



CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Constance Ann Burrett**

TITLE OF COURT: Coroners Court

JURISDICTION: SOUTHPORT

FILE NO(s): 2019/4140

DELIVERED ON: 6 April 2021

DELIVERED AT: Southport

HEARING DATE(s): 9 March 2021, 23 – 25 March 2021

FINDINGS OF: Jane Bentley, Deputy State Coroner

CATCHWORDS: Coroners, inquest, heroin, methamphetamine, injecting another.

REPRESENTATION:

Counsel Assisting: Ms K. McMahon

Counsel for Mr G. Villers Ms K. Bryson i/b Cridland and Hua
Lawyers

Counsel for A & R Newman Mr V. Brennan i/b Caxton Legal

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Background

1. At the time of her death Ms Burrett was 38 years old and had four daughters who ranged in age from 19 to 15 years.
2. Ms Burrett was much loved by her family including her daughters, her mother and her stepfather and her many friends, and she loved them very much.
3. Ms Burrett was known to be a caring and kind person who helped many people. She was a surrogate mother for a couple who could not have children. That pregnancy caused her some health issues which impacted on her financial situation.
4. Ms Burrett had a somewhat difficult childhood which included undiagnosed ADHD and sexual abuse.
5. She was hard working and worked many jobs over the years to provide for her four children who she raised alone from when they were very young.
6. In later years Ms Burrett suffered from anxiety and depression and financial stress.
7. Ms Burrett commenced a relationship with Justin Witsen in early 2019 which was ongoing at the time of her death.
8. On 6 September 2019 Ms Burrett's friend, Ms L, picked up Ms Burrett and Mr Witsen from Ms Burrett's residence and drove them to the Logan City Motor Inn. Ms Burrett and Mr Witsen checked into room 22 to stay the weekend together.
9. On 7 September Mr Witsen and Ms Burrett phoned Glen Villers, a friend of Mr Witsen and asked him to visit them at the motel. He agreed and attended there with David Trindall. They arrived about 6pm.
10. They took heroin and methylamphetamine.
11. At about 2.20am on 8 September Ms Burrett became unresponsive and stopped breathing. Mr Witsen called 000 and commenced CPR.
12. Queensland Ambulance Service paramedics attended. Mr Witsen told them that Ms Burrett and he had taken methylamphetamine and heroin that night and she had become unresponsive.
13. Ms Burrett was transported to Logan Hospital where was admitted to the Intensive Care Unit. She was placed on life support. Scans indicated extensive deterioration and swelling on the brain. Ms Burrett's life support was withdrawn and she was pronounced deceased at 2.48pm on 8 September 2019.

Autopsy

14. An autopsy revealed that Ms Burrett died from hypoxic ischaemic encephalopathy due to cardiorespiratory arrest caused by mixed drug toxicity. Toxicology was positive for methylamphetamine and morphine (at a potentially fatal range), amphetamine (at a toxic range), and, codeine and pholcondine (at a therapeutic range).

Inquest

15. The inquest commenced on 23 March 2021.
16. Ms Burrett's parents appeared and were legally represented. Mr Villers was also legally represented.
17. Nine witnesses gave evidence in person at the inquest. I include only the evidence of the witnesses which is relevant to the circumstances of Ms Burrett's death in these findings.

Witnesses

Mr M

18. Mr M gave evidence that he met Ms Burrett in around April 2016 and they dated on and off until Christmas 2018. He was aware that she used speed which she took by having someone else inject the drug into her neck. She was unable to inject herself and he never saw her do so.
19. He said that there was something wrong with the veins in her arms so that even a doctor could not inject her there with iron and vitamin injections.
20. Between April 2016 and Christmas 2018 he took Ms Burrett to obtain drugs about twenty times. Most of those times she had the speed injected into her at the supplier's residence as she was unable to do it herself. He said that Ms Burrett mostly got her drugs from Ms L.
21. Mr M and Ms Burrett continued to see each other every now and then after their relationship ended, as friends. He came to know that she was in a relationship with Justin Witsen.
22. He said that Ms Burrett had told him on numerous occasions prior to Christmas 2018 that she would never take heroin.

