



OFFICE OF THE STATE CORONER

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Ross Philip Schumacher**

TITLE OF COURT: Coroners Court

JURISDICTION: BRISBANE

FILE NO(s): 2006/16

DELIVERED ON: 4 November 2011

DELIVERED AT: Brisbane

HEARING DATE(s): 11 September 2009, 19 April, 19 July, 11, 25 & 29 October, 1- 5 November 2010, 16-17 March 2011

FINDINGS OF: John Lock, Brisbane Coroner

CATCHWORDS: Coroners: inquest, gun shot wound to the head, gun shot residue, contact wounds, adequacy of police investigation

REPRESENTATION:

Counsel Assisting: Ms A Martens Office of State Coroner

Queensland Police Service: Ms H Blattman instructed by Qld Police Solicitor

DSC R Burdis: Mr T Schmidt and Mr Gnech, Qld Police Union Solicitor

Ms M Murphy: Mr T O'Gorman of Robertson O'Gorman

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Introduction

1. Ross Philip Schumacher was discovered deceased in his home office on 11 May 2006. His cause of death was due to a gun shot wound to the back of his head. The weapon that had inflicted the gun shot wound was located in the same room as Mr Schumacher.
2. An Investigation Report to the Coroner prepared by DSC Burdis and forwarded over two years later concluded that Mr Schumacher had died accidentally as a result of his mishandling of a Beretta self loading pistol, causing him to shoot himself while sitting at his computer.
3. Any objective review of that investigation report could not reasonably arrive at such a definitive conclusion and a request for further information and investigation was requested by the coroner. As the investigation and subsequent inquest evidence unfolded much more significant doubt as to how that conclusion was arrived at became evident.
4. Once a decision was made to hold an inquest further investigations were carried out and there were a number of adjournments as a result. The inquest commenced in October 2010 but was then adjourned to March 2011, as an important witness Ms Maragna, was now in the USA and arrangements were made to fly her back. The matter was adjourned for written submissions. I have considered these in my findings.
5. The issues to be examined at the inquest were:
 - whether the cause of the gun shot wound was self-inflicted (either purposefully or accidentally); or
 - whether it was inflicted by another person, and if so, whom;
 - and the quality of the investigation by the Queensland Police Service (QPS) into Mr Schumacher's death.

The scope of the Coroner's inquiry and findings

6. A coroner has jurisdiction to inquire into the cause and the circumstances of a reportable death. If possible he/she is required to find:-
 - whether a death in fact happened;
 - the identity of the deceased;
 - when, where and how the death occurred; and
 - what caused the person to die.
7. There has been considerable litigation concerning the extent of a coroner's jurisdiction to inquire into the circumstances of a death. The

authorities clearly establish that the scope of an inquest goes beyond merely establishing the medical cause of death.

8. An inquest is not a trial between opposing parties but an inquiry into the death. In a leading English case it was described in this way:- “It is an inquisitorial process, a process of investigation quite unlike a criminal trial where the prosecutor accuses and the accused defends... The function of an inquest is to seek out and record as many of the facts concerning the death as the public interest requires.”¹
9. The focus is on discovering what happened, not on ascribing guilt, attributing blame or apportioning liability. The purpose is to inform the family and the public of how the death occurred with a view to reducing the likelihood of similar deaths. As a result, the Act authorises a coroner to make preventive recommendations concerning public health or safety, the administration of justice or ways to prevent deaths from happening in similar circumstances in future.² However, a coroner must not include in the findings or recommendations, statements that a person is or maybe guilty of an offence or is or maybe civilly liable for something.³

The admissibility of evidence and the standard of proof

10. A coroner’s court is not bound by the rules of evidence because the Act provides that the court “*may inform itself in any way it considers appropriate.*”⁴ That does not mean that any and every piece of information, however unreliable, will be admitted into evidence and acted upon. However, it does give a coroner greater scope to receive information that may not be admissible in other proceedings and to have regard to its origin or source when determining what weight should be given to the information.
11. This flexibility has been explained as a consequence of an inquest being a fact-finding exercise rather than a means of apportioning guilt; an inquiry rather than a trial.⁵
12. A coroner should apply the civil standard of proof, namely the balance of probabilities but the approach referred to as the *Briginshaw* sliding scale is applicable.⁶ This means that the more significant the issue to be determined; or the more serious an allegation; or the more inherently unlikely an occurrence; then in those cases the clearer and more persuasive the evidence should be in order for the trier of fact to be sufficiently satisfied that it has been proven to the civil standard.⁷

¹ *R v South London Coroner; ex parte Thompson* (1982) 126 S.J. 625

² Section 46 of the Act

³ Sections 45(5) and 46(3) of the Act

⁴ Section 37 of the Act

⁵ *R v South London Coroner; ex parte Thompson* per Lord Lane CJ, (1982) 126 S.J. 625

⁶ *Anderson v Blashki* [1993] 2 VR 89 at 96 per Gobbo J

⁷ *Briginshaw v Briginshaw* (1938) 60 CLR 336 at 361 per Sir Owen Dixon J

13. It is also clear that a coroner is obliged to comply with the rules of natural justice and to act judicially.⁸ This means that no findings adverse to the interest of any party may be made without that party first being given a right to be heard in opposition to that finding. As *Annetts v McCann*⁹ makes clear, that includes being given an opportunity to make submissions against findings that might be damaging to the reputation of any individual or organisation.
14. If, from information obtained at an inquest or during the investigation, a coroner reasonably believes that the information may cause a disciplinary body for a person's profession or trade to inquire into, or take steps in relation to, the person's conduct, then the coroner may give that information to that body.¹⁰

BACKGROUND INFORMATION

15. The evidence raised a number of possibilities as to how the gunshot wound occurred including that it was an intentional self-inflicted gunshot wound either as a suicide or by accident or that a third person was involved. The investigation needed to consider if there was any evidence to suggest Mr Schumacher was in a frame of mind to take his own life. This investigation gathered a deal of material which indicates Mr Schumacher had a complicated personal and business life.
16. It is not intended to detail all of the information and evidence that has been gathered. Counsel Assisting, Ms Martens was very personally involved in the strategy and planning behind the subsequent investigation and has also produced a detailed summary of the evidence in her written submission which has been placed on the court record. I also place on the record my appreciation for the work she has produced. The family of Mr Schumacher can be satisfied all that could be done to find answers has been achieved through her efforts and those police officers who became involved in the investigation when it was made a "cold case". As will become clear that could not be said for the initial investigation.
17. What can be said is that consistently many of Mr Schumacher's friends and business associates provided statements¹¹ detailing background information regarding Mr Schumacher's life prior to his death. It was common for many witnesses to describe Mr Schumacher as "larger than life". Other descriptions of Mr Schumacher were that he was highly driven, intelligent, motivated, competitive, outgoing, charismatic, generous and a loyal friend. One of his business associates, Mr Bazianas, described Mr Schumacher as bullet proof, believing no one could touch him. He was also described as aggressive, demanding,

⁸ *Harmsworth v State Coroner* [1989] VR 989 at 994 and see a useful discussion of the issue in Freckelton I., "Inquest Law" in *The inquest handbook*, Selby H., Federation Press, 1998 at 13

⁹ (1990) 65 ALJR 167 at 168

¹⁰ Section 48(4) of the Act

¹¹ Either during the course of the initial investigation or during the second stage of the investigation following the initial report to the Coroner

never taking a backwards step in a situation which could often create enemies. There is evidence of him being on the periphery of criminal elements and engaging in some criminal activity himself. His social and personal life was complicated. All of this evidence is examined in some detail below.

Personal Relationships

18. At the time of his death, Mr Schumacher was involved in complex relationships with two women, Ms Stefanie Maragna and Ms Megan Murphy. Ms Murphy had known Mr Schumacher since 2002 when they commenced a sexual relationship. Ms Murphy also did bookwork for Mr Schumacher. Ms Murphy was incarcerated for 6 months in December 2003. Around this time, Mr Schumacher commenced a relationship with Ms Maragna. When Ms Murphy was released from prison she moved into Mr Schumacher's residence and they recommenced their relationship, however neither told Ms Maragna of the nature of this relationship. Ms Murphy received unemployment benefits of \$420 a fortnight of which Mr Schumacher would save \$300 a fortnight for Ms Murphy. Mr Schumacher paid for all household expenses.
19. Ms Murphy was residing in the same residence as Mr Schumacher, albeit in a spare room and working unpaid for Mr Schumacher as an assistant/book keeper.
20. Ms Maragna had her own residence and was in full time employment in quite legitimate activities. Ms Maragna would stay at Mr Schumacher's house several nights a week.
21. Despite many of Mr Schumacher's friends being aware he was in a relationship with both women, Ms Maragna claimed not to have knowledge of Mr Schumacher's relationship with Ms Murphy. Ms Murphy and some of Mr Schumacher's close friends also believed Mr Schumacher had sexual relationships with other women.

Drug Use

22. Many of Mr Schumacher's friends including Ms Murphy indicated Mr Schumacher would take so called recreational drugs (ecstasy and cocaine) on the weekends however some of them indicated Mr Schumacher had not been using them for some time prior to his death (estimates ranged from 6 months to 2 years).
23. Ms Murphy was a regular user of marijuana and was candid in disclosing her use. Ms Murphy purchased marijuana regularly, weekly or more and buying up to half an ounce for \$200 every two days. Her supplier, Mr Harding gave a statement and evidence to that effect and neighbours often spoke about seeing someone visiting regularly. Ms Murphy indicated during evidence that Mr Schumacher provided her with the money to purchase marijuana and he would often smoke a joint of marijuana every second night.

History of Cancer

24. Mr Schumacher also told many of his family, friends and girlfriends as early as five years prior to his death that he was suffering from cancer and was receiving treatment for his cancer from Greenslopes Hospital. There were some observed signs of possible treatment as Mr Schumacher had red or black patches underneath his armpits, black ankles and needle marks on his back. Ms Maragna, Ms Murphy and several of Mr Schumacher's close friends also observed Mr Schumacher to be physically ill.
25. Neither, Greenslopes Private Hospital or his general practitioner, Dr Sinnathanby have any record he was receiving treatment for cancer and at no time did Mr Schumacher disclose to Dr Sinnathanby that he was suffering from cancer, nor did Dr Sinnathanby ever observe any symptoms or signs Mr Schumacher had cancer.
26. Ms Murphy never saw any paperwork or financial transactions confirming Mr Schumacher's treatment and none has been found.
27. Dr Sinnathanby indicated he saw Mr Schumacher a number of times in 2005 and 2006, primarily for gastric reflux and insomnia. Mr Schumacher was prescribed Temazepam and then later Hypnodorm for insomnia and Pariet for reflux. Dr Sinnathanby queried whether Mr Schumacher's insomnia was as a result of an underlying anxiety problem.
28. His friends and acquaintances gave a consistent picture of someone working constantly, partying and not sleeping and eating and possibly taking drugs to get through. No evidence of cancer was found at autopsy and the evidence supports a finding he was not suffering from cancer but for reasons unknown he had given that impression.

Business Relationships

29. Mr Schumacher initially worked for a number of contracting companies earning a salary income. Several years before his death, he started his own company, the Schumacher Group, which was involved in construction project management, in addition to his salaried job. At the time of his death, he was working exclusively for the Schumacher Group and not earning a regular salary.
30. Mr Armstrong, Mr Schumacher's accountant, indicated that in the years prior to 2006, the Schumacher Group operated at a loss however Mr Schumacher's salary was more than sufficient to fund these. Mr Armstrong confirmed Mr Schumacher did not pay himself a wage from the Schumacher Group. Mr Armstrong was unsure how Mr Schumacher funded himself when he ceased earning a regular salary.
31. Ms Murphy was able to sign Mr Schumacher's signature and did so on Schumacher Group cheques with the knowledge of Mr Schumacher.

32. Mr Schumacher had a number of vehicles registered in either his name or the Schumacher Group Pty Ltd. Mr Schumacher drove either his green Mercedes-Benz roadster, registration RPS14 or his green Landrover wagon registration, 210EQQ. The Schumacher Group Pty Ltd also had a white Holden Commodore utility, registration 097ITM. This vehicle was primarily driven by Ms Murphy.
33. In 2004 Mr Schumacher commenced a building project with Mr Rosario Baffi. Up until the time of this project, Mr Schumacher's financial position was considered relatively healthy. The Schumacher Group was to construct two houses on a block of land at Camp Hill. The project was due to be completed in October 2004 however was extended until January 2005 after a problem apparently arose.
34. The contract provided that the Schumacher Group was to receive a total of \$884,000.00 for the project in three instalments of \$240,000.00, \$510,000.00 and \$80,000.00.
35. The first progress payment was paid. When Mr Schumacher sought the second progress payment of \$510,000.00 in October 2004 the bank funding the project for Mr Baffi refused to pay because the bank was of the view the house was not at lock up stage.
36. Mr Schumacher continued working on the project and again sought payment of the \$510,000.00 in January 2005 however again the bank refused to fund this payment. Mr Schumacher indicated to Mr Baffi that without further payment he would be unable to continue with the project. Mr Baffi decided to pay the Schumacher Group for the work completed up until that date. The bank assessed that \$367,000.00 work had been completed and this amount was paid to the Schumacher Group.
37. It is clear that by this time subcontractors were not being paid. One of them was Mr McCrae, a carpenter. Mr McCrae was owed approximately \$56,000.00 but as he had worked with Mr Schumacher previously without problems he was not concerned.
38. Mr McCrae was then fired from the project after an alleged disagreement with another carpenter at the site.
39. Mr McCrae tried to obtain the outstanding money from Mr Schumacher. Mr Schumacher offered to pay Mr McCrae \$25,000.00 but he refused the offer and legal action was commenced. Following this, the Queensland Police Service (QPS) attended Mr McCrae's house searching for stolen window frames. Mr McCrae believed Mr Schumacher had claimed he had stolen the window frames to try and stop Mr McCrae from trying to recover the outstanding money.

