



CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION: **Inquest into the death of Jason Barry GUISE**

TITLE OF COURT: Coroners Court

JURISDICTION: BRISBANE

FILE NO(s): 2019/1983

DELIVERED ON: 5 May 2022

DELIVERED AT: Brisbane

HEARING DATE(s): 25, 26 and 27 October 2021

FINDINGS OF: Donald MacKenzie, Coroner

CATCHWORDS: Coroners: Inquest, Unknown Cause of Death, Body found in Sewer, Suspicious Circumstances, Possible disposal of Body after Non-suspicious Death

REPRESENTATION:

Counsel Assisting: Ms S. Lio Willie

For Guise Family: Mr M. Rawlings (Counsel)
Instructed by Caxton Legal Service Inc

**For Queensland:
Police Service** Mr J. Paratz (Legal Officer)
Instructed by QPS Legal Unit

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Introduction

1. The deceased, Mr Jason Barry GUISE was born on 18 October, 1973 making him 45 years of age at the time of his death sometime between 20 April, 2019 and 9 May, 2019. On 2 May 2019, Mr Guise was reported missing by his flatmate, Mr Peter James Kelly. The deceased had been absent for 10 days from their flat at 10/33 Bride Street, Wynnum, since the afternoon of Easter Sunday (21 April, 2019).
2. Six days later, at approximately 12.10 hours on 8 May, 2019, staff from the Queensland Urban Utilities Waste Treatment pump station, located at 53 Granada Street, Wynnum, discovered the deceased's decomposing body in a treatment tank well. An experienced forensic pathologist was unable at autopsy to determine the cause of this death but noted the presence of methylamphetamine in the body.
3. The deceased had been residing with Mr Peter Kelly at 10/33 Bride Street, Wynnum. Mr Kelly last saw Jason Guise on the afternoon of 21 April 2019 (Easter Sunday). The deceased was at the 7/11 Store at the corner of Edith Street and Tingal Road, Wynnum with his friend, Mr Shane Johnson at approximately 18.30 hours on 21 April, 2019. Some 30 minutes later, according to Mr Kelly, he spoke with the deceased by telephone. He told Mr Kelly that he was collecting food from "Rosie's", a homeless food van, located off Charlotte Street, Wynnum a short distance from the 10/33 Bride Street Wynnum, unit. This was the last time Peter Kelly spoke with Jason Guise.
4. Throughout Easter Sunday, the deceased kept company with his friend, Mr Shane Thompson. CCTV footage shows the pair in Mr Thompson's motor vehicle driving to and from the 7/11 Store at Wynnum throughout the day. The last occasion was at 17:50 hours. Telephone records have identified that a "000" call was made from Jason Guise's telecommunication service number at 18:29 hours on 21 April, 2021. This "000" call was disconnected prior to being transferred to emergency services.
5. At 17:19 hours on 21 April, 2021, CCTV footage shows the deceased riding a bicycle with a food package eastbound on Bay Terrace, at intersection with Berrima St, Wynnum. (This is the last independent sighting of Mr Guise.) Mr Kelly told police that he returned home to 10/33 Bride Street, Wynnum at approximately 22:30 hours and observed the food from "Rosie's" left on the front porch. Mr Kelly also observed his pushbike (that the deceased had been using) left unsecured in the yard of the dwelling. This was unusual. He told police that he later found Mr Guise's wallet, bank cards and all his personal belongings inside the dwelling. Curiously, police conducting a welfare check at the deceased's and Mr Kelly's 10/33 Bride Street,

Wynnum unit at 19:52 hours saw no Rosies food package on the front porch.

6. On 29 April 2019, Mr Peter Kelly was contacted by Jason Guise's sister, Nicole, expressing her grave concerns for Mr GUISE. She spoke with the deceased regularly by telephone and she had not spoken to Mr Guise since 21 April, 2019.
7. Queensland Police Service Investigators confirmed with the deceased's family and his associates that no one else had any contact with him since 21 April 2019. He did not access his bank accounts, nor use social media or mobile telephone since the then.
8. A number of theories have emerged to explain this death. The deceased was a well-known methylamphetamine user. He had recently been released from jail on parole after serving almost a year on remand. There was later a story that he had been contracted in jail to recover stolen firearms, drugs and money from organised criminals in New south Wales.
9. There are five apparent scenarios consistent with the available evidence. It is unclear how the deceased's body came to be in the sewer well but he could not have placed himself there. Presuming that the deceased's body was placed there as a "cover up", the five scenarios are:
 1. The deceased became involved in a drug-fuelled argument with associates which led to his death from an assault.
 2. The deceased committed suicide, died of natural causes or accidentally overdosed on an illicit drug (presumably methylamphetamine) and his body was deposited in the sewer by others anxious to avoid police scrutiny.
 3. The deceased was involved in serious criminal activity involving the recovery of firearms, cash and drugs from interstate and was killed possibly to cause his silence.
 4. The deceased was killed in retribution for unpaid drug debts or on suspicion of informing police about a drug dealer.
 5. The deceased was killed by an associate of Ms Rachel Theoharoudis as retribution for his acts of domestic violence upon her.
10. The two truly independent and uncontroversial bodies of evidence in this investigation were (i) the potentially toxic level of methylamphetamine in the deceased's post-mortem liver samples and (ii) the conclusive opinion of experts that the deceased could not have entered the sewer well alone and placed the manhole cover over

himself. The absence of other compelling evidence has led to wild speculation and conspiracy theories.

11. I have concluded that it is impossible to accept any one of these five scenarios over the others. Each is potentially consistent with the evidence to establish the cause of this death.

The Coronial Jurisdiction

12. Before turning to the evidence, I will say something about the nature of the coronial jurisdiction. The basis of this jurisdiction arises because this is considered to be “a suspicious death” within the terms of the Act. Section 11(2) confers jurisdiction on a Coroner to investigate such a death and s28(1) authorises the holding of an inquest into it.

13. Section 45(2) of the Coroners Act (Qld) provides:

(2) A coroner who is investigating a death or suspected death must, if possible, find—

- (a) who the deceased person is; and
 - (b) how the person died; and
 - (c) when the person died; and
 - (d) where the person died, and in particular whether the person died in Queensland; and
 - (e) what caused the person to die.
14. After considering all of the evidence presented at the inquest, findings must be given in relation to each of those matters to the extent that they are able to be proved. An inquest is not a trial between opposing parties but an inquiry into the death. Lord Lane CJ in *R v South London Coroner; ex parte Thompson* (1982) 126 S.J. 625 described a coronial inquest in this way:

... an inquest is a fact-finding exercise and not a method of apportioning guilt. The procedure and rules of evidence which are suitable for one are unsuitable for the other. In an inquest it should never be forgotten that there are no parties, there is no indictment, there is no prosecution, there is no defence, there is no trial, simply an attempt to establish facts. It is an inquisitorial process, a process of investigation quite unlike a criminal trial where the prosecutor accuses and the accused defends,” ... (and) ... “the function of an inquest is to seek out and record as many of the facts concerning the death as [the] public interest requires.

