



OFFICE OF THE STATE CORONER

FINDINGS OF INVESTIGATION

CITATION: **Non-inquest findings into the death of Elissa Anne Burnett**

TITLE OF COURT: Coroner's Court

JURISDICTION: Brisbane

DATE: 8 July 2015

FILE NO(s): 2012/3581

FINDINGS OF: Christine Clements, Brisbane Coroner

CATCHWORDS: CORONERS: Investigation, homicide, suicide, domestic violence

Elissa Anne Burnett lived at Hamilton Road, Chermside in Queensland. She died on the 3 October 2012 at Hutton Street, Clayfield. She was 32 years of age at the time of her death.

Elissa died due to gunshot wounds to the head. Her death was reported to the coroner and investigated by police.

Summary of investigations

Between approximately 6:20 and 6:30 on the evening of Wednesday 3 October 2012 numerous calls were made to emergency services reporting the sound of gunshots. Police units attended, including the Brisbane Dog Squad, and entered the property at 19 Hutton Street, Clayfield.

There were steps leading to the front door of the premises and it was at the bottom of these steps that police located a deceased female person subsequently identified as Elissa Anne Burnett. She had suffered severe head trauma and was deceased.

Police proceeded around the house to the rear yard where they located a male person also apparently deceased. He had also sustained severe head trauma. A shotgun was located next to the male person who was subsequently identified as Lachlan Maurice O'Rourke. A deceased dog was near Mr O'Rourke.

Elissa Burnett was identified via forensic odontology comparison with dental records.

Lachlan O'Rourke was identified through fingerprint identification with records held by the Queensland Police Service.

The dog, a Rottweiler, belonged to Lachlan O'Rourke and had apparently been shot.

Witnesses

Numerous residents from nearby homes heard the sounds of gunfire and reported to police. Some of these accounts are summarised and referred to as follows.

M had lived in her home for 41 years at 17 Hutton Street, Clayfield. This was next door to Lachlan O'Rourke who lived at 19 Hutton Street, Clayfield. M knew Lachlan and knew that he had inherited the property from his sister, Karen. She said she could hear a lot of what happened inside the house as their homes were less than a couple of metres apart. She told police Karen lived next door for about five years before she died due to suicide.

Subsequent to Karen's death, Lachlan moved into the property for eight years prior to his death. M was aware that he had been in prison and finished his home detention prior to moving back into the Clayfield address with a girl she knew by the name of Kylie, who was a nurse.

M recalled the relationship ended the day Kylie's father came to pick her up. Kylie was on the front stair wrapped in a blanket, looking emotional and worn out. Kylie

had stood by Lachlan when he went to jail. M had not heard any arguments or witnessed any fights between that couple. Police subsequently confirmed Kylie had sought a domestic violence protection order.

Subsequently M recalled there was another girl who moved in. Her name was Lindsay. M's impression was that the relationship was short lived and very volatile. She heard them arguing and Lachlan would frequently throw her out and call her a taxi. She would return a couple of days later by taxi. She could hear the sounds of arguing and sounds she identified as things being thrown, as well as verbal abuse by Lachlan towards Lindsay. This was a regular occurrence. She understood that during this period he was working at a drum factory and she believed he was using drugs.

M also told police that Lachlan would abuse her. She noticed a lot of people were coming and going from the house and during this period she tried to avoid Lachlan as there were often altercations with people attending at the premises and damage to other people's cars.

Later she knew that Lachlan had obtained a job at Brett's Hardware. There were then some other drivers from that business coming around and a lot of traffic through the property.

It was when he obtained a job with Team Taxi Truck that Lachlan seemed to improve. M recalled a number of girls coming and going, but his mood seemed to be better. She described him as still angry at times and she could hear him swearing, but he seemed to be making progress.

M recalled it was about two years prior to October 2012 that Elissa came onto the scene. She observed they appeared to be meeting at the Albion Hotel for a drink. M's impression was that Elissa was a nice young lady and they seemed to start seeing each other more and more with Elissa's car appearing to be parked overnight outside Lachlan's place.

For a period of time M thought they were doing 'really well'. She knew that Lachlan spent a Christmas with Elissa's family. However, Lachlan also conveyed to her that he mistrusted Elissa, accusing her of using drugs. He told M that Elissa used to cry a lot.

The young couple would visit M's home, talk with her and use her swimming pool. She observed they seemed to have happy times and she never heard any physical fights at Lachlan's house. Nor did she hear any arguments, although Lachlan told her that they did have arguments.

She was aware they would break up and then Elissa would be back. This occurred on numerous occasions. Lachlan would tell M that they had broken up. He would accuse Elissa of playing around, but M doubted this was even possible as Elissa was often there for four nights a week. Nevertheless, Lachlan remained suspicious. He also became self-conscious about his own appearance and sexual capability and confided this to M. In the last couple of weeks before the shooting, M noticed that he was declining in his mood and constantly talking about

Elissa cheating on him.

On the weekend before their deaths, M was aware they had both gone to the Caloundra Music Festival but in company with other people. M heard that they ran into each other and after this conversation Elissa was crying.