40. After this, Mr McCrae received a text message from a telephone he believed belonged to the Schumacher group stating, "I know where your kids go to school". Mr McCrae was concerned about what action Mr Schumacher might take so he ceased his legal action. He last spoke to Mr Schumacher a number of months before his death.
41. According to Mr Baffi, Mr Schumacher never returned to work on the project and sued him for \$143,000.00. Mr Baffi says Mr Schumacher placed a caveat on the properties and alleges he forged Mr Baffi's signature on one of the documents to support the caveat. Mr Baffi countersued. This litigation was ongoing at the time of Mr Schumacher's death.
42. There is very clear evidence the dispute was acrimonious and Mr Schumacher indicated to a number of people¹² that Mr Baffi owed him between \$500,000.00 and \$1,000,000.00.
43. Mr Baffi claimed other people associated with the project received text message threats from Mr Schumacher in July 2005. They all complained to the QPS. The matters were investigated however the phone number that sent the text messages was from a phone registered to a Christine Cameron. This person was never located. Mr Schumacher was spoken to by the QPS and denied sending these text messages.
44. Friends of Mr Schumacher were told Mr Baffi had also made threats and Mr Schumacher told Mr Able of a meeting he had attended with Mr Baffi 6 to 12 months before his death when two of Mr Baffi's so-called "henchmen" were present. Mr Able was of the view Mr Schumacher was not concerned by this meeting, he was not frightened of anything and he had a "bring it on" attitude.
45. Mr Baffi denied ever threatening Mr Schumacher and denied ever having a meeting with Mr Schumacher in which two other men were present. Mr Baffi claimed that a week after Mr Schumacher's death, there was a court hearing where the caveat was removed. He indicated he had to source a further \$450,000.00 to have the houses finished, which were eventually completed in 2007.
46. In 2005, Mr Schumacher (and the Schumacher Group) formed a partnership with Mr Bazianas and his company to complete the construction of a six storey apartment building in Ellis Street, Kangaroo Point. The Schumacher Group provided a quote of \$3,330,000.00 for the construction of the project.
47. Mr Bazianas and Mr Schumacher became 50% share holders in Cube Global Corporation Pty Ltd. Mr Bazianas indicated he was required to pay half the share of the monthly interest on the loan however later

¹² Ms Maragna, Mr Bazianas, Mr Jones, Mr Able, Mr Strachan, Mr Armstrong

indicated the Schumacher Group was to pay all bills associated with the project whilst Cube Global Corporation serviced the loan.

48. Mr Bazianas recalled early in the project, lending Mr Schumacher \$60,000.00 so Mr Schumacher could pay his legal fees in relation to his dispute with Mr Baffi. There is evidence corroborating transactions of that nature and some of that money was owing at the time of his death.
49. Mr Bazianas gave evidence about a similar pattern of subcontractors on his project not being paid by Mr Schumacher. He also discovered Mr Schumacher was using money from this project to pay subcontractors from previous jobs. When Mr Bazianas queried Mr Schumacher about these issues, Mr Schumacher told him to mind his own business and became angry and abusive.
50. Mr Armstrong, who was Mr Schumacher's accountant, gave evidence that when he was assisting Mr Bazianas after Mr Schumacher's death, it became apparent Mr Schumacher had claimed building costs before they should have been claimed.
51. Mr Bazianas stated during evidence that regardless of these issues, he needed Mr Schumacher to finish the project, whatever the cost, which had blown out substantially (after Mr Schumacher's death, he discovered the project was approximately \$400,000.00 over budget).
52. Mr Bazianas was of the opinion the project was 90% complete at the time of Mr Schumacher's death. Mr Schumacher had told Ms Maragna the project was six weeks to three months from completion.
53. Mr Bazianas claimed that following Mr Schumacher's death he had to use \$800,000.00 of his own funds to finish the project with a new builder and he lost approximately \$150,000.00 as a result.

Use of firearms

54. Mr Able, Mr Strachan and Ms Maragna all became aware Mr Schumacher was carrying a gun for his protection about the time of the dispute with Mr Baffi. Mr Schumacher told Mr Strachan he was carrying guns because he had a business deal that went bad, which involved a large amount of money. He said it would end in a legal battle and the people he was dealing with were serious bad guys. Mr Schumacher showed Mr Strachan the weapons he had. Mr Strachan was of the opinion Mr Schumacher was flippant towards the handling of the guns.
55. Mr Schumacher also told Mr Bazianas in July 2005 that Mr Baffi had threatened his life and as a result he carried a gun in his briefcase. Mr Bazianas recalled Mr Schumacher showing him a rifle in the boot of his car in broad daylight and waving the gun around. It was Mr Bazianas' opinion that Mr Schumacher did not adopt a cautious or safety-minded approach to handling the weapon.

56. Mr Schumacher was known to frequent Caxton Street regularly, particularly Gambaro's Seafood Restaurant and the Velvet Cigar (a strip club). He was relatively close to Mr Gambaro and Mr Xanthopoulos (the owner of the Velvet Cigar).
57. Mr Able indicated in one of his statements that Mr Schumacher had a reputation as a "go to guy", someone who could get things done either legitimately or not quite above board. Mr Able believed Mr Schumacher sourced guns and drugs for other individuals. Mr Strachan also described Mr Schumacher as a "go to man".
58. Mr Gambaro had on one occasion wanted a vicious guard dog because teenagers had been breaking into his storeroom. Mr Schumacher obtained an ex police dog for Mr Gambaro.
59. DS Eyears, who was a friend of Mr Schumacher when they were younger, indicated Mr Schumacher had called him on two occasions a few months before his death wanting to obtain OC (capsicum) spray for Mr Gambaro. DS Eyears refused.
60. There is very clear evidence that on a number of occasions Mr Schumacher discharged weapons in the house, consistent with the number of bullet holes found in the house by Police.
61. Ms Murphy recalled when Mr Schumacher first purchased a .45 pistol in early 2005, he accidentally discharged the weapon in the house.
62. Mr Gambaro claimed approximately 18 months prior to Mr Schumacher's death, they had attended an event at City Hall however Mr Schumacher was refused entry because he had two guns with him. Mr Xanthopoulos (the owner of the Velvet Cigar night club) recalled in mid 2005, Mr Schumacher had offered to sell him a gun however Mr Xanthopoulos had refused.
63. In June or July 2005 Mr Gambaro and Mr Xanthopoulos attended at Mr Schumacher's house allegedly to collect a dilapidation report Mr Schumacher had prepared. Other evidence suggests it was in relation to gun purchases. It is not clear what is the correct version.
64. What is clear is that two gun shots were discharged. On one version of Mr Gambaro Mr Schumacher came in carrying two long barrelled guns and discharged them. In evidence, Mr Gambaro changed his version, stating whilst he and Mr Xanthopoulos were downstairs they heard two blasts from the gun. Mr Gambaro claimed he never saw any guns.
65. Mr Xanthopoulos indicated in his statement and evidence that whilst he and Mr Gambaro were waiting downstairs, Mr Schumacher went upstairs and he heard a loud bang like a starter's pistol. Mr Xanthopoulos never saw any weapon. Both Mr Gambaro and Mr

Xanthopoulos asked what was going on and Mr Schumacher stated it was alright because the neighbours were used to it.

66. Ms Murphy was present at the house on this occasion. Ms Murphy was later told Mr Gambaro and Mr Xanthopoulos had attended the house to purchase a gun but only Mr Xanthopoulos purchased one. Ms Murphy heard two gun shots from inside the house, she believed from the upstairs area.
67. Mr Bryden, a neighbour heard two gun shots, and asked Ms Murphy what had happened and she told him a toaster had broken. Mr Bryden confirms the event and the reason given.
68. Mr Strachan and Mr Able believes Mr Schumacher told them each separately about this occasion and the reasons for the visit was he had obtained a gun for Mr Gambaro and Mr Xanthopoulos. Mr Schumacher told Mr Ball he had sold a gun to either Michael Gambaro or his son John Gambaro for \$5,000.00.
69. Mr Gambaro indicated in his statement to the QPS that Mr Schumacher had once shown him a machine gun he had in his car. Mr Gambaro changed his version in evidence, claiming Mr Schumacher had never shown him a machine gun, Mr Schumacher had just told him he had a machine gun.
70. Ms Maragna was aware Mr Schumacher kept the guns in his gun safe.
71. Ms Maragna recalled around September or October 2004, Mr Schumacher started sleeping with a handgun in his bedside draw however in the six months prior to his death, he had kept the handgun locked in the safe.
72. Ms Murphy also recalled Mr Schumacher sleeping with a .45 handgun in his bedside draw and approximately four to six weeks prior to his death she was told by Mr Schumacher he had accidentally cocked the gun in his sleep and discharged it not realising it was loaded. It is clear Mr Bryden heard this discharge and Mr Schumacher told him his guitar amp had exploded. Mr Bryden did not believe Mr Schumacher but did not challenge him.
73. Ms Murphy also indicated in her second statement that approximately two weeks before his death, Mr Schumacher got his gun from the Mercedes and found the top slide back. Mr Schumacher was very concerned because he could have killed someone.
74. Ms Murphy claimed in her second statement to the QPS that Mr Schumacher liked to carry a gun around the house and she would hear him racking the gun and clicking the trigger. Mr Schumacher also told Ms Murphy he would play with the guns in the house pointing them around the house and pulling the trigger believing there was no

ammunition in the guns. Ms Murphy indicated this behaviour had ceased approximately two weeks prior to Mr Schumacher's death, because Mr Schumacher was becoming concerned he might have been doing things in his sleep.

Other threats to and from other persons

75. Other than within business conflicts there is only one other known incident involving alleged threats either to or from Mr Schumacher.
76. In 2005 a woman who worked as a stripper showed up at Mr Schumacher's residence. The evidence from a number of sources makes it clear this was Trista Goodacre (stage name Bonnie). Mr Schumacher told Ms Maragna the woman was having some problems and he was helping her out. Mr Schumacher told Ms Murphy she had an abusive boyfriend who had just got out of jail and who was beating her up. Mr Schumacher stated he would sort the boyfriend out.
77. Although Ms Goodacre denies she was in any sexual relationship with Mr Schumacher, Mr Schumacher mentioned to Mr Able that he was in a relationship with a dancer from the Velvet Cigar, that her boyfriend was in jail and that he made threats to Mr Schumacher to stay away from her.
78. Ms Goodacre was involved in an on/off relationship with Mr Nathan Hill. Soon after Mr Hill was released from prison he found Mr Schumacher's business card and they had an argument. Mr Hill did not believe her denial about the nature of the relationship and allegedly said he would kill Mr Schumacher. Ms Goodacre claimed Mr Hill and Mr Schumacher "had words". After the argument, Ms Goodacre found her tyres had been slashed and believed Mr Hill had done this. Mr Hill admitted in evidence that he had.
79. Ms Goodacre informed Mr Schumacher of this and he told her he would deal with Mr Hill and sought information about where Mr Hill resided. She told him in Gales. This is where Mr Hill admits he had lived. Ms Goodacre did not hear from Mr Hill for a long time so she assumed Mr Schumacher had sent his friends to speak to Mr Hill.
80. Mr Hill admitted he contacted Mr Schumacher and advised him Ms Goodacre was his girlfriend and he had to stay away from her. Mr Hill claimed he did not threaten Mr Schumacher and he was never threatened by Mr Schumacher.
81. Mr Wiki, a friend of Mr Schumacher, and Mr Ball indicated they had been approached by Mr Schumacher to "soften" up a man who had just got out of prison and had threatened Mr Schumacher because he was having a sexual relationship with Ms Goodacre. Mr Wiki refused to assist.

82. Mr Ball later observed a gun in Mr Schumacher's pocket which he said he carried for protection. Later that day when they were at the Schumacher Group office, Mr Schumacher gave Mr Ball a piece of paper with the word Joel and an address (he now only recalls the number 39 and suburb Gailes). Mr Schumacher put two bullets in a gun and gave the weapon to Mr Ball. Mr Schumacher stated "I can help you". Mr Ball assumed Mr Schumacher wanted him to kill Joel.
83. The extent you can accept the evidence about killing the person in its totality is unclear, as I was not overly impressed with how Mr Ball gave his evidence, but there are certainly aspects of the evidence corroborated by a number of sources which support that a series of threats were made.

Financial Position

84. Many of Mr Schumacher's friends, family and business associates were asked about Mr Schumacher's financial position. In 2005, Mr Schumacher owned his residence at 115 Gregory Street, Auchenflower and the block of land behind this house on Realm Street, subject to a mortgage.
85. Ms Maragna lent Mr Schumacher a total of \$80,000.00 in late 2004 and early 2005. At the time of Mr Schumacher's death, approximately \$20,000.00 had been repaid. In early 2005, Mr Schumacher borrowed \$50,000.00 from his sister and brother-in-law. This was paid back prior to his death. It is clear Mr Schumacher was by this time having some financial difficulties.
86. In late 2005, Mr Schumacher was charged and convicted of an assault occasioning bodily harm in relation to an incident where a debt collector had attempted to serve Mr Schumacher with court documents and Mr Schumacher had punched the debt collector.
87. Mr Schumacher contacted a real estate agent in late September 2005 about selling some of his properties. As a result the property at 115 Gregory Street and land at 9 Realm Street were listed for sale.
88. In October 2005, Mr Schumacher applied for and was granted a loan with La Trobe Home Loans for the amount of \$231,000.00 using the Realm Street property as security.
89. Mr Schumacher was anxious for the sales to proceed. He turned down an offer of \$540,000.00 for the land at 9 Realm Street in January 2006 but in early April, Mr Schumacher entered into a contract for the sale of 115 Gregory Street for the price of \$540,000.00. The settlement date was 30 June 2006.
90. Mr Able, Ms Maragna and Ms Murphy were all of the view Mr Schumacher sold his property at 115 Gregory Street to improve his cash flow until the Ellis Street project had been finalised. The

expectation was that when the Ellis Street project was completed Mr Schumacher intended to reside in one of the apartments.

91. Ms Murphy stated at the time of Mr Schumacher's death, his financial situation was dire because he had to borrow money to pay for his living expenses and wages. He did not have any income other than the payments being made for the Ellis Street project.
92. It would seem at the same time Mr Schumacher approached a bank manager at Westpac, Mr Carlson about selling his properties and building another house and Mr Carlson was in the process of ascertaining Mr Schumacher's financial position at the time of his death. After Mr Schumacher's death, the sale proceeds of Gregory Street was \$60,000.00 less than the mortgage held by Westpac. Westpac attempted to recover the \$60,000 however was unable to do so.
93. Mr Armstrong, the accountant, was aware the Schumacher Group had cash flow problems stemming from the dispute with Mr Baffi. The Building Services Authority were going to withdraw his building licence because the Schumacher Group had not paid a bill issued by Scaffolding Australia and Mr Armstrong was assisting the Schumacher Group prove it was solvent.
94. Mr Armstrong stated prior to Mr Schumacher's death, the Schumacher Group was being audited by the Australian Taxation Office (ATO) in relation to alleged duplication of GST credits claimed by the Schumacher Group for the Wardilla Street project. The ATO issued a tax invoice to the Schumacher Group for \$200,000.00. The response to the ATO was due on 11 May 2006.
95. Mr Schumacher had not provided the information to Mr Armstrong to enable him to respond however Mr Armstrong was of the view the Schumacher Group would be in a position to explain a significant part of the GST tax credits. According to Mr Armstrong, Mr Schumacher was not concerned by the audit.
96. Ms Maragna stated Mr Schumacher was concerned by the ATO audit and was under the impression Mr Schumacher was going to receive some sort of fine.
97. Mr Armstrong recalls Mr Schumacher was not concerned about long term cash flow problems because he was of the view he would win his court case against Mr Baffi and recover \$750,000.00.
98. An examination of the accounts of Mr Schumacher and the Schumacher Group completed in 2009 revealed Mr Schumacher had a Westpac Altitude Gold credit card with a limit of \$20,000.00 with a closing balance of \$18,395.00 at the time of his death. Mr Schumacher also had a Virgin Mastercard credit card with a limit of \$7,000.00 with

only \$300.00 available credit, an investment loan with Westpac of \$324,700.00 and the loan with La Trobe.

