



Coroner's Court of Western Australia

RECORD OF INVESTIGATION INTO DEATH

Ref: 05/20

*I, Michael Andrew Gliddon Jenkin, Coroner, having investigated the suspected death of **Jose DA SILVA** with an inquest held at **Perth Coroner's Court, Court 85, CLC Building, 501 Hay Street, Perth**, on **24 January 2020** find that the death of **Jose DA SILVA** has been established beyond all reasonable doubt, and the identity of the deceased person was **Jose DA SILVA** and that death occurred on or about **30 April 2017** in the following circumstances:*

**Counsel Appearing:**

Sergeant L Housiaux appeared to assist the Coroner.

**Table of Contents**

<b>INTRODUCTION</b> .....	<b>2</b>
<b>MR DA SILVA</b> .....	<b>3</b>
Background .....	3
Mr Da Silva's mental health .....	4
<b>CONTACT WITH MR DA SILVA</b> .....	<b>6</b>
Mr Da Silva's contact with his mother: 24-27 April 2017 .....	6
24 April 2017 .....	6
27 April 2017 .....	6
28 April 2017 .....	6
29 April 2017 .....	7
30 April 2017 .....	7
Mr Da Silva is reported missing.....	8
<b>POLICE INVESTIGATION</b> .....	<b>9</b>
Overview .....	9
Medical, official, financial and telephone records .....	10
Mr Da Silva's car .....	10
Search of City Beach .....	11
Comments on the Police investigation .....	11
<b>HAS DEATH BEEN ESTABLISHED?</b> .....	<b>12</b>
<b>CAUSE AND MANNER OF DEATH</b> .....	<b>13</b>
<b>CONCLUSION</b> .....	<b>15</b>

## INTRODUCTION

1. On 9 November 2018, on the basis of the evidence contained in a police report with respect the disappearance of Mr Jose Da Silva (Mr Da Silva), the State Coroner determined that she had reasonable cause to suspect that Mr Da Silva had died and that his death was a “*reportable death*”.<sup>1</sup>
2. Accordingly, pursuant to section 23(2) of the *Coroners Act 1996 (WA)*, the State Coroner directed that the suspected death of Mr Da Silva be investigated.<sup>2</sup>
3. In accordance with that direction, I held an inquest on 24 January 2020 which the Mr Da Silva’s mother, Ms Angela Broadley and his sister, Ms Stephanie Da Silva attended.
4. Detective Senior Constable William Stokeley gave evidence at the inquest. The documentary evidence adduced at the inquest consisted of one volume.
5. The inquest focused on the circumstances of Mr Da Silva’s disappearance and the question of whether he is deceased.

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<sup>1</sup> Sections 3 and 23(1), *Coroners Act 1996 (WA)*

<sup>2</sup> Direction by State Coroner, contained in letter to Commissioner of Police (09.11.19)

## MR DA SILVA

### ***Background***<sup>3,4</sup>

6. Mr Da Silva was born in Victoria on 8 August 1982<sup>5</sup> and was 34 years of age when he went missing, on 30 April 2017. He was said to have been deeply affected by the death of his father in 1989, and his immediate family consisted of his mother, Ms Broadley and his sister, Ms Da Silva. He was known in the family as “Joseph” and was described by Ms Broadley, as a happy, kind and helpful child who was honest “*in a very earnest way*”.
7. Mr Da Silva came to Western Australia with his family after he finished school, partly because Ms Broadley wanted to get him away from some of his friends, who she felt were a bad influence.
8. Mr Da Silva was said to be fastidious with respect to cleanliness, and he kept his apartment in a neat and tidy condition. He was very community minded and had participated in several *Clean Up Australia* campaigns.
9. Mr Da Silva swam at City Beach regularly (perhaps several times per week) and was described as a “*good swimmer*” and a “*powerful swimmer*”.<sup>6,7</sup> On at least two occasions, he swam so far out to sea, that those on shore lost sight of him, before he swam back, unharmed.<sup>8</sup>
10. Mr Da Silva received money from his late father’s estate and purchased a car and a property in Hamersley. He subsequently sold the Hamersley property and purchased an apartment in Wellington Street, Perth, where he lived until his disappearance.
11. Mr Da Silva obtained the necessary qualifications and worked for a number of years as a rigger. However, in 2013, he lost his job, and subsequently he had trouble finding work.