Two days before the shooting, on Monday, Lachlan rang M and told her that he was thinking about writing a letter to his old girlfriend Kylie and apologizing for his behaviour. He said he would bring the letter in to show M, but this did not occur. She did not see either Lachlan or Elissa on the Tuesday.

On the day of the shooting, Wednesday, 3 October, she spoke with Lachlan over the back fence at about 2:00pm. She thought that he had gone out during the morning as his car was not there. She remembered seeing him tying a rope up over the back deck and she wondered why, as he already had a clothesline. He mentioned coming over later in the day and said he would jump the back fence as she had just painted the driveway.

Later on that day she walked out the front and saw Lachlan again. He had a beer and there was a conversation during which he told her he believed Elissa had been unfaithful.

She said 'C'mon Lachlan you don't know that.'

He said 'Yes I do I went into her email.' She asked him about this but he did not respond. She challenged him about whether or not this was really true and he said to her 'I love you but you are so naïve about the women of today, they're not decent like you.'

She responded 'I'm not naïve I'm just trying to help you sort things out.'

He said 'I'm so angry.'

M tried to calm him down and advise him that this was not getting anywhere.

He told her that Elissa was coming up that night to get her stuff and she tried to advise him they should probably have a chat and try and sort things out. She then tried to change the topic and talked about rugby league and he seemed to lift in his mood, but he then started to cry.

He walked to his letterbox and turned and said to her 'I love you very much.' She thought this was very strange.

They both returned to their respective homes and a little later she heard his car go out. He then rang her and said 'Everything is going to be alright you don't have to worry anymore.' She acknowledged that this was a positive response from Lachlan but she did not bring up Elissa's name as she thought he'd gone to the cake shop where Elissa worked and sorted things out with her. He sounded more cheerful.

A little later she was locking the doors for the night and she saw Elissa drive into the driveway. She presumed they had sorted things out. She saw Elissa walk up the front stairs and step into the front door of Lachlan's house. Instantaneously, she heard Elissa scream in a bloodcurdling way. M panicked and for a moment she thought it was a practical joke as Lachlan tries to scare people. But Elissa's screaming got worse and M went inside to call someone. She was getting some clothes on when she heard two gunshots only a matter of seconds after Elissa was screaming. She had never heard gunshots before but she knew that the sound was too loud to be firecrackers. She could also hear some movie going, blaring out very loud.

She saw lights going on at the houses behind Lachlan's house and then she heard three further shots followed by silence. She had no idea whether or not Lachlan was dead.

She remembered the police attended and the street was locked down.

She saw Elissa laying in the front yard when the bright lights were illuminated. Elissa was face down.

M recalled Elissa as a very nice and friendly girl. Her description of Lachlan was that at times he was very nice, but at other times he was very dark. In recent times she thought he had improved a lot. She had never seen him with a gun.

B lived at Bonney Avenue, Clayfield. She did not know Lachlan O'Rourke or Elissa Burnett by their full names. She simply knew a man known as Lachy lived in Hutton Street and had a big black dog. She would say hello to him when they saw each other. She also knew a woman by sight who parked her yellow Hyundai Excel outside Lachy's residence. She noticed the car parked there frequently although she had never met the woman.

B's unit was on the second level and had a window looking out over a garage towards Hutton Street.

On 3 October, B was at her home when she received a call from her sister at about 6.22pm indicating she was outside. B walked onto the outside stairwell at which time she heard a shot and a scream that sounded like a woman. She looked over toward Hutton Street and saw Lachy on his verandah. She saw him fire another shot and saw an orange flame emit from the gun. The weapon was pointing from the verandah towards the street. B did not see the person that had screamed and she did not hear any screams after the second shot. She did however hear Lachy yell something 'You fucking bitch'.

She saw him walk back into his house and close the door. The lights were then extinguished and she heard two more shots. She then telephoned her sister and told her what she had observed. It was 6.25pm.

Police obtained a statement from J who lived at 23 Hutton Street, Clayfield. He confirmed he knew Lachlan O'Rourke who lived at 19 Hutton Street over about eight years. He also knew of a female called Elissa. He was aware Elissa was

Lachlan's girlfriend and that she drove a small yellow car.

He was at home on the evening of 3 October 2012. He estimated the time was about ten past six in the evening when he saw Lachlan from his lounge window. Lachlan seemed to be peering several times down the street.

J's expected friends arrived at his home and they were chatting for about five minutes. It was about 20 past six when J heard a gunshot followed by a female screaming. There was another gunshot about 10 seconds later. He went to the spare room window where he could see Lachlan on his porch with a gun. He left the room and warned his guests to stay away from the windows.

J told Police Lachlan was holding the gun in both hands on the right hand side of his body. It was pointing slightly up in the air. He was standing towards the front edge of his porch. J then heard another two or three shots about ten seconds apart. He identified the gun as a shotgun.

The police were then called.

H lived at 24 Marsden Street in a two storey building with his uncle. From the back windows he can see over the fences to the houses behind.