99. The Schumacher Group had a Westpac business cheque account. In the period leading up to and just following Mr Schumacher's death, this account had an opening balance of \$19,604.00, with credits totalling \$507,773.00 and debits \$528,532.00. The final balance of this account was -\$1,154.67. The Schumacher Group also had a business loan for \$200,000.00. Following Mr Schumacher's death, \$10,866.00 was withdrawn from the cheque account but it is not clear by whom.

Mr Schumacher's frame of mind around the time of death

100. Mr Bazianas was of the view Mr Schumacher suffered mood swings as a result of his cancer and the dispute with Mr Baffi however in the two weeks prior to his death he had been happy because the scaffolding at the Ellis Street project was due to come down. That was also the view of Mr Able, Ms Maragna, and Ms Murphy.
101. Mr Schumacher told Mr Bazianas he had told Ms Maragna he wanted to have a child and Ms Maragna confirmed they had spoken about having a baby.
102. Mr Able, Ms Murphy and Ms Maragna also said he was talking positively of building a new home and operating out of the penthouse of Ellis Street.
103. Mr Schumacher's last journal entry on 6 April 2006 indicated he was sad and happy about the sale of 115 Gregory Street.
104. Ms Murphy believed Ms Maragna wanted to move in with Mr Schumacher and live alone however Mr Schumacher had told Ms Murphy she was going to continue living with him. Mr Able and Mr Strachan recalled some sort of disagreement about the potential living arrangements once the property at 115 Gregory Street had been sold.
105. Both Mr Able and Mr Strachan saw Mr Schumacher on 6 May 2006. Both believed Mr Schumacher was tired and this was as a result of the Ellis Street project. Mr Strachan believed Mr Schumacher had been going fairly hard and needed a break. Mr Able believed Mr Schumacher had been relatively reflective of late, likely as a result of turning 40 that year, an issue also raised by Ms Murphy.
106. Mr Strachan spoke to Mr Schumacher on 9 and 10 May. He believed Mr Schumacher's mood had improved and he was positive about the future.
107. Mr Able, Mr Strachan, Ms Maragna and Ms Murphy had all reflected on events leading up to Mr Schumacher's death and all were of the view there was nothing indicating Mr Schumacher might take his own life.

EVENTS OF 11 MAY 2006

108. Ms Maragna stayed at Mr Schumacher's residence on the evening of 10 May 2006. She was not aware of any gun being present in the bedroom. Ms Maragna had coffee with Mr Schumacher before Mr Schumacher drove Ms Maragna to work at 7am.
109. At approximately 0710, Mr Schumacher phoned Ms Murphy and requested she pay his lawyers a portion of his legal bill with his Amex card. Mr Schumacher had a legal bill of \$80,000.00 and an arrangement had been made for him to pay \$6,000.00 per month. Ms Murphy recalled that Mr Schumacher wanted to see if there was any money on his credit cards to put into the Schumacher Group account so he would not give the impression he was struggling financially. Mr Schumacher also asked Ms Murphy to call the banks to see if he could withdraw \$10,000.00 to \$15,000.00 in cash. It was not unusual for Mr Schumacher to request this amount of cash.
110. Mr Schumacher also spoke to Jozef Gasperak at 0710 and 0954. Mr Bazianas believed Mr Gasperak was a plasterer Mr Schumacher owed around \$20,000.00 to \$30,000.00.
111. Ms Murphy claims Mr Schumacher called her approximately 5 minutes after the first phone call and asked why Ms Murphy sounded upset. Ms Murphy stated she had lost another tooth (she had been losing teeth whilst on the methadone program). Mr Schumacher told Ms Murphy to go to the dentist as "we" had enough money. Ms Murphy gave evidence there had been discussions for some time about getting Ms Murphy's teeth fixed and it had not occurred before this time because they had not got around to it.
112. Mr Peter Maguire, Mr Schumacher's neighbour, overheard Schumacher on the phone at approximately 0900 or 0930 saying "*no I don't want anyone to know about that money, I'm trying to hide it from the tax department*". Mr Maguire Snr indicated Mr Schumacher sounded like his normal self.
113. Ms Murphy recalled that Mr Schumacher had called her at 0930 and they had discussed a cheque for JTM Lining for \$10,000.00. The photographs taken of the scene indicate that one cheque for \$10,000.00, unsigned was in the downstairs area where Ms Murphy worked and a signed cheque for \$10,000.00 was located upstairs in Mr Schumacher's study. There was some indication Mr Schumacher had changed his instructions regarding whether this cheque was to be written or made out to cash.
114. Ms Murphy confirmed the writing on both cheques was hers. She confirmed Mr Schumacher would, on some occasions sign blank cheques and she was also able to forge Mr Schumacher's signature. Ms Murphy believes Mr Schumacher signed this cheque because he

had asked her to prepare the cheque. This would appear to indicate Mr Schumacher signed the cheque when he returned home.

115. During the call Mr Schumacher also instructed Ms Murphy to withdraw \$5,000.00 for her dental work and to cash a cheque for \$1238.50.
116. During the day Mr Schumacher spoke several times with Mike Wiggington from Brisbane Mirror Company who had the contract for the Ellis Street project. Mr Wiggington indicated there was nothing unusual with these phone calls and they were just normal business phone calls.
117. Throughout the morning, there were numerous calls between Mr Schumacher's mobile phone and a phone registered to the Schumacher Group project manager. These phone calls occurred at 0809, 0907, 0913, 0915, 0917, 0929, 1051, 1056, 1059, 1101 and 1148. The identity of the person using this phone remains unknown to this day. At the time of Mr Schumacher's death, no person was fulfilling the role of "project manager" for the Schumacher Group. In evidence, Ms Murphy indicated it was possible an apprentice, Mr Wesley Cardy was using this phone.
118. Mr Bazianas met with Mr Schumacher at the construction site at Ellis Street at 1000. He recalls Mr Schumacher being in good spirits. Mr Bazianas left the site at 1010 and returned to his clothing business. He finished working at his business at 1445 to play golf.
119. Mr Schumacher then called Ms Murphy at 1030 to advise he was on his way home. Ms Murphy indicated in her statement that Mr Schumacher had told her not to be home for a while as he had a business deal and this would not take too long. Ms Murphy gave evidence that on two previous occasions she had been asked by Mr Schumacher to wait outside (one of these occasions was the incident with Mr Gambaro and Mr Xanthopoulos) and on one other occasion she had been requested not to be home.
120. John William Pascoe called Mr Schumacher at 1035.
121. Between 1030 and 1100, Ms Murphy cashed a cheque for \$1,238.50 at Westpac Toowong. Bank records confirm a cheque in the amount of \$1,238.50 was cashed from the Schumacher Group cheque account. She believed she used a blank cheque signed by Mr Schumacher or she signed the cheque herself. She returned to the house and left \$1,238.50 cash in the study next to the computer and a note on a post it note to Mr Schumacher advising she was going to the bank and post office and for him to call her when he got home. This was the last occasion Ms Murphy says she was in the study.
122. Ms Murphy was shown photographs taken of the study after Mr Schumacher's death. She indicated that whilst it was usual for folders to be out, it was unusual for them to be on the floor. Ms Murphy gave

evidence that when she left the study that morning, it was not in the messy state depicted in the photographs.

123. At approximately 1100, Peter-Scott Maguire left his family's residence to purchase cigarettes. When he was leaving, Mr Schumacher was in the carport finishing a conversation on his mobile phone. Mr Maguire Jr could not recall what cars were present. He recalled exchanging pleasantries with Mr Schumacher. When Mr Maguire returned home from this errand, his family were not home.
124. At 1100 Ms Murphy says she left the house and went to the post office. She made contact with her drug dealer, Mr Harding to purchase marijuana. Ms Murphy met Mr Harding at the Greenslopes bowling alley to pay for her purchase. Mr Harding was due to call Ms Murphy when the marijuana was ready to be collected. Ms Murphy indicated she was unaware of the amount of marijuana located in her bedroom following Mr Schumacher's death. She stated if she had been aware she had this much marijuana she would not have arranged to purchase more that day.
125. Mr Maguire Snr and his wife left their house at approximately 1130 or 1200 to collect their daughter from work as she was sick. They observed Mr Schumacher at the rear of his green Landrover on his mobile phone looking for something in his vehicle. Mr Schumacher smiled and waved at Mr Maguire Snr. Mr Maguire does not recall the white utility driven by Ms Murphy being present at this time.
126. Ms Murphy sent Mr Schumacher a SMS text detailing the amount of money in his accounts. Mr Schumacher called Ms Murphy (possibly at 1138) and advised her to withdraw \$700.00 from his Westpac Visa debit card. Ms Murphy asked Mr Schumacher to let her know when she could return home. Ms Murphy drove down to Westpac Rosalie and withdrew \$700.00. After this she drove past the house and says Mr Schumacher's Landrover was present but there were no other cars. Ms Murphy did not stop or go into the house because she was told by Mr Schumacher not to. Ms Murphy then went to the physiotherapist for 20 minutes.
127. Mr and Mrs Maguire left and collected their daughter from Spring Hill. When they arrived home, they realised they had not eaten lunch so left the house again. Mr Maguire does not recall seeing either Ms Murphy's or Ms Maragna's vehicle at Mr Schumacher's.
128. Ms Eleison, who could observe 115 Gregory Street from her residence, arrived home at approximately 1215. She observed Mr Schumacher outside in his front yard talking on the phone. There was nothing unusual about this phone call.
129. Ms Maragna believed she called Mr Schumacher between 1215 and 1230 to let him know she was heading back to the office. The

telephone records reveal this telephone call occurred at 1226. Ms Maragna asked him how his day was going and he stated his day was not going well and a lot of things were going wrong. Ms Maragna said Mr Schumacher was angry and upset, however this was not unusual, he was often angry and upset, and this indicated a typical work day. The telephone records reveal this was the last phone call answered by Mr Schumacher. All telephone calls after this were diverted to Mr Schumacher's voicemail.

130. At approximately 1230, Mr Maguire Jr left the house to meet a friend for lunch. He could not recall what cars were present at Mr Schumacher's. Mr Maguire Jr observed someone who appeared to be a meter reader walking down Gregory Street from Munro Street. He made this assumption because this person was wearing Energex style clothes. This man had a goatee beard or similar and wore a light blue coloured work shirt, king gee dark pants, a dark coloured wide-brimmed hat and black boots. Mr Maguire Jr indicated in his statement that this person was not carrying a clipboard or meter reader however in evidence he stated this person was carrying a clipboard. As Mr Maguire drove up Gregory Street he observed this person walk into Mr Schumacher's carport or yard.
131. Michael Toppin, a neighbour of Mr Schumacher, told the police during their doorknock following Mr Schumacher's death that at approximately 1230, he was reversing from his property and noticed a black jeep Cherokee parked on the same side of the street as 115 Gregory Street. This car was in the same position at 1310 and 1420. He recalls the car because it was parked on the road, quite a distance from the gutter which made it difficult for him to get in and out of his driveway. In 2009, when Mr Toppin's statement was obtained, he reviewed video footage taken of the scene and identified Mr Schumacher's green Landrover as the car he thought was the black jeep Cherokee however he believes this vehicle was parked further out from the gutter than the photograph and video footage depicted. He denied that Ms Maragna's vehicle was the vehicle he had observed on 11 May 2006. During evidence, Mr Toppin indicated he still believes he saw a black jeep Cherokee; however he believes he saw an older model. I have concluded the vehicle he identified was Mr Schumacher's Landrover.
132. At approximately 1240, Ms Elesion heard a very loud bang like a car backfiring. She could not see any vehicle driving in Gregory Street and could not hear any car driving away.
133. At 1244 Ms Murphy sent a text message to Mr Schumacher, *"I got 700 out of west visa. 5 mins away from indro 2 get 5000. I appreciate that as my teeth r killing me. I don't need other 5000 so don't b silly. Ta"*. And another at 1254, *"Your othas where mazed. I checked paper work"*. This text message and the text messages sent soon after were not read by Mr Schumacher. Bank records reveal \$700.00 was

withdrawn from Mr Schumacher's Westpac Altitude credit card from Suncorp Metway at Rosalie.

134. Ms Murphy then withdrew \$5,000.00 cash from Westpac Indooroopilly at about approximately 1300. Bank records confirm a cheque for \$5,000.00 was cashed from the Schumacher Group cheque account. She believes she sent Mr Schumacher a text asking if this money could be kept in the safe as she did not want to put the money into her account because of the effect it might have on her Centrelink payments (the records indicate this text message was sent at 1330). Ms Murphy then drove towards the residence. She parked the utility on Realm Street and walked down the back stairs and around the side of the house. Ms Murphy parked in Realm Street so Mr Schumacher would not see her. Ms Murphy was able to see Mr Schumacher's car and she realised Mr Schumacher still did not want her home so she left and drove to BP Milton. Ms Murphy did not see any other cars present however she indicated there was a slight hill so there may have been other cars present. Ms Murphy's receipt indicates she purchased fuel from BP at 1324.
135. At approximately 1315, Mr Maguire Jr returned home. Again no one was home at his house. In his statement he indicated the Mercedes was in Mr Schumacher's carport but neither Ms Maragna's nor Ms Murphy's vehicle was at the residence. Unsurprisingly given the lapse of time, when he gave evidence, Mr Maguire Jr could not recall what cars were present when he returned home.
136. At 1319 Justin Willis tried to call Mr Schumacher and was diverted to voicemail.
137. Ms Murphy sent the following text message to Mr Schumacher at 1330, *"Got money. Prob get robbed since its mine. I don't wanna put it in my bank so I was hoping you could keep in safe. Getting fuel & will come home & clean DESK up"* and then this text message at 1331, *"sop at some real estates 4 lists. Thanks 4 half day off but my tooths much better. Call me if u need anything. Ta"*. When Ms Murphy gave evidence she claimed not to have been given a half day off and the only explanation she could offer was that this was perhaps a reference to a half day off the next day.
138. Ms Murphy then drove to West End to get shoe laces and travelled to the Ellis Street project because she said she had nothing else to do.
139. At approximately 1345, Mr Antcliff, a postal worker with Australia Post, delivered two items to Mr Schumacher's residence. These items were placed in the letterbox. When he was at the residence he observed a white utility parked on the right hand side of the carport. The utility had a logo on it saying "Schumacher". There was also a dark late model sedan parked in the left hand side of the carport.