15. 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 (s46) but prohibits findings being framed in a way that appears to determine questions of

civil liability or suggests a person is guilty of any criminal offence (s45(5)).

16. Proceedings in a coroner's court are not bound by the rules of evidence because s37 of the Act provides that "the Coroners Court is not bound by the rules of evidence but may inform itself in any way it considers appropriate. 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. However, the rules of evidence and the cornerstone of relevance should not be disregarded and in all cases the evidence relied upon must be logically or rationally probative of the fact to be determined.¹
17. 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.² This means that the more significant the issue to be determined, the more serious an allegation or the more inherently unlikely an occurrence, the clearer and more persuasive the evidence needed for the trier of fact to be sufficiently satisfied that it has been proven to the civil standard.³ It is also clear that a coroner is obliged to comply with the rules of natural justice and to act judicially.⁴ 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 the High Court made clear in *Annetts v McCann* (1990) 65 ALJR 167 at 168 this includes being given an opportunity to make submissions against findings that might be damaging to the reputation of any individual or organisation.
18. Further, by s. 46(1) of the Act a Coroner may whenever appropriate comment on anything connected with a death investigated at an inquest that relates to:
 - (i) public health or safety; or
 - (ii) the administration of justice; or
 - (iii) ways to prevent deaths from happening in similar circumstances in the future.
19. For the purposes of s. 46(1) of the Act, issues to be dealt with at this Inquest were:
 1. *The findings required by s 45(2) of the Coroners Act 2003 (Qld); namely the identity of the deceased, when, where and how he died and what caused his death;*

¹ See Evatt, J in *R v War Pensions Entitlement Appeal Tribunal; Ex parte Bott* (1933) 50 CLR 228 at 256; Lockhart J in *Pearce v Button* (1986) 65 ALR 83, at 97; *Lillywhite v Chief Executive Liquor Licensing Division* [2008] QCA 88 at [34]; *Priest v West* [2012] VSCA 327 at [14] (Coroners Court matter) and *Epeabaka v MIMA* (1997) 150 ALR 397 at 400.

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

³ *Briginshaw v Briginshaw* (1938) 60 CLR 336 at 361 per Sir Owen Dixon J

⁴ *Harmsworth v State Coroner* [1989] VR 989 at 994; Freckelton I., "Inquest Law" in *The Inquest Handbook*, Selby H., Federation Press, 1998 at p13

2. *The identity of any other persons involved in the death of Jason Barry Guise.*

The Circumstances of this Death

Mr Guise's Antecedents

20. Mr Guise was the younger of two children born to Mr Barry Guise and Peggy Kelly, in Parkes, New South Wales. His parents separated shortly after his birth, and he and his older sister Nicole were raised by their mother. Mr Guise is survived by three children, Kieran, Hannah and Mahalia. He was estranged from the mother of those children at the time of his death.
21. As a teenager, Mr Guise started using marijuana and amphetamines (speed) on a recreational basis. His use increased as he aged, but it became more of an addiction once he relocated to Queensland in around 2015. At the time of his death, Mr Guise was regularly using methylamphetamine. Mr Guise admitted to his sister, Nicole, that he injected the drug, and at one stage was having "5 or 6" shots a day. A former partner, Ms Rachel Theoharoudis, told the inquest that Mr Guise's tolerance for drugs was high and that he had taken 36 points of methylamphetamine before he went into custody on 7 April 2018.
22. Mr Guise had a lengthy Queensland criminal history, commencing in 2012. His offending consisted mainly of drug and property related offending, leading to appearances in the Magistrates Courts. The most serious convictions included: Unlawful use of a vehicle, Unlawful possession of motor vehicle with intent to deprive, Burglary, Stealing and Receiving tainted property. His most recent conviction to his death was on 7 March 2019. He pleaded guilty in the District Court at Brisbane to one count of choking in a domestic setting and an offence of contravening a domestic violence order. On 5 April, 2018, Mr Guise, under the influence of methylamphetamine grabbed Ms Rachel Theoharoudis around the throat choking her but she did not lose consciousness. He had spent 334 days in presentence custody. He was sentenced to two years imprisonment with an immediate release on parole for the offences of choking and contravening a domestic violence order.
23. Upon being released on parole, Mr Guise moved into Unit 10/33 Bride Street, Wynnum with a friend, Mr Peter Kelly. Mr Guise was unemployed and his primary mode of transport was by bicycle. He conducted his daily activities predominantly in the Wynnum and Bayside areas. Mr Guise was a known intravenous user of methylamphetamine. Many of his associates, and those called to give evidence, admitted to either supplying Mr Guise with

methylamphetamine or being present with him and also consuming methylamphetamine or cannabis.

24. Mr Guise was released from custody on 7 March 2019. He was last seen alive on 21 April 2019. For ease, a timeline of significant events is contained in the helpful table below:

<u>DATE</u>	<u>EVENT</u>
<u>7 March 2019</u>	Released on parole.
<u>16 April 2019</u>	10.15am – attended the Wynnum Plaza to buy a mobile phone.
<u>17 April 2019</u>	12.33pm – Last ATM withdrawal from Bank of Queensland, Wynnum. (Guise was in the company of Peter Kelly.) Guise’s last contact with Probation and Parole. (His parole history was unremarkable.)
<u>20 April 2019</u>	Guise called his father for his birthday. This was the last time he spoke to his father.
<u>21 April 2019</u>	Guise seen by Peter Kelly in the morning, either at home or in passing.
04.27 hours	‘000’ phone call made from Guise’s phone. However, it did not actually connect with the Emergency Service Answer Point (ESAP). Therefore, it did not register on their system.
12.21hours	Guise entered the Wynnum 7/11 with Shane Johnson.
14.34 hours	Guise filled petrol in a red Holden Commodore [belonging to Shane Johnson] 573YWA, at the Wynnum 7/11. (No one else seen in the car.)
14.37 hours	Guise drove the car to the 7/11 carpark on Edith Street side.
14.41 hours	Guise entered the 7/11.
17.50 hours	Guise drove Johnson’s red Holden Commodore into the 7/11 forecourt and

parked in the carpark on the western side.

18.27 hours

Johnson used Guise's mobile phone to call '000'. The call was disconnected before being answered by the operator. According to Mr Johnson, Mr Guise left the 7/11 to avoid police.

18.29 hours

QPS communications attempted to call Mr Guise's phone without success. As a result of the '000' call disconnection. A QPS "job" is created to conduct a welfare check on Guise.

18.38 hours

Guise walked through the Woolworths carpark, carrying a mobile phone, side bag and bottle of soft drink.