On 3 October, H was at home alone watching television. At about ten past six he heard the sound of a gunshot and went outside to the balcony to check. He did not see anyone and he returned inside. He heard another gunshot sound, followed by a third shot. He went to the dining area and looked out to the backyard over the back fence to the houses behind.

He saw a man facing his house. The man yelled out 'Someone call the police' then the man raised something and shot himself in the head. H saw the man fall to the ground. He moved his position slightly and then observed the man lying on the ground as well as a dog that appeared to be dead. H immediately called 000 and assisted police by directing them to the correct house.

Investigations at the scene

Police attended and confirmed that both Lachlan O'Rourke and Elissa Burnett were deceased. It was established that six shotgun shells were discharged at the scene from the same weapon.

The first injury to Elissa Burnett occurred at the southern end of the dining room in Lachlan O'Rourke's house. Elissa then moved from the dining room leaving a blood trail towards the kitchen, on to the lounge room and out the front door onto the verandah. She proceeded to the front yard where her body was located by police. Two further gunshot wounds that caused the fatal injury occurred in the front yard.

Lachlan O'Rourke proceeded back through the house and out to the back yard where he discharged two shells into the dog, killing it, before killing himself by shooting himself.

Subsequent investigation by police included contact with his employers at Team Taxi Trucks Couriers. Lachlan O'Rourke had left a message on the answering machine at the workplace at 5.05 on the evening of 3 October. The message recorded was 'Thanks for everything. I won't be in this morning. Keys are in the battery box of the truck. Phone is on the wheel arch.'

Also discovered in the house was a note by way of suicide explanation with directions regarding his remains.

Police also obtained information from previous partners of Lachlan. Lindsay told police she was a former girlfriend between 2006 and 2008. She said Lachlan used drugs including Speed and Ice during that period and was in possession of weapons including firearms. She said Lachlan was physically and verbally abusive to her and on one occasion when they had broken up he made a death threat towards her.

Maryanne was involved with Lachlan O'Rourke between 2005 and 2006. She told police that after they finally ended the relationship she went to his home at Hutton Street, Clayfield to recover property. Her two children were with her. She alleged Lachlan raped her and assaulted her children. She had escaped but not reported the matter to police.

The third former girlfriend was Kylie who was in a relationship with Lachlan between 2001 and 2004. This was during the period when Lachlan was imprisoned. She told police he changed after he was released from prison. She also alleged he was physically and verbally abusive towards her.

Only Kylie sought a domestic violence protection order against Lachlan O'Rourke.

Information from former partners as well as friends and relations of Lachlan consistently stated that Lachlan was obsessive and controlling in his relationship with Elissa as well as with his former girlfriends. He was also very sexually jealous and when relationships failed or ended his behaviour became threatening, harassing and physically abusive.

When police attended his premises after the deaths of Elissa and Lachlan, they observed a chair, duct tape and blowtorch in one of the bedrooms. It was possible that Lachlan was planning to torture Elissa that evening.

All of the evidence leads to the conclusion that Lachlan had planned Elissa's death and his own suicide and carried out those plans.

Autopsy examination

Autopsy examination was conducted on Elissa Burnett on 5 October 2012 by the Forensic Pathologist, Dr Storey.

Dr Storey confirmed Elissa Burnett died due to gunshot wounds to the head and he was able to identify two separate wounds.

As well, he observed bruising to the third and fourth fingers of the right hand, the

right forearm, the right elbow, the left hand and the right upper arm. This suggested a struggle or fall. There was also bruising and skin splitting to the right lower lip.

Dr Storey observed two further lacerations to the head region which did not have the features of gunshot wound and were not associated with any damage to the underlying skull. They appeared to have been the result of blunt force trauma. They may have been inflicted during a possible struggle or fall prior to death.

Toxicology testing did not reveal the presence of alcohol. Prior cannabis use was identified.

Conclusion

On 3 October 2012 Lachlan Maurice O'Rourke shot and killed his former girlfriend, Elissa Anne Burnett. He then killed himself with the same shotgun.

Lachlan O'Rourke had a criminal history including serious physical assaults resulting in his prior incarcerations.

He had a history of controlling, abusive and threatening behaviour in three previous relationships with women. When those relationships ended his behaviour escalated and included physical assaults and threats of death. Only one of those previous partners had reported his behaviour to police.

Although there was information indicating Elissa had confided to some extent with friends about Lachlan's controlling and threatening behaviour, she had not reported these matters to police. She had not sought a domestic violence protection order.

Some friends, associates and neighbours saw another side of Lachlan O'Rourke's personality which was positive. Others were aware of his short temper, possessive nature and propensity for violence. None had intervened in the relationship between Lachlan and Elissa as it had not been evident to them at the time of the impending tragedy.

The relationship had ended and Elissa was attending Lachlan's home simply to pick up items of property when she was killed.

Even in his workplace, Lachlan had been the subject of a number of complaints made by members of the public in respect of his behaviour and manner.

In retrospect it is clear that Lachlan posed a risk to female partners at the end of a relationship, and ultimately to himself. Tragically, Elissa Burnett did not identify or appreciate the degree of risk and was killed by Lachlan O'Rourke.

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Brisbane
8 July 2015