140. In his statement to the police the next day, Mr Antcliff was confident of the time he was at Mr Schumacher's house because he finished work at 1411 and the rest of his run from Mr Schumacher's house would have taken 20 minutes. During evidence, Antcliff indicated the second half of Gregory Street takes between 8 – 10 minutes. This would have placed him in Gregory Street between 1340 and 1350. The area around 115 Gregory Street was in the middle of this run which is why he was able to indicate he was present at 1345. In evidence, he indicated the earliest he could have delivered the mail to Gregory Street was an hour earlier but did not think this occurred on 11 May because he provided his statement the very next day and was confident of the times. Mr Antcliff did not recall seeing a 4 wheel drive or any electricity or meter readers working in the area.
141. Ms Murphy gave evidence she was not at Mr Schumacher's residence at 1345, nor did she park her car in the carport at any time after leaving the house at 1100. She also stated from this time until after Mr Schumacher was found deceased, she never went into the house.
142. Ms Murphy tried to call Mr Schumacher at 1353 (left voicemail) and 1425. At 1403, she sent the following text message, *"Pls answa me. Im driving in circles. Also do u want me 2 deposit that 500 citibank."*
143. Ms Maragna indicated she left work at 1410pm and drove to Mr Schumacher's residence. Vicky Benn, who worked with Ms Maragna, recalled Ms Maragna left work between 1400 and 1500.
144. At 1412, the mobile phone registered to the Schumacher Group project manager attempted to call Mr Schumacher.
145. At about 1415, Ms Murphy then drove to Greenslopes Bowling Alley to collect the marijuana however Mr Harding advised it was not ready. Ms Murphy believed she waited for Mr Harding for 20 minutes. Ms Murphy's phone records confirm calls were made by Ms Murphy to Mr Harding throughout the day at 1020, 1115, 1125, 1331, 1424 and 1436. Mr Harding confirmed he met Ms Murphy at either the Schumacher Group office at Wickham Terrace or Greenslopes Bowling Alley. Ms Murphy sent Mr Harding a text message the evening following Mr Schumacher's death *"my flatmate is dead, cops are involved, get a new number. Either Darren or I will be in touch."* Mr Harding believes this text message was sent to avoid him getting in trouble for selling marijuana.
146. Following this, Ms Murphy started to head towards Mr Schumacher's residence when she received a call from Ms Maragna who was hysterical. Ms Murphy continued to return home, collecting her methadone dose on the way at a chemist in Auchenflower.
147. At 1428 and 1437 Jozef Gasperak tries to call Mr Schumacher.

148. Following Mr Schumacher's death, enquiries were made by police regarding Mr Baffi's whereabouts. DSC Burdis spoke with Mr Pittman who advised Mr Baffi had an appointment with him on 11 May 2006 but no statement was taken from Mr Pittman. Mr Baffi gave evidence he was at Mr Pittman's office from 1000 until 1900. He denied attending Mr Schumacher's residence on 11 May 2006 or arranging for anyone else to attend Mr Schumacher's residence.
149. Between 1430 and 1440 Dr Knox was travelling along Gregory Street. He observed a female approximately 40 years old with shoulder length dark hair wearing a dark pants suit. She was crossing the road near Mr Schumacher's residence carrying native flowers. This clearly is Ms Maragna. Dr Knox did not see anyone else in the street.
150. When Ms Maragna returned to Mr Schumacher's residence she was surprised to see Mr Schumacher's green range rover because she did not expect him to be home. Ms Murphy's white utility was not present. Ms Maragna parked her car across from the house and crossed the road carrying a bunch of wild flowers. She went up the stairs to the front door. Ms Maragna could see the study light and computer on but could not see Mr Schumacher.
151. The front door was locked so Ms Maragna unlocked the door, entered the house and checked the alarm system. Ms Maragna indicated the front door was normally locked. The alarm system had a green light indicating the alarm system was off. The alarm system was generally switched off whenever people were present at the residence. Ms Maragna walked into the dining room and everything appeared normal. She indicated in her statement to police that she must "have taken my shoes and jacket off at some time but I cannot recall exactly when. I remember putting my jacket on one of the dining room chairs." During her re-enactment with police, she indicated she took her jacket off in the dining room. During evidence Ms Maragna could not recall what she did with her jacket however she believed she placed it on the dining room chair.
152. Ms Maragna went into the study and observed Mr Schumacher slumped in the corner against the wall. Mr Schumacher was half sitting on an old fashioned wooden chair with his head and body facing towards the computer. Mr Schumacher was half seated on the chair as the chair was slightly leaning towards the wall. Ms Maragna indicated the chair was on an angle, with some of the legs of the chair on the floor and some off the floor. His head and left shoulder were leaning against the wall directly under the air conditioner. Mr Schumacher's left arm was lying over his lap and his right arm was hanging down beside him. There was blood coming out of Mr Schumacher's ear, mouth and nose.
153. Ms Maragna indicated during evidence that she does not recall whether Mr Schumacher was on the wastebasket when she discovered him.

154. Ms Maragna observed that the computer was on and Mr Schumacher's email was open with a warning message box. There was a mobile phone beside the computer. She did not notice anything out of the ordinary or see any photos or items that had been moved. When Mr Schumacher worked in the study he would have papers all over the place but when he finished he would clean them up.
155. Ms Maragna grabbed the cordless phone and called 000. QAS records indicate Ms Maragna's call was received at 1443.14. Ms Maragna told the 000 call operator *"I don't know I just walked in and found my partner on the floor I think he's dead"*. When Ms Maragna was queried about the positioning of Mr Schumacher she was adamant she did not find Mr Schumacher lying on the floor. She was not able to offer an explanation as to why she gave the 000 call operator this information, other than she was in shock. Ms Maragna was given assistance by the 000 call operator to try and ascertain Mr Schumacher's pulse and perform CPR. The 000 advice given by the call operator was: *"lay him on his back and look into his mouth for any food or vomit"*. Due to the nature of the incident, QPS and QAS were dispatched to the address.
156. Ms Maragna indicated in her statement that when she laid Mr Schumacher down to perform CPR she saw a gun on the floor near a folder divider and the little chest of draws under the air conditioner. The muzzle of the gun was pointing towards the left wall of the study and the handle pointing towards the computer desk. Ms Maragna had not seen the gun until this time. Ms Maragna told Constable Anderson when she first went into the study she saw the gun next to Mr Schumacher's elbow. During evidence, Ms Maragna indicated at one point that when she laid Mr Schumacher down the gun was near Mr Schumacher's left hip however later she indicated the gun was near Mr Schumacher's legs. Ms Maragna used her right hand to push the gun away towards the wall where the air conditioner was. During the re-enactment she indicated she only moved the gun a few centimetres.
157. Ms Maragna did not recall seeing cash in the amount of approximately \$1,200.00 in the study.

Events of 11 May 2006 and response of QAS and QPS

158. Section 8.4.1 of the Operational Procedures Manual for QPS provides that the responsibility for investigating and reporting deaths in cases of suspicious deaths of adults is the officer assigned to take charge of the investigation. Section 8.5.1 states where an officer attends a death that is an apparent suicide, the matter should be treated as a suspicious death until such time as investigations clearly indicate the deceased met with death without the intervention or assistance of another person.
159. After Ms Maragna's 000 call, QAS and QPS personnel were dispatched to Mr Schumacher's residence.

160. The evidence suggests that QAS and QPS vehicles all arrived at the same time from between 1450 to 1454.
161. It is fair to say that as more officers and emergency personnel attended there was some confusion as to who was in charge and at times too many police officers were within the "crime scene", potentially impacting on the security and preservation of the evidence. Resuscitation efforts required the body to be moved and the firearm was also moved. There were good reasons to do that although it did compromise to some extent an effective forensic examination of the scene.
162. It is not intended to detail all the events that followed. They are set out in Ms Marten's submissions.
163. When the first response officers Senior Constable (SC) Denton and Constable Seymour arrived Ms Maragna was observed on the balcony on the second storey. She was wearing a black singlet top and black pants. The evidence from a number of witnesses suggests she was not at this stage wearing her jacket.
164. Ms Maragna directed the police officers to the study where Mr Schumacher was located. The police entered the residence first and went straight to the study. It is possible, but not certain that one of the officers checked the rest of the house to see if anyone else was present.
165. Mr Schumacher was observed lying on his back on the floor of the study with a black semi automatic hand gun underneath the left elbow of Mr Schumacher. Its exact location was not photographed and because it may have still been loaded a decision was made by the officers to move the weapon for safety reasons as the QAS officers would be working on Mr Schumacher. Although the officers were aware of their responsibility to preserve evidence not unreasonably they also considered their paramount duty was to ensure the safety of themselves and the QAS officers. The weapon was placed under a cabinet in the dining room area but not rendered safe.
166. The QAS officers were then advised it was safe to enter which they did. Mr Schumacher was unconscious with blood in his mouth, his eyes were fixed open and pupils dilated. Mr Schumacher was also cyanosed. Unless the death is obvious QAS officers always attempt to treat the patient until they confirm the patient is deceased.
167. A decision was made to move Mr Schumacher given the confined space of the study and they dragged Mr Schumacher into an area near the dining table. Police officers assisted by moving furniture in the dining room. It is believed this process did not disturb any items in the study.

168. Whilst QAS officers worked on Schumacher, SC Denton went into the study and observed a document on the computer screen that appeared to be a business report relating to an amount of money around \$650,000.00 which related to construction. SC Denton did not locate any suicide note. SC Denton also observed a shell casing in the study. He did not recall where this was located but agreed it was possibly in the position as photographed by scenes of crime.
169. When Constable Seymour was opening the left hand side glass door to the study he observed a shell casing lying on the floor in the corner of the room near the door entry.
170. Constable Anderson also entered the study and observed the computer monitor screen which was not in screen saver mode. She only saw what appeared to be work related material. She did not locate a suicide note. Constable Anderson also saw there was a mobile phone with 1 missed call.
171. CPR was discontinued with evidence there were no obvious signs of life. During the process of examining Mr Schumacher, a wound was identified to the back of his head.
172. At least two QAS officers wiped away congealed blood at the base of Mr Schumacher's skull or around the hole to try and identify a bullet wound. After wiping away the blood a small penetrating wound was identified.
173. An examination was made inside the mouth by possibly two QAS officers however everything was intact.
174. Senior Sergeant Christopher Peters who was performing the role of District Duty Officer, arrived at the scene. He asked the QAS officers for some information and they rolled Mr Schumacher onto his side, wiped the base of Mr Schumacher's skull and Senior Sergeant Peters observed a round wound that appeared to be a gunshot wound.
175. Because the injury was a gunshot wound, the Senior Sergeant asked one of the constables if they had cleared the house. As the constable indicated the house had not been secured, Senior Sergeant Peters decided to clear the entire house.
176. Senior Sergeant Peters gave instructions to Constable Seymour to establish a cordon at the front of the doorway in an expectation that persons would not enter the area.
177. Senior Sergeant Peters then conducted a check of the entire residence. When he returned upstairs to where Mr Schumacher was located, he observed 8 – 10 police officers including some detectives and did not believe so many persons should have been at the scene

and was annoyed so many had entered. Senior Sergeant Peters believes this contaminated the crime scene.

178. Ms Murphy arrived home at some point. The Maguires and a number of police officers overheard conversations between Ms Maragna and Ms Murphy. Ms Maragna, who was distraught, was overheard screaming at Ms Murphy "*what the fuck have you done now?*" One police officer overheard Ms Maragna ask Ms Murphy, "*where have you been? You should have been here.*" Ms Maragna indicated she may have even slapped Ms Murphy. Ms Maragna was unable to offer any explanation for her behaviour, other than she was in shock. Ms Murphy advised Ms Maragna that Mr Schumacher had asked her to leave the house.
179. When Ms Murphy arrived she had Mr Schumacher's wallet. She believes the \$700.00 she had withdrawn was in the wallet. Ms Murphy believes the \$5,000.00 that was withdrawn was either in Mr Schumacher's wallet or in the centre console of the white utility. Ms Murphy gave Ms Maragna the wallet. Ms Maragna did not recall whether there was any money in Mr Schumacher's wallet. Ms Maragna subsequently provided Mr Schumacher's wallet to police prior to departing the scene.
180. Both Ms Maragna and Ms Murphy gave evidence they were in sufficiently close proximity for Ms Murphy to have come into contact with Ms Maragna's clothing.
181. Ms Murphy told police she was in a sexual relationship with Mr Schumacher however Ms Maragna was not aware of this. Ms Murphy advised she was supposed to organise a \$10,000.00 or \$15,000.00 cheque for Mr Schumacher. She also said there were several handguns inside the house including a sawn off rifle and silencer. She stated Mr Schumacher had at various times fired shots into the walls of the house causing holes in the walls. Ms Murphy said the weapons were in the safe. She also indicated Mr Schumacher had told her to get her teeth fixed that day and he would pay for it. Ms Murphy indicated when she last heard from Mr Schumacher, he had advised her he was coming home for business and did not want her there when he arrived. Ms Murphy advised the last time she heard from Mr Schumacher was 1151 however later indicated she last heard from Mr Schumacher at either 1000 or 1030.
182. Ms Murphy also told the police Mr Schumacher had been having problems with money lately. She said he had been ripped off by an Italian guy and was in a lot of debt. Ms Murphy stated she was on the methadone program and that Mr Schumacher used recreational drugs, "*nothing heavy*".
183. Student Paramedic Barrass overheard the two woman talking Ms Murphy state "I'm going to tell them everything, I'm going to tell them about the drugs and everything."

184. Scenes of Crime officers, SC Harrod-Eagles and SC McWilliam, attended the scene at 1531. They both noted the unusual number of persons inside given the preference was for general duties officers who first attend the scene to restrict access and call Scenes of Crime.
185. At this point it is apparent Ms Maragna had come up the internal stairs, possibly having identified Mr Schumacher's gun safe to another police officer when requested. A number of police officers stated that having civilians in the crime scene should be avoided if possible.
186. SC McWilliam was told that it was thought Mr Schumacher had put a gun in his mouth and shot himself but she also observed Mr Schumacher having a bruised left eye which did not fit with this scenario. Her immediate reaction was to clear the room and call a crime scene.
187. SC McWilliam spoke to the Regional Forensic Services Co-ordinator, Senior Sergeant Sargood because it was considered a full crime scene examination was warranted. The police scientific section was called to request the attendance of a ballistics expert. Senior Sergeant Sargood arrived at the scene and was of the view the crime scene was to be treated as suspicious.
188. SOC officers both observed blood splatter in the study and recorded it but it was not analysed by anyone until 2010 at the request of Ms Martens.
189. Video and photographic evidence of the scene was taken and a security check of all the windows and doors revealed no signs of forced entry.
190. The ballistics expert Sergeant Clark arrived at the scene at 1645pm. Sergeant Clark observed a white latex glove on the ground and to the right-hand side of the carport as he was entering the residence. He arranged for the glove to be photographed and collected. Sergeant Clark observed the weapon found with Mr Schumacher (a 9mm Parabellum calibre Beretta model 92 FS Centurion self-loading pistol). He also took gunshot residue ("GSR") swabs from Mr Schumacher.
191. Sergeant Clark observed the gunshot wound to Mr Schumacher's head but he could not determine if it was a close contact, intermediate or distance wound and only one wound could be observed, i.e., a second wound could not be located which would indicate an entrance and exit wound. A Forensic Pathologist was called to attend.
192. Sergeant Clark observed a discharged cartridge on the floor of the study towards the front right-hand side corner of the room and took measurements.

