 2008. There should be a copy of that – just have a look. Pick up those documents there?---Yes.

25 Turn it over, yes?---Sorry. Yes.

You gave a statement to police dated 28 May 2008 and you also provided an affidavit for Supreme Court proceedings – that should be there as well – which is exhibit B4.1?---Yes.

30 All right. And you also recall being interviewed by the police on the 20<sup>th</sup> of January 2011?---Yes.

35 Thank you. I want to ask you, firstly, you came to know Dr Mahlo because she was a client of your business; correct?---Yes.

All right. And you were her financial adviser?---Yes.

40 And she had come to your firm to seek financial advice; correct?---Yes.

About planning for the future, investments, how to build up wealth, those sorts of things?---Yes.

45 All right. At some point during that business relationship you became intimate with her?---Yes.



All right. Did you consider that to be a conflict of interest?---No, I didn't look after her personally following that.

5 Okay. But didn't you continue to act as her financial adviser and give her advice following your relationship commencement?---Yes.

All right. You didn't see that as a conflict of interest?---No.

10 Okay. You didn't discuss that with any colleague or anything like that about whether you should continue to act for her?---I discussed it with Veronica and Veronica looked after her day to day items. Veronica wasn't a licensed financial adviser and so, technically, I was the adviser - - -

15 Yes?--- - - -but Veronica had most of the contact pertaining to her immediate personal matters.

You, ultimately, decided to leave your wife of longstanding and your children to enter into a relationship with Dr Mahlo; correct?---Yes.

20 Did you see your future with Dr Mahlo that you would be together for the rest of your lives?---Yes.

25 All right. And, therefore, your financial interests and her financial interests would merge; is that your view?---We retained our finances separately at that time. It wasn't the intention to meld them together at that time.

All right. Was there ever a discussion with Dr Mahlo that you would plan your futures together including your finances?---I can't remember.

30 All right. You certainly moved into her Moffat Beach home?---Correct, yes.

All right. And you lived in a de facto relationship?---Yes.

35 Were there plans to marry at some stage?---No plans were made of marriage.

All right. But you were in a committed de facto marriage and your plan was to live together - - -?---Yes.

40 - - - to the rest of your days; correct?---Yes.

45 Now, I just want to ask you about suicide attempts made by Dr Mahlo. I want to take you to paragraph 12 of your statement to police and this is about 16<sup>th</sup> of January 2008. I will let you read the paragraph just to familiarise yourself with it. Let me know once you've finished?---Okay. I'm finished.

Right. You say that Dr Mahlo told both you and her daughter that she wanted to kill herself that day but didn't have any way in which to do it; right? That's what's there?---Yes.

5 And then you say Karen rang another doctor friend, Steve Phillips, who eventually got a physiologist involved. Is physiologist what you meant to say there or psychiatrist?---I would suggest psychiatrist.

10 All right. Wasn't Dr Mahlo already seeing a psychiatrist, Dr Fraser, at that time?---I don't believe so.

As at 16 January 2008?---Yes, she was.

15 All right. Then, the next paragraph, you talk about how on the 9<sup>th</sup> of February 2008, the meeting with Queensland Health. Okay. When you first entered into a relationship with Dr Mahlo, did she tell you that she had depression and was being treated for it?---Can you repeat the question, please?

20 Yes. When you first entered into your relationship with Dr Mahlo, did she tell you she had depression?---No.

Okay. Yet, some stage after the relationship commenced, did she tell you she had depression?---Yes.

25 Okay. And did that bother you?---No. [indistinct].

Did she tell you she was getting treatment from Dr Fraser?---She wasn't getting treatment from Dr Fraser before then. I believe the dates are wrong.

30 Right. So you think that where you have 16<sup>th</sup> of January 2007, that that's an error in your statement?---I would suggest it should be 2007.

35 Okay. Because that's why I asked you about paragraph 13 because you repeat 2008 as well?---Mmm.

And, also, on paragraph 14?---I would believe that that would be 2007.

40 So we should change that to 2007 in each of those paragraphs?---I cannot be sure but I would propose so.

All right. Thank you. Look, I should ask you this. When you entered into the relationship with Dr Mahlo, you were aware of her finances, her assets, her earnings; correct?---Yes.

45 Was that an additional attractive feature about her to you?---No, I didn't approach Karen. Karen approached me.

Okay. Judging from what you say in your statement in paragraph 6 – in fact, paragraph 7 – you were receptive to the idea of being intimate with Dr Mahlo; correct?---Until – on paragraph 7, at that stage, I was receptive.

5 Right. I want to ask you about the incident in April 2007 where she had cut her leg and you say that you had bandaged her wound. Do you recall that incident?---Yes.

All right. You had – there was an earlier incident where she had cut her arm and had her arm in a bucket and her daughter Anna found her. Do you recall that?---I recall  
10 it. I don't recall the order.

Right. Okay. But you certainly recall when she had cut her ankle and you had to bandage the wound?---Yes.

15 All right. And you recall that in 2007?---I'm unsure of the date.

All right. You refer – discuss it in paragraph 21 of your statement. You can have a look at it?---Yes, I'm finished.

20 All right. Is there any reason why you didn't take her to hospital?---Karen was very strong willed and did not want to go to hospital and - - -

All right. You - - -?--- - - -it wasn't - - -

25 Sorry?---And it wasn't bleeding profusely.

Did you discuss with her that she should go to hospital?---Yes, many times. Yes.

But on that occasion?---Yes.

30 And she said she didn't want to go?---Correct.

Did you advise her general practitioner or psychiatrist about that incident at that time?---Yes.

35 All right. You did that yourself?---Yes.

12<sup>th</sup> of April 2008, there appears to be an attempt by overdose by Dr Mahlo and she ended up going to the New Farm Clinic. Right. You are aware of that?---Yes.  
40

Okay. Can you recall what name she was booked in under at New Farm Clinic or don't you know? Let me know if you don't know?---I don't know.

Thank you. Now, in April 2008, I suggest 2 April 2008, Dr Mahlo ended your  
45 relationship with you?---Our relationship never really ended. It was ongoing.

All right. So do you recall Dr Mahlo telling you to move out of the house in April 2008?---No.

5 She never did that?---In anger on April 1<sup>st</sup>, Karen made some comment to that effect and then changed her mind straightaway.

What was the comment she made in anger?---It was pertaining to a joke that was played on Anna for having drugs at work on April Fools' Day.

10 Okay. But what did she say? What was the comment she made?---I don't recall the words.

15 Well, you said it was a comment about moving out of the house. Can you recall what she said?---It may have been words to the effect of "get out" because we had a heated discussion over dinner over the events of the morning.

20 All right. This is where you had a friend pretend to be a police officer and search Anna Sasonow's desk; correct?---Yes, it never happened. He never searched her desk. But, yes.

25 All right. You didn't arrange a friend to pretend to be a policeman and come to the office?---It was somebody who was actually in the office and this guy had a white shirt on and we were looking for an April Fools joke. It wasn't a friend. It was no one I had seen before. It was somebody who worked, I'm unsure, I think it may have been in a bank and he didn't search her office. He just interviewed her for a short time in a boardroom.

30 Is this what happened, did you go into Anna Sasonow's office and said someone from Crime Stoppers was here to see her?---Yes.

And she went out of the office and he asked her if he could have a word with her in the boardroom?---Correct.

35 The man started to interview her. Were you present for that?---No.

Were you present when this man said he was a drug cop and that he had a tip off she was in possession of illegal substances?---I wasn't present when he said that.

40 Okay. Was that the plan, though, that he was going to say that?---Yes, it was. Because he, in the previous capacity, had worked as a police officer in that – in that capacity.

45 All right. And he wanted to search her belongings. Do you recall that?---No, I don't recall that. I believe he suggested the office – her office – her desk.

All right. And then you – when she went back to her office, you came in and yelled out, “April Fools’ Day.” Is that right? Is that what happened?---Hadh’t got back to her office. When she’d come out of the boardroom with him, yes, we did.

5 Did you tell her that you had stashed in her drawer a bag of white laundry powder?---Yes, I did.

Yes. And it was meant for the purpose of scaring her?---Yes.

10 Right?---I didn’t realise she had drugs in the office at the time.

Well, I’m sorry - - -

15 D/STATE CORONER: Can you just pause there for a moment. If there is a member of press here, that is not to be reported in relation to that last comment.

MR CHOWDHURY: You thought that was funny to do that?---At the time, yes.

20 Right. And that lead to Dr Mahlo being very angry with you?---Correct.

Did you think, on reflection, it was a dreadful thing to do to anyone?---Yes.

Including a young girl?---Yes.

25 And Dr Mahlo wanted you out of the house, didn’t she?---I went back home that night. Karen said it shouldn’t have happened. I apologised and said it shouldn’t have happened from this way. Karen said it shouldn’t have happened that Anna should have had drugs there. And I said, upon reflection, especially the way it turned out, that it shouldn’t have happened. And so I stayed in the house that night. I did  
30 not move out that night. I stayed there and our relationship did not end that night.

Do you recall when you moved to a unit at Cottontree?---I can’t give you the exact date.

35 It was in April 2008, wasn’t it?---Yes, it was. It was shortly after that, but I can’t tell you which day.

Was it a couple of days after that? 1<sup>st</sup> of April 2008? A week? Can you say?---Within one week of that.

40 Right?---And I only took some clothes and toiletries.

You had leased that unit because you needed somewhere to stay, didn’t you?---It was stressful at that particular time and both Karen or I could stay there. It was just I  
45 needed a place for some time out.

Well, no, I'm suggesting to you, you needed a place to live because Dr Mahlo ended the relationship with you and told you you had to leave the house. What do you say about that?---Karen and I discussed having that unit and it certainly separated us a lot from there. Correct.

5

Were you aware that Dr Mahlo was telling family and friends in April 2008 that the relationship with you was over?---No, I'm not aware.

10 Did she tell that to you, that your relationship was over?---No. I'm sure the phone records will show there was many phone calls every day.

So she never said to you that it's over?---No.

15 Up until her death on the 28<sup>th</sup> of May 2008, did you still consider yourself to be in relationship with Dr Mahlo?---Yes, I did.