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<sup>3</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, paras 4-9, 15-16, 18, 24-36, 38 & 41-42

<sup>4</sup> Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, pp9-11 & 16

<sup>5</sup> Exhibit 1, Tab 26, Mr Da Silva’s Birth Certificate

<sup>6</sup> Exhibit 1, Tab 10, Statement - Det. Sen. Const. A Baker, para 33

<sup>7</sup> Exhibit 1, Tab 7, Statement - Ms S Da Silva, para 34

<sup>8</sup> See also: Exhibit 1, Tab 10, Statement - Det. Sen. Const. A Baker, paras 32-33

## ***Mr Da Silva's mental health***<sup>9</sup>

12. Mr Da Silva came to the attention of the Police in July 2013, after he sent unusual emails to politicians, a prominent member of the mining community and the Police.<sup>10</sup> Mr Da Silva was taken to Graylands Hospital (Graylands) on 11 July 2013, and admitted as an involuntary patient the following day.<sup>11</sup>
13. Mr Da Silva claimed he had been dismissed unfairly and displayed persecutory delusions about his previous employer. He felt "*the government*" was against him and that he was "*known*" to the Chief Justice of Australia. Mr Da Silva denied any suicidal ideation and the history obtained from his family was that he had become more distant over the previous two to three years and had been displaying "*odd behaviour*".<sup>12</sup>
14. Mr Da Silva was diagnosed with schizophrenia and had a differential diagnosis of delusional disorder. At Mr Da Silva's request, a second opinion was obtained on 16 July 2013. The psychiatrist who reviewed him diagnosed Mr Da Silva with a psychotic condition, most probably paranoid schizophrenia.<sup>13</sup>
15. Mr Da Silva was treated with medication and his agitation and irritability improved. However, his fixed persecutory delusions persisted and he remained insightful about his mental health. He was discharged from Graylands on 16 August 2013 with four week's supply of the antipsychotic medication, olanzapine. He had no subsequent admissions to Graylands.<sup>14,15</sup>
16. During his admission to Graylands, Mr Da Silva reported having taken the anti-depressant, paroxetine as a child, but denied any other previous psychiatric history.<sup>16</sup> There is no evidence that Mr Da Silva ever expressed any suicidal or self-harm ideation to his family, and Ms Broadley could not recall him ever having done so.<sup>17</sup>

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<sup>9</sup> Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, pp12-13

<sup>10</sup> Exhibit 1, Tab 16, Emails written by Mr Da Silva

<sup>11</sup> Exhibit 1, Tab 30, Report - Dr S Heble (10.10.18), p1

<sup>12</sup> Exhibit 1, Tab 30, Report - Dr S Heble (10.10.18), pp1-2

<sup>13</sup> Exhibit 1, Tab 30, Report - Dr S Heble (10.10.18), pp1-2

<sup>14</sup> Exhibit 1, Tab 30, Report - Dr S Heble (10.10.18), p2

<sup>15</sup> Exhibit 1, Tab 18, Email from Dr E Crampin (21.12.18)