193. That afternoon and evening, a door knock occurred in the area nearby. Neighbours were spoken to and some of the information they provided was contained in the running logs. It is clear that although a number were spoken to it was not until 2009 that formal statements were taken. This occurred with many other witnesses in this case.
194. DSC Chris Howard was instructed by Detective Inspector Ainsworth to take Ms Maragna and Ms Murphy to the Indooroopilly Police Station to obtain statements. Ms Murphy subsequently provided a relatively comprehensive statement. Ms Maragna attempted to provide a statement however it was suspended due to her emotional state. She went to a friend's house and had a shower.
195. Sometime after 1900 the Forensic Pathologist Dr Ong attended. Relevantly Dr Ong observed an apparent gunshot wound to the back of Mr Schumacher's head which he confirmed to be the entry gunshot wound. Dr Ong was unable at this time to conclude whether the gunshot wound was a contact or close contact wound however no stippling or soot staining was observed. No exit wound was observed.
196. It was not until around 2040 that a decision was made to obtain GSR swabs from Ms Maragna and Ms Murphy. Swabs are obtained from the back and front of both hands and a control sample in case there is any contamination. Ms Maragna was at her home and had showered prior to the sample being taken. GSR samples from Ms Murphy were taken at the Indooroopilly police station after 2145. Neither of them objected
197. Later around 2150 Ms Maragna returned to Mr Schumacher's residence requesting personal property. In particular, Ms Maragna requested her jacket. Ms Maragna stated she had taken her jacket off when she entered the house and before she had any contact with Mr Schumacher. When the jacket was observed it appeared to have blood stains no attempt was made to seek any explanation from Ms Maragna in relation to the obvious conflict. That was only explored when she gave evidence at the inquest in 2011. In evidence, Ms Maragna stated she must have been wearing the jacket when she was trying to help Mr Schumacher. I accept this was the case.
198. Detective Inspector Ainsworth requested officers from the Homicide Unit be deployed to assist with the establishment of a Major Incident Room ("MIR") and the setup and training in the IMAC case management computer system which was a new system being adopted for MIRs. Members of the Homicide Unit were deployed because Mr Schumacher's death was suspicious enough for their involvement. The IMAC system allows police officers to be tasked via email with instructions. The person tasked performs the task and then reports back, providing the information, statement and/or document to the MIR and the information is contained in a job log.

199. On 11 May 2006, a document called a State Crime Operations Command Special Occurrence directed to Assistant Commissioner, State Crime Operations Command was prepared. DSS Blanchfield indicated he either prepared or supervised the production of this document. He indicated the majority of the information contained in this document would have come from the significant events messaging system within the QPS.
200. In particular, the Special Occurrence noted "Indooroopilly CIB officers attended and a Crime Scene established. Forensic and ballistics officers attended and an examination was made of the scene and initial examinations concluded that the male had committed suicide using the pistol located." DSS Blanchfield gave evidence he did not have any direct knowledge of this and the significant messaging system did not mention suicide. He did not recall where this information came from, however it was possibly an assumption he made because the weapon had been found at the scene. He says that regardless, the fact he and others were deployed indicated the matter was still considered suspicious.
201. SCs Harrod-Eagles and McWilliam, Sergeant Clark, Senior Sergeant Sargood, DSS Byram and Detective Ainsworth all gave evidence that at the time of finishing at the scene that evening, the death was still considered suspicious and no-one had formed the view as detailed in the Special Occurrence.
202. That evening, DSS Byram established the MIR at Indooroopilly police station. The personnel structure was produced overnight through consultation. It is apparent QPS did consider the death suspicious and provided appropriate resources in personnel at that time.
203. However it is also apparent that over the next few days the involvement of a number of personnel ceased and the important position of Reader, although appointed was never utilised. There appeared to be a lack of clarity as to who was recording and analysing information.

Investigation on 12 May 2006

204. By this time the investigating team was aware of the scene contamination, Mr Schumacher's romantic relationship with Ms Maragna and Ms Murphy, that Mr Schumacher owed a large sum of money and was in financial difficulty, Dr Ong's indication the wound to the back of Mr Schumacher's head was an entry wound and a shell case had been located behind the study door.
205. There was a MIR briefing and the following was discussed:
 - Has been carrying a handgun
 - Acrimonious civil matter in the building industry
 - Has contact with crime person valley – strip clubs
 - Possible dealing with guns

- User of pills
- Maybe suffering cancer

206. It is apparent that steps were being considered to:

- Identify people who had seen Mr Schumacher carrying guns around;
- Query the comments made by Ms Maragna and that the jacket was a priority by Scenes of Crime/Scientific
- Enquiries had been made with the Greenslopes Hospital and the GP that he was not being treated for cancer

207. DS Heath was requested to undertake financial and civil litigation enquiries regarding Mr Schumacher. He requested a search be undertaken to identify all bank accounts associated with Mr Schumacher and spoke with Mr Schumacher's lawyer from McCullough Robertson;

208. Further examinations by Scenes of Crime and scientific officers were undertaken. Computers located in the residence were seized for further examination. Although Sergeant Clark indicated he observed bloodstains in varying places he did not make a determination of where Mr Schumacher was at the time the gun was discharged because he was not satisfied the blood he observed was back spatter.

209. It is apparent Police were interested in the relationship with Mr Baffi and were advised of the outcome of the financial enquiries and the lodgement of a caveat on Mr Baffis' property but the effect of Mr Schumacher's death on the caveat was unknown. Mr Baffi was not spoken to by police until 2009.

210. Dr Ong performed an autopsy on Mr Schumacher at approximately 1400. SCs McWilliam and Harrod-Eagles and Sergeant Piper were present during the autopsy. DSC Burdis was also present in the viewing area. The information communicated to DSC Burdis became relatively important because it would appear (at least from the opinion of DSC Burdis and Detective Inspector Hytch¹³) decisions regarding the investigation were made as a result of this information.

211. It was not until he gave evidence on 5 November 2010 that DSC Burdis produced what he claimed to be contemporaneous notes of his attendance at the post mortem. These notes were not contained in any notebook or diary issued by the QPS. Unfortunately these notes were not detailed and did not document the information Dr Ong provided regarding the distance of the gunshot wound.

¹³ Detective Inspector Hytch indicated in his memo to the Regional Crime Coordinator in October 2010 that "preliminary verbal advice was provided by the examining pathologist on 13 May 2006 to the initial investigative team indicated the injury sustained by the deceased was 'self-inflicted'...and "I am informed that the management of the initial investigation, based upon this pathology advice, formed the opinion that the death of Mr Schumacher was considered not to be suspicious. As a result of the investigation being considered non suspicious, I informed that the intensity of the police investigation was scaled down from a full Major Incident Room investigation involving a team of investigators to a sole investigator."

212. DSC Burdis recalls Dr Ong indicated the wound was not a contact wound. He could not recall what information, if any, Dr Ong provided regarding any stippling or tattooing.
213. Other than DSC Burdis' notes, the first time he recorded the information provided by Dr Ong was in his statement dated August 2008. He indicated in this statement that Dr Ong told him Mr Schumacher died of a gun shot wound to the head and it was possible to have been self-inflicted. The report to the coroner prepared by DSC Burdis in August 2008 notes Dr Ong indicated the gunshot wound was probably self-inflicted.
214. During evidence, DSC Burdis stated Dr Ong either said it was "possible" or "probable" the gun shot wound was self-inflicted. He could not recall what exactly was said, however he leant towards "possible". He conceded it was important to know what the pathologist's preliminary view is however the final report should be waited for.
215. Dr Ong indicated during evidence he was of the opinion at the post mortem that the gun shot wound was a distant gun shot wound. He could not recall what information was given to the police officers in attendance however he believed he advised the gun shot wound was consistent with a distant gun shot wound and would be unusual for self-infliction. He believed he was questioned a few times whether the wound could have been self-inflicted/suicide and Dr Ong was confident he would not have said Mr Schumacher's death was a suicide but that self-infliction could not be ruled out. Dr Ong denied ever saying he believed the findings strongly indicated a self-inflicted gun shot wound. Dr Ong did not provide any information regarding GSR results.
216. Neither SCs McWilliam nor Harrod-Eagles recalled Dr Ong providing an opinion about whether the gunshot wound was self-inflicted or not while they were present. SC Harrod-Eagles indicated that if Dr Ong stated the wound was self-inflicted, she would have recorded this in her notes.
217. Senior Sergeant Piper attended the post mortem. He advised Sergeant Clark that no residues, stippling or tattooing had been observed at the post mortem which may have indicated a distance wound. As a result, this prompted Sergeant Clark to conduct further examinations because the death was still suspicious or undetermined.
218. Senior Sergeant Sargood recalled receiving a briefing about the post mortem from either SC McWilliam or Harrod-Eagles. He was told the findings were inconclusive because of the angle of the wound and it could have been possibly self-inflicted.

219. DSS Blanchfield's notes record at 1500 "advice received from PM". It is apparent this was by Detective Burdis over the telephone to the MIR. According to the notes, the following information was provided:
- Injuries to right hand – bruising to thumb and fingers and abrasion to fingers consistent with self-inflicted
 - GSR on right hand
 - Entry wound to right of centre and trajectory up and towards left
 - All indicates strongly self inflicted.
220. DSC Burdis initially gave evidence he did not provide information about the GSR however later indicated it was possible he communicated this information.
221. DSC Burdis was unable to confirm what information he provided however accepted it was possible he provided the information as detailed in DSS Blanchfield's notes with the exception of the comment "all indicates strongly self-inflicted". DSC Burdis denied the use of the word "strongly", he believes he advised that Dr Ong's findings were that the gun shot wound was possibly self-inflicted.
222. There was then a briefing involving DSSs Byram and Blanchfield. DSS Byram recalled being advised by DS Blanchfield of the outcome of the post mortem examination, that the bullet was located, a quantity of GSR was identified on Mr Schumacher's hand consistent with Mr Schumacher having recently shot a firearm with that hand and that Mr Schumacher had minor injuries to his hand consistent with firing a weapon. He was advised Dr Ong believed the fatal injury was most likely self inflicted.
223. It is from this point that it seems that although there was still an active investigation to be completed and it was not considered conclusive the gun shot wound was self-inflicted, and enquiries were to still to be conducted over a period of time, there was a winding down of the investigation and some police were requested to cease undertaking any further enquiries.
224. A further State Crime Operations Command Special Occurrence was prepared on 12 May 2006. The document noted the findings communicated by DSC Burdis to DSS Blanchfield and included information that a large amount of GSR had been located on the right hand of Mr Schumacher and the pathologist had indicated he would strongly believe the injury to be self-inflicted. The document notes further enquiries to be finalised on 13 May 2006. The document finally notes there "are several issues relating to what has lead the deceased to take his own life". DSS Blanchfield indicated in evidence that the conclusion reached at that stage was the evidence indicated the gun shot wound was self-inflicted however there was no reason for Mr Schumacher to have committed suicide so the investigation was ongoing.

Investigation on 13 May 2006

225. It is evident in that a full search of Mr Schumacher's residence was conducted on 13 May 2006. A number of weapons were located in the residence. A .45 handgun was located underneath the bed sheets in the bedroom belonging to Mr Schumacher, a .22 rifle with a silencer was located in a draw at the bottom of the internal stairs and a .45 handgun and ammunition were located in Mr Schumacher's safe. A will was also located in Mr Schumacher's safe.
226. A large clip seal bag of green leafy material ("GLM") was located in the draw of the hutch in Ms Murphy's bedroom, a small clip seal back of GLM was located in a box sitting on top of draws in Ms Murphy's bedroom and a clip seal bag of GLM was located on the bookshelf in Ms Maragna's bedroom.
227. There is no record of any cash being located during the examination of the house.
228. A final State Crime Operations Command Special Occurrence was prepared on 13 May 2006 and indicated there were a number of job logs to be detailed and completed with further investigation required before the matter could be finalised and strong indications the injuries were self inflicted.
229. There may have been an expectation by a number of senior officers that these tasks would be completed, and possibly for a report to the coroner but there does not appear to be anyone at that stage taking control of the investigation.

Investigation on 15 and 16 May 2006

230. On 15 May 2006 DSC Burdis commenced a two week training course. Subsequently a decision was made that he would be tasked as the investigator.
231. A number of ballistics investigations were conducted and holes were located within Mr Schumacher's residence consistent with a firearm having been discharged within the house.
232. By this time the homicide squad disengaged. A number of senior officers thought the matter was a suicide and it is accepted there were a number of factors pointing to that fact particularly if this included the misreported opinion of Dr Ong. Nonetheless further investigations were being completed.
233. Within the first few days of Mr Schumacher's death, some unusual or suspicious information was available either within the MIR job logs or contained within statements provided by witnesses. The difficulty seems to be that senior officers were not aware of some of these developments possibly because the MIR was scaling down and no-one

was taking control or responsibility for the investigation. The information includes:

- Ms Murphy was told by Mr Schumacher to leave the house for a period of time.
- Whether an amount of \$1,238.50 had been located (as according to Ms Murphy this money had been left in the study)
- Ms Murphy had withdrawn \$5,700.00 that day
- A neighbour had observed someone in Mr Schumacher's yard at 1430
- Ms Murphy's car had been observed at the residence when she claimed not to have been there;
- A car possibly matching the description of that owned by Ms Maragna had been observed at the house at 1310 and 1420.¹⁴
- A white glove had been located at the scene. DSS Blanchfield was aware of this and believed enquiries were being conducted to determine if either a QPS or QAS officer had left the glove at the scene. Other officers were not aware of this.
- Ms Maragna had provided different versions about how she had found Mr Schumacher
- Mr Schumacher had asked his friends to "soften" someone up.
- Mr Schumacher was carrying a gun for protection/safety although DSS Byram was aware Mr Schumacher was carrying a gun.
- Mr Schumacher was allegedly supplying persons with guns. Detective Inspector Ainsworth was not aware of this. DSS Blanchfield's notes have this information recorded in them. DSS Byram was aware of this but was not sure when he became aware of this information
- Mr Schumacher was involved in a financial dispute with Mr Baffi. It would seem from the briefing notes that officers were aware of this and assumed there would have been further enquiries to find out what the situation was. Mr Baffi was not spoken to until 2009.

The investigation by DSC Burdis

234. As at May 2006, Detective Senior Constable (DSC) Burdis had been a police officer for 19 years although prior to this matter he had been the responsible investigating officer for one other suspicious death. It was considered he had the requisite experience and skills to carry out the investigation, and given his seniority that was a reasonable position to take.