Lorraine Burkin (investigating officer)

23. Det Sgt Burkin gave evidence as to the course of the investigation and her impressions at the motel room on the morning of 7 September 2019 and her subsequent investigations.

Glen Villers

24. Mr Villers gave evidence that Mr Witsen and Ms Burrett called him on 6 September and asked him to meet them at the motel. They asked him to bring drugs.
25. He knew that Mr Witsen used speed and he believed, from numerous phone conversations that he'd had with her, that Ms Burrett used speed and heroin. He said that she told him many times that she had used heroin and she had asked him to provide her with it.
26. He had some speed already in his possession but after the phone call he purchased 0.1 to 0.15 grams heroin. He took the speed and the heroin and went to the Logan City Motor Inn with his friend David Trindall to meet Ms Burrett and Mr Witsen. They drove there in his parents' car and arrived at about 6pm.
27. When they arrived all four injected the speed that Mr Villers had brought.
28. Mr Villers said that Mr Witsen tried to inject Ms Burrett in the neck but he missed her vein and she complained it was stinging. Mr Villers can't recall any significant amount of bleeding at that time.
29. She then asked Mr Villers to inject her but Mr Witsen objected to that. Ms Burrett then went into the bathroom. Mr Villers can't recall whether she went in alone or whether Mr Witsen went with her.
30. Mr Villers then prepared the heroin. He made up 70 units in total from the 0.1 to 0.15 grams and he used 60 units of that and left ten units in a syringe which he gave to Ms Burrett. He recalls her putting it on the bedside table.
31. Mr Villers is not sure but thinks that Mr Trindall left after they had the speed.
32. Mr Villers saw no other drugs at the motel that night.
33. Mr Villers left the motel room at about 8.10pm and picked up Mr Trindall on the way home on the Logan Toll road.
34. Mr Villers said that he believed that Ms Burrett could inject herself into the neck but he had never seen her do it.
35. I find that Mr Villers was a credible witness who appeared willing to provide information to the inquest including making admissions against his interests which was not otherwise available. I place significant weight on his evidence.

David Trindall

36. Mr Trindall declined to provide a statement to police after Ms Burrett's death but gave evidence at the inquest.
37. When spoken to by police at the Woodford Correctional Centre he stated that he went to the motel with Mr Villers and he, Mr Witsen, Mr Villers and Ms Burrett all injected ice. He then caught an Uber to a brothel at Crestmead.
38. At the inquest Mr Trindall stated that his memory of the events was poor. He said he recalled going to the motel with Mr Villers. On the way there they stopped at a residence where Mr Villers purchased heroin.
39. Very shortly after arriving they injected the ice that Mr Villers had brought. He then went outside and had a cigarette. He didn't see anyone else inject the ice. Soon after that he left the motel and travelled either by taxi or uber to the brothel. He was there about an hour during which he received some phone calls from Mr Villers. He left the brothel in a taxi and met Mr Villers on the Logan Motorway and then Mr Villers and he drove home.

Ms L

40. Ms L and Ms Burrett had been friends for about thirteen years.
41. Ms L and Ms Burrett had taken ice together.
42. Ms L said that at first Ms Burrett could not inject herself but a few months before she died she learnt how to inject herself in the arms. Ms L injected Ms Burrett on occasion and had shown Mr M how to do it.
43. She gave evidence that in the days prior to Ms Burrett's death she told Ms L that Mr Witsen was coming up to the Gold Coast and they were going to spend the weekend together. Ms Burrett didn't want her daughters to know as they did not approve of her relationship with Mr Witsen, and the trip would be a breach of his parole conditions, so she told them that she was spending the weekend with Ms L.
44. On 6 September 2019 Ms L was going to pick Mr Witsen up from the Coolangatta Airport but she got stuck in traffic so Ms Burrett ordered an uber to pick him up and drop him at her house. Ms L then drove them to the motel and dropped them off there between 2 and 3pm.
45. In June 2019 Ms Burrett told Ms L that she was depressed and wanted to "get on the Harry" i.e. use heroin.
46. Although Ms L said in her statement to police that Ms Burrett had told her the week before she died that she wanted to try heroin and she had

never had it before, this was not her evidence at the inquest. I accept the evidence she gave at the inquest in this regard.