20 You assert that – in your statement that you would regularly go and stay at the house at Moffat Beach and only stay at your unit two or three nights a week. Do you recall that?---Yes.

And mentioned this, in particular, at paragraph 24, that you were back at Karen's house almost every night?---Correct.

25 Is that true?---Yes, it is.

30 That meaning that you would, what, after work, go back to the house at Moffat Beach and just stay the night – have dinner, stay the night?---Often Karen would sometimes ring and I would go there. When Karen's father came, I didn't go at all during that period. I was there the night before he arrived and Karen rang and I stayed the night that he left.

Why didn't you stay at Karen's house when her father was staying there?---Karen didn't want me to.

35 Because it's incorrect, isn't it, that Karen wanted you there at all in May 2008 and the latter part of April 2008. What do you say to that?---I don't believe so. I think you'll find phone records will show that she'd ring me many, many times in that period.

40 Phone records will show that you had conversations. But what I'm asking you is you claimed that you were staying there most nights, except for that week when her father was there. Correct?---I was there many nights, yes.

45 Now, paragraph 25, clearly you weren't staying at Karen's house that night on the 12<sup>th</sup> of April 2008. Correct?---I had been there for dinner. I brought fish and chips on that night. And I left there about 10 o'clock that night after an argument.

So what was that argument about?---I don't recall. I don't remember.

5 Tell me, in that first statement you gave to the police, when you said in paragraph 24 that "I moved out and was back at Karen's house almost every night", can you tell me where you mentioned that you weren't there for the week that her father was staying? Take your time. You can have a look?---It's not written there in paragraph 24.

10 Well, is it written anywhere in your statement? You can take your time and have a look?---Would you like me to peruse the whole the document, or - - -

Yes?---- - - just that area?

15 No. Peruse the whole document. I just want to make sure I haven't missed anything?---I'm sure you wouldn't have.

Well, no, no, just have a look and see where you say that you didn't stay for the week that Karen's father was up?---I don't see it written in there.

20 Now, I want to take you to your affidavit that you filed from the Supreme Court proceedings which is exhibit B4.1. Get that document up, please. I want to take you to paragraphs 32, 33 and 34. Have you read them?---Yes.

25 Paragraph 33 you stated that "From that time" – that is, 18 April 2008, "Until Karen died, I still spent the majority of nights at 23A William Street. I slept at the unit two or three nights a week". Correct?---Correct.

30 And then 34, "The night of 24 May 2008 was the last night I stayed with Karen at 23 William – 23A William Street, Caloundra". Correct?---Correct.

I take it from your evidence today that that can't be right because you didn't stay for a whole week while her father was over?---Correct.

35 Is there any reason why that didn't appear in your affidavit that you didn't stay there for that week, the 10<sup>th</sup> of May to the 19<sup>th</sup> of May 2008?---Jodie probably never asked me. She asked me the questions and I answered the questions.

Was that your solicitor?---No, that was the police officer.

40 No, I'm talking about your affidavit, not the interview with police officer?---It probably wasn't discussed or I wasn't asked.

45 You were keen to clearly give the impression that you were still in a relationship with Dr Mahlo up until her death and, indeed, that was demonstrated by the fact that you stayed with her most nights. Correct?---Correct.

And if you're in a – still in a relationship with Dr Mahlo, there would be no reason why you would not stay there while her father was over, was there?---I cannot remember the reason why Karen asked not to.

5 Did you have any contact with Mr Mahlo, Karen's father, while he was up staying with his daughter?---I don't recall.

If you're still in a relationship, you'd expect you might at least have a dinner, maybe a lunch, something like that?---I didn't.

10 You just didn't. All right. Did you still have a key to Dr Mahlo's house at the time of her death?---It was a pass card.

Yes?---Yes.

15 It is one that you swiped?---Yes.

All right. What has happened to that?---That was left on my desk at work and Jodie Allan took that, the police officer.

20 Right. Is that – how long after Dr Mahlo's death did that occur?---When she came to my office some time later which would be at the time when the police interviewed which – me, which I'm not sure of the date. [indistinct] earlier.

25 Was that in the days or weeks after Dr Mahlo's death, or was it later?---A long time after.

Long time after. So maybe in 2009?---Whenever the police interview was - - -

30 Yes?---- - - it was on that day.

I see. Well, that was in 2011. So you kept that key for that long?---Everything was just there in the one place at that time. I had a file with everything from Karen there.

35 Now, on the 27<sup>th</sup> of May 2008, you went round to Dr Mahlo's house to collect the BMW motorcycle. Is that correct?---Correct.

40 And it's something that both you and Dr Mahlo had contributed half and half to that motorcycle, purchase price?---That's not correct. I had actually – and I provided evidence of that before, I contributed the major part of it.

Right. Why was it still at Moffat Beach house if you contributed to most of it?---I – it had a garage there and I wasn't riding it at the time.

45 Right. What was – why were you wanting to collect it that day, the 27<sup>th</sup> of May? What was so special about that day that you decided you wanted the bike?---I don't recall.



Well, you just said that you weren't riding it and there was a garage at Moffat Street – at Moffat Beach, I should say, William Street. So why was it that day that you wanted to get the bike – get it back from there?---I think, in a discussion with Karen on the weekend, I said I wanted to start riding the bike again and I came and picked it up on the night.

You had an argument with Karen at the house about the bike, didn't you?---I don't believe so.

10 No. You don't recall having any argument outside the house about the bike?---No.

You don't recall any argument about the registration?---No.

15 No. Did you know the lady who lived across the street?---I'm aware of her. I don't know her.

You never met her? Her name was Rachel?---I don't know her by name. I think I helped her jumpstart a car once.

20 Right. Did you see her out the front of her house that afternoon when you picked up the motorbike?---No, I don't recall.

25 Right. According to your statement, you had had, before you went to collect the bike, an hour long conversation on the phone about lunchtime. Correct?---I don't recall.

Right. Do you recall having an argument with her over the telephone the day before she died?---No, I don't recall.

30 Do you recall that each of you were digging up dirt from a long way back and that you really hurt her by telling her exactly what you thought about her behaviour. Do you recall that?---No, I don't recall.

35 This would be a significant thing, wouldn't it, the day before the woman you're in a relationship with dies, you had a major argument with her and that you knew that you had hurt her by things that you had said. You don't have any recollection of that now?---No, I don't.

40 Can you have a look at your statement, paragraph 30? That's the statement to police. Paragraph 30, page 6?---Yes, I've read it.

All right. Well, has that refreshed your memory now?---I see it written there and it obviously happened, but, no, I don't recall the phone call.

45 Well, can you recall the nasty stuff that Karen said to you?---No, I don't recall.

Can you recall the nasty stuff that you said to her?---No, I don't recall.

To refresh your memory, did you say to her, “Look what you’ve done to your kids. Ask them, Karen. Just ask them how you’ve influenced them. You tell them drugs are okay”? You say something like that?---I don’t recall whether it was at that time, but that would have been something typically I may have said, but I don’t recall that time.

Right. So you recall that you may have said that to Dr Mahlo, but not at – can’t recall whether it was that time or not?---Correct.

Was that something that you said to her regularly?---No.

“Look what you’ve done to your kids”?---No.

“You tell them drugs are okay”. Did you say that to Dr Mahlo?---Yes, I would have.

How many times have you said that to her?---I don’t know.

Did she accept that?---Yes.

She just accepted that?---Because then I – Karen did consider it was okay that the kids were taking drugs.

Yes. “Look at them. Anna has no life skills. Just look at her”. Say that to her on any occasion?---I don’t recall.

Do you recall saying to her, “You made me leave my wife and children for you. We were meant to be together for life”?---I don’t recall, but I may have.

Right. “I made a lifelong commitment to you. You’ve ruined me”?---I don’t recall.

It’s possible you said that?---It is possible.

Right. Well, if you were still in a relationship with her up to the day of her death, why would you say, “You made me leave my wife and children for you. We were meant to be together for life. You ruined me”. Why would say that?---I don’t recall.

Doesn’t make sense, does it, if you’re still in a relationship with her. Do you accept that?---Me to say – accept that, I don’t quite understand what you’re asking me to accept.

Well, why would you say, “You made me leave my wife and children for you. We were meant to be together for life. I made a lifelong commitment to you. You ruined me”. Why would you say that if you were still in a relationship with her?---Because we were going our – we were going in our – we certainly weren’t going on the same path that we had previously been going on and our relationship was falling apart.

What I want to suggest to you is that you said those things because you were upset that she had ended the relationship with you some weeks before her death. Do you accept that or not?---Karen may have ended the relationship. I don't believe the relationship had ended and I was still having discussions with her and I believed  
5 there was every chance that we would stay together. I had hope for that.

Well, is it the case that you just didn't want to accept that the relationship was over?---That's possible.

10 Thank you. I'm going to ask you about a USB stick. You used – you know what a USB stick is?---Yes.

You used a USB stick for work, didn't you?---Many. Yes.

15 Yes. It's a useful way to store data on it, take it home, put it in your home computer and continue to work?---Yes.

All right. Did you have a USB stick that was called USB John? That was the title of it once you entered it into the computer?---I have one in my pocket called that today.  
20 So, yes, I have many of that.

Now, [indistinct] your work in 2008, there was a computer network in the office?---Yes.

25 The computers were linked?---Yes.

Okay. And that was so workers could access files and so forth. Correct?---Correct.

All right. And do you recall that if you put your USB stick into the computer, the  
30 network would show it having been inserted "USB John" or whatever it was called?---I would assume the local computer would recognise that.

Dr Mahlo, in May 2008, did not have a USB stick, did she?---She would have been probably using mine. I don't recall.

35 Okay. Would that be one that you would use for work?---I did a lot of work there and I had – most – I think the computer there was mine and the – there would have been a lot of equipment there that was mine. There was scanner there that was mine.

40 Right?---I worked from there often.

Okay. It was at the time in May 2008, in fact, for all of 2008 up to her death, Dr Mahlo had been suspended from work, hadn't she?---Yes.

45 All right. And she was at home on full pay. Correct?---Correct.

Right. Thank you. Did – when was the last time you saw – withdraw that. When was the last time you used a USB stick in Dr – the computer at Dr Mahlo's house?---I don't know.