¹⁴ It is acknowledged that later investigations revealed Ms Maragna's car was not at the residence at this time

235. DSC Burdis gave evidence that when he returned from his course all the statements and information had been placed in a box on his desk. He recalled being told by DSS Byram to prepare a report to the Coroner. He conceded in evidence that he was not specifically told the investigation was over however the fact he had been told to prepare a report to the Coroner indicated to him the investigation was over.
236. DSC Burdis did not consider it was part of his role of preparing the report, to conduct a review or follow up on any outstanding information. He also indicated it was his impression (which he conceded during evidence was an incorrect impression) that reports to the Coroner were of a low priority
237. It is unclear what form of briefing or handover of the case was given to DSC Burdis. It was probably not an extensive briefing given it would have been communicated that the cause of death was more than likely self-inflicted but the case still needed the investigation to be completed.
238. Given there were still outstanding tests and statements being arranged it should have been clear to DSC Burdis the investigation was not closed. Given his seniority it was a reasonable expectation that he did not need to be told how to complete an investigation. There was evidence given that if DSC Burdis required additional assistance he could have requested this and resources could have been sourced from outside the station if necessary.
239. There were a number of changes of the Officer in Charge at Indooroopilly Station during the investigation. The evidence suggests the various OICs followed up about the status of the investigation and its completion at times and were reliant on the report back from DSC Burdis. It may be questioned as to whether more supervision and review by the OIC was necessary, and in hindsight that may have been the case, but again DSC Burdis was a senior police officer who should have known what to do and it is accepted this may have lured his senior officers into some complacency. They were also reliant on his assessment the death was non-suspicious.
240. DSC Burdis, Acting DSS Maxwell, Sergeant Clark and Dr Ong attended ballistics testing on pig skin on 6 September 2006 to determine the distance between the muzzle and the back of the head of the Mr Schumacher. Sergeant Clark indicated this testing occurred because he maintained the view the death was suspicious and DSC Burdis agreed this suggested to him the range had not been determined.
241. Sergeant Clark's opinion following this testing was the results were still inconclusive.
242. Acting DSS Maxwell recalls that Dr Ong came to the conclusion the shot fired into Mr Schumacher came from a distance of approximately 20 cm.

243. As Acting DSS Maxwell was of a similar physical build to Mr Schumacher he undertook the task of attempting to position himself with the gun to be able to fire the shot into the back of his head. Acting DSS Maxwell was able to place the firearm behind his head to a distance of 30 cm.
244. DSC Burdis says he did not notify his superiors of the findings of the ballistic testing because Acting DSS Maxwell had been present at the testing. He stated during evidence that the gun shot wound could still have been self-inflicted because Acting DSS Maxwell was able to place himself in a position to inflict the injury. DSC Burdis conceded the other possibility was the gun shot wound was not self-inflicted but he did not take any further steps to investigate this.
245. On 5 October 2006, Dr Ong completed his autopsy report. He noted an entry gunshot wound was observed on the back of Mr Schumacher's head. This wound was located in the occipital region, immediately to the right of midline and 171cm above the head. The trajectory of the gunshot was to the front, slightly to the left (about 15 degrees to the sagittal plane) and slightly downward.
246. In paragraph 4 of Dr Ong's summary and interpretation he noted "the features of the gunshot wound were consistent with a distance gunshot wound where the muzzle of the gun is distant enough not to cause any stippling to the wound. In general it is usually a distance of 20 to 30 cm but contingent on the type of firearm and ammunition. Hence, test firing of the alleged weapon is required. Due to the distance between the muzzle of the weapon and the back of head, it would be unlikely the injury was intentionally self-inflicted."
247. For some reason Dr Ong's first autopsy report did not contain information regarding the test firing that had occurred on 6 September 2006.
248. On 16 October 2006, an email from Detective Inspector Aspinall of the Coronial Support Unit was sent to DSC Burdis and the email address for Indooroopilly OIC. The email noted the autopsy report had just been faxed and that paragraph 4 in the summary and interpretation section raised cause for concern. The email also noted as a result, the Deputy State Coroner required a full investigation into the circumstances of this matter. Acting DSS Maxwell does not recall receiving this email however he was at that stage filling in for the role of OIC. He also indicated he never saw the autopsy report.
249. DSC Burdis recalled receiving the autopsy report however he did not consider it warranted further investigation. He stated during evidence he could not be certain he was not the only person receiving this information. DSC Burdis could not recall receiving the email from Detective Inspector Aspinall.

250. On 3 November 2006 an email was sent from Acting Inspector Corey Allen to DSC Burdis (Acting DSS Maxwell was also a recipient of this email). The email indicated Mrs Lee-See, who owned the house in Toowong rented by Ms Murphy, Mr Quinn Collingwood, Mr Ricardo Castillo and Ms Nicola Stamos was worried because she believed the tenants had been involved in a murder. Mrs Lee-See apparently stated Ms Stamos had told her he had overheard Ms Murphy and Mr Castillo discuss how they had “knocked off” a man.
251. Acting DSS Maxwell recalls receiving this email and he spoke with DSC Burdis about this. Acting DSS Maxwell’s expectation was that DSC Burdis would investigate the contents of the email, which should have included speaking to people named in the email.
252. DSC Burdis also confirmed receiving this email. He had already spoken to Mr Castillo in relation to another matter and determined Mr Castillo had not become involved with Ms Murphy until after Mr Schumacher’s death. DSC Burdis also had some knowledge of Ms Stamos and Mr Collingwood from previous dealings and in his view they were “grubs” and were not to be believed because of their use of drugs. He had no knowledge of Ms Lee-See’s reliability or credibility. DSC Burdis took no action as a result of the email from Acting Inspector Allen.
253. Nothing further happened on the file over the following months during which time there was a change in OIC at Indooroopilly. Neither OIC personally reviewed the file, given DSC Burdis’s experience.
254. In June 2007, Mr Asmussen, a forensic scientist employed by the QPS, provided a statement regarding the outcome of the GSR testing indicating the presence of GSR on Mr Schumacher’s right hand and right hands of Ms Maragna and Ms Murphy.
255. In September 2007, a statement regarding the DNA examination was provided. A partial swab from the gun found in the study matched the profile of Mr Schumacher and the blood found on Ms Maragna’s jacket matched the DNA profile of Mr Schumacher
256. DSS Lehmann first became aware of the investigation into Mr Schumacher’s death in March 2008 when he received a report from the District Office outlining outstanding coronial matters. For some reason the status of the investigation on QPrime was shown as closed and did not appear on monthly bring ups for pending investigations assigned to the Indooroopilly CIB.
257. DSS Lehmann then met with DSC Burdis. DSC Burdis indicated he was awaiting several police statements and a statement from the pathologist before the report could be completed, however the

investigation was complete. DSC Burdis was of the opinion Mr Schumacher's death was as a result of an accidental shooting.

258. DSS Lehmann requested DSC Burdis finalise his report to the Coroner as soon as possible. There was some conflict in evidence as to whether DSC Burdis was provided with a print out of the Operational Procedures Manual (OPM) dealing with suspicious deaths. Whether he was or not all like any police officer he had access to the OPM in any case.
259. DSC Burdis accepted he was aware a death is to be treated as suspicious until it is certain the death is not. DSC Burdis indicated he was aware that responsibility for investigating and reporting reportable deaths is the responsibility of the officer who is assigned to take charge of the investigation however he did not believe he had been assigned to investigate.
260. DSC Burdis would have expected there would be some questioning of his role in this investigation at the inquest, but it was not surprising that he admitted he had still not read the relevant section of the OPM by the time he appeared.
261. DSC Burdis suffered a mild heart attack in early 2008 after which he took a period of leave and was then on office duties or non operational for two months. DSC Burdis claimed this medical illness was a significant factor in his inability to prepare the report to the coroner.
262. During the time DSC Burdis was on office duties, DSS Lehmann attempted to have DSC Burdis complete his report and took a more active supervision role.
263. The report was submitted on 20 August 2008 for review by the OIC. The report to the coroner ("the report") noted the cause of death was a gun shot wound and that the "pathologist has originally indicated that the gun shot wound was probably self inflicted". The report did not attach Dr Ong's Autopsy Report so anyone reading DSC Burdis' report would be unaware Dr Ong was of the view that due "to distance between the muzzle of the weapon and the back of head, it would be unlikely that the injury was intentionally self-inflicted."
264. The report noted that shots had been fired into pig skin to determine the distance when no GSR or stippling was observed and a distance of 20 to 30 cm was agreed upon.
265. The report set out the balances of Mr Schumacher's and the Schumacher Group's financial accounts however no statements or records were attached to confirm these amounts.
266. The report noted GSR had been located on Mr Schumacher, Ms Maragna and Ms Murphy however there was no explanation as to what

investigation, if any, had been conducted to explain the GSR located on Ms Maragna and Ms Murphy.

267. The report attached a number of statements all but 9 of which were obtained in the first week. No explanation was provided as to why it took DSC Burdis some 27 months to obtain 9 statements and complete his report.
268. DSC Burdis listed the following findings in his report:
- Mr Schumacher was known as a 'would be gangster' who had some form of infatuation with firearms;
 - He had discharged weapons in the house previously;
 - He had told friends and relatives he had cancer when he did not;
 - He had ongoing civil matters; and
 - GSR had been located on his hand.
269. The report concluded that no suspicious circumstances existed based on the following facts:
- The weapon had been located in the study;
 - The DNA on the weapon was from Mr Schumacher;
 - Mr Schumacher had GSR;
 - Mr Schumacher was known to discharge firearms;
 - A loaded firearm was located under the doona;
 - The doors and windows of the residence were locked; and
 - There was no other evidence available which would indicate another person being involved.
270. The report noted it was DSC Burdis' opinion Mr Schumacher had died accidentally as a result of mishandling the weapon.
271. During evidence DSC Burdis was questioned regarding some of the unusual and/or potentially suspicious circumstances of the matter. He stated he did not believe he had to perform his own assessment or review of the material to determine whether the conclusion he believed had been reached (i.e., self-inflicted) previously was an appropriate conclusion to draw based on the material. He also stated it was not his role to conduct his own investigation.
272. In his evidence DSC Burdis confirmed he had not considered further investigations over a range of issues which clearly warranted some thought as to whether there should be further enquiries made.
273. On 20 October 2008, DSS Lehmann commenced reviewing the report and he identified the file was not up to standard and numerous enquiries were required. He identified Dr Ong's statement was missing and there was no evidence relating to the ballistics testing carried out in 2006.

274. On 27 November 2008, DSS Lehmann claims he sent a lengthy email to DSC Burdis outlining the areas of investigation that were incomplete and statements that were outstanding which included further information regarding Mr Schumacher's financial disputes.
275. There is some dispute as to whether this email was sent but I accept it was, given its content is reflected somewhat in a memo he sent on 16 December 2008 to the Detective Inspector of the Brisbane West District with a follow up memo dated 3 January 2009.
276. The report to the coroner was forwarded to the Office of the State Coroner on approximately 8 January 2009.
277. No further enquiries were made by any police officer until after a request was made from the Office of the State Coroner in mid 2009.
278. DSC Burdis gave evidence that following the provision of his report in August 2008 he did not hear any further in relation to this matter until he was contacted by the Office of the State Coroner. He denied receiving any email from DSS Lehmann. A review conducted by Detective Inspector Hytch in 2010 revealed the memo from DSS Lehmann had not been forwarded to DSC Burdis for follow up.

INVESTIGATION CONDUCTED FOLLOWING REVIEW BY THE OFFICE OF THE STATE CORONER

279. Following provision of the report to the coroner, Counsel Assisting the Inquest, Ms Martens requested DSC Burdis, as the investigating officer, conduct a number of enquiries including, but not limited to, obtaining statements from numerous people, provide the call charge history of Mr Schumacher's phone, make enquiries with Energex and conduct enquiries with financial institutions regarding the money withdrawn by Ms Murphy.
280. DSC Burdis advised that information was obtained from Energex stating no Energex workers or meter readers were in Gregory Street on 11 May 2006.
281. DSC Burdis reviewed the documents seized from Mr Schumacher's house and workplace, Mr Schumacher's personal journal and the four compact discs containing the information downloaded from the computers located in the residence. He found nothing that could assist with the investigation.

Additional autopsy report from Dr Ong

282. On 20 July 2009, Dr Ong provided a second autopsy report which provided further information following his attendance at the ballistics testing on 6 September 2006. He noted no soot or stippling was noted on the pig skin when the weapon was approximately 20 cm away. The appearance of this 'test' wound was similar to the gunshot wound of Mr

Schumacher. Dr Ong concluded this would suggest the muzzle of the weapon was held at least this distance from Mr Schumacher's head when it was fired. Dr Ong recommended an opinion be sought from a ballistics expert if further information was required.

Mr Schumacher's will and litigation over his estate

283. Mr Schumacher's purported last will, dated 25 December 2005, was located in the safe in his house. Despite there being concerns regarding the accuracy of the will from several friends and Mr Schumacher's sister no investigation was conducted by the QPS as to whether this will was prepared by Mr Schumacher and whether there was any possible motive for his death.
284. The will was not drafted in a formal form, was not witnessed and appointed Ms Maragna as his executor. The will requests Ms Maragna to carry on and finish the Ellis Street project. Mr Schumacher left his home, contents and land on Realm Street and his Mercedes Benz to Ms Murphy. Mr Schumacher left his super and insurance to Ms Maragna and Ms Murphy and included a request that Ms Murphy have her teeth fixed with this money. Mr Schumacher left his share of Nana's home to be split between his mother, sister and half-sister. He left his guitars to Mr Strachan and his other vehicles to Mr Able.
285. Almost all of Mr Schumacher's friends and family, including Ms Maragna and Ms Murphy, were surprised by the contents of Mr Schumacher's will. They were all of the opinion he was meticulous and thorough with his paperwork and it would be unlike Mr Schumacher to execute a will that was not in the formal form and witnessed and meeting all the relevant legal requirements.
286. He also spelt Mr Strachan's name incorrectly. Mr Strachan and Ms Murphy both indicated Mr Schumacher hated having his name spelt incorrectly and always took care to ensure he spelt other people's names correctly.
287. Ms Maragna was surprised the majority of the distribution of the estate was left to her and Ms Murphy and no provision was made to family members.
288. Mr Schumacher's journal contained a diary entry for 25 December 2005 however there was no mention of a will.
289. Both Ms Maragna and Ms Murphy claimed to have never seen Mr Schumacher's will prior to his death. Ms Maragna (in an affidavit seeking probate) and Ms Murphy (during evidence) indicated the signature on the will appeared to be Mr Schumacher's.
290. Ms Maragna initially made an application for probate. Mr Schumacher's mother lodged a caveat on the estate essentially because she disputed the accuracy of the will and was uncertain it had

been prepared and signed by Mr Schumacher. Ms Maragna renounced her rights as an executor for personal reasons and subsequently Ms Murphy became the executor and the caveat was withdrawn. Letters of administration were granted to Ms Murphy on 2 September 2008.

291. Information from the Law Place, the law firm assisting Ms Murphy with the estate, indicated that as at January 2010, Mr Schumacher's estate had yet to be fully administered. It was estimated there would be \$141,000.00 to be distributed after Mr Schumacher's liabilities were settled. It was indicated this was an estimate as some of the estate's liabilities were unknown due to litigation. The correspondence from the Law Place refers to an interim distribution of \$18,000.00 to both Ms Maragna and Ms Murphy however Ms Maragna claimed not to have received any money from Mr Schumacher's estate.

Second pig skin testing

292. On 10 September 2009, further pig skin testing was completed. Sergeant Clark indicated this testing was requested by the "police hierarchy". Dr Ong was not able to attend this testing as he was overseas.
293. A number of witnesses were sceptical regarding the findings of this ballistic testing. Sergeant Clark accepted during evidence that the testing was somewhat unreliable based on the condition of the pig skin.