<sup>16</sup> Exhibit 1, Tab 30, Report - Dr S Heble (10.10.18), p2

<sup>17</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, para 61

17. In a statement to Police, Ms Broadley, said that Mr Da Silva was upset about being admitted to Graylands and “*just wanted to get out*”. Her perception was that the doctors and social workers at Graylands did very little to alleviate Mr Da Silva’s suffering.<sup>18</sup>
18. After his discharge from Graylands, Mr Da Silva’s care was transferred to a community mental health service (the Service), from which he was subsequently discharged on 27 February 2014. On 17 April 2015, Mr Da Silva was seen at his home by staff from the Service, following a referral from Police after he had sent some abusive emails. Mr Da Silva declined to engage with the Service and was not considered unwell enough to warrant involuntary admission to a hospital.<sup>19,20</sup>
19. It appears that Mr Da Silva was last seen by his GP on 23 January 2015 when he asked for a repeat prescription for the antidepressant, mirtazapine which was filled later that day.<sup>21</sup> Mr Da Silva’s GP noted that he was very anxious and had difficulty sitting still. His blood pressure was also elevated and he smelled strongly of cigarettes. He was advised to have his blood pressure checked at a pharmacy but he seemed reluctant to do so.<sup>22</sup>
20. According to Ms Broadley, Mr Da Silva struggled with his alcohol use. At times he would drink “*quite a bit*” and the text messages she received from him when he did so were “*garbled*”. Ms Broadley felt that his drinking was related to depression, which in turn was linked to him having lost his job in 2013.<sup>23</sup>
21. Ms Da Silva, also felt that Mr Da Silva had issues with drinking. She said he “*couldn’t stop at a couple of drinks*” and that he drank more than the family thought he should. When intoxicated, Mr Da Silva’s personality changed and he became “*mean and chauvinistic*”. Although he never made any comments about self-harm, when he was intoxicated, he would often make bizarre or paranoid comments.<sup>24</sup>

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<sup>18</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, paras 55-56

<sup>19</sup> Exhibit 1, Tab 30, Report - Dr S Heble (10.10.18), p2

<sup>20</sup> Exhibit 1, Tab 18, Record of service event (17.04.15)

<sup>21</sup> Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, p25

<sup>22</sup> Exhibit 1, Tab 33, GP medical records (23.01.15)

<sup>23</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, para 60

<sup>24</sup> Exhibit 1, Tab 7, Statement - Ms S Da Silva, paras 33 & 36

## **CONTACT WITH MR DA SILVA**

### ***Mr Da Silva's contact with his mother: 24-27 April 2017***

22. Ms Broadley received a text message from Mr Da Silva on 24 April 2017 relating to repairs to his phone. He texted again on 25 April 2017 saying he wanted to visit her the following day, but the visit didn't eventuate. Mr Da Silva spoke to his mother again on 27 April 2017. She invited him to dinner on any night he could manage and he replied: "*I'll see how I go*". This was the last occasion on which Mr Da Silva had contact with Ms Broadley.<sup>25</sup>

### ***24 April 2017***

23. On the evening of 24 April 2017, Mr Da Silva was stopped by Police and charged with driving under the influence of alcohol. His blood alcohol level was measured at 0.186%, calculated back to 0.178% at the time he was stopped. He was given a notice disqualifying him from driving and released. Because of his advanced level of cognition, notwithstanding his high blood alcohol reading, the arresting officers thought he might be an alcoholic and discussed this possibility with him.<sup>26,27</sup>

### ***27 April 2017***

24. On 27 April 2017, Mr Da Silva was at City Beach with his step-father, Mr John Plaut. Mr Da Silva reportedly swam a considerable distance off-shore, but returned safely.<sup>28</sup>

### ***28 April 2017***

25. On the night of 28 April 2017, Mr Da Silva was at Clancy's Fish Pub in City Beach. Mr Da Silva was described as scruffily dressed and he consumed five or six full strength beers in a short period. One of the bar staff, who recognised him from previous visits, encouraged him to slow down and drink some water, which he did. Mr Da Silva had something to eat and the staff member noticed that he was talking to himself and appeared to be on the verge of tears.<sup>29</sup>

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<sup>25</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, paras 63-66

<sup>26</sup> Exhibit 1, Tab 11, Statement - Sen. Const. P Cole, paras 2-23 & 40-51

<sup>27</sup> Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, p13

<sup>28</sup> Exhibit 1, Tab 10, Statement - Det. Sen. Const. A Baker, paras 32-33

<sup>29</sup> Exhibit 1, Tab 8, Statement - Mr A Bufton, paras 10-14 and ts 24.01.20 (Stokeley), p12