- 5 Can you recall the last time you did any work on that computer?---It would have been in the week leading up to Karen's death.

All right. Can you recall during that – I'm sorry. In the week leading up to Karen's death?---I'm proposing that I had worked there in that week, yes, but I can't - - -

10

Why - - -?---- - - recall exactly.

- 15 Why wouldn't you have had a computer back at your unit in Cottontree?---There was no power on it – the computer – in Cottontree. There was no computer there. There was no fridge even at Cottontree. The hot water wasn't even turned on. There was no furniture. There was no fridge.

- 20 You've list this unit that you're – according to what you've said in your statement, you're staying there at least two to three nights a week. Correct? And you're seriously saying that you didn't even have the electricity put on?---You can confirm that with the energy companies, but that's correct.

- 25 Yes. And you recall giving evidence about that in the Supreme Court civil proceedings? Do you remember Justice McMurdo?---I remember him. I don't remember giving evidence about that.

All right. Did you read the judgment afterwards?---I may have perused it. I do not remember whether I read it in detail.

- 30 Do you recall his finding that that statement that the unit didn't have electricity and wasn't fit for habitation and you had a blow-up mattress, they didn't believe. Do you recall reading that?---I do recall reading that, but it's the truth and the real estate inspections, I'm sure, would confirm it because it was a rented.

- 35 Yes. You're paying money to rent this unit. Correct?---Yes.

- 40 I think you said earlier that Karen went and stayed there. Did I misunderstand that?---Karen had been there. She – I – she did not stay there, but it was going to be available for both of us to stay.

- 45 So it's going to be available for both of you to stay, but you hadn't even bothered to put the electricity on. This is nonsense, isn't it?---We had discussed – as I said earlier, or I read earlier, we had discussed in the month before at looking for a unit and that unit was one that I looked at previously. And I put that – I moved into that unit some days after. I don't recall the exact date. And there was no fridge in there. There was no power in there and you can believe it or not, but that's fact.

I want to come to the early hours of the 28<sup>th</sup> of May 2008. When was the last time you had spoken to Dr Mahlo before you woke up, as you say, to go to the toilet and seen you had a missed call? Can you recall when was the last time you spoke to her?---The evening before.

5

About what time?---I don't know whether we spoke on the phone that night or whether the last time we spoke to her was when she – when I was at the house picking up the bike.

10 Right. Now, no message was left by your mobile phone in the phone call at 3.06 am?---I believe there was.

You believe there was a message. You sure about that?---No, I'm not sure.

15 Right. Well, did you listen to any message? Can you recall?---I believe I did.

Well, what was the message? Can you tell us?---I don't recall.

20 Right. Did you give the police your phone or let them check your mobile phone when you spoke to them after Karen's body had been found?---Yes, they looked at my phone. I think they actually had my phone.

Did you tell them that there was a message on your phone from Dr Mahlo at 3.06 am?---I don't recall.

25

You can't recall what the message was?---I have that message – I have that period muddled up with when Karen had, some weeks earlier, rang also in a similar sort of circumstances. So I don't recall. I do believe the police listened to my messages.

30 All right. Did you call – you were obviously concerned about her which is why you were calling back several times. Correct?---Correct, because it was the same as some weeks earlier.

35 Right. And you repeated calling her and you left messages on the answering machine at home. Correct?---I don't recall.

You don't recall doing that?---I recall ringing. I don't recall leaving messages on the answering machine.

40 Right. Would – are you prepared to accept that messages were left by you on the answering machine?---Yes.

45 Did you consider calling Anna, her daughter, who just lived very close to her mother to check on her?---Actually think I had or I don't know whether that was at the previous time.

Right. Well, we got the phone records and there's nothing to indicate that you called Anna that morning, that is, the 28<sup>th</sup> of May 2008. Right. Did you consider ringing her?---I don't recall.

5 Right?---I don't remember.

Did you think that might be logical thing to do seeing as you're at least half an hour away in Cottontree?---Not really. If you go and have a look in the weeks previous, you know, I had rang Anna and I rang her at that time and that was to know avail.  
10 There was no benefit in that at that time.

I see. So what previous occasion was this?---When Karen had taken an overdose.

Right. So that was in April 2008?---Yes.  
15

You say that you had actually had rung Anna – let's just go back to what you say in your statement about that. Have a look at paragraph 25 of your statement. That's your statement to police, paragraph 36. Is that the incident you're talking about? 12<sup>th</sup> of April 2008, middle of the night?---Yes, it is.  
20

"There was nothing I could do because she'd taken all the tablets." Okay?---Yes.

Made no mention there of calling Anna to go and check her mother, is there?---No. But if you have a look at phone records, you'll see it.  
25

All right. You're confident that you called Anna?---I am - - -

Is that what you're saying?---Yes, I am.

30 What did you say to her?---I tried to talking to her and Anna had had far too much to drink.

Okay. So you can specifically remember that?---I do.

35 Did you tell Anna, on that occasion, that your mother had said that she had taken all the tablets and there was nothing you could do?---I don't recall. I think I rang Anna. I saw that she was going to be of no help and I just – I don't know whether I rang Karen back or what happened at that time. But I remember ringing Anna and there was just no point.  
40

Well, my question is, did you tell Anna that Karen had rung you and said she'd taken all of the tablets, there was nothing you could do?---I don't recall what I told Anna.

And your evidence is, is that just from talking to Anna, you could tell when she'd  
45 been drinking and was going to be no use. Is that your evidence?---Yes.

Did you ask Anna, can you go round and check on your mother. I've had this concerning call?---I don't recall the contents of the call.

5 Well, that'd be the logical thing to do, wouldn't it?---Yes, it would've been. Yes, it would've.

For the reason that Anna lives, literally, only several doors away, correct?---Correct.

10 And, therefore, on the 28<sup>th</sup> of May 2008, when you get this call, you made the decision because of your previous experience with Anna, I'm not even going to bother asking her to go and check on her mum. Is that your serious evidence?---What was your last question, sorry?

15 Yeah. Is that your serious evidence that when you get this and you're concerned about her in the early morning of the 28<sup>th</sup> of May '08 that you don't ask Anna quickly to go round to your mum's, see if she's okay?---Most nights Anna is drunk or on drugs.

20 I see. Completely useless, was she?---At nights, usually, yes.

All right. Your Honour, I note the time. Would that be a convenient time to break?

25 D/STATE CORONER: Yes. Thank you. Mr Hehir, you are under oath at this stage, so please do not discuss the matter with any other person other than your legal representative during the adjournment. Do you understand that?---Yes. I understand.

Thank you.

30 MR CHOWDHURY: What time should we resume?

D/STATE CORONER: What time do you suggest?

35 MR CHOWDHURY: Is 2 o'clock all right?

D/STATE CORONER: Yes. That's fine.

MR CHOWDHURY: Thank you.

40 **ADJOURNED** [1.02 pm]

45 **RESUMED** [2.17 pm]

**JOHN HEHIR, CONTINUING** [2.17 pm]

**EXAMINATION-IN-CHIEF BY MR CHOWDHURY**

D/STATE CORONER: Good afternoon. Please be seated. Mr Chowdhury.

5

MR CHOWDHURY: Thank you. Mr Hehir, can you tell me, please, what the address was of the Cotton Tree unit?---Memorial Avenue, but I forget the number. It may have been 11.

10 Is it in a block of units?---Yes, it is.

So Memorial Avenue, Cotton Tree, is it?---Correct.

15 And you think that – was 11 was the number of the unit or the number of the block?---I'm unsure.

Right. Now you mentioned before that there is an estate agent you went through?---Yes.

20 Can you remember the name of the estate agent?---They were in Mooloolaba.

Yeah. Can you remember their name?---Not as I sit here and record. I can recall where they're situated but I can't – it was a brand name like Henzells or Ray White or – it was a brand name real estate agent.

25

You had to pay regular rent to them, I take it?---Yes.

Okay. Was that done by a internet bank transfer or did you have to go - - -?---Yes, it was.

30

Right. Okay. Do you know the address of the real estate agent in Mooloolaba?---Brisbane Road.

Yeah?---I would have their particulars, not with me, but I would be able to find it.

35

All right. That's something I might take up with those representing you afterwards. Now, I want to – just to finish off a point we were talking before lunch. Do you recall in respect of the self-harming incident on the 12<sup>th</sup> of April 2008, you said that you had called Anna and she was drunk?---Yes.

40

Do you recall saying that?---Yes.

Do you recall that she was in a nightclub?---No, I don't recall that.

45 You didn't hear any noise or sounds of a nightclub?---I don't remember.



Okay. All right. Do you recall that the 12<sup>th</sup> of April 2008 was a Saturday?---I don't recall what day of the week is. I accept it is a Saturday.

5 All right. Do you recall that the early hours of the 28<sup>th</sup> of May 2008 was Wednesday?---I don't recall what day of the week it was.

Do you recall that it was a week day, though?---Yes.

10 All right. You would expect that someone like Anna would go out on a Saturday night? Would you accept that?---Yes.

15 All right. Have you thought about your evidence over the luncheon break? Is it still your evidence that you didn't call Anna on the morning of the 28<sup>th</sup> of May 2008 because you said you thought she'd be drunk?---As I said, I don't recall.

Right. Thank you. When I come to that morning, were you at the unit at Cotton Tree when you went – got up to go to the toilet and noticed that the phone had a call at 3.06 am?---Yes. I would've been – yes.

20 All right. And had you been at that unit that night – so when the call was made at 3.06 am, you were asleep at that unit?---Yes.

25 Right. Thank you. Now, when you arrived at the house – sorry, I must finish. How long did it take you to drive from the unit at Cotton Tree to William Street, Moffat Beach?---I don't remember exactly. I would think approximately half an hour.

All right. That time of morning, there'd be little traffic about?---Correct.

30 Thank you. Now, you said in your statement that when you arrived at the house, the front door was open; do you recall saying that?---No, I don't.

Okay. Have a look at paragraph 37 of your first statement to police?---But that would not be unusual.

35 Okay. Now, why would that be?---It would be common for Karen to wake up and walk around or sit on the step at the front, or at the back. That would be common.

And just leave the door open - - ?---Yes.