Dr Ian Home

47. Dr Home is a Senior Forensic Physician with the Clinical Forensic Medicine Unit. He reviewed the autopsy report and toxicology certificate. He found that Ms Burrett ingested heroin no earlier than about 1.54am on 7 September 2019. He concluded that, whilst Ms Burrett had ingested potentially fatal quantities of both methylamphetamine and heroin, it was most likely that the heroin she took in the hours prior to her death was the direct cause of her respiratory failure and consequent death.

Dr Rebecca Williams

48. Dr Williams conducted the autopsy examination. At the inquest she gave evidence of eight puncture wounds she identified on Ms Burrett. Six of those were covered with adhesive dressings and consistent with medical treatment. The other two were on her right foot and had resulted in bruising.
49. Dr Williams stated that the two puncture wounds on Ms Burrett's foot were made some three days prior to her death. A bruise on her right ankle was of the same age.
50. Dr Williams agreed that there were two puncture marks on Ms Burrett's throat, which were photographed whilst she was at the hospital. They were consistent with having been made just before she died.

Justin Witsen

51. Mr Witsen provided an affidavit some days prior to the inquest and attended the inquest and gave further evidence of his recollections of the events in the motel room on 6 and 7 September.
52. He said that he had seen Ms Burrett inject herself in the neck and the arms with ice a few times but it was rare for her to do so.
53. He specifically recalled a video phone call he had with her a couple of days prior to her death where she showed him that she could inject herself. During that call she tried to inject herself in her arm but it was unsuccessful and she injected herself in the neck whilst in front of a mirror.
54. Mr Witsen said he had never seen Ms Burrett use heroin before.
55. He said that Ms Burrett took ice to the motel room. She already had that when he arrived at her house that afternoon. He said he doesn't know from where she obtained it.

56. He believes that Mr Villers brought only heroin to the room. He said he doesn't know who injected her with the ice but it wasn't him. He said she tried to inject it but couldn't do so and she was bleeding from the neck. He couldn't do it as he was too shaky. He said that he wasn't watching when she was injected.
57. Mr Witsen said that Mr Villers left some heroin for Ms Burrett and she put it on the bedside table. They didn't have any drugs between then and shortly before he called the ambulance when he injected ice and Ms Burrett took the heroin.
58. He said that he injected the ice into himself and he didn't see Ms Burrett inject herself with the heroin as he had his back to her.
59. In his statement Mr Witsen said that Ms Burrett asked him to inject her with the heroin but he refused to do so because she had been bleeding earlier and he didn't want to.
60. I find that Mr Witsen is not a reliable witness. On his own admission he has poor recollection due to the medication he is now taking for terminal cancer. He was previously unwilling to assist the investigation and although he provided an affidavit some days prior to the inquest, it was equivocal in relation to who injected Ms Burrett that evening and who had provided drugs. There were inconsistencies between his affidavit and his evidence in court and his demeanour was that of an unhelpful and unreliable witness.

Findings of Fact

Police Investigation

61. I find that the police investigation was appropriate and adequate in all of the circumstances. I note that Scenes of Crime officers did not attend the motel room and no photographs of it were obtained, however, I accept that, on the night that Ms Burrett was taken to hospital, police officers were unaware that Ms Burrett may not have injected herself.
62. Detective Sergeant Burkin gave evidence that she did not consider there were any suspicious circumstances and it was therefore unnecessary to call in Scenes of Crime officers (as is required by paragraph 8.15.7 of the Operational Procedures Manual in relation to suspected drug overdoses). I find that it was appropriate for her to exercise discretion in that regard and that her decision was appropriate in the circumstances.

Events in the Motel Room

63. I find that on 6 September 2019 Ms Burrett and Mr Witsen went to a room at the Logan Motor Inn to stay for the night. Ms L drove them there.