Second report by DSC Burdis to the Coroner

294. After DSC Burdis concluded the enquiries he was requested to conduct, he prepared a second report to the coroner dated 2 March 2010 ("the second report").
295. The second report refers to the statement of Mr Maguire Jr observing a person in Mr Schumacher's yard or carport however it would appear DSC Burdis did not undertake any further enquiries to determine if this person could be located.
296. The second report indicated the gun shot wound could have been self-inflicted (either deliberately or accidentally) or by another person. DSC Burdis stated that "facts and available evidence to support another person being responsible are scarce. There is no available evidence placing any other person at the crime scene. The crime scene itself was a small office inside the house and the location of the blood splatter on the wall and window suggest that the back of the deceased's head was facing towards the wall when he was shot. The actual distance that the deceased's head was away from the wall at the time of the shooting was not able to be determined."
297. It is not clear where DSC Burdis obtained the information regarding the blood splatter as no statement had been prepared by any scientific officer at the time of the second report.

298. Detective Inspector Hytch, reviewed the second report. He was concerned about the lack of compelling evidence to support the premise Mr Schumacher's death was a result of a self-inflicted fatal gun shot. In consultation with the Metropolitan North Region, Regional Crime Coordinator and the Detective Superintendent of Homicide Investigation Unit, Detective Hytch ordered a fresh 'cold case' re-investigation. In April 2010, Detectives from Indooroopilly CIB formally commenced a 'cold case' review of the original investigation. The review was conducted by Detective Sergeant (DS) Canniffe.

Review by DS Canniffe

299. During the course of his review, DS Canniffe and other officers obtained statements from a number of other persons. Attempts to contact other witnesses were made.
300. The review also sought to identify whether a police or QAS officer had inadvertently left a white glove on the pathway and/or in the garbage bin at Mr Schumacher's residence. No police officer admitted to leaving the white glove at the scene. The white glove was tested for DNA however no DNA profile was located on the glove. Further items were submitted for DNA.
301. A senior document examiner concluded the purported signature of Mr Schumacher on the copy of his will dated 25 December 2005 was that of Mr Schumacher.

The "murder" conversation

302. The review sought to follow up and obtain statements from relevant persons regarding the claim made by Mrs Lee See as detailed in Acting Inspector Allen's email in November 2007. Mrs Lee See and her husband rented a property to Mr Ricardo Castillo, Mr Quinn Collingwood and Ms Nicola Stamos (and later Ms Murphy).
303. Mr Able believed a person by the name of "Rick" did some painting for the Schumacher Group. He believed this person was a friend of Ms Murphy's. Mr Castillo confirmed he worked as a painter however both he and Ms Murphy denied he had ever worked for the Schumacher Group.
304. Mr Castillo and Ms Murphy both indicated they did not meet each other until after Mr Schumacher's death.
305. Ms Stamos believed Mr Castillo and Ms Murphy commenced their relationship when they were all living at the Lee See's property however in cross-examination she stated she never saw any evidence of sexual intimacy between them.

306. Both Mr Castillo and Ms Murphy indicated they did not commence a romantic relationship until they had moved out of the Lee See's property.
307. Mrs Lee See provided a statement that indicated 2 months after the property was rented Mrs Lee See received a text message from Ms Stamos indicating she wanted to get out of the lease. Mrs Lee See went to the property as tradespeople were working on the property and she spoke to Ms Stamos at that time. Ms Stamos told Mrs Lee See she wanted to get out of the lease as she was scared of Mr Castillo. She said Mr Castillo had bashed Mr Collingwood with a baseball bat and Ms Stamos overhead Ms Murphy and Mr Castillo talking about how they had knocked off or murdered someone. Ms Stamos told Mrs Lee See they had murdered a builder or developer. Mrs Lee See let Ms Stamos and Mr Collingwood out of the lease. Mrs Lee See subsequently reported her concerns to Senior Sergeant Corey Allen at the Indooroopilly police station.
308. Mrs Lee See also gave evidence. Her evidence was confusing and she gave a number of inconsistent versions. Mrs Lee See agreed her memory of these events was not very good and to that extent her evidence although given honestly was not helpful.
309. After DS Canniffe obtained Mrs Lee See's statement, he spoke with Ms Stamos and Mr Collingwood. Ms Stamos denied ever hearing a conversation in which Mr Castillo and Ms Murphy confessed to a murder and stated she had never told Mrs Lee See this. Mr Collingwood denied any knowledge of any conversations between Mr Castillo and Ms Murphy.
310. Ms Murphy denied having told Ms Stamos she was a suspect in Mr Schumacher's murder. She also denied ever having a conversation that she or someone else had murdered or knocked off someone.
311. The outcome of all this evidence is inconclusive. The inherent difficulties due to the unreliability of memory and being asked to recall events of 4 years previously would have not been assisted by the delay in obtaining statements over 3 years later when this should have occurred much earlier.

OTHER FORENSIC EVIDENCE

Fingerprints

312. Four latent fingerprints were located on the note and envelope removed from Mr Schumacher's safe. None of these fingerprints matched those of Mr Schumacher, Ms Maragna or Ms Murphy.
313. Mr Schumacher's will dated 25 December 2005 was later provided to fingerprint experts. Two latent prints were located on this document and in May 2009 it was confirmed these fingerprints belonged to Ms

Murphy (who indicated in evidence she had never seen Mr Schumacher's will prior to his death).

Gun shot residue (“GSR”)

314. The presence of gun shot residue can indicate the recent handling of ammunition and firearms, being in close proximity when a weapon is fired, or the actual discharging of a gun. GSR emanates from the primer cap of ammunition when struck with the firing pin which creates a minor explosion which ignites the propellant out of the barrel of the gun. GSR emanates from the primer cap and the GSR particles that are deposited are indicative of the original composition of that primer substance. Most GSR comes from the muzzle of the gun.
315. It is not intended here to detail the science involved in testing for GSR which has a number of variables to be considered. It is accepted that Mr Asmussen is an experienced person in his field and has considered the evidence in some detail.
316. Mr Asmussen indicated if a weapon is fired with the right hand using a “standard pose”, he would expect to see a heavy GSR deposition on the back of the right hand as the right palm would be relatively sheltered by holding the grip. He indicated he would still expect to see heavy GSR deposition on the right hand if a person used his thumb on the trigger or held the gun in an unorthodox position (with the right hand).
317. There are a number of other factors or variables to be considered including if the weapon had not been cleaned after previous use (in which case particles would be expected on the palms); the fact GSR particles are easily transferable; and within two hours, 80% of GSR particles are lost due to normal daily activities and he would expect to see very little GSR evidence from a person who had discharged a weapon after 6 hours.
318. Mr Asmussen performed an examination of the swabs of Mr Schumacher, Ms Maragna and Ms Murphy for gun shot residue. He provided a statement on 19 June 2007 and an addendum dated 9 December 2009.
319. The swabs from Mr Schumacher's back of right hand contained hundreds of highly characteristic GSR particles. The palm of Mr Schumacher's right hand and the back of his left hand contained two highly characteristic GSR particles. He was of the opinion the GSR particles detected on Mr Schumacher were deposited as a result of the recent discharging of a firearm. He stated if the weapon had been placed in his hand just after discharging, he would expect the deposition to be on the palm of Mr Schumacher's hand. He also stated if Mr Schumacher had handled an unclean weapon he would expect to see an equal deposition on the back and palm of Mr Schumacher's hand. He did however concede it was possible for Mr Schumacher to

have GSR on his hands as a result of the gun shot wound being inflicted in the study and lying in the area for some time.

320. The swabs of Ms Maragna's back and palm of her right hand contained some characteristic GSR particles. The swabs of Ms Murphy's back and palm of the right hand contained characteristic GSR particles. The right sleeve of Ms Maragna's jacket was also found to have a single characteristic GSR particle.
321. The reliability of Ms Maragna's swabs taken approximately six hours after the body was discovered and after showering would have been affected.
322. The swabs of Ms Murphy's back and palm of her right hand also contained three characteristic GSR particles but the reliability of the results on swabs taken approximately seven hours later was also in question.
323. Mr Asmussen indicated (in either 2009 or 2010) he viewed a photograph of the white glove located on the pathway and it appeared to have a particle present. When he examined the glove, no particles were present.
324. Mr Asmussen stated the obvious when he said he would like to see any relevant individuals tested for GSR as soon as possible.
325. The GSR results support Mr Schumacher firing the weapon. The testing of Ms Maragna and Ms Murphy was delayed and compromised the conclusions that could be reached and are therefore inconclusive. The particles found on them could be due to transfer from Mr Schumacher or each other and not from firing the weapon.

Further report from Dr Ong

326. In 2010, in response to a request for further information from the Office of the State Coroner, Dr Ong provided another report. Dr Ong was of the opinion Mr Schumacher's gunshot wound was typical of a distance gunshot wound. There was no blackening or stippling to indicate the range might be in the contact, close contact or intermediate range category.
327. He noted the expected finding is that stippling present experimentally in pig skin (which is assumed to be thicker than human skin) would be less obvious when compared to the appearance in live human skin and would disappear at a shorter range with the use of the same weapon and ammunition. His report indicated the second ballistic testing did not fit within known principles with the most probable explanation for the ballistics findings being the state of the pig skin.
328. Dr Ong stated that the ability of an individual's hand to stretch out to the back of the head would be dependent on the flexibility of the

individual himself as such any inference would be at best, subjective. Dr Ong was of the opinion it was possible but difficult for an individual to inflict such a gunshot wound as observed in Mr Schumacher.

329. Dr Ong was of the opinion the distance of the weapon from Mr Schumacher's head was at a minimum of 20 cm and he therefore concluded the injury would be considered suspicious.

Pig skin testing in 2010

330. As a result of the inconclusive evidence regarding the range of the gun's muzzle at the time the gun shot wound was inflicted, a third ballistic testing occurred. The testing was attended by Sergeant Clark, Dr Ong and two NSW expert witnesses, Dr Orde and Mr Potgrieter.
331. Close and near contact gun shot wounds were inflicted on the pigs head. Testing was conducted on blotting paper at 5 to 40 cm at 5 cm intervals. Testing was conducted on pig skin at 5, 10, 25, 30, 35, 35, 40, 40, 45, 45 and 50 cm. After the wound was examined, it was wiped to attempt to replicate the actions taken by those at the scene following Mr Schumacher's death.
332. Following the testing, DS Canniffe undertook the task of attempting to position himself with the gun so as to be able to fire the shot into the back of his head.

Expert report and evidence of Dr Orde

333. Dr Orde, is an experienced forensic pathologist in NSW and had significant experience conducting post mortem examinations on gun shot wounds.
334. Dr Orde distinguishes between tattooing which is the embedding of propellant fragments in the skin and stippling which is the simple abrasion of the skin by propellant fragments without them becoming lodged.
335. Dr Orde would expect to see evidence of a contact or close contact wound even if the area had been wiped or washed. He was of the view that wiping does not normally remove features of an intermediate gunshot wound (ie. tattooing).
336. Dr Orde noted that Dr Ong's examination did not reveal any features suggestive of a contact or close contact gunshot wound. Dr Orde was of the opinion the trajectory would be consistent with the gun having been self-discharged by Mr Schumacher however this was dependant on a determination of the distance of the muzzle of the gun at the time it was discharged.
337. Dr Orde reviewed the results of the pigskin testing from 6 September 2006 and 10 September 2009. Dr Orde noted there was no description as to the condition of the pig skin at the time of the second test firing

and some of the images appeared to show the skin looking rather dry and possibly toughened as a result. He indicated the second test firing did not accord with the usual observations in such test firing, in which as the muzzle to target range increases less dense tattooing/stippling is observed until it ceases to be observed at all. He recommended a repeat testing.

338. Dr Orde indicated in his first report that it was not possible to conclude whether the gun shot wound was self-inflicted or not, however the scenario is not typical of that seen in suicidal deaths and as such there must be a real concern the injury may in fact have been homicidal.
339. Following the third pig testing, Dr Orde indicated that, assuming a reasonable approximation between the qualities of the pig skin and the scalp of Mr Schumacher and an assumption that there was no intervening object, the likely range would have been greater than the region of 30 to 35 cm.
340. Given all the variables he stated he was confident the minimum distance of the muzzle from Mr Schumacher's head was 30 to 35 cm however he could not be confident of the maximum distance.
341. Dr Orde reported that during the re-enactment with DS Canniffe, using a standard index finger trigger hold grip, the muzzle could be positioned up to 14 cm from the scalp. Using a grip with the thumb on the trigger, the muzzle of the weapon could be extended up to in the region of 50 cm or so from the occipital scalp. DS Canniffe's head had to be turned to facilitate the angulation. Dr Orde recalled DS Canniffe indicated it was difficult to hold this position. Dr Orde stated he was of the opinion it was physically possible for Mr Schumacher to have inflicted the gun shot wound however the positioning was quite unusual.
342. Dr Orde was of the view the possibility the wound might have been self-inflicted, including the possibility of accidental discharge, could not be ruled out. However, the combination of the position of the gunshot wound to Mr Schumacher's head and the probable range of discharge would be a highly unusual intentional suicidal self-inflicted injury. He believed the post mortem appearances were considered suspicious of homicidal injury. In evidence he stated he had real concerns this may have been a homicidal injury. He clarified it may have been, it may not have been.

Evidence of Dr Ong at the inquest

343. Dr Ong recalled he was advised by the police that Mr Schumacher was found slumped on a computer chair with his back against a waste paper basket. The semicircular linear bruise on Mr Schumacher's back was consistent with the waste paper basket located in the study.

344. Dr Ong observed a number of abrasions and a laceration consistent with falling and hitting structures on Mr Schumacher's left side. He did not observe any injuries to Mr Schumacher's hands or fingers consistent with the recoil of a weapon however it is not normal for these injuries to be present.
345. Dr Ong indicated that cancer can sometimes be observed at the post mortem. Some indications include observing the cancerous cells, features of treatment and side effects of cancer such as malnourishment. There were no indicators Mr Schumacher had cancer.
346. Consistent with Dr Orde, Dr Ong was of the opinion contact or close gun shot wound blackening around the skin and tattooing or stippling cannot be washed off and blood seeping from the wound and physically wiping the wound would not effect this. He indicated the wiping of the wound at the scene could have removed some of the propellant particles however not all of the particles.
347. Consistent with Dr Orde, Dr Ong indicated an intervening object (hats, scarfs, hair etc) can interfere with features of the wound that may stop tattooing or stippling but was able to rule out hair as an intervening factor as Mr Schumacher was bald and there was no other object found at the scene which was a likely intervening object.
348. Dr Ong was of the view that while stippling was observed on the pig skin at 50 cm, from 40 cm onwards, the amount of stippling may have been missed at autopsy. He was of the view the range of 30 to 35 cm (of the muzzle of the weapon from the back of Mr Schumacher's head) was appropriate because at this distance he was confident there was enough stippling that he would not have missed during a post mortem examination. Dr Ong and Dr Orde gave evidence pig skin was thicker than human skin so it is possible any determination of the range made based on examination of pig skin could actually be further away on human skin.
349. Dr Ong remained of the view that Mr Schumacher's gun shot wound should be considered suspicious because of the distance and difficult position he would have to have been in to inflict the gun shot wound.