26. Mr Da Silva's keys were on the table next to him and the staff member was concerned he might try to drive. He spoke to Mr Da Silva who said: "*you can take my keys*". The staff member did not see Mr Da Silva leave.<sup>30</sup>
27. At about 9.30 pm on 28 April 2017, Mr Da Silva was at Hamptons, a bar and restaurant in City Beach. The bar manager recalled that Mr Da Silva, who was a regular customer, used a bankcard to buy a beer, which he then drank quickly. Mr Da Silva left Hamptons, but returned 10-15 minutes later. He ordered another beer, went outside, took a few sips and then left again. The bar manager described Mr Da Silva as having a generally scruffy or dishevelled appearance.<sup>31</sup>
28. After leaving Hamptons, Mr Da Silva was seen walking towards the Odyssea Beach Café, where staff described him as: "*behaving strangely*". Records show that at 11.00 pm on 28 April 2017, Mr Da Silva purchased three six packs of beer from the Wembley Hotel.<sup>32,33</sup>

### **29 April 2017**

29. The Police investigation established that Mr Da Silva took a taxi to City Beach at about 5.00 am on 29 April 2017. At about 6.00 am, he went to the Odyssea Beach Café, where he bought some food. Presumably from the way he was dressed, one of the staff members thought he was about to go swimming. CCTV footage shows that Mr Da Silva caught a bus to the Perth Busport and that he entered his apartment building at about 7.00 am and again at about 2.00 pm that day.<sup>34</sup>

### **30 April 2017**

30. At 2.32 pm on 30 April 2017, Mr Da Silva is seen on CCTV leaving his apartment building. He hesitates in the front doorway before breaking into a slow jog and heading along Wellington Street towards the Perth Arena. This appears to be the last occasion on which Mr Da Silva is known to have been alive.<sup>35</sup>

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<sup>30</sup> Exhibit 1, Tab 8, Statement - Mr A Bufton, paras 15-17

<sup>31</sup> Exhibit 1, Tab 9, Statement - Mr B Noble, paras 5-6 & 12-22 and ts 24.01.20 (Stokeley), pp12-13

<sup>32</sup> Exhibit 1, Tab 9, Statement - Mr B Noble, para 23

<sup>33</sup> Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, p13

<sup>34</sup> Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, p4 & 14 & 19-20 ts 24.01.20 (Stokeley), p14

<sup>35</sup> Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, p4 & 14 and ts 24.01.20 (Stokeley), p17

## ***Mr Da Silva is reported missing***

31. On 4 May 2017, Ms Da Silva sent Mr Da Silva a text message inviting him for dinner. There was no reply to this message or to her subsequent phone calls and she became concerned.<sup>36</sup>
32. On 6 May 2017, Ms Da Silva obtained a spare key for Mr Da Silva's apartment and went there with family members. She arrived at about 1.00 pm and found the state of the apartment unusual. There was a mop and bucket in the hallway, the bed was unmade and there were dirty dishes in the kitchen sink. All of this was out of character for Mr Da Silva, who was known to be fastidious about cleanliness.<sup>37</sup>
33. Ms Da Silva saw some mail on the couch including an infringement notice relating to Mr Da Silva's driving under the influence charge on 24 April 2017. She was surprised about this because he had not mentioned the incident either to her or her mother.<sup>38,39</sup>
34. Ms Da Silva also noticed that Mr Da Silva's car keys, wallet, mobile and cigarettes were all on the kitchen bench. Given that he was known to be a fairly heavy smoker, she felt this was unusual. Ms Da Silva called her mother to tell her what she had seen and also sent her mother some photos of the apartment.<sup>40</sup> From the photos, Ms Broadley thought it looked as if Mr Da Silva had been in the middle of cleaning his apartment and had suddenly rushed out.<sup>41</sup>
35. Ms Broadley and Ms Da Silva went to the apartment on 7 May 2017 and found it was in the same state as the day before. Ms Broadley received no answer when she rang Mr Da Silva's mobile and she was so concerned about his whereabouts, that she attended the Mirrabooka Police Station with her partner and reported Mr Da Silva as a missing person.<sup>42</sup>