18.41 hours

Peter Kelly was a passenger in a white Ford Ranger [631XDX] (belonged to Janine Hudson) entered the 7/11 forecourt. Kelly got out of the car and the car drove off. Johnson told Kelly that Guise left him there at the 7/11.

18.47 hours

Johnson used his own mobile phone to call '000'. He reported that someone or something was in the boot of his car and he wanted police to be present when he opened the boot in case something jumped out. Johnson was audibly exhibiting paranoia.

19:00 hours

Guise attended the Rosie's van in Charlotte Street, Wynnum and collected takeaway food parcels.

19.07 hours

Last incoming call from Guise to Kelly. Guise informed Kelly that he was at Rosie's.

19.19 hours

Guise captured on CCTV on the eastern side of Berrima St, Wynnum from the direction of Bay St. He appeared to be carrying a plastic bag and pushing his bicycle. He wore a helmet, blue t-shirt, black shorts, running shoes. He entered the driveway of 96 Berrima St Wynnum, the address Brian Elwell lived with his

mother, and appeared to approach a person. He stayed for a minute then left.

19.22 hours

Guise rode his bicycle eastbound on Bay Terrace, at intersection with Berrima St, Wynnum.12 **(This is the last independent sighting of Mr Guise.)**

19.46 hours

The mobile service 0474 506 007 utilised by Guise was last recorded by Telstra Mobile-Net from the Wynnum North Tower (located on the corner of Mungala Street and Tingal Road Wynnum North). The mobile telephone service indicated that Guise's mobile phone was in the vicinity of the Waterloo Esplanade, Wynnum.

19.52 hours

Police attended Unit 10/33 Bride St, Wynnum to conduct a welfare check in response to the unconnected '000' call from Guise's mobile. Police observed the unit to be in darkness, no visible disturbance, did not observe any food parcels outside the unit, nor a specific observation of a bicycle.

19.58 hours

QPS Constables Boffo and Sullivan attended the Wynnum 7/11 in response to Johnson's 18:27 hours '000' phone call. They spoke with Mr Johnson. No person or animal was found in the boot of Johnson's car. Mr Johnson was paranoid someone was out to get him.

22.04 hours

Kelly called Guise – no answer – duration 2 seconds.

22.05 hours

Kelly called Guise – no answer – duration 3 seconds.

22.30 hours (approx time)

Kelly returned home but Guise was not there. There was a food parcel on the chair outside the front door. The bicycle that Guise was riding was at the bottom of the stairs leaning against the back wall of Unit 5.

22 April 2019

01:13 hours

Johnson is driven from the 7/11 to Evolution Apartments at Tank Street, Brisbane City.

01:55 hours

Johnson caught on CCTV in the Evolution Apartments elevator by himself.

25. A telecommunications expert, Mr Mark Borg opined that activity on Mr Guise's mobile telephone after 19:46 hours must be treated as an anomaly.
26. On 22 April 2019, Mr Guise had not returned to the unit. Mr Kelly attempted to call him but there was no answer. Mr Kelly rang some of their other associates, Lee Lucas and Shane Johnson but neither had heard from Mr Guise.
27. On 26 April 2019, Mr Kelly attended the Rosie's van and told the police liaison officer Ms Jacqueline Carter, that Mr Guise had not returned home for the last few days. Ms Carter advised him to notify Mr Guise's family and confirm if they had contact with him. In the meantime, she would make enquiries whether Mr Guise had been returned to custody and hence unable to be contacted.
28. On 29 April 2019, Mr Guise's sister contacted Peter Kelly asking of Mr Guise's whereabouts because she hadn't heard from him since 21 April 2019. At that point he told her he hadn't seen Mr Guise in over a week. She told him to report Mr Guise missing to the police.
29. Mr Kelly gave evidence at the inquest that he simply thought Mr Guise could have been in custody as a result of parole violations. That was why he was not overly worried about Mr Guise being missing and why he asked the police liaison officer to check if Mr Guise was in custody. Evidence given at the inquest by some others who were close to Mr Guise similarly were not concerned when he did not answer or return their phone calls or messages, it was not unusual for Mr Guise to consume drugs and be uncontactable for about a week.
30. After discussions with Mr Guise's sister, Mr Kelly said he attempted to report him to police as a missing person but that the police would not accept the report because Mr Kelly was not a next of kin. Mr Guise's sister then attempted to report him missing but was advised that she was also unable to file a report because she lived interstate. Mr Kelly said this was the reason he did not report Mr Guise missing until 10 days after he last saw Mr Guise.

31. On 1 May 2019, Mr Kelly started packing up Mr Guise's belongings because he had not returned to the unit. He found a bumbag containing Mr Guise's wallet which still had all his cards in it, some loose change and a box cutting knife.

Discovery of the Body

32. At around 12.10pm on 8 May 2019, employees of Veolia Water Services, contracted by Queensland Urban Utilities (QUU) attended the sewage pumping station at the corner of Granada Street and Adam Street, Wynnum for routine maintenance and cleaning of the wet well. The wet wells were enclosed by a chain link, barbed wire fence and gate which was secured with a padlock.
33. The crew reversed their truck close to wet well SP33. The wet well had a hinged, square aluminium cover [1.5m x 1m] on it, weighing about 20kg, and had two lockable handles. The handles were closed over the lid but they did not have a padlock secured on them. Once the lid was opened, there was a stainless-steel mesh cage (for fall protection in case a worker tripped or dropped something), with a 200mm x 200mm hole in the cage, enough room to fit a hose down without having to take the whole cage off. The well was about 5 metres deep.
34. When the lid was removed, the workers observed what appeared to be a mannequin floating face down about 3 metres from the top. They all initially thought it was a first aid mannequin and did not think much of it. The crew then drained the well and sucked out about 8000L of liquid. At that time, worker Mr Joel Galletly was lowered into the well to clean it and remove any obstructions. As he got closer to the mannequin, he observed it had a t-shirt on and one running shoe. He then saw a scrotum, veins on the body, fingernails, ankle socks, a purple bracelet, and maggots coming out of a hole on the buttocks. Mr Galletly lifted the sleeve of the t-shirt and saw a tattoo on the arm and panicked and was pulled out of the well.
35. The crew contacted their supervisors who then advised the police.

Autopsy

36. On 9 May 2019, Dr Beng Ong conducted a post-mortem examination of the body. The decomposition of the body was fairly advanced and resulted in partial disintegration of soft tissue. There was additional adipocere formation, a particular type of decomposition seen in bodies immersed in water.
37. A superficial dissection of the body was conducted. There were no obvious injuries on the body apart from an old injury to the nose, nor were any skeletal injuries observed.

