



CORONERS COURT OF QUEENSLAND

FINDINGS OF INQUEST

CITATION: Inquest into the death of Constance May Watcho

TITLE OF COURT: Coroners Court

JURISDICTION: BRISBANE

FILE NO(s): 2018/4064

DELIVERED ON: 6 June 2024

DELIVERED AT: Brisbane

PIC DATE: 21 June 2022

HEARING DATES: 5-9 September 2022; 15-16 December 2022; 7 February 2023.

FINDINGS OF: Stephanie Gallagher, Deputy State Coroner

CATCHWORDS: Coroners: inquest, missing person, death in suspicious circumstances,

REPRESENTATION:

Counsel Assisting: Ms S Lio-Willie

Family

(Adult children Rosita, Michael and Orlyn Fisher): Mr JP Benjamin instructed by Kilroy & Callaghan Lawyers

Family

(Sister Judith Stanley): Ms A Taylor, Aboriginal and Torres Strait Islander Legal Service

**Commissioner of
Queensland Police:**

Ms EJ Cooper instructed by QPS Legal Unit

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Introduction

1. Constance May Watcho, a First Nations woman, was last seen alive on 27 November 2017, in South Brisbane. Out of respect for Constance, and in accordance with her families wishes, she was referred to by name throughout the inquest and will be referred to by name in these findings.
2. Constance was a Kakadu and Barada Barna Aboriginal woman with connections to Wakka Wakka peoples in Cherbourg. She was one of five children and was 36 years old at the time she was last seen. Her absence is deeply felt by her kin and community.
3. Constance was a mother of ten children, four with Michael Fisher, three with Darren Young, and three children with an unknown father. Constance's children were all in the care of either their father, another family member, or the Department of Child Safety. None of her children were in her care at the time she was last seen.
4. Constance was described by her adult children (Rosita, Orlyn and Michael) at the commencement of the Inquest as precious and loved. They recalled memories of time spent with their mother and described their anguish at only being able to meet their mother again in their dreaming place.¹
5. Constance was described by witnesses throughout the inquest and in statements obtained throughout the Queensland Police Service ('QPS') investigation, as an outgoing, loving, and sociable woman.
6. It was unusual for Constance to not be in contact with any of her family for such a long period of time and as such, her brothers, Victor and Patrick Watcho travelled from Cherbourg to Brisbane to conduct their own inquiries in the community, in an effort to ascertain whether anyone had heard from Constance. They attended West End, Roma Street and Kangaroo Point and established that Constance had not been seen in areas that she usually frequented.²
7. On 8 February 2018, Victor and Patrick Watcho attended the Murgon Police Station and reported Constance as missing. QPS Operation Quebec Realism was commenced by the Missing Persons Unit.
8. On 10 September 2018, the QPS were notified of skeletal remains, located in a bag, at Lower River Terrace, Kangaroo Point. QPS Operation Quebec Graphics commenced.
9. At the time Constance was last seen alive, on 27 November 2017, she was in a relationship with Przemyslaw (also known as Sam) Sobczak. Together they shared an itinerant lifestyle; they were both unemployed, neither had a fixed address, they either couch surfed in the Brisbane area or slept rough on the streets in the Brisbane suburbs of Kangaroo Point, Southbank, West End, and Musgrave Park.
10. Constance was known to use drugs (illicit substances) including marijuana and

¹ Inquest Transcript Day 1 – P1-3, L1-6.

² Exhibit C46 – Statement of Patrick Watcho. Exhibit C46 – Statement of Patrick Watcho; Exhibit C48 – Statement of Victor Watcho.

methylamphetamine (intravenously administered). One of the places Constance was known to source drugs from was a unit complex located at River Terrace, Kangaroo Point, Brisbane. Constance and Sam Sobczak would, at times, also stay with the people living at these units.

11. Constance had a Queensland criminal history and had spent time in QPS and Queensland Corrective Services ('QCS') custody. Constance had been released from QCS custody on 23 November 2017, four days before she was last seen alive.