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<sup>36</sup> Exhibit 1, Tab 7, Statement - Ms S Da Silva, paras 6-7

<sup>37</sup> Exhibit 1, Tab 7, Statement - Ms S Da Silva, paras 8-14 & 18

<sup>38</sup> Exhibit 1, Tab 7, Statement - Ms S Da Silva, paras 15-16

<sup>39</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, para 62

<sup>40</sup> Exhibit 1, Tab 7, Statement - Ms S Da Silva, paras 19-21

<sup>41</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, paras 74-75

<sup>42</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, paras 74-77

## **POLICE INVESTIGATION<sup>43</sup>**

### **Overview<sup>44</sup>**

36. The Police investigation into the Mr Da Silva's disappearance began on 7 May 2017, following Ms Broadley's report at the Mirrabooka Police Station. Police attended at Mr Da Silva's apartment and spoke to a neighbour who said he had not seen Mr Da Silva for two weeks.
37. On 8 May 2017, Ms Da Silva and Ms Broadley returned to Mr Da Silva's apartment. Ms Da Silva says it was then that they noticed a load of clean washing in the washing machine that had not been hung out. Again, this was out of character for Mr Da Silva. They searched Mr Da Silva's computer but found nothing of any significance and Ms Broadley found his spare car keys and his apartment building access card in his bedroom drawer.<sup>45,46</sup>
38. Ms Broadley and Ms Da Silva made several other visits to the apartment. On one of those visits, Ms Broadley noticed that Mr Da Silva's favourite swimming shorts were missing.<sup>47</sup>
39. The Police reviewed CCTV from the Perth Transport Authority, Swan Taxis and the premises surrounding Mr Da Silva's apartment. After viewing the CCTV footage of Mr Da Silva leaving his apartment on 30 April 2017, Ms Broadley was of the opinion that he was wearing his favourite swimming shorts at that time. Ms Broadley also thought that he looked depressed in the footage she viewed.<sup>48</sup>
40. Police searches of Mr Da Silva's apartment on 9 and 11 May 2017, respectively, failed to unearth anything of significance and testing for bloodstains was negative. A search of Mr Da Silva's computer found nothing relevant to the investigation. In the days following Ms Broadley's missing person report, Police made numerous, but fruitless enquiries with public hospitals, State and Commonwealth departments and the Police intelligence systems.

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<sup>43</sup> ts 24.01.20, pp4-8 and 10-20

<sup>44</sup> Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, pp2-6, 23 & 25-28

<sup>45</sup> Exhibit 1, Tab 7, Statement - Ms S Da Silva, paras 25-26

<sup>46</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, paras 80-83

<sup>47</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, paras 85-87

<sup>48</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, paras 88-89

### ***Medical, official, financial and telephone records<sup>49</sup>***

41. Police checked Medicare records and confirmed that Mr Da Silva was last seen by a doctor on 23 January 2015. Checks with the Registry of Births, Deaths and Marriages confirmed that he had not changed his name, nor was he recorded as having died.
42. Mr Da Silva was not in receipt of any Centrelink benefits at the time of his disappearance, and Police checks revealed that he last received a benefit payment in April 2006. Checks with the Australian Border Force confirmed that he had not left Australia.
43. There is no record of Mr Da Silva having had any contact with the Australian Federal Police or any of the various State missing persons teams since 30 April 2017.
44. There were no remains at the State Mortuary that could be linked to Mr Da Silva and there is no record of him having been imprisoned since his disappearance.
45. Enquiries with Mr Da Silva's bank revealed that the final transaction on his account took place on 28 April 2017 and related to the purchase of alcohol from the Wembley Hotel. His purchases in the period prior to this related to cafes in the City Beach area and the Wembley IGA supermarket. This led police to concentrate their efforts in the City Beach area.
46. Mr Da Silva's telephone records showed nothing of any significance and his last recorded call was to his mother on 27 April 2017 at 2.48 pm.<sup>50</sup>

### ***Mr Da Silva's car<sup>51</sup>***

47. On 8 May 2017, Mr Da Silva's car was found in Delhi Street, West Perth. The vehicle had been issued with parking tickets on 1, 2, 3 and 8 May 2017 respectively. A forensic examination of the vehicle on 12 May 2017, found nothing of significance and no indication of blood.