Elton Potgieter

350. Mr Potgieter, a scientific officer attached to the Forensic Ballistics Investigation Section, NSW Police Force, also provided a report and gave evidence at the inquest.
351. Mr Potgieter was also of the opinion that soot/blackening around contact and close contact wounds could not be wiped of easily. He was sceptical of the 2006 test firing that no tattooing/stippling was present at 20 cm. Mr Potgieter was also sceptical of the 2009 test firing results as they did not match with the known principles.

352. In reviewing the 2010 test results Mr Potgieter concluded that at minimum, the distance of the muzzle of the gun from the back of Mr Schumacher's head was 35 cm. He agreed it would be expected to see more results at the same range in human skin rather than pig skin. Mr Potgieter also indicated he could not be certain of the maximum distance of the weapon when it was fired.

353. Mr Potgieter agreed with the assessment by Dr Orde in relation to the re-enactment with DS Canniffe. He indicated that DS Canniffe was able to position the gun's muzzle 50 cm from his head so therefore he was able to extend the distance of 62 cm (the distance of the muzzle to the trigger was 12 cm). Mr Potgieter recalled DS Canniffe had a difficult time getting into this position and he was not able to maintain the weapon steadily in this position for the correct trajectory.

Cartridge ejection pattern testing

354. On 26 May 2010 Sergeant Clark conducted ejection pattern testing. Mr Potgieter recalled the test firing of the weapon in 2010 fitted with Sergeant Clark's findings of the ejection pattern of the cartridge. He agreed with the evidence of Sergeant Clark that because of the known ejection pattern if the weapon had been fired from the doorway of the study or outside the study then the cartridge would not have been found in the study.

Blood splatter evidence

355. Sergeant Clark and Sergeant Manktelow were both qualified to give evidence about blood spatter patterns. They were limited by not having been present at the scene and working off photographs and to that extent the evidence may be qualified.

356. The evidence supports a conclusion that Mr Schumacher's head was facing the direction of the rear left-hand office window and close to the wall at the time of discharge and the gun shot wound was inflicted on the left hand side of the room as opposed to the right hand side of the room. He was not looking at the computer screen. There were no voids in the photographs of the scene indicating a shape or form of an object behind Mr Schumacher at the time of discharge.

357. The likely position of the photograph of Ms Murphy, Mr Schumacher and his grandmother at the time the gun shot wound was consistent with having been facing the window as observed at scene and during the blood letting of Mr Schumacher

Summary of findings as to the QPS investigation

358. There was the potential for compromise of the crime scene as a result of the actions of the first response police officers and the QAS officers, however that was unavoidable and Police acted appropriately to ensure the scene was secure before QAS officers attempted to perform life

saving measures on Mr Schumacher. It was within QAS procedure for Mr Schumacher to be moved in order for those measures to be attempted.

359. I make no criticism of the first response officers' actions in re-entering the study in this case to make a limited examination but after that Police should have maintained a cordon until officers from scenes of crimes had attended and made the appropriate determination/s regarding the scene and its preservation.
360. Although it is probable the examination of the wound by multiple persons including QAS officers did not impact on the later examination for contact wound evidence that is something that should be avoided in the future.
361. It has been acknowledged by Ms Blattman representing QPS that at one point in time there were too many officers at the scene. A number of experienced Police officers gave evidence in agreement.
362. It has been submitted that the totality of the evidence would not support a finding that Ms Maragna was allowed back into the house to identify the safe. Certainly there is equivocal evidence on that issue. On balance I would find she did come back into the house, and that would generally be inappropriate, but the evidence supports she was with a Police officer at the time and did not compromise the crime scene.
363. It is uncontroversial to suggest that GSR samples should be taken at the earliest opportunity, and they were not in this case. I accept that the failure is not one of policy or training within QPS. It is not clear why there was a delay and in this case they were taken too long after Mr Schumacher's death for any conclusion to be drawn as to their reliability. It simply added to the number of issues which remained unresolved.
364. Consistent with the guidelines contained in the OPMs, no senior police officer or scientific officer at the scene of Mr Schumacher's death on 11 May 2006, considered his death was as a result of a suicide and remained open to the death as suspicious. The Homicide Unit was requested to assist and a MIR was set up.
365. The report back to senior officers about the outcome of the autopsy was a particular focus for the inquest given that the opinion was recorded as a probable self inflicted gun shot wound. It would be difficult to argue this reported result did not become an important factor in the decision for the homicide unit to disengage, the MIR to be scaled back and for the matter to be tasked to a single investigator.
366. Although it is submitted by the QPS that the evidence is equivocal, I accept that Dr Ong provided an opinion that it was not a contact or close contact wound and was more likely a distant gun shot wound. I

find it is highly unlikely Dr Ong advised DSC Burdis that it was probable the gun shot wound was self-inflicted, and more likely he would have indicated this was possible in that it could not be ruled out. Dr Ong appeared almost incredulous at the suggestion. Dr Ong did not provide DSC Burdis with information regarding GSR nor that the injuries on Mr Schumacher's hands were consistent with the discharge of the weapon yet that seems to be what was briefed by DSC Burdis to DSS Blanchfield.

367. DSC Burdis did not take full and comprehensive notes of his attendance at the post mortem. DSS Blanchfield took comprehensive and contemporaneous notes of his involvement in this matter.
368. When the investigation was reviewed in late 2008 and again in 2010 it was the opinion of the reviewing officers there were a number of outstanding statements and enquiries that needed to be made. There were a number of unusual and/or suspicious circumstances that existed at the time of the disengagement of the homicide unit and when the intensity of the MIR wound down. It would appear the senior police officers (Detective Inspector Ainsworth and DSSs Blanchfield and Byram) were largely unaware of these circumstances and many tasks the MIR had identified were not followed up until 2009.
369. Ms Martens submitted this suggested the MIR process in this particular investigation was flawed whilst Counsel for the QPS submitted there were multiple reasons for the scaling down including resource issues and it was not a flaw in the process but an individual failure. It is my view that there did not appear to be anyone who was necessarily overseeing some of the functions in the MIR which meant that not all of the information was considered when the MIR wound down. Whatever may be the case, it is accepted that the senior officers who handed the investigation to DSC Burdis reasonably assumed he would continue the investigation as required, and that was not done.
370. DSC Burdis should have conducted an entire review of all of the information and ensured all outstanding enquiries were attended to in order to determine whether the gunshot wound was self-inflicted or inflicted by a third party.
371. Even if he had waited until Dr Ong's initial autopsy report, upon reading it and the email from Detective Inspector Aspinall soon after, this should have alerted DSC Burdis' to review the investigation from that point.
372. There were multiple failures by DSC Burdis in his duties to investigate and provide a timely report. They would be worthy of referral to the QPS for consideration of discipline, but it is clear that has already occurred and becomes unnecessary.

373. The supervision of DSC Burdis was in hindsight inadequate given the outcome. The delay of 27 months is one thing but given the deficiencies identified by DSS Lehmann in late 2008/early 2009, steps should have been taken to ensure DSC Burdis completed the investigation to the satisfaction of his superiors. The fact DSC Burdis did not conduct any further work on this matter until he was contacted by the Office of the State Coroner would suggest this did not occur.

FURTHER STEPS TAKEN BY QAS AND QPS

374. This case has been the subject of a number of reviews by QPS and QAS in which deficiencies have been identified and policy and practice amended to ensure such problems do not occur again. The outcomes of the reviews resulted in some policy and procedural changes which in my view offer some practical solutions and I do not find it necessary to make further formal comment or recommendations. The outcomes are discussed in the following paragraphs.

375. Following Mr Schumacher's death, Detective Inspector Ainsworth and a Scene of Crime officer met with senior representatives from QAS regarding scene contamination concerns. As a result of this matter, the QAS undertook a review and implemented a crime scene preservation package to inform its employees with respect to this issue. From October 2006 onwards this package was delivered to newly recruited student paramedics. In April 2008 an online in-service education package was created for existing employees. All employees had until 30 June 2008 to complete the package.

376. The package highlights that treatment of patients (the preservation of life and reduction of pain and suffering) must at all times take precedence over crime scene preservation however the package provides information on how crime scenes can be contaminated. It encourages QAS officers to document their actions, be aware of the scene as they enter it and remember what they touched and moved, not to disturb items that do not need disturbing and to provide all relevant information to QPS.

377. The QAS officers who gave evidence all indicated they had completed this training and were far more aware of the importance of preserving evidence at a scene as a result.

378. Inspector Sargood indicated that in 2006 the District Duty Officer role was in its infancy. He stated this role was now better established so that this officer attends and takes charge at major incidents until scenes of crimes officers arrive. Inspector Sargood gave evidence that these officers attend training every 6 months and this training often includes aspects of crime scene preservation.

379. Detective Inspector Blanchfield indicated as a result of this case and other matters, he had identified there were concerns regarding the information that was communicated from police officers attending the

post mortem examination. He believed this was perhaps as a result of lack of experience regarding areas to question the pathologist about. As a result, the Homicide Unit had formulated a guide with diagrams and areas to focus on to assist police officers obtain relevant information and provide this information back to the investigation.

380. Detective Inspector Hytch provided details of changes in relation to coronial investigations that had occurred in the Metropolitan North Region since Mr Schumacher's death. These changes include:

- All reports to the Coroner for deaths of a suspicious nature be reviewed by the Regional Crime Coordinator before any decision is made about whether the matter is finalised and prior to the provision of the report to the Coroner.
- The QPS has added coronial matters to the Service Operational Performance Review program. This process involves the Commissioner and Deputy Commissioner being provided with data regarding outstanding coronial files.
- All suicides are to be investigated by a plain clothes police officer.
- Coronial Support Investigation Unit provide monthly reports to each District Officer within the Metropolitan North Region identifying current outstanding taskings recorded in QPrime to allow for follow up.

381. The Chief Superintendent, Metropolitan North Region, has directed the region adopt a standard management practice to monitor and manage all coronial investigations. As part of the standardised management practice, the Region has proposed that:

- The Regional Crime Coordinator is to report each month to the Regional Executive on the management of coronial investigations within the Metropolitan North Region;
- Each Police District hold monthly meetings to monitor the progress of all coronial investigations in their area of responsibility; and
- Each Police District is to put into place a risk management process to manage all coronial investigations. These risk management systems are to ensure investigating officers have the necessary skills to conduct the investigations and the investigations are adequately supervised and completed in a timely manner.

Conclusions as to how the death occurred

382 It is unfortunate for the family and friends of Mr Schumacher that on the state of the evidence it is difficult to come to any conclusion as to whether Mr Schumacher accidentally or intentionally shot himself or if the gunshot wound was inflicted by another person.

- 383 Although there were substantial delays in the gathering of some evidence, the subsequent investigations have resolved most of the gaps. There was a delay of some years in taking many statements which would have impacted on memories. The forensic testing through an inquest did not reveal any substantial new evidence although much evidence was clarified.
- 384 I can exclude Ms Maragna from any suspicion after having considered her evidence.
- 385 There are some difficulties with the evidence of Ms Murphy and it is possible she was in the vicinity of the premises at 1330 when she said she was not, but this is not the likely time of the gunshot being heard at around 1240. Her other evidence is partly corroborated with SMS text and bank records and is either genuine or an elaborate diversion. I accept it is the former.
- 386 The evidence supportive of suicide is the most flimsy of the three scenarios. Although it is apparent Mr Schumacher was in some financial difficulties it was stated that he was getting towards the end of a particularly difficult period, he had sold one property and did have plans. He had never expressed a suicidal intention. There is some evidence he was having a particularly bad morning and he was obviously sitting at his computer considering financial issues and there was some pressing deadline for the Tax office. The suggestion to Ms Murphy to stay away may have been part of a plan. Against that was the relative minutia of business being carried on suggestive of a normal day, at least for him. The method adopted was not that usually associated with a suicide. Considering all the evidence suicide cannot be absolutely excluded but is the least likely.
- 387 The following evidence supports the theory the gun shot wound was self-inflicted.
- Mr Schumacher had discharged weapons in the house previously.
 - The amount of GSR located on Mr Schumacher's right hand was suggestive he had recently discharged a weapon.
 - The DNA on the weapon was from Mr Schumacher.
 - The blood splatter would indicate Mr Schumacher was in relatively close proximity to the left wall at the time the gun was discharged.
- 388 As it currently stands, the following unusual and/or suspicious circumstances exist.
- Ms Murphy was told by Mr Schumacher to leave the residence.

- A sum of \$1238.50 was withdrawn and according to Ms Murphy, left in the study. This sum has never been accounted for.
- A sum of \$700.00 was withdrawn and according to Ms Murphy, left in Mr Schumacher's wallet. This sum has never been accounted for.
- A sum of \$5,000.00 was withdrawn and according to Ms Murphy, either left in Mr Schumacher wallet or the white utility. This sum has never been accounted for.
- A person was observed entering Mr Schumacher's car port or yard at approximately 1230.
- A vehicle matching the description of that driven by Ms Murphy was observed at the residence at a time when Ms Murphy claims not to have been present.
- Mr Schumacher told his friends and business associates that Mr Baffi owed him approximately \$600,000.00 however in actual fact it would appear at most (assuming the project at Wardilla Street had been completed), Mr Baffi owed Mr Schumacher approximately \$223,000.00 plus legal fees.
- Mr Schumacher was involved in a financial dispute with Mr Baffi in which a number of threats had been made and Mr Schumacher commenced carrying a weapon for his safety.
- Most of Mr Schumacher's friends, family and girlfriends were skeptical of the contents and structure of Mr Schumacher's will and Ms Murphy's fingerprints were located on this document.

388 There is consistent scientific evidence that the minimum distance of the gun muzzle from Mr Schumacher's head at the time of discharge was 30 to 35 cm. Therefore, for the gun shot wound to have been self-inflicted he would have had to have held the weapon at a distance of a minimum of 42 to 47 cm from his head which is an extremely unusual and difficult position for Mr Schumacher to inflict the gun shot wound.

389 There is insufficient evidence that any person be referred to the Director of Public Prosecutions for further review.

FINDINGS pursuant to s45

- The identity of the deceased** - Ross Philip Schumacher;
- The date of death** - 11 May 2006;
- The place of death** - 115 Gregory Street, Auchenflower;

Cause of death

Gun shot wound to the head;

How the death Occurred

Mr Schumacher died as a result of a gun shot wound. Mr Schumacher may have intentionally shot himself. This is the least likely conclusion but cannot be absolutely excluded. Mr Schumacher may have died as a result of either an accidental self-inflicted gun shot wound or a gun shot wound inflicted by a third party. The state of the evidence now is such that a determination cannot be made.

My condolences are expressed to the family and friends of Mr Schumacher. I close the inquest.

John Lock
Brisbane Coroner
4 November 2011