40 - - - at that time of the morning?---Yes.

Okay. Were there dogs at the house?---Yes. Bobby. Yes.

45 Right. Just one dog?---Two.

Two dogs. Yes. Wasn't the door usually kept shut to stop the dogs going out of the house?---There is a gated area which will hold the dogs in and then the front. So when you go out the front door, you still have to go out a gated area - - -

5 All right?--- - - - Yeah. So.

So you weren't concerned about the front door being open?---Nothing particularly unusual at that time.

10 When you went into the house, did you hear any music?---I don't know. I don't recall. I don't remember.

Okay. All right. Did Karen have a favourite song?---She had a couple of favourite songs. Yes.

15

Okay. Do you recall what a couple of favourite songs were?---One was played at her funeral and I can't come up with the name of it. And the other was played at another friend's of hers funeral who died. And she particularly gravitated to that song.

20 Do you know what that song was?---I can't recall the name of it or how it goes, but this other song is regularly on the radio still. And it will come to me - - -

All right?--- - - - which I can't of what it is right now.

25 In any event, you can't recall if there was music on in the house?---No, I can't.

Okay. Now, were there lights on in the house when you went in?---I don't remember.

30 When you first went into the house, did you go straight upstairs?---I think so, but I don't remember.

Okay. Did you call out her name when you went through the door?---I would have.

35 Okay?---But I don't remember.

You don't have any memory of doing that?---No.

40 Okay. Did you look through the bottom half of the house before going upstairs or did you just go straight upstairs?---I don't remember.

Okay. Would you expect her, at that time of morning, to be in her bedroom?---There was a fifty-fifty chance - - -

45 Well, or - - -?--- - - - It could be - Karen could be sitting outside. There was a deck area. There was an area outdoor type enclosed area or on the front steps. They would be the three favourite places.

Right. Did you look at those downstairs places before you sent upstairs?---I don't recall.

5 Okay. What you told the police in your statement was that when you went into the house there were no lights on downstairs and you went up the stairs to Karen's bedroom and there was a bedside light on. Do you recall that now?---I don't remember.

10 All right. Where was -- was there an office downstairs?---As you come in on the left-hand side.

Is that where Karen's computer was?---Yes.

15 Okay. Do you recall it was a Dell brand computer?---There were two computers in that area. There may have been three. I don't recall. It may have been that - - -

Right. You say there were two or three computers in that office?---There were. I don't know whether there were at that particular time.

20 Okay. Did you have a computer with you at Cotton Tree that night?---No, I didn't.

Okay. Did you go into that office at all that morning?---When I got back, yes, I did. But -- do you want me to - - -

25 Yes. When?---Right. When I came back from being with the police I went into the house and I -- I went to go upstairs and when I went to go further forward in the kitchen and I didn't and I went into the study and I sat there and -- do you want me to tell you right - - -

30 Yeah. Yeah. Tell me what happened?---I sat there. I collected a number of items.

35 What were the items you collected?---I used to do a lot of work there and I can't remember but I'll jump forward then I'll come back. When I got back to the office, because I had nowhere else to go and that's where I went. And - - -

40 Didn't you have your unit at Cotton Tree to go?---I -- there was nothing there and I'd rang Veronica and I said I would catch her at the office. And so it was a wettish day. It was rainy day and as I was walking up the stairs from the car park -- because those stairs used to always have water on -- and - - -

Is this at the house?---At the office - - -

45 Right?--- - - - I pulled into the car park and then there's concrete stairs up to the level where the office is.

Well, can we come forward to where you went back into the office at the house at - - -?---Yes. I was trying to give you the explanation of why I remember. And I fell

on those stairs that day and that resulted in eventually a – an operation and I had my arms full of items and they went everywhere. And that was everything that I'd brought out of that house that day. And so there was a number of items that splashed everywhere.

5

Okay. Sorry. I've got out of sequence. Didn't understand it. You're saying that you had – after you had given your statement to police; is that correct?---Yes.

Do you know what time that finished?---Midmorning.

10

Okay?---I don't know exactly. I would assume midmorning. I think about – it was well before lunch.

Then you went back to the house at William Street?---That's where they dropped me back off to.

15

Right. To collect – and you did that – well, did you ask to be dropped back there?---That's where my car was.

20

Right?---That's where – that's where they left me. That's where I was.

And then you went into the office to collect some items. Am I understanding that correctly?---I went into the house and that's where I eventually went, yes. And I collected a heap of paperwork and – the only reason I know it was because I spilt it everywhere when I went up the stairs.

25

So the items that you're talking about paperwork?---There was a book. There was a heap of different – there even have been a steel ruler that I used to have there. I've had it for years.

30

Did you look at the computers?---Pardon?

Did you look at the computers in the office?---I don't know whether I logged on or not.

35

Right. Was there any reason for you to log on?---No. I don't know but I don't want to tell you that I didn't if you saw I did. Or I don't want to say I did if you didn't – I don't remember. You're asking me about the computer and I'm telling you I don't know.

40

Okay. Did you look at the printer at all?---I had a scanner there at that stage and I don't know whether I brought – I'm trying to think whether that was one of the things that fell, because I had a scanner at Moffat Beach. I don't know whether that's one of the things that I picked up and took out. And that – because I had a stack of stuff that I was carrying back to the office that day up the stairs. And if that's the case, that scanner would have been linked through the computer – through the printer and computer, actually, it would've been in and out. And so - - -

45

So can I just stop you there. Is the scanner a separate piece of equipment to the printer?---Yes.

Right?---Just a desktop scanner.

5 Right. So you recall you may have taken the scanner; right?---At some stage I had. I'm not sure when. I've been trying to recollect what it was that I had in my hands that, when I fell down the stairs at the office, and that I had a stack of different items and there would've been some stationery and there probably was -- I used to do a lot  
10 of work there and there may have been client files. I can't remember what it was that exactly that I dropped that day, but it was a number of things and it went everywhere.

Right. Were items damaged?---I don't recall. There was some paper that got wet because the stairs were all wet. And so there was -- I remember getting up stairs and  
15 just felt like everything was going wrong. There's paper that was wet.

All right. Do I take it from what you've just said, that you didn't take the printer from the office at William Street Moffat Beach?---No. I don't believe so.

20 Right. Did you notice if there was a USB device, a USB stick, inserted in a computer or computers in the office that day?---I don't recall. I don't know.

Did you take a USB stick with you - - -?---If it - - -

25 - - - that day?---If it was there and had my name on it when I was collecting everything else, yes, I certainly would have.

Right. What do you mean if it had my name on it?---I always write my name on USBs because there are so many. Everybody who has a USB at work writes there  
30 name on them in texta.

At that time when you were collecting items from the office and you'd been aware that what appeared to be suicide notes had been found in the printer in that office had the police told you that?---I don't remember.  
35

Right. Did you think that it might be important if there was a USB device in the computer to leave it there?---No. I didn't.

Did police give you permission to remove items from the office?---I had the  
40 discussion with them, they dropped me there, I asked was it okay that I go in, they said, yes, we're finished with the house and I said I've got a lot of things still in there and they said, yeah, you can collect anything that's yours. There was a number of things that were mine in there later on that I went back with a lady called Yasna Hawthorne who was a real estate agent there. And it was - - -  
45

Did you stat at the house that night?---On the first night Karen died?

Yeah?---No. I didn't.

Did you go back to stay at the house at any time after Karen died?---No, I didn't.

5

No?---I believe Anna moved in there that day. I don't know.

If I can ask you about you [indistinct] are you aware that a – at about 2.30 am on the morning of 28 May 2011 – 8 – a USB device called USB John was inserted into Dr Mahlo's computer and document Notes was opened up. Are you aware of that?---I've been made aware of that, yes.

10

Okay. And you're aware that that USB John – the police computer analysts were able to get specific code for that USB?---I've just been made aware of that, yes.

15

All right [indistinct] perhaps if the witness could be shown, please, exhibit C5.1.

D/STATE CORONER: Exhibit C5 - - -

20 MR CHOWDHURY: Point 1.

D/STATE CORONER: Thank you 2.35.09

MR CHOWDHURY: I should clarify that, in fact, the USB had the name on it: John's USB. Right. It's own. Do you accept that from me?---Yes. That would be – that would be more – that would be likely, correct.

25

Okay. The pages aren't numbered but it's the third page in from the front and do you see a subheading number 488852356IBM laptop?---Yes.

30

The IBM laptop was your computer at work?---It's a computer that would get used on site. I used to use a PC – a desktop type computer at work and so this would be one to be used doing presentations.

35 Right. Did you use that laptop yourself - - -?---Yes.

- - - on occasion?---There would be a number of people use it but, yes - - -

Okay?--- - - - I would've used it.

40

Do you see there, the third dot point, it appeared that the USB serial number that's given there and, you can take it from me, that matches the USB – John's USB that was inserted into Dr Mahlo's computer at about 2.30 am on the 28<sup>th</sup> of May 2008 – indicated the device had been used on the laptop on the 24<sup>th</sup> of July, 31 July 2008 and the 13 February 2009. You see that there?---Yes.

45

All right. Did you use that device in that computer?---If it was a laptop I would assume you would be able to match those dates up with presentations that we've done and that's when it would've been used on those dates to go out and do presentations.

5

Okay. Do you recall using a USB device that you had taken from Dr Mahlo's house on the 28<sup>th</sup> of May 2008 subsequently?---I don't recall any particular one. It would've been put in with a pool of other devices. We probably have about 20 right now, in a pool, and they're all just used for presentations and different things when we work externally to the office.

10

No one – you'd accept, wouldn't you that USB device if it was taken from Dr Mahlo's office and taken back to your work officer you'd be the only person who would've done that?---Yes. I – it would've been collected along – gathered with everything else that I gathered that morning and that would've gone back there. I don't believe anybody from – else in the office has been there, however, I'm not aware. But I certainly don't believe anybody else would've.

15

What's that, sorry?---I don't believe anybody else from the office has been there or

20

- - -

Yes?--- - - - would've been but I can't guarantee you that but I wouldn't think so.

Did you go back to the house after the 28<sup>th</sup> of May 2008 to collect items or do something with the house?---Yes. Yes, Yasna Hawthorne – which is from LJ Hooker in Mooloolaba, I'm sure you'll have all her records – and that was approved for me to collect a number of items of mine.