38. Most of the internal organs had disintegrated to such an extent that a proper assessment could not be made. There were no pathological changes that were indicative of a cause of death or could be contributory to death.
39. Toxicology samples of the liver and bile were taken. Methylamphetamine and its metabolite, amphetamine was detected in the liver. The level was within known toxic range. However, the toxic range available in the literature was derived from analysis of fresh liver specimens. As the liver was in a decomposed state, the level detected might not represent actual antemortem level.
40. Dr Ong could not ascertain a cause of death. Dr Ong noted that it is possible that death could be due to methylamphetamine toxicity but could not be confirmed due to post-mortem changes.

The Investigation

41. On 2 May 2019, the missing person investigation was commenced by the Queensland Police Service (“QPS”) Missing Persons Unit. QPS Investigators were unable to locate or contact Mr Guise and all enquiries rendered the same outcome. As a result, on 5 May 2019 a joint investigation was commenced by the Homicide Investigation Unit and Bayside Criminal Investigation Branch, named “Operation Romeo Kickoff”. Three days later Mr Guise’s body was found in the sewer well.
42. The QPS have conducted an exhaustive investigation and produced a detailed report to me which analysed the material facts and circumstances of this death. Thousands of pages of statements, technical reports and hundreds of hours of CCTV footage, electronically recorded interviews and telephone recordings were required and form part of the brief of evidence which is an exhibit in the Inquest documents. This has been of considerable assistance in this investigation and Inquest.
43. Police Investigators have been unable to determine when Mr Guise died, if anyone else was involved in his death or disposal of his body, or if an offence of unlawful killing had occurred.
44. On 21 February 2021, the QPS announced a government reward for \$250,000 and a recommendation for appropriate indemnity from prosecution for any accomplice who provided relevant information to the QPS. A renewed “missing persons” media campaign was released in February 2021 but no new leads or avenues of inquiry have arisen.

The Inquest

45. The Inquest Hearing into this death took place over three days on 25, 26 and 27 October, 2021.

46. The witnesses called at the Inquest were:

1. Detective Brent Dadds – lead QPS investigator
2. Mr Brian Elwell – associate of the deceased
3. Mr Peter Kelly – flatmate of the deceased
4. Mr Brett Sneesby – associate of the deceased
5. Mr Lee George Lucas - associate of the deceased
6. Mr Aaron Dalton Green – fellow prison inmate of the deceased
7. Ms Rachel Theoharoudis – former partner of the deceased
8. Ms Theresa Golding - associate of the deceased
9. Ms Chantel Newberry - associate of the deceased
10. Mr Troy Pederson - associate of the deceased
11. Ms Belynda Schwartz - associate of the deceased
12. Mr Gregory Hynds - fellow prison inmate of the deceased
13. Mr Shane “Bear” Johnson – associate of the deceased
14. Mr Jared Bezuidenhout – security operations specialist from Urban Utilities.

Detective Brent Dadds

47. Detective Dadds gave an outline of the QPS investigation, the various lines of enquiry and the theories that emerged. The deceased’s suicide or accidental death by placing himself in the sewer was excluded by virtue of the difficulties in replacing the manhole cover from inside. There was also “no gravel rash or abrasion-type injuries” on the body of the deceased consistent with his body entering the sewer that had a smaller manhole entry point. He explained that no scientific evidence such as DNA was obtained. It was clear to police that someone probably at least two people engaged in the criminal

offence of misconduct with a corpse. However, the circumstances of the commission of that offence are unknown.

Mr Brian Elwell

48. Brian Elwell met Mr Guise in Arthur Gorrie Correctional Centre. When Mr Guise was released on parole, they used drugs intravenously together. One night he and Mr Guise were walking home to Mr Elwell's house and they cut through a laneway in Wynnum. Mr Elwell recalled they were looking at a car when a man came out of his house and pointed a rifle at them. Mr Guise had also told Bradley Cork and Mr Kelly about this incident.

49. On the night of Mr Guise's disappearance, CCTV footage captured him dismounting his bicycle and entering the driveway of 96 Berrima Street, Wynnum. Mr Elwell lived with his mother in Unit 4 at this address. Mr Guise appeared to approach a person in the driveway and then left after a minute. At the inquest, Mr Elwell confirmed that Mr Guise did not know anyone else who lived in the unit block. He did not remember seeing Mr Guise that night, but also conceded that if he was depicted on the footage then he accepted it was him.

50. Mr Johnson nominated Mr Elwell as being involved or having knowledge of Mr Guise's death. Mr Johnson stated that Brian Elwell told him that Mr Guise had disrespected Mr Elwell's family and did not want Mr Guise returning to his mother's home again. This was put to Mr Elwell at the Inquest and he denied there being any falling out with Mr Guise.

51. Ms Newberry also told the Court that she observed a man, she was later told was "Brian", have what appeared to have a secretive discussion with Mr Kelly on the day before Mr Guise's funeral. She said that Mr Kelly told her "Brian" said that "Bear" was the last person to see Mr Guise alive but Mr Kelly said Mr Johnson "wouldn't have done it".

52. In evidence at the Inquest, Mr Elwell denied any involvement in the disappearance or death of Mr Guise. He denied ever having a falling out with the deceased and considered that they were friends.

Mr Peter Kelly

53. Mr Peter Kelly was Mr Guise's housemate at Bride Street. Mr Kelly's behaviour at the time of Mr Guise's disappearance was odd. Mr Kelly waited 10 days before reporting Mr Guise as a missing person to police. During that time, he did not make enquiries with Mr Guise's family or known associates when he hadn't seen or heard from him. He even started packing up Mr Guise's belongings on 1 May 2019, before he reported Mr Guise missing. Mr Kelly was the closest to Mr Guise at the time of his death, and while he justified his lack of concern

when he gave evidence at the inquest, his evidence was nonetheless curious.

54. Mr Guise had sent a message to a friend, Ms Theresa Golding on the day of his disappearance that he was 'going on a boot ride'. She believed she heard Mr Kelly's voice in the background of this phone call and believed they were arguing. However, Ms Golding could not identify Mr Kelly's voice when it was played to her at the inquest.
55. On 8 May 2019, when it was reported that a body was found in the wet well at the Adam Street Site, Mr Kelly recalled having a "hunch" that it was Mr Guise and he rode to the site to "pay his respects". When put to him that the site was only 1.3 kilometres from the unit he shared with Mr Guise, he simply remarked "that far was it?"
56. Troy Peterson, a friend of Mr Guise's, told police that he believed Mr Kelly was involved or at least aware of what happened to Mr Guise. However, at inquest Mr Peterson resiled from his original position.
57. Mr Kelly denied any involvement in the death of Mr Guise in evidence at the Inquest. He provided an explanation in part for the 10 day delay in reporting the deceased as a missing person which was not particularly convincing. He was extensively cross-examined by Mr Rawlings in relation to telecommunications data emanating from his mobile telephone. In the end, no fresh evidence emerged at the inquest which directly showed that Mr Kelly was involved in the death of Mr Guise.