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<sup>49</sup> Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, pp 5 & 25-28 and ts 24.01.20 (Stokeley), pp15-18

<sup>50</sup> See also: Exhibit 1, Tab 6, Statement - Ms A Broadley, para 65

<sup>51</sup> Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, pp3-4, 6 & 27

48. Based on the direction Mr Da Silva was heading when he left his apartment, and the fact that free weekend parking in the West Perth precinct ended at midnight that day, Ms Broadley thought he may have been on his way to collect his car, when he left his apartment on Sunday, 30 April 2017.<sup>52</sup>
49. However, as against that theory, Ms Broadley noted that Mr Da Silva's car keys (along with a spare set) had been found in his apartment. However, as Ms Broadley pointed out, it is possible that he may have had another spare set of car keys.<sup>53</sup> In any event, it is clear that Mr Da Silva did not end up collecting his car from where it was parked.
50. Since his disappearance, there have been no reported sightings of Mr Da Silva, and no relevant lines of enquiry have emerged, despite the fact that Ms Broadley made a number of appearances in the media.<sup>54,55</sup>

### ***Search of City Beach***

51. Given Mr Da Silva's known fondness for swimming at City Beach, and in the absence of any other information about his whereabouts, Police began a comprehensive search of the City Beach area on 16 June 2017. Nothing of significance was located, and although a number of clothing items were recovered, none could be linked to Mr Da Silva.<sup>56</sup>

### ***Comments on the Police investigation***

52. On the basis of the documentary evidence in this matter and the evidence of Detective Senior Constable Stockeley, I am satisfied that Police conducted a comprehensive investigation into Mr Da Silva's disappearance. That investigation included forensic examinations of Mr Da Silva's car and apartment, numerous enquires with relevant agencies, door knocks of adjacent premises, and a review of relevant CCTV footage.
53. Despite an extensive Police investigation and Ms Broadley's courageous media appearances, there has been no contact from Mr Da Silva since 30 April 2017.

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<sup>52</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, para 94

<sup>53</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, para 95

<sup>54</sup> Exhibit 1, Tab 6, Statement - Ms A Broadley, paras 84 & 101

<sup>55</sup> Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, pp28-29

<sup>56</sup> See also: Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, pp6-8 and ts 24.01.20 (Stokeley), p17

## **HAS DEATH BEEN ESTABLISHED?<sup>57</sup>**

54. In my view, the evidence establishes, beyond all reasonable doubt, that Mr Da Silva died on or about 30 April 2017, being the date on which he was last known to have been alive.
55. In reaching that conclusion, I have relied on the following facts:
- i. Despite a close and loving relationship with his family, Mr Da Silva's last contact with any member of his family was on 27 April 2017;
  - ii. Mr Da Silva was last known to be alive on 30 April 2017;
  - iii. There have been no transactions on any of Mr Da Silva's bank accounts since 28 April 2017;
  - iv. A detailed examination of Mr Da Silva's car revealed nothing of significance;
  - v. Apart from the fact that Mr Da Silva's favourite swimming shorts were missing, a search of his apartment revealed nothing of significance;
  - vi. A comprehensive Police investigation has failed to unearth any information about Mr Da Silva's whereabouts after 30 April 2017;
  - vii. Following a comprehensive investigation, Police concluded there was no evidence to suggest that any other person was involved in Mr Da Silva's disappearance;<sup>58</sup> and
  - vii. Despite a number of media appearances by Ms Broadley, no information relevant to Mr Da Silva's whereabouts has come to light.