25

Okay. And can you just tell me briefly what those items were?---I knew you were going to ask that. I can't think.

30

Right. Was it clothing, was it personal effects, can you tell me?---I think some may have been clothing. I think there were tools. It may have been a welder at that particular time or that may have been left there until another time.

35

Right. Do you know what happened to the printer in Dr Mahlo's office?---I would suggest it was still there until the police – you know, whether they've taken it – I would imagine that you would have – I don't know what happened to that printer. It still would have been there for some time after I'd imagine.

40

Were you aware that items of Dr Mahlo's were placed in a storage facility?---Yes.

Okay. You were the executor of her estate?---Yes.

All right. Was an administrator appointed?---Yes. I didn't put those items in storage. It was the new administrator appointed who put those items in storage.

45

Okay. That was Mr Gary Lenham?---Yes.

Okay. And do you recall calling Gary Lenham and saying that you were concerned about a couple of small pieces of furniture that were held in storage?---Yes.

5

Are you able to recall when that was?---Not an exact date but I'm sure he has the records.

Well, can you tell me what year was it? Was it last year, the year before?---I would assume 2008 or 2009.

10

Okay?---But, no, I can't recall. I'm guessing.

Right?---And I went -- I did go to get those documents and Yasna Hawthorne -- once again who was the person who had those items packed up -- went with me there.

15

Okay. Do you recall that Mr Lenham had -- after your first request had said that he has spoken to the estate agent and he reassured you that the furniture was in good condition and stored safely. You recall that?---I don't recall that conversation.

20

All right?---But he may have said it. I'm not saying he didn't.

All right. Did you insist with Mr Lenham that you wanted to pick up the furniture?---There was a particular item of furniture that was min, yes, that I did want to pick up and it was just a frame that I'd bought and I wanted.

25

D/STATE CORONER: Sorry, just a what that you'd bought?---It was a frame with a mirror in it at and -- particularly and there was no objection and so I went and collected that.

30

MR CHOWDHURY: All right. And you'd say you were in the presence of someone else when that occurred?---Yasna Hawthorne, the real estate agent, she went out there with me.

Okay. Were you aware that an inventory was done of all items that were put into storage from Dr Mahlo's estate?---I would assume that.

35

All right. Were you aware that a printer from her office was put on that inventory as going into storage?---No. I wasn't aware of it.

40

Right. And when it was searched for afterwards -- that is, after you had been there to collect whatever item you wanted the printer could not be found. Are you aware of that?---No. I'm not.

Are you responsible for removing that printer?---No, I'm not.

45



D/STATE CORONER: Just stop there for a moment. Mr Chowdhury, earlier on you asked a question and my record of the answer is, "I did not – I did not go to get these documents." That's my record. Is my record wrong? Did anybody else write that down?

5

MR LEWIS: I did, your Honour.

MR CHOWDHURY: Right. So was it documents you were going to get?---No. It was – I believe it was furniture.

10

D/STATE CORONER: Well, that's the answer you - - -?---I don't - - -

- - - gave?---I don't remember but there was certainly a lot of written request at that time. Yasna had a list of what I was going to get and she got that and I forget.

15

MR CHOWDHURY: Well, you would surely remember – this would be a memorable occasion when you've been insisting on going to the storage facility to retrieve an item and on the one hand you say it's documents you're after but then you say that it was actually a particular piece of framed furniture that you wanted?---There was something particular that I wanted but also at that time I believe there was – and I asked Yasna at the time – I believe there was a garden rake or something else like that that I took. Something that – there was a few items and I forget what they were but Yasna Hawthorne was with us – was with me on that occasion.

25

Okay. What was the estate agent that Ms Hawthorne worked for?---LJ Hooker Mooloolaba.

Thank you. And why would you take a garden rake?---I forget exactly what it was but it was something there that I has bought in Bunnings and – or somewhere and I said to Yasna, I bought this such and such, can I have that? And she said, yeah, I can't see any problem with that.

30

Yes?---but I believe she certainly took a – an inventory or a list – made a list of what was taken.

35

What do you say to a suggestion that you went to the storage unit by yourself?---No. She came with us. She had the key. She turned up there before me and I think she had family with her.

40

And can you just tell me where the storage unit was?---Somewhere in Kunda Park. I can not remember the address.

What's the suburb, sorry?---Kunda Park, K-u-n-d-a, Park, P-a-r-k.

45

All right. Thank you. Now, as at the 28<sup>th</sup> of May 2008 Veronica Wendt worked for you?---Yes.

And you were friends with her?---Yes.

And, in fact, she came around to comfort you in the morning of the 28<sup>th</sup> of May 2008?---Yes.

5

Now, the police had asked you to stay outside while they went in and did there examination. Do you recall that?---Initially, we went to the lounge room and that's where they directed us to. We sat down there and there was actually a glass of gin on the table. I didn't know if it was water or gin. I smelt it and Jodie Allan came and

10

reprimanded me for touching the glass of gin. I just smelt it and then she asked us to wait outside.

And why did you give that answer when all my question was were you directed by police to stay outside?---Because that's when she directed me to say outside.

15

Weren't you outside in your car at the time that Veronica arrived?---I don't recall.

And Veronica tried to comfort you?---I don't actually remember her arriving. I know she was there. I remember her being there and I remember her sitting with us outside on the grass and I remember her sitting with us on the lounge suite.

20

Do you recall talking to the police outside and complaining that you were cold and insisting to go inside the house?---I can't recall whether I – no, I can't recall that. It'd probably happened, but I don't recall it.

25

Do you recall the police let you to sit in to the downstairs lounge room, but told you not to touch anything and to sit still?---I don't recall them saying that.

Okay. But you grabbed a glass on a coffee table and had a sniff as to what was inside it?---Yes.

30

Recall doing that. You recall making a comment on it, saying "yeah, that would be right. She's been drinking."?---Yep. Because gin was the downfall of Karen.

35

What's that, sorry?---Gin – gin was the downfall of Karen. Gin was the drink that she regularly drank.

Okay. Why did you bother – why did you touch it?---To see if it was water or gin.

40

I see. Now, you do recall Detective Allan getting angry at you for touching the glass. You recall that?---Yes. And I just mentioned, yes.

Do you recall the next day you were in your office – you went to work, that's the 29<sup>th</sup> of May 2008?---I don't recall what happened that day.

45

Do you recall speaking to Veronica Wendt in your office?---I'd – most likely did. I would have done that every day for the previous eight years.

Do you recall being upset and crying in the office?---I did that for months.

Okay. Do you recall repeatedly saying to Veronica Wendt, "I killed her. I killed her."?---And that's honestly how I felt.

5

Well, answer my question. Do you recall saying to Veronica Wendt, "I killed her. I killed her."?---I may have. I do not recall saying that to her. But I know I felt it. I said it also to Jodie Ellen that morning.

10 What, that you'd killed her?---I said to Jodie I feel so responsible for this. I said I feel I've killed Karen. I do. I remember saying that to her.

Right?---I said as we were walking up the stairs to Anna's place.

15 You say that you spoke to Detective Allan that morning at the house and said like you'd felt you had killed Karen and that you were responsible; is that right?---When we walked up the stairs to Anna's place, yes, I did.

20 Why did you feel like you had killed her?---If I had been there, it wouldn't have happened.

Why would that make you feel like you had killed her?---It was me who had gone away. It wasn't Karen that had kicked me out. I had not been kicked out. It was me who had gone away and there was many a phone call from Karen to -- to have me stay. To have me stay, back there. And - - -

25

Okay?---And so -- that's why most nights, a lot of nights, why I was back there.

30 So was Karen in these phone calls talking about -- asking you to come back to the house and, what, to say there permanently. Is that what you're suggesting?---Karen and I had the discussion many times about us. Because it -- they way we were living, death was a constant topic of conversation in our room -- in our home. Every day, every meal, every hour.

35 Now, can you just answer my question?---Sorry.

Was Karen asking you to come back and live with her permanently?---I don't think she used the word permanently.

40 But she was wanting you to come back and stay with her, is that what you're saying?---On those particular nights, yes. Come round tonight, come round for dinner, come round for this, let's have fish and chips.

45 Right. Well, that's different, isn't it, coming round just for dinner. You said before she was asking you to come round and stay with her?---When you come round for dinner and then you stay.

No?---Sorry.

Because what you're suggesting was is that you had left her and she was wanting you to come back. That's what you're trying to suggest, wasn't it?---No. It isn't.

5

That's how you felt responsible?---No, it isn't. What I'm suggesting or trying to say is that I had organised the unit in Cotton Tree. Karen and I looked for that, co-jointly, together. I had signed for that and organised for that and paid for that. And our relationship was very topsy-turvy at that time. And Karen was – if I stayed there, at Moffat Beach, I feel that Karen would have been much more stable.

10

Okay. That's how you were saying "I killed her. I killed her." And you felt responsible?---Yes.

15

That's the logic, is it?---Yes.

Do you recall a few days after Karen's death telling Veronica Wendt that you'd gone back to Karen's house and broke in because you had to get something from the downstairs of the house?---No, I didn't. I wouldn't have had to break in because I had the key.

20

No. What my question is do you recall saying that to Veronica Wendt?---No. I don't.

25

Do you recall saying to her that you had to go back to get something from the downstairs of the house?---Not after I had left on the day of Karen's death.

Right. So you don't accept that you said that to Veronica Wendt?---No. I don't because I had nothing to go back for. No. I didn't. And I believe Anna was – had moved in by then, anyway. I believe she moved in that day.

30

Do you recall when Dr Maloh's funeral was? Can you recall when that was?---Sorry. I was – I thought you were going to ask me something. Yes, I do. You asking me do I recall the date of it or do - - -

35

Yeah. Well, do you recall the date of it?---Not the exact date, no.

All right. Well, I'll put that to you. The 6<sup>th</sup> of June 2008. You're happy to accept that from me?---Yes.

40

Okay. Do you recall a few days after that being at Kmart Maroochydore, walking arm in arm with a blonde woman – blonde lady?---No, I don't.

By that do you mean that you can't remember doing that, or it didn't happen. Can you - - -?---It didn't happen.