Mr Brett Sneesby

58. Mr Brett Sneesby met the deceased as a fellow prisoner at the Arthur Gorrie Correctional Centre in 2018. They were friends and the deceased did not have enemies "inside". Mr Guise did complain about his belongings and a Statesman motor vehicle being stolen while he was in jail. He was angry and made noises about getting them back. Mr Sneesby was released from jail and caught up with the deceased several times, the last being Good Friday. He denied having any knowledge of the circumstances of the death of Mr Guise at the Inquest.

Mr Lee Lucas

59. Mr Lee Lucas met Mr Guise in Arthur Gorrie Correctional Centre in about 2014, and they also spent time in prison together in 2016 at Woodford Correctional Centre. The last time he saw Mr Guise was at Easter, two days prior to his disappearance, when they were at his partner Belynda Schwartz's house. He recalled Mr Guise being in good spirits. Mr Lucas told the inquest that around the time of Mr Guise's disappearance, he was trying to distance himself from the drug scene in Wynnum.

Mr Aaron Green

60. Mr Aaron Green met the deceased at Woodford Correctional centre in 2016. They were close friends for “about a month and a half”. After he was released from jail in 2018, he went to live with the deceased and Ms Rachel Theoharoudis. He did not witness domestic violence but returned home after “a couple of days away” to find that the deceased had been incarcerated over domestic violence allegations. He was unable to definitively provide evidence of animus towards Mr Guise or from Mr Guise towards others.

Ms Rachel Theoharoudis

61. Ms Rachel Theoharoudis was the former partner of the deceased. They lived together for approximately two years. Their relationship ended abruptly when the deceased was remanded in custody on 5 April, 2018 in relation to choking and domestic violence offences committed that day against her.

62. She gave evidence of the deceased’s extensive drug-taking, indebtedness to drug-dealers and propensity for violence under the influence of methylamphetamine:

“ ... but when he’s on the ice, he attacks everyone. Doesn’t matter who you are, like you could be his son, his dad, his missus or ex-missus, do you know what I mean? He will still – one minute, he loves you, and the next minute, he’s attacking you and you’re – everything under the sun he’ll call you.”

63. She denied that a Mr Ray Gibson stole deceased’s beloved statesman when he was in jail. She said that she sold it to a wrecker’s yard under the deceased’s direction. She told the inquest that she had not been in an intimate relationship with Mr Ray Gibson after the deceased was incarcerated. She knew of no animosity between the deceased and Mr Gibson.

64. Ms Rachel Theoharoudis under cross-examination by Mr Rawlings did not advance the court’s knowledge of Mr Guise’s death.

Ms Theresa Golding

65. Ms Theresa Golding was an old friend of the deceased having known him for 12 years before his death. When he was released from jail in March, 2019, they caught up again. She would assist him to source methylamphetamine. The last time this occurred was on Easter Saturday (20 April, 2019). Although there appears to be an error in the dates, it seems that in the early hours of Sunday morning (21 April, 2019), Golding overheard an argument in the background between

two men when speaking with the deceased. He was upset that he was unable to source methylamphetamine. She proffered a theory that the deceased was killed over a drug debt but was merely speculating. Ms Golding had told the police that she had also received a Facebook message from the deceased saying that he was in “going on a boot ride”. From the state of her evidence, it is unclear on which night over Easter 2019 this had occurred.

Ms Chantel Newberry

66. Ms Chantel Newberry was an associate of the deceased and had lived with him for several months before his relationship with Ms Rachel Theoharoudis. She was aware of his heavy methylamphetamine use and also knew Mr Peter Kelly.

67. After the deceased was released from custody in March, 2019, they resumed their casual friendship usually by telephone because she was living in Toowoomba. She recalled a telephone conversation that she thought was the same weekend that the deceased went missing (presumably Easter, 2019). She described it to the court this way:

“ ... a short time later he rang me, I think, or I rang him – I can’t remember – and he said – straight up, he said, Tilly, I’m fucked. It’s fucked. Everything’s fucked. And I said, why don’t you come to Toowoomba with me? And he just said, no, I don’t want to be a third wheel, got to get shit sorted here. And I said, what’s wrong? And he said, I’ve got to go, I’ll call you back, and he got off the phone. And that was the last time I spoke to him. And I didn’t know at that point that he really meant something was wrong.”

68. Ms Newberry later proffered a theory that the deceased has mistakenly overdosed on heroin given to him by a drug dealer and was placed in the sewer by that dealer to cover up. She had no evidence to support her theory.

Mr Troy Peterson

69. Mr Troy Peterson had been a friend of the deceased since 2016. He became friendly with Ms Rachel Theoharoudis also when they were in a relationship. In April, 2018, when the deceased was incarcerated, he became closer to Ms Theoharoudis. He basically described her a dishonest and parted ways with her. He met Mr Peter Kelly when the deceased moved to live with him at 10/33 Bride Street, Wynnum. He also knew the Wynnum “crew”: Shane “Bear” Johnson, Lee Lucas and others.

70. Mr Peterson gave evidence of a Facebook post by the deceased entitled “Let the sparkler burn out”. Mr Guise stated in the post that

he had lost everything, his partner, his daughters, his property. He was clearly down and by inference suicidal.

Ms Belynda Schwartz

71. Ms Belynda Schwartz was the partner of Mr Lee Lucas and a friend of the deceased. She was part of his friendship group including Mr Lucas and Mr Peter Kelly. Ms Schwartz spoke of a meeting on Easter Saturday at her house where the deceased, Mr Peter Kelly, Mr Lee Lucas and another man were present. At that gathering the deceased became agitated and she heard him say the words: "*Weak if you don't*".

72. She could proffer no reason for anyone wanting to harm the deceased.

Mr Gregory Hynds - fellow prison inmate of the deceased

73. On 7 September 2021, Gregory Hynds provided an affidavit to investigating police about his relationship with Mr Guise. Mr Hynds only came forward with this information in 2021, upon his own release from custody. Mr Guise and Mr Hynds were housed together in Unit D4 at Arthur Gorrie Correctional Centre from 10 April 2018 to 11 March 2019. At no stage did they share a cell. Mr Hynds deposed that he asked Mr Guise to do him a favour and track down two (2) boxes, containing 69 handguns that he inherited in 1992 from a deceased person in New South Wales.

74. Mr Hynds and the deceased would only communicate through coded letters. Mr Guise would write letters to "Micky G" (another prisoner presumably Michael Greenaway) and then write a coded message at the bottom of the letter for Mr Hynds. The code was a series of numbers and letters. Mr Hynds disposed of the message once he read it. The last letter Mr Hynds received was in the week of 15 April 2019. Mr Guise said that the "Roland Avenue address was a no go" and that he was meeting up with someone named Sarah O'Brien. Mr Hynds identified Sarah O'Brien as either an active or former police officer with the New South Wales Police Force. Mr Hynds believed that Mr Guise was murdered. He had asked the wrong people the wrong questions about the guns and been executed.