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<sup>57</sup> ts 24.01.20, pp22-23

<sup>58</sup> Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, p24 and ts 24.01.20 (Stokeley), pp19-20

## CAUSE AND MANNER OF DEATH<sup>59</sup>

56. In circumstances where Mr Da Silva's body has not been located, I am obliged to find that the cause of his death is unascertained.
57. However, having carefully considered all of the available evidence, it appears that the most likely explanation for Mr Da Silva's death is that he died from immersion after he went swimming at City Beach. In canvassing this possibility, I am mindful of the following facts:<sup>60</sup>
- i. Mr Da Silva enjoyed swimming at City Beach and on several occasions had been observed swimming a considerable distance from shore;
  - ii. Mr Da Silva was known to have had breakfast at City Beach on 29 April 2017 and may have been swimming in the ocean on that day;
  - iii. After his disappearance, Mr Da Silva's favourite swimming shorts were missing from his apartment;
  - iv. On 30 April 2017, when Mr Da Silva was seen on CCTV leaving his apartment and heading in a westerly direction, he appeared to be wearing his favourite swimming shorts;
  - v. Mr Da Silva is seen to hesitate when leaving his apartment on 30 April 2017 and his behaviour has been described as "*sluggish*". It is therefore possible that he was intoxicated when he left his apartment;
  - vi. If Mr Da Silva was in fact intoxicated and did go swimming on 30 April 2017, that could account for the fact that he got into difficulty in the water, even though he was a strong swimmer; and
  - vi. Since Mr Da Silva's disappearance, there has been no sign of him whatsoever and no physical evidence has been located (including no evidence of criminality) which might account for his disappearance.

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<sup>59</sup> ts 24.01.20, p23

<sup>60</sup> Exhibit 1, Tab 2, Report - Det. Sen. Const. Stokeley, pp31-32 and ts 24.01.20 (Stokeley), p15

58. Having carefully considered all of the available evidence, I have been unable to determine whether Mr Da Silva deliberately took his life. There is no evidence that he had ever expressed any suicidal or self-harm ideation.
59. Mr Da Silva's apartment was found in an untidy state, which was uncharacteristic. The observations of staff at the various venues Mr Da Silva visited on 28 April 2017 suggest that he was distressed and acting strangely. Further, Ms Broadley thought he looked depressed in the CCTV footage of him leaving his apartment on 30 April 2017.
60. All of this evidence may suggest that Mr Da Silva's mental health was deteriorating in the period shortly before his death. However, on the basis of the available evidence, this is not a conclusion that I feel I can draw.
61. If Mr Da Silva went swimming at City Beach on or about 30 April 2017, as I suspect he did, he may have done so with the intention of ending his life. However, it is equally plausible, that he may have gone for a swim in order to improve his mood, given his fondness for swimming in the ocean.
62. The fact that Mr Da Silva's mobile, wallet and proximity entry card were found in his apartment, may suggest that he did not intend to return. However, the evidence shows that he had used cash to catch both a bus and a taxi to City Beach in the days before his disappearance and he may have had a spare proximity entry card for his apartment.
63. On the basis of the evidence before me, I can do no more than speculate about Mr Da Silva's state of mind before his disappearance.
64. For that reason, I am unable to arrive at any conclusion about the manner of Mr Da Silva's death and I therefore make an open finding as to the manner of his death.

## **CONCLUSION**

65. It is very clear that Mr Da Silva was a dearly loved son, brother, nephew and uncle. He was 34 years of age when he went missing in Perth on 30 April 2017.
66. There are no eye witnesses to Mr Da Silva's final moments. However, it is my view that when considered as a whole, the evidence leads to the inescapable conclusion that he died on or about 30 April 2017.
67. In my view, the most likely explanation for Mr Da Silva's death is that he went swimming at City Beach and died from immersion. However, on the evidence before me, I have been unable to make positive findings about the cause and manner of his death.
68. In conclusion, I want to say that I cannot begin to imagine the grief and sadness that Mr Da Silva's family have experienced since his disappearance. I can only hope that my finding that Mr Da Silva has died may offer his family some sense of finality, as they continue to cope with their terrible loss.

MAG Jenkin

**Coroner**

3 February 2020