45

Didn't happen. Definitely? Is that right?---The only woman would have been my daughter, Amy.

All right?---Or - - -

5

Would you walk arm in arm with your daughter?---I may walk with my arm around my daughter, yes.

10 Was she blonde?---Amy is very fair, and as a young girl would dye her hair different colours and – but as a general rule, fair haired. But not a – a – a very whitish, sort of, blonde, no.

Well, by fair hair, what do you mean? Do you mean light brown? What do you mean? Do you mean - - -?---Her hair - - -

15

You know what blonde hair means?---Yeah. Her hair would be sometimes similar colour to Chelsea's.

Right?---But usually it was darker.

20

Well, do you recall – sorry?---But usually darker.

You say you might put your arm around her. But do you say that you wouldn't have, though, walked arm in arm with her?---No. I wouldn't have walked arm in arm. I would assume you mean holding hands.

25

Do you remember on the evening of the 28<sup>th</sup> of May 2008, you spoke with Semlin Mahlo?---When was that, please?

30 On the evening of the 28<sup>th</sup> of May 2008, that is, the evening after the morning that Karen's body was found?---I'd believe it was in the afternoon, not in the evening.

All right. So you do recall speaking to her?---Yes.

35 Okay. Do you recall – just pardon me for a moment – saying that – she asked, “Are you okay? Where are you? Is there someone with you?”?---I don't recall her saying those words, but she most likely did.

40 Do you recall saying to her, “I'm at my office because I have nowhere else to go”?---Most likely I would've.

All right. Well, you certainly had your unit to go to, didn't you?---There was nothing at that unit.

45 Did you keep that unit after the death of Dr Mahlo?---I kept that unit for about 12 months and when I first met Jill - - -

Right?--- - - - at that unit, when she come in there and saw absolutely nothing. But I just told her everything. I told her the truth.

5 So you stayed in that unit for 12 months after Dr Mahlo's death. Am I right?---Approximately.

Yep. Did you put the electricity on then?---The electricity when on in – I think it was January, the year after. And there was no fridge - - -

10 Of the January after Dr Mahlo's death?---In 2009. And there was no fridge, there was no furniture, there was nothing in that unit from that time. And I know you don't want to believe that, but that is the truth.

15 Do you recall saying to Semlin Mahlo – in that phone call you say was in the afternoon – “I think Karen has a second will which Brett is the executor of and I've never seen it”?---I don't recall having that conversation with Semlin on that day. If I did, it would have been because she brought it on.

20 Right. Well, did you think at that time that Dr Mahlo had a second will?---Karen had asked me to provide her with a couple of different things. One was some analysis, which I done in a spreadsheet, and one was a draft of her original will and possibly even our template will that give to clients. So, yes, I was aware that Karen was in the making of another will.

25 All right. Did you ever discuss that with Dr Mahlo? The making of another will?---It got discussed a few times because Karen got me to do a number of calculations, pertaining to different aspects of it. And - - -

30 Did Dr Mahlo tell you that she was wanting to revert to having her brother, Brett, as executor of the will and that the property would be left to the children, apart from a sum of money to be left to her parents. Did she discuss that with you?---No, she didn't.

35 Okay. Well, did you ask her why she wanted to get details of her will and why you sent her a template [indistinct]?---Some of the issues that Karen wanted to do was, (1) was leave some money to her mother – well, leave an additional – a different and additional amount to her parents, and another part it where she was quite concerned about Anna, at that particular time, and I believe that she was going to be changing the timeframe in which Anna could get the money. She was more comfortable and  
40 confident that Ben was – that wouldn't – that would be more responsible. And they were certainly two of the issues. There was a number of conversations about it, and I think the calculations – or the calculator that I got the Excel spreadsheet that I built for her was – went backwards and forwards two or three times with amendments for things that she was wanting to alter or amend her will with. And that, there, would  
45 be all on matter on record here.

All right. So you have a very clear memory of that, by the sounds of it?---Those were the things I do.

5 Is there some reason why you didn't put those details in your affidavit to the Supreme Court in the civil proceedings?---I would imagine they would be that was a certainly a matter of – that was a large matter that was discussed and – at length. So I'd be surprised if it wasn't.

10 But can you help me, because I have may have made a mistake. Can you look exhibit B4.1, which is your affidavit; you should have it with you. And just take your time. Can you tell me where you've set out that discussion about why she was wanting to change her will?---As I look through the will, I am – not the will. That's what I'm looking through – the affidavit – from the – item 43 onwards, I am predominately just making comment, from that point onwards, to affidavits of other  
15 people. And prior to this, here, as you're well aware, I fit it in with the direction of the solicitor, who's asked me a lot of questions. It's not that it's – that I have sat down and wrote out my own affidavit and this would have been led. And it's not been raised before today why it wasn't. But it was discussed at length in the court about the – that spreadsheet going backwards and forwards. And I think it was two  
20 or three times over a period of some weeks.

Okay. If you have a look at paragraph 92 of your affidavit. Do you recall what you said there?---I did not mention the alleged secured second will to Semlin.

25 Yes. It was – your evidence to me a little while ago was that you thought you may have?---My evidence to you a minute ago was I don't recall, but I may have.

Right?---Because at this time I was probably – it was a closer point to the recollection. As it is at present, I cannot recall the contents of that conversation.  
30

Right. So what your evidence today is – is in respect of Semlin Mahlo's evidence – that you can't recall saying that Karen had a second will which Brett was the executor of, but you may have. That's your evidence today?---When I say I may have – because I don't have a recollection and if it's written down that I did then I  
35 did at the time. I don't remember – so I didn't want to say it is if it isn't; I didn't want to say it isn't if it is. If I don't recall, I don't recall.

Well, see, in paragraph 92 of your affidavit you didn't put any equivocation about it or that you can't recall. You said, "I did not mention the alleged second will to Semlin." You accept that?---Can you repeat that? That's two doubles.  
40

Okay. Do you accept that in paragraph 92 of your affidavit you stated boldly, "I did not mention the alleged second will to Semlin." Do you accept that?---Yes, I agree.

45 And that's different from, "I can't recall if I said that, but I may have." Do you accept that?---Yes, I accept. I can't recall.

Thank you. Do you recall speaking to Brett Mahlo at all that day?---I don't recall. I remember speaking to him the next day, but not that day. But I may have.

5 Well, in fact, yes, I suggest it was on the 29<sup>th</sup> of May 2008, you called Brett Mahlo on his mobile phone. Do you recall that?---We spoke. I don't recall who rang who, but if that's what's there, that's probably what happened.

10 Do you recall saying to Brett Mahlo, "There are two wills. I blame myself for Karen's death. The night before Karen died we had a big argument on the phone." Do you recall saying that?---No. I don't recall that. I recall being disgusted at that day and I got off the phone and rang the solicitor because Brett – they were focused and adamant on the will. The were adamantly – Karen's estate. She had only died hours earlier. I rang the solicitor that I dealt with and I said this needs to be remaining independent. That was Greenhalgh Pickard. I got off the phone – the records will show this – and I rang Greenhalgh Pickard and I said the Mahlos are challenging this; can you please get somebody totally independent that I've never dealt with and they've never dealt with. And they instructed – well, they went to – contacted another solicitor that deals in these matters and that firm had never had any dealings with both of us, because I wanted to be independent, and I couldn't believe that they were discussing who was executor and the wills and money the day after Karen died. And so I asked him to instruct another solicitor, which they did: somebody independent that I'd never dealt with and neither had they.

25 Can you answer my question. Do you - - -?---Sorry.

- - - agree that you said to Brett Mahlo on the 29<sup>th</sup> of May 2008 that there were two wills?---I don't recall.

30 Right. Well, is that meaning that you may have and you can't remember or it didn't happen? Can you tell me what you mean by that?---If he asked me, I may have said to him that Karen was working on another will. I don't remember.

35 Okay. Because in your affidavit to the Supreme Court you were quite adamant at paragraph 44. And you said, "I deny I said to Brett Mahlo that there were two wills."?---I'm not going to state – sit here though and tell you that I remember something that I don't.

40 Okay. Do you recall saying to Brett Mahlo, "I blame myself for Karen's death."?---I do not remember saying that, but most likely I would have.

All right. Well, that would be consistent with what you had said on your evidence today to Detective Allan. Correct?---Correct. I told Chelsea and Simon two weeks ago the same thing.

45 All right?---One week ago.



Do you also recall saying to Brett Mahlo that, “The night before Karen died, we had a big argument on the phone.”?---I don’t recall saying that to him.

5 Is that the situation that you may have but you can’t remember now?---I don’t think I spoke to Karen on the night before the phone, but I may have.

All right?---I’m sure the phone records will show.

10 You certainly accept in your evidence that you had an argument with her sometime that day, that is, the 27<sup>th</sup> of May 2008, where nasty things were said?---I don’t remember. And – but it was written in there in my statement, but I honestly can’t remember. And I’m not going to tell you I remember something that I don’t.

15 Just won’t be for a moment. Can I ask you how – when was your daughter born?---Amy. On the 2<sup>nd</sup> of – this is terrible – 2<sup>nd</sup> – 12<sup>th</sup> of September 1989.

Okay. Thank you. And as at the 28<sup>th</sup> of May 2008 you had a mobile phone with you?---Yes.

20 Did you have just one mobile phone?---Yes. I’ve only ever had one mobile phone.

Okay. And I take it from what you said about the unit in Cotton Tree that you didn’t have a phone on there – like, a landline?---Correct.

25 All right. And I take it that you had telephones at your work. Correct?---Correct.

Thank you. Yes. I have nothing further, thank you.

30 D/STATE CORONER: Thank you. Mr Lewis?

MR LEWIS: No, thank you, your Honour.

D/STATE CORONER: All right. Thank you, Mr Hehir. You are excused.

35 **WITNESS EXCUSED** **[3.09 pm]**

40 MR CHOWDHURY: Mr Lewis has asked if we could call Jill Hehir now. I know we have got Dr Iles on standby, but I must say Jill Hehir won’t be too long.

D/STATE CORONER: Certainly.

45 MR LEWIS: Thank you, your Honour.

MR CHOWDHURY: And there’s no statement from Mrs Hehir.