75. At inquest, Mr Hynds provided further details. He was unable to identify "Sarah O'Brien", claiming he was told about her and another corrupt police officer by an unnamed source. Mr Hynds said the guns were inherited from "The Major" and the boxes could have been separated in different locations. He stated that there were actually three (3) boxes and he never told Mr Guise that the boxes contained handguns. Mr Hynds described his relationship with Mr Guise simply as acquaintances. He had paid Mr Guise \$500.00 initially. He told the inquest he did not know what he was going to do if Mr Guise found the

guns, whether to surrender them to police or sell them but he was going to give Mr Guise a 15% commission.

76. Mr Hynds evidence presented as fanciful at best.

Shane "Bear" Johnson

77. Mr Guise met Mr Johnson for the first time around the Thursday before Easter Friday (19 April 2019). They were both friends of Brian Elwell and they had all used drugs together during this time. Mr Johnson described Mr Guise as a nice bloke that he got on with quite well for the short time they knew each other. During this time, Mr Guise drove Mr Johnson's car for him as he did not have a valid license. Mr Johnson admitted that he paid Mr Guise in drugs. Mr Johnson is the last known associate to see Mr Guise alive.

78. On 21 April 2019, at 7.58pm, police attended the 7/11 and took up with Mr Johnson in response to his triple zero call. He appeared jittery and untied the ropes on the boot of his car and jolted back, afraid of what was going to come out of it. There was nothing located in the car. He remained in the 7/11 car park until 1.16am, when two women arrived and drove his car to the Brisbane CBD. Mr Johnson was next captured on CCTV footage at 1.49am at the Evolution Apartments on Tank Street.

79. Statements were taken from Mr Thomas Birch, Mr Michael Blackson, Mr Sean Carroll and Ms Treena Kingi and all suggested that Mr Johnson had undisclosed knowledge of Mr Guise's death.

Mr Jared Bezuidenhout

80. Mr Bezuidenhout gave expert evidence about the sewer system around the sewer well where the deceased's body was located.

Submissions from the Parties

81. Only the family of Mr Guise made submissions to this court at the conclusion of the inquest. Mr Rawlings on their behalf made a number of salient points. He disagreed with Counsel Assisting's submission that, as a consequence of "no witness having a *bad word to say* about Mr Guise it is *difficult to attribute his cause of death to foul play*". I agree with Mr Rawlings submission that foul play cannot be ruled out because of the dearth of evidence to the contrary.

82. Mr Rawlings submitted that the direct entry into the wet well of the deceased's body should not be discounted. He observed that, notwithstanding, three lines of obstacle; the perimeter gate, the wet well lid, and the safety cage, the only form of ostensible security was provided by the lock on the gate to the perimeter fence. Once inside

the perimeter, there was no security measure preventing the disposal of the body. I accept that observation. The central issue was whether or not the trespassers had access to a key. There is simply no conclusive evidence that an individual did or did not have access to such a key.

83. Mr Rawlings was particularly critical of the assumptions made by the engineer to inform the opinion the deceased's body could have been dumped in a manhole. He submitted that the engineer did not consider the numerous factual difficulties with such a working hypothesis, nor the holistic state of the evidence. He criticised (inter alia) the lack of experimental evidence, the dismissal of a lack of physical injury to the deceased's body and the assumption that placing a body in a publicly assessable manhole with the attendant noise to support the possibility that a body might be deposited in that way. With respect, the engineer's evidence was only speculative on these points. The overall evidence regarding the sewers at Wynnum was generally unsatisfactory and conclusive. Mr Rawlings criticisms are valid but the possibility remains that the deceased's body was placed in one of the eight manholes identified by the expert. I do not accept that the disposal of the body into the wet well is more probable but rather just as probable given the dearth of direct evidence on the point.
84. The submission of Counsel Assisting that the evidence of Mr Hynds was not probative, speculative, not supported by the evidence and within the context of profound psychiatric illness was supported by Mr Rawlings.
85. Mr Rawlings made specific submissions in relation to the following witnesses: Mr Brian Elwell, Mr Shane Johnson and Mr Peter Kelly.
86. He described the involvement of Mr Elwell in the circumstances of this death as "obscure in nature". Mr Elwell's evidence at the inquest was indicative of an honest witness, forthcoming and replete with reasonable concessions on time and place of events. I accept Mr Rawling's observations in relation to the evidence he gave at Inquest. However, there was the concerning evidence that the deceased was last seen alive at 19:22 hours on a bicycle but three minutes earlier he was caught on CCTV footage at Mr Elwell's property.
87. There was also evidence from associates of Mr Guise of Mr Elwell's "intimidating nature". Ms Newbury gave evidence of an interaction between Mr Elwell and Mr Kelly immediately after Mr Elwell was told Mr Kelly would be attending Mr Guise funeral. This interaction involved police attention at the funeral but was denied by Mr Elwell, though accepted by Mr Kelly. Mr Elwell was said to be non-aggressive by Ms Newbury but described as: "*full-on aggression*" and "*very weird*" by Mr Kelly.

88. I accept Mr Rawling's submission that the evidence of Mr Elwell's involvement is of little assistance to the general narrative but concerning, nonetheless.
89. Mr Rawlings similarly described the evidence of Mr Shane Johnson as concerning. However, he submitted that apart from the bizarre behaviour at 18:45 hours when speaking with police, the CCTV footage at the 7-11 Wynnum store on Tingal Road places him in that vicinity until 01:00 hours on 22 April, 2019. He proceeded into the Brisbane CBD, where his phone data confirms his location. This effectively, provided Mr Johnson with an alibi if foul play had taken place at Wynnum on 21 April, 2019. I accept that that objective evidence is seemingly exculpatory.
90. Mr Peter Kelly's evidence and the circumstances of Mr Guise did, Mr Rawlings submitted, paint a picture of high suspicion of involvement in Mr Guise's death. First, Mr Kelly's explanation for the 10 day delay in reporting his flatmate missing has not been adequately explained. Mr Kelly tried to water down the closeness of their friendship which was in contrast to their electronically recorded exchange in prison that they "loved each other". There were a number of inconsistencies both internally and externally contradicted by other evidence in Mr Kelly's evidence to which Mr Rawlings pointed out in detail.
91. Ultimately, Mr Rawlings submitted that Mr Kelly "intentionally obfuscated his knowledge and conduct in relation to the death" of Mr Guise. In particular, Mr Rawlings suggested that the following email exchange on 23 April 2019, 20:57 hours and response 23:11 23 April, 2019 is damning:
- Johnson: *"Have you heard from Jason bro*
- Kelly: *Nah still haven't. Have a feeling but not sure way things were left here."*
92. The mobile phone tower data is consistent with this message being sent from the Bride Street unit complex at Wynnum.
93. Further, Mr Rawlings, observed a comparison between Mr Kelly's attempt to contact the deceased before and after his disappearance.
94. In the four weeks leading to the disappearance of Mr Guise, there were a number of occasions where Mr Kelly telephoned Mr Guise and the call was missed or unanswered. On each of those occasions, there would be two or three calls followed by a text message. However, after the disappearance of Mr Guise, no message to Mr Guise's mobile telephone is ever sent. There are also uncharacteristic periods of inactivity on Mr Kelly's mobile telephone on 21 April 2019 for such a prolific mobile telephone user particularly between 19:09 hours and 20:04 hours.