64. Ms Burrett took ice to the motel room. I am unable to determine where, when or from whom she purchased that drug.
65. Ms Burrett and Mr Witsen invited Mr Villers to the room and he and Mr Trindall arrived at the motel room at about 6pm.
66. Mr Villers brought heroin and ice to the room.
67. All four persons took ice shortly after Mr Villers and Mr Trindall arrived. Ms Burrett asked Mr Witsen to inject her but he missed her vein and she asked him to stop. She bled a little from her neck. She then asked Mr Villers to inject her but he refused. She then went into the bathroom to use the mirror to inject herself. That injection caused one of the two puncture necks which were seen on the right side of her neck in photographs taken at the hospital.
68. Mr Villers took between 0.1 and 0.15 grams of heroin to the room. He mixed that up to make 70 units of heroin which he divided between two syringes. He injected himself with 60 units and left 10 units in a syringe for Ms Burrett to use. She had told him during numerous phone conversations that she was a regular user of heroin.
69. I find that Mr Trindall left the room shortly after taking the ice and Mr Villers left the room at about 8.10pm.
70. At about 2.10am on 7 September 2019 Mr Witsen injected himself with ice and at the same time Ms Burrett took the heroin.
71. Since the night of Ms Burrett's death Mr Witsen has been inconsistent, equivocal and ambiguous in his versions regarding who injected Ms Burrett with the heroin. There are only two possibilities – that Ms Burrett injected herself or that Mr Witsen injected her.
72. Although I am satisfied that Ms Burrett could inject herself in the neck and arms it is clear from the evidence, including that of her treating psychiatrist, that she preferred to be injected in the neck by another person. It was very difficult for her to find a vein to inject in her arm – in fact, the ambulance officers could not find a suitable vein in which to insert IV lines.
73. The puncture marks on her foot and ankle demonstrate that Ms Burrett had injected into those sites in the days prior to her death, however, the only recent puncture marks at the time of her death (which were not caused by medical treatment) were the two marks on her neck. I find that one was made by the injection of ice that evening and the other was made when heroin was injected into her neck.

74. When Ms Burrett injected the ice into her neck she went to the bathroom and I find that she did so as she needed to use the mirror. This is consistent with Mr Witsen's account of her showing him how she could inject into her neck using a mirror.
75. Mr Witsen has never said, in any version, that Ms Burrett went to the bathroom to inject the heroin. His evidence was that she remained in the bed at all times.
76. I therefore conclude that Ms Burrett could not have injected herself into the neck whilst she was in bed and I therefore find that it is more likely than not that Mr Witsen injected Ms Burrett, with her consent and likely at her request, with the heroin that caused her death.

Ms Burrett's Previous Drug Use

77. It is clear from the evidence that Ms Burrett had used amphetamine and methylamphetamine since at least 2013. The physical evidence of recent puncture wounds leads me to conclude that she was a frequent intravenous user of drugs in the days prior to her death.
78. Taking into account the text message sent to Ms L in June 2019 and her phone conversations with Mr Villers, I find it probable that Ms Burrett had used heroin prior to 7 September 2019.

How Ms Burrett Died

79. I find that Ms Burrett died from mixed drug toxicity which caused brain injury and cardiorespiratory arrest.
80. I find that Ms Burrett died from heroin overdose but the significant amount of methylamphetamine she took in the hours prior to her death may well have contributed to her death.
81. Ms Burrett died due to an accidental drug overdose.

Findings required by s. 45

Identity of the deceased – Constance Ann Burrett

How she died – Ms Burrett died from mixed drug toxicity which caused brain injury and cardiorespiratory arrest. The direct cause of her death was heroin overdose but the significant amount of methylamphetamine she took in the hours prior to her death may well have also contributed to her death.

Her death was due to accidental drug overdose and I find that it is more likely than not that Justin Witsen injected Ms Burrett, with her consent and likely at her request, with the heroin that caused her death.

Place of death – Logan Hospital MEADOWBROOK QLD 4131 AUSTRALIA

Date of death– 8 September 2019

Cause of death –

- 1(a) Hypoxic ischaemic encephalopathy, due to;
- 1(b) Cardiorespiratory arrest, due to;
- 1(c) Mixed drug toxicity.

I close the inquest.

Jane Bentley
Deputy State Coroner
SOUTHPORT