**JILL ELIZABETH HEHIR, SWORN**

**[3.10 pm]**

**EXAMINATION-IN-CHIEF BY MR CHOWDHURY**

5

MR CHOWDHURY: Madam, would you please state your full name?---Jill Elizabeth Hehir.

10 And can I ask you what your date of birth is, please?---10<sup>th</sup> of the 6<sup>th</sup> '67.

All right. Are you married to John Hehir, the last witness?---Yes.

15 All right. Can you tell the court, please, when it was that you first ever met John Hehir?---I met John on the Saturday 23<sup>rd</sup> of August 2008.

And where was it that you met him?---In Maroochydore.

20 Okay. Where in Maroochydore?---At a park in Cotton Tree.

All right. And was it just bumping into each other, literally?---No. We'd spoken the day before and organised to meet on that day.

25 Had you met on an online website or something?---That's correct.

Okay. All right. And after that initial meeting, did you continue to meet with him?---Yep.

30 And you ultimately formed a relationship?---Yes.

How long did that relationship commence after you first met him?---Pretty much straight away.

35 Okay. All right. And you hadn't met him at any time before then?---No.

Is your hair colour today the same as it was in 2008?---Yes, pretty much. Yes.

Thank you. Yes, I have nothing further.

40 D/STATE CORONER: Thank you. Look, could we just confirm the marriage date, please.

MR CHOWDHURY: Yes.

45 What date did you become married – what date did you get married to Mr Hehir?---31<sup>st</sup> of July 2010.

All right. You had been in a relationship up until that point, correct? From  
-- -?---With John? Yes. That's correct.

5 From soon after you met him at the park?---From the 23<sup>rd</sup> of August I would say we  
were in a relationship.

Thank you. Yes. I'm sorry.

10 D/STATE CORONER: Mr - - -

**EXAMINATION BY MR LEWIS** **[3.12 pm]**

15 MR LEWIS: Thank you, your Honour.

Just briefly, how can you be so specific about the 23<sup>rd</sup> of August?---It was the day  
before my daughter's birthday and I remember going home early on Sunday morning  
to be there for her birthday.

20 So did you spend the evening of the 23<sup>rd</sup> of August with Mr Hehir – the night?---Yes,  
I did. Yes.

25 Yes. Thank you, your Honour.

**EXAMINATION BY MR CHOWDHURY** **[3.12 pm]**

30 MR CHOWDHURY: Just one other question. How long before the 23<sup>rd</sup> of August  
2008 had you been communicating via the computer or the dating system?---Friday  
the 22<sup>nd</sup> of August, approximately 10, 10.30 pm.

35 That was the first time you communicated?---That was the first time.

Yes. Thank you.

40 D/STATE CORONER: Thank you. Thank you, Mrs Hehir. No further questions.

**WITNESS EXCUSED** **[3.13 pm]**

45 MR CHOWDHURY: I think the next witness is Dr Iles and she's going to be giving  
evidence by telephone, I'm assuming. Or is it video link? Telephone. Yeah.

**LINDA ILES, AFFIRMED**

**[3.14 pm]**

**EXAMINATION-IN-CHIEF BY MR CHOWDHURY**

5

MR CHOWDHURY: Dr Iles, Craig Chowdhury is my name. Can you hear me?---Yes, I can.

10 Doctor, I just want to ask you some questions about your report. There was a single stab wound to the chest with what you describe as two tailing abrasions evident?---Yes.

15 Can you explain to me what the tailing abrasions are?---Yes. If, perhaps, I might use - - -

D/STATE CORONER: Just half a moment, Doctor Iles. Members of the family are just leaving the courtroom. I'll just give them the opportunity to do so, please?---Certainly.

20

Thank you. Please proceed.

25 MR CHOWDHURY: Yes. Sorry, Doctor. You were going to explain what you meant by "tailing abrasions"?---I might try and explain this with reference to a photograph, if that is suitable.

30 Yes. That's fine?---So tailing abrasions are just small superficial injuries or scratches, for want of a better word, that are seen around the margin of the main wound. So if I can refer you, I think to photograph 54, for example.

Yes?---And in that photograph you should see the main stab wound and there's a ruler in the photograph.

35 Yep?---And there are two abrasions or linear superficial injuries that extend from the main stab wound on the skin, the uppermost of which is parallel to the ruler on the upper part of the screen.

Now, there's one that is -- looks like in a linear fashion - - -?---Yes.

40 - - - straight line?---Yes.

And one seems to be in a crescent shape?---Correct.

45 Is that correct?---Yes. Yes, that's what we're looking at.

And what is the cause of those, in your opinion?---In my opinion, the most likely cause of those is either movement of the knife or movement of the deceased. Just indicating some type of movement around the knife accident.

5 We've heard evidence from Dr Olumbe that in his opinion they represented hesitation marks. You're familiar with that term?---Yes, I am.

10 All right?---To me, these are more suggestive of movement of the knife rather than typical hesitation marks. My reason for saying that is, is they're on the end of the stab wound which corresponds to the site where -- where the blade is located. And in my experience in cases of stab wounds, they're commonly seen in that context of some type of movement.

15 Okay. Now, what I want to question you about is there seems to be a single wound into the chest, but three track marks, stab wounds inside the body. Have I got that right?---Yes.

20 Okay. Are you able to explain what the mechanism for that would have been?---Well, the mechanism would be that the knife has -- obviously there is only one defect in the skin, but the knife has been moved through the same defect and on three -- with three separate movements into the body.

25 Can I ask you to explain it -- would it be that the knife has been forced through the breastbone and then manipulated in the wound there or has the knife been withdrawn and put back in through the same wound?---Well, I cannot say for sure whether it has been withdrawn completely, but it has -- there are three distinct -- if you take -- below the skin, you have the structures of the chest wall so even though there's only one hole, for want of a better word, on the skin, there are three separate holes in the chest wall so whether the knife has been -- has entered once and then partially been  
30 withdrawn, but not the whole way and then re-entered into the chest wall or whether it had been withdrawn completely from the chest and the skin and then entered into the same defect in the skin, I cannot say for sure.

35 All right. The location of the wound, the external wound, over the sternum, was that a significant site -- what I'm getting at is was that close to where the heart lies underneath the breastbone?---Yeah, well, it's certainly in the general vicinity, yes.

40 All right. Thank you. Now, you were asked to comment on some cuts or incisions to the right hand?---Yes.

And you make a comment about that at page 3 of your report. Doctor, you're familiar with what's called defensive wounds where someone's under attack from a knife and they use their hands or arms to try and deflect the attack?---Yes, I am.

45 Right. Are you able to make any comment about these particular superficial wounds that are seen on the right hand?---Well, it certainly is one possibility that there might be defensive wounds, but other possibilities exist, you know, potentially from clumsy

handling of the knife or potentially from if the hand is gripping the handle of the knife and it slipped forward and that part of the hand becomes – comes in contact with the blade. The configuration of the injuries is of interest in their location at the base of the thumb because if, for example, you were to draw a triangle on your  
5 thumb corresponding to those wounds – and I will – where's that old photograph of the hand – excuse me for a moment - - -

I'm just looking myself to see if I - - -?---Yeah, thanks. Yeah, if you can give me a hand, that would be helpful.

10 Perhaps is it photograph 27?---Yes. Hold on. Thank you. If – if you imagine on yourself, if you actually with that thumb form a gripping posture, the two edges of that wound actually come into very close proximity so one explanation will be – and I stress this is only one explanation – that if one was holding the knife with that part  
15 of the thumb towards the body, and the knife and your hand slipped, for example, if the knife came in contact with a hard object such as the sternum, then it might travel forward and cause that superficial injury because of the posture in which the hand is on the knife.

20 Now, the handle of this knife was unusual if I can use that term. Would you agree with that?---Yes. Yes.

All right. And it had a triangular metallic handle?---Yes.

25 Would that in any way – the shape of the handle - contributed to perhaps if the wound was self-inflicted, the injuries being caused to the right thumb or right hand?---Well, because there is no – you know, a number of knives have a hilt which actually forms a – a, you know, quite rigid physical barrier from the hand travelling onto the blade of the knife. Now, in this case, because it's – it's not a typical knife,  
30 there is – there's not such a barrier for the hand – to guard the hand from extending onto the blade, particularly if the knife comes up against, you know, some firm resistance.

All right. Thank you. Now, clearly of main concern here at this inquest is whether  
35 we can determine whether Dr Mahlo took her own life or if there was some foul play met. I note in your report on page 5 that it's rarely possible to determine a suicidal from a homicidal stab wound. Are there cases where that can be done? Obviously if there's more than one stab wound and the location of it is an obvious one?---You know, generally speaking, the pathological evidence is kind of only – is only one  
40 component of what goes into determining a manner of death. So, you know, in cases where there's a single or one or two or three stab wounds, it's often possible to exclude the possibility that one may have – that they may be self-inflicted, and really it does depend on close examination of the circumstances, and, you know, I think it is rarely possible on the pathology alone, particularly if the wound is in an accessible  
45 part of the body to exclude the possibility that it's self-inflicted.

In the middle of page 5 of your report, you raise two features raising concern about the death of Dr Mahlo?---Yes.

5 And the first is the presence of the three wound tracks. What's the concern about that?---It's just that it is unusual, and it's certainly not unheard of, and in my statement I've done a literature review in which this has certainly been documented before, but, you know, it's much – it's less common which – which has kind of raised the level of concern because you don't often see it in supposed suicidal stab wounds, but it certainly is documented that that's the [indistinct]

10 Now, it's not possible as I understand it to determine which of the three wound tracks was inflicted first. Is that correct?---No, I think it's only possible to identify which of the three wound tracks was inflicted first, is that correct?---No, I think it's only possible to identify which in inflicted last.

15 And which was the what, sorry?---The one that was inflicted last.

Which is the one inflicted last?---Well, if – sorry – if you refer to – because the knife was in situ so whichever – going back to the photographs - - -

20 Yes?--- - - - and – and it's not the one that breaches the sternum, but it's – trying to find the photograph which demonstrates the knife in situ because that's clearly the last wound.