95. Mr Rawlings noted that the following of lines of enquiry regarding the motives of others to harm Mr Guise only emanate from Mr Kelly:

1. The proposition there was any animosity between the deceased and Raymond Gibson prior to Mr Guise's disappearance;
2. The proposition there was a disagreement between the deceased and Mr Johnson at the 7-11 on 21 April 2019;
3. The propositions that the deceased left a food package from Rosie's outside the unit and location of the bicycle at the bottom of the stairs (both unsupported by police officers) which influence the timeline of when Mr Guise was purportedly at the house;
4. The proposition there was no animosity between Mr Kelly and Mr Guise; and
5. The proposition there was aggression from Mr Elwell on the day Mr Kelly was departing for the funeral of Mr Guise.

96. Mr Rawlings urged an inference that Mr Kelly should be recalled being further cross-examined as he has a case to answer in relation to possible foul play leading to the death of Mr Guise. I accept Mr Kelly's behaviour on and before 21 April, 2019 warrants close attention. However, I do not consider that any further forensic examination of Mr Kelly would advance that close attention. There is simply insufficient evidence in my view to establish Mr Kelly's behaviour as more than suspicious.

COMMENTS, RECOMMENDATIONS and s45 Coroners Act (Qld) FINDINGS

97. The following important questions arise from this investigation and Inquest:

1. *How the Body of Mr Guise entered The Wet Well?*
2. *What was The Cause of Death Of Mr Guise?*

How the Body of Mr Guise entered The Wet Well?

98. In order for Mr Guise's body to have been disposed of directly into wet well SP33, there were two (2) primary factors to consider. First, how entry was gained to the pumping station site, and second, how the body actually entered wet well SP33. There was a portion of the fence

at the front corner of the site able to be raised sufficiently to allow for a person to squeeze under it. Mr Guise weighed over 100kg and if he was dragged underneath the wire fence, he would then need to be dragged or carried approximately 10 to 15 metres to the wet well. At the inquest, Detective Dadds suggested that their tests confirmed the extreme difficulty in getting a body through the fence. He had discounted this as a means of access to the pumping station.

99. Accordingly, the only access into the pumping station site was through the gates, with a key to the padlock. The padlock on the gate was a generic s100 model padlock, which was a standard padlock used by most city councils. The padlock on wet well SP33 was also generic but not as common as the s100 lock used on the front gate. The padlock on the wet well was looped through the handle but not in the locking position. An internal investigation was conducted by Queensland Urban Utilities which identified that the padlock itself had rusted through and was unable to be locked. That is why it was left unlocked.
100. Even if the padlock had not actually been looped through the lid of the wet well, Queensland Urban Utilities stated that it was impossible for a person to enter wet well SP33 on their own and close the lid. This is because of the safety mesh cage that was found in situ, and a person would be unable to position themselves in a way that would allow them to close the 20kg lid over themselves.
101. A forensic examination was conducted of the padlocks, the fence and the wet well which did not reveal any positive forensic results.
102. In summary, the disposal of Mr Guise's body directly into wet well SP33 is unlikely. It is an open and easily observed location with many nearby houses and traffic. There would be difficulties in moving the deceased's body through the fence and the trespassers would need to have access to gate keys.
103. The more likely scenario is that Mr Guise's body was disposed of through a manhole elsewhere in Wynnum where the sewer pipe connected to wet well SP33. There is evidence before the Court that a body could travel through a sewer pipe that had a 900mm diameter (900mm pipe), given the amount of water pressure flowing through the sewage system to the treatment plant wet wells. There was also no grate before the Adam Street Site pumping station that would prevent the body from entering the wet well.
104. A 900mm pipe ran from the pumping station along Granada Street and Fox Street. Queensland Urban Utilities confirmed that the neither the 900mm pipe nor the wet well connected to stormwater pipes, and it would not be possible for a body to have entered from the pipe at Wynnum Creek. There were also no other 900mm pipes that connected to the one that ran along Fox and Granada Streets.

105. There were eight (8) manholes along this 900mm pipe. These manholes were located at:

1. 31 Adam Street,
2. 36 Granada Street,
3. 28 Granada Street,
4. 12 Granada Street,
5. Intersection of Glenora and Granada Street,
6. Intersection of Glenora and Fox Street,
7. Intersection of Fox and Wilde Street,
8. Footpath on Fox Street.

106. The two manholes along the 900mm pipe at 31 Adam Street and 36 Granada Street had a circular manhole covers. A vertical cylindrical sensor was installed at the opening of the manhole outside 36 Granada Street, which potentially could have interfered with depositing a body inside it. The manholes located at 28 Granada Street, 12 Granada Street, the intersection of Glenora and Granada Street and at the intersection of Glenora and Fox Streets were triangular in shape. That shape would have made depositing the 100-kilogram body of the deceased into the sewer very difficult.

107. Further, during the inquest, Queensland Urban Utilities sewer expert, Mr Bezuidenhout, confirmed that the manhole on the footpath of Fox Street actually ran along the 675mm wide pipe. He could not say for certain whether a body could travel through that pipe, having not inspected the body, but confirmed it would be much easier for a body to travel through the 900mm pipe.

108. The manhole located at the intersection of Fox and Wilde Street was sealed over by bitumen and could not be accessed. The remaining seven manhole covers did not require a custom tool to open them, and they could have been opened by a crowbar or similar instrument.

109. Accordingly, the (1.) Adam Street sewer manhole is the most likely candidate for the reception of the deceased's body. However, none of the other manholes could be ruled out completely with the exception of the covered over manhole located at the intersection of (7.) Fox and Wilde Street, Wynnum. Moreover, direct entry to the Wet Well where the body was located is still an open theory if the trespassers had access to a generic padlock key.

What was The Cause of Death of Mr Guise?

110. There are five apparent scenarios consistent with the available evidence, especially that his body was placed in the sewer by others to "cover up" this death:

1. *The deceased became involved in a drug-fuelled argument with associates which led to his death from an assault.*
2. *The deceased committed suicide, died of natural causes or accidentally overdosed on an illicit drug presumably methylamphetamine and his body was deposited in the sewer by others anxious to avoid police scrutiny.*
3. *The deceased was involved in serious criminal activity involving the recovery of firearms, cash and drugs from interstate and was killed possibly to cause his silence.*
4. *The deceased was killed in retribution for unpaid drug debts, supplying bad drugs, stealing from a drug dealer or on suspicion of informing police about a drug dealer.*
5. *The deceased was killed by an associate of Ms Rachel Theoharoudis as retribution for his acts of domestic violence upon her.*

1. *The deceased became involved in a drug-fuelled argument with associates which led to his death from an assault.*

111. The two truly independent and uncontroversial bodies of evidence in this investigation were (i) the potentially toxic level of methylamphetamine in the post-mortem liver samples from the deceased and (ii) the conclusive opinion of experts that the deceased could not have entered the sewer well alone and placed the manhole cover over himself.
112. There was evidence that Mr Guise felt cheated by the theft of his belongings when in custody, Ms Belynda Schwartz provided an account of a conversation with Mr Guise, in the days before his disappearance, where he was concerned about his welfare, there was evidence of a possible ultimatum by Mr Kelly to the deceased to leave their unit and Mr Guise was actively maintaining contact with former fellow prison inmates.
113. The behaviour of Mr Kelly in failing to report the deceased as missing for 10 days raises suspicions of his involvement in causing the death or disposing of the body. Mr Guise spent Easter Sunday (21 April, 2019) with Mr Shane Johnson. Mr Johnson's paranoid antics around 18:30 hours in telephoning "000" then disconnecting the call and 15 minutes later demanding that police search his vehicle for something illegally planted in it also raises suspicions of his involvement in causing the death of Mr Guise or disposing of the body.

114. Whilst Mr Johnson and Mr Kelly denied any interaction with the deceased after 18:45 hours on 21 April, 2019, their curious behaviour could be explained by their involvement in some sort of fatal drug-induced assault upon the deceased that night. As a long-term intravenous drug user, the deceased would likely be susceptible to arrhythmic heart failure during a highly stressful event.

2. The deceased committed suicide, died of natural causes or accidentally overdosed on an illicit drug presumably methylamphetamine and his body was deposited in the sewer by others anxious to avoid police scrutiny.

115. It is clear from the evidence that Mr Guise had a methylamphetamine addiction and a high tolerance for it. He would source methylamphetamine from several suppliers in the Wynnum area. During the inquest, all of Mr Guise's friends and associates stated that Mr Guise would purchase methylamphetamine in whatever amount he could afford. He clearly was part of the illegal drug scene at Wynnum and a regular user. The evidence seems to suggest that he was only purchasing and using one-gram deals since that time.

116. It is not usual for a long-term drug addict to suffer a variety of medical conditions, particularly cardiac arrhythmia. It is also not uncommon for recently released prisoners to overdose shortly after a period of abstinence such as a term of imprisonment. Mr Guise was released from custody on 7 March, 2019. If he was to have imbibed the high dosage for which he had a reputation before incarceration it is possible that he overdosed. There is no evidence of suicide such as statements of suicidal ideation or a suicide note. However, drugs such as methylamphetamine can dramatically effect mood.

117. Whilst this scenario is unlikely, it is possible that the deceased died in non-suspicious circumstances but his body was disposed of in the sewer by friends and associates to avoid police scrutiny.

3. The deceased was involved in serious criminal activity involving the recovery of firearms, cash and drugs from interstate and was killed possibly to cause his silence.

118. This scenario is almost completely based on the evidence of Mr Hynds. Mr Hynd's evidence presented as fanciful at best. Nevertheless, he swore to the truth of his testament and provided samples of the coded letters.

4. The deceased was killed in retribution for unpaid drug debts, supplying bad drugs, stealing from a drug dealer or on suspicion of informing police about a drug dealer.

119. Given the evidence of the deceased's deep immersion into the drug scene at Wynnum, this scenario cannot be ignored even though there is no evidence of it. The curious, even unacceptable, evidence of Mr Kelly and Mr Johnson certainly does not dispel this theory. It would not be surprising to suggest that if he was met with foul play, it would be related to drugs. However, no evidence was presented to the inquest that Mr Guise had owed a drug debt to anyone nor was he a police informant.
120. One of the rumours regarding Mr Guise's death, was that he had raped a woman by the name of Ms Ellen Beard and Ms Beard, Shane Johnson and Haylee Godfrey were involved in murdering him in retribution. Ms Beard denied the allegation, telling police she had only met Mr Guise once when he was interested in sourcing drugs from her. That was the extent of her involvement with Mr Guise. This theory was not supported by any evidence during the course of the inquest.
121. Ms Rachel Theoharoudis proffered a theory that Mr Guise had stolen something from the wrong person and was effectively murdered as a result of it. Another witness, Ms Chantel Newberry told the inquest of their theory that 'someone' had offered Mr Guise methylamphetamine but actually supplied him heroin instead, causing him to overdose.
122. Also, Mr Kelly gave evidence that the deceased had posted on Facebook an aggressive message: "I am coming for you".
- 5. The deceased was killed by an associate of Ms Rachel Theoharoudis as retribution for his acts of domestic violence upon her.*
123. The deceased had spent almost 12 months in custody for an assault in a domestic violence setting against his partner, Ms Rachel Theoharoudis. There is every reason to believe that animus existed between them after his release from custody. Whilst there is no direct evidence that the deceased was the subject of foul play related to his relationship with Ms Theoharoudis, it is plausible. There is certainly no evidence of her involvement in such criminal activity.
124. Given that the deceased had only recently been released after serving almost 12 months in custody. There is possibly an equally plausible theory that he upset somebody "inside".
125. There is no evidence before the Court to support or negate of these alternate theories.

Findings required by s. 45 Coroners Act (Qld):

Identity of the deceased:	Jason Barry GUISE
How he died:	Unknown
Place of death:	Unknown
Date of Death:	On a date unknown between 20 April 2019 and 9 May 2019
Cause of Death:	Unknown

126. It is impossible to make any substantial factual findings because the circumstances of this death are not well-enough known. Obviously, the deceased is dead. However, I draw the inference that, from all of the evidence, those present with Mr Guise at around 18:30 hours on 21 April, 2019 at the 7/11 store, corner of Edith Street and Tingal Road, Wynnum remain persons of interests in this suspicious death.
127. Considering the evidence before this Inquest, I cannot make any meaningful recommendations.

Conclusion

128. I have concluded that it is impossible to accept any one of these five scenarios over the others. Each is potentially consistent with the evidence to establish the cause of this death
129. Accordingly, I can only establish that Mr Jason Barry Guise is dead. How he died, where he died and the cause of death cannot be established on the evidence before me.
130. Should further relevant evidence become available, there will always be an opportunity to re-open this Inquest.
131. I close the inquest.

Donald MacKenzie
Coroner
BRISBANE
5 May 2022.