25 There's photograph 7 and photograph 6?---Photograph 6. It would be the - demonstrated in one of the - - -

30 One of the internal photographs?---Yes, one of the [indistinct] my computer's a bit slow here. And my problem is I don't think this photograph actually - there's no photograph actually demonstrating which - - -

35 Right?--- - - - of those wounds that extends through the intercostal spaces that the knife – well, whichever track does not involve the injury to - I think it's the pulmonary artery, however I may be wrong – then that is the one that corresponds to the last wound, but it's clearly not the wound to the sternum.

40 Okay. Now, clearly if this was a self-inflicted wound, after the initial severe force to penetrate the knife through the breastbone, would there need to have been manipulation of the knife by Dr Mahlo?---It's important to recognise that even though one of the tracks goes through the breastbone, it doesn't actually penetrate any further, and the remaining two tracks do not involve the breastbone.

45 Right?---So they actually involve the muscle between the ribs so there's no suggestion that the knife has gone through the breastbone, indeed, the track through the breastbone fairly much stops after the breastbone and doesn't go any further - - -

Right. So - - -?--- so the knife has clearly come out of the breastbone – been pulled out of the breastbone, and then a further – at least one further stab motion has been undertaken.

5 All right. Now, the – once the – it's called the pulmonary artery?---I believe so, yes.

All right. Once that occurs, does the person go into what's called hypovolemic shock - - -?---Yes, is - - -

10 - - - or is there some – sorry, Doctor, I was – or is there some delay between that occurring?---There – it does take some time. The pulmonary artery is not like the left ventricle or the aorta, for example, which pump blood under high pressure. The pressure is lower in the pulmonary artery so it will actually take time to lose a significant volume of blood where you would start to go into shock.

15 All right. Now, you expressed an opinion on page 3 of your report, paragraph 1, that you couldn't quantify in a meaningful way the amount of force required to pass through the skin and intercostal muscle as opposed to the sternum?---Yes, it's only really a relative assessment because even though you could potentially  
20 experimentally measure how much force it would require to penetrate a bony structure, you know, what that would actually mean in real terms in this context, I think would be impossible to interpret, but it is obviously worth stating that the breastbone is a firm bony structure, and it's very hard, and it's a lot easier to penetrate muscle of the chest wall than it is to penetrate bone.

25 Thank you. Now, there's nothing in Dr Olumbe's report about this [indistinct] was taken, but is it possible for the material you considered to estimate an approximate time of death?---No, not in the material that I have available to me.

30 All right. Thank you. It seems that Dr Mahlo has died sometime between 3.06 am on the 28<sup>th</sup> of May 2008 and about 5.30 am when her body is discovered by her former de facto partner. Would signs such as rigor mortis expected to be set in in that timeframe?---So – I'm sorry. It depends on – I do understand your question, but do you mean in that sort of roughly two and a half hours would you expect - - -

35 Yes?--- - - - rigor to form?

Yes?---The onset of rigor mortis is highly variable and so you may well see it in that space of time, but in other cases you won't so even though – even though one could  
40 speculate, given the variation between cases, I don't think that's useful. I don't think there's [indistinct] that would help the court.

I'm just looking at Dr Olumbe's report at page 2 of 8 under the heading Signs of Post-mortem Change – do you have that with you?---I will just bring it up here. It's  
45 on page 2 I think. Signs of Post-Mortem Change. Yes, I can see that.

Which appears that there was no rigor mortis. Is that correct?---Yes.



And there was simply lividity. That's simply blood pooling to the lowest point – the gravity in the body, is that right?---Yes, it is. I might point out that the reference to rigidity and the time of death, I mean, that sort of harks back to when the autopsy was done versus when Dr Mahlo's body was found. I'm not sure of the time between  
5 when she was found dead and the autopsy was performed.

Well, she was found dead about 5.30 am on the 28<sup>th</sup> of May, and the autopsy was done the following day at 9.30 am on the 29<sup>th</sup> of May. And it seems there's a note that the body had been, understandably, refrigerated. Okay?---Yeah. So in that  
10 context it is – it's kind of very – it's always difficult to understand what [indistinct] means, but in the context of a body being refrigerated - the present reference of [indistinct] might be useful from the scene information, but by the time it came to the autopsy and it's been – and her – Dr Mahlo's body had been in the fridge, it's not really something that's particularly meaningful.

15 MR CHOWDHURY: All right. Thank you. I have nothing further, doctor?---Okay.

D/STATE CORONER: Thank you. Mr Lewis.

20 MR LEWIS: No. Thank you, your Honour.

D/STATE CORONER: Thank you, Dr Isles, for assisting us with your evidence and your report. I'll say good afternoon?---My pleasure. Thank you. Bye.

25 Thank you.

MR CHOWDHURY: Your Honour, that concludes the evidence, subject to one matter. I think we're waiting for the final response from the – computer scientists,  
30 about whether they can determine when the USB stick was taken. Sorry. My instructor says we may have got an email about that. Just while I'm looking for that, I should tender a timeline for the death of Dr Mahlo and I'm told in fact that should be exhibit C10.

35 D/STATE CORONER: C10. And Mr Lewis has seen that document?

**EXHIBIT #10 ADMITTED AND MARKED**

40 MR CHOWDHURY: Yes. He has.

D/STATE CORONER: Thank you.

45 MR CHOWDHURY: I should perhaps indicate, your Honour, the significance of this is that on page 13, on the second entry, it's observed that the phone calls Mr

Heihr says he makes to the phone – the mobile phone of the deceased are matched cell towers starting at Maroochy North.

5 D/STATE CORONER: Yes. Are there certain matters that have been redacted, or they're just highlighted so that I can't read it.

MR LEWIS: They've been highlighted. I think I can read it.

10 D/STATE CORONER: Anyway, I can see that there's – there's significance on page 13.

MR LEWIS: Yes.

15 D/STATE CORONER: I can read that.

MR LEWIS: Thank you. And I'll tender an email. I'll get copies for Mr Lewis. Perhaps I'll let him have a read of it first. Yes. Ultimately they conclude they can't retrieve that information.

20 D/STATE CORONER: Thank you. Did you have a suggested exhibit number? C5.3. Thank you.

25 **EXHIBIT #C5.3 ADMITTED AND MARKED**

D/STATE CORONER: Yes.

30 MR CHOWDBURY: Yes. Well, that concludes the evidence to be led at this inquest.

D/STATE CORONER: Thank you. Did you wish to summarise or make any submissions?

35 MR CHOWDBURY: Yes. I shall make some brief submissions.

D/STATE CORONER: And you're ready to do so?

40 MR CHOWDHURY: Yes.

D/STATE CORONER: Thank you.

45 MR CHOWDHURY: In my submission, the preponderance of evidence tends to establish that Dr Mahlo mostly took her own life. She had significant history of major depression, which Dr Fraser gave evidence about. She made a number of attempts at self-harm as recently as 12<sup>th</sup> of April 2008, for which she was hospitalised. She was under significant social stressors. She had the very prolonged

and distressing workplace issues at Nambour Base Hospital. She was unfortunately, it seemed, drinking heavily against the advice of her psychiatrist and the notes that are found on the printer clearly indicate farewell notes to her former partner and to her children. It – there are a number of curious and suspicious circumstances about this case. My clear submission is that you would not have found Mr Heihr as an impressive witness and his evidence was contradicted in a number of significant matters.

Having said that, it seems his account that he received a phone call at around 3.06 am which he didn't see until about 4.30, then attempted to call her while travelling to Caloundra, is supported by the evidence of the phone towers that appear in the timeline that have been tendered and also consistent with answering machine messages that the police found on the answering machine of Dr Mahlo. In my submission, it is unfortunate that - it seems the following days of Dr Mahlo's death - there tended to be – in fact there was a dispute over the terms of the will, which clearly impacted upon Dr Mahlo's family and also that of Mr Heihr. There are some concerning matters about the USB stick that cannot be found, which seems to have been plugged into the computer at about 2.30 am and when opened seems to create these notes. Suspicion clearly followed Mr Heihr for the obvious reason that he was the person to find Mr Mahlo and he clearly had a financial motive.

Having said that there was just simply insufficient evidence to warrant a recommendation to the Director of Public Prosecutions Office that charges be instituted against him. In my submission, you would have been impressed with members of the Mahlo family – Semlin Mahlo and Brett Mahlo, Mr and Mrs Mahlo and also the two children, Anna and Ben. And where their evidence conflicted with that of Mr Heihr, they should be preferred. No doubt in the hours and even days and weeks following the death of Dr Mahlo, Mr Heihr was anxious to sure up his position and protect his rights under what he considered to be the lawful will. The pathologist's evidence does not assist other to indicate that there doesn't appear to be any real evidence that there was the sustained attack against Dr Mahlo that would be indicated by defence of wounds.

Detective Allan gave evidence that there was no evidence of a struggle or any violence. No – no evidence that there was screaming or sounds of a violent altercation in the house. There was the evidence of the neighbour across the road, Rachel Campbell, that unusually Dr Mahlo was playing perhaps a fairly depressing song, whichever way you look at it, over and over and over, which may be an indication of Dr Mahlo's state at that time. It is quite clear that throughout 2007 and 2008, at times, Dr Mahlo had expressed hopelessness and asked the telling question of Dr Fraser, in a consultation in early 2008, whether anyone would care if she died. Quite clearly people did care. But that was an indication that she was ultimately going to take her life. Those are essentially my submissions. If there's any particular feature of the evidence your Honour wishes me to submit about – I'd be happy to do so.

D/STATE CORONER: Thank you, Mr Chowdhury. Anything you wish to add, Mr Lewis?

5 MR LEWIS: In light of my learned friend's submission, unless there's anything in particular you need to hear from me, I concur with his submission in respect to there's no evidence to make any significant adverse finding against Mr Heihr.

10 D/STATE CORONER: Thank you. Thank you very much, Mr Chowdhury, Mr Lewis and instructing solicitors for your assistance in this matter. What I propose to do is make written findings and send them to the solicitors and onto the family. I don't propose reconvening the court unless there's – there is a specific request from family members to do so. Thank you.

15 MR LEWIS: Thank you, your Honour.

MR CHOWDHURY: Thank you, your Honour.

20 **ADJOURNED**

**[3.41 pm]**