The inquest

12. A pre-inquest hearing was held on 21 June 2022.
13. An Inquest was held in the Coroners Court of Queensland at Brisbane over several dates:
 - i. 5 to 9 September 2022,
 - ii. 15 and 16 December 2022, and
 - iii. 7 February 2023.
14. The Inquest was opened on 5 September 2022, by three (3) of Constance's adult children, with statements about and tributes to their mother. An acknowledgement of country was given by Ms Kilroy.
15. The Inquest heard oral evidence from 17 witnesses. A brief of evidence, which included the coronial investigation report, over 70 witness statements, audio and video exhibits, photographs and other materials gathered during the coronial investigation was tendered at the commencement of the Inquest.
16. The issues considered at the Inquest were:
 - i. The findings required by s 45(2) of the *Coroners Act 2003* (Qld); namely the identity of the deceased, when, where and how she died and what caused her death; and
 - ii. The identity of any other persons involved in the death of Constance May Watcho.
17. The adequacy of the Police investigation into Constance's disappearance and death was not an issue for consideration at Inquest and accordingly, submissions in relation to the investigation are not canvassed in these findings.

The evidence

18. For ease, a timeline of significant events is contained in the table below:

Date	Event
11 October 2017	Constance remanded in custody.
23 November 2017	Constance sentenced to 43 days imprisonment. ³ 43 days served at the Brisbane Women's Correctional Centre ('BWCC') was declared as time served under the sentence. Constance was released from custody on this date. ⁴
	Constance and Sam Sobczak stayed at the River Terrace Unit Complex, Kangaroo Point.
24 November 2017	Constance made a cash withdrawal of \$543 from Suncorp Bank, Brisbane Square Branch. ⁵
26 or 27 November 2017	Constance last seen by Sam Sobczak and residents of the River Terrace Unit Complex. Some observed Constance and Sam Sobczak arguing with each other.
27 November 2017	Constance street checked by QPS at 2:30am on Manning Street, South Brisbane. ⁶
	Constance's bank account last accessed. Cash withdrawal of \$100 from Suncorp Bank, Stones Corner Branch. ⁷
	Constance and Sam Sobczak seen by Darren Young in South Brisbane. ⁸
28 November 2017	At 2:20pm, QPS attended the River Terrace Unit Complex, Kangaroo Point and arrested Sam Sobczak in relation to tainted property matters. Sam Sobczak observed with a cut to his upper right lip.
8 February 2018	Constance reported missing by brothers Victor Watcho and Patrick Watcho at Cherbourg Police Station.
	QPS Operation Realism commenced.
14 February 2018	Police believed the holdall bag Constance's remains were found in was seen in Lower River Terrace from this day, captured by aerial imaging. ⁹
27 March 2018	QPS spoke with Dallas Bandman regarding his knowledge of Constance's whereabouts.
14 May 2018	Sam Sobczak remanded in custody for unrelated matters.
19 May 2018	QPS spoke with Sobczak for the first time regarding his knowledge of Constance's whereabouts.
29 June 2018	Constance added to the National Persons register.

³ Exhibit B29 – Qld Criminal History.

⁴ Exhibit B30 – Qld Correctional Service Records.

⁵ Exhibit B10 – Suncorp Bank statements.

⁶ Exhibit B13 – Street check summary.

⁷ Exhibit B10 – Suncorp Bank statements.

⁸ Exhibit C5.1 – Statement of Darren Young, para 28 to 34.

⁹ This is according to the Coronial Report (Exhibit B16) – LOI Nearmaps, P2. These images are unequivocal. Police believe the light discolouration is the bag and other items found nearby.

8 September 2018	Constance's remains located in long grass at Lower River Terrace, Kangaroo Point.
	QPS Operation Quebec Graphics commenced.
11 September 2018	QPS interviewed Dallas Bandman.
15 September 2018	Search warrant executed on Unit at River Terrace Unit Complex.
	QPS interviewed Dallas Bandman.
3 November 2018	Fire at the Unit at River Terrace Unit Complex. ¹⁰

19. Upon Constance's release from custody at BWCC, she and Sam Sobczak stayed at a Unit at the River Terrace Unit Complex. The Unit was a one-bedroom dwelling.
20. During the period Constance and Sam Sobczak were at the Unit, they were observed to be heavily using "ice" (methylamphetamine).
21. Constance was unemployed and had received Centrelink pension payments prior to her incarceration in October 2017. Upon her release on 23 November 2017, she applied for an emergency, one-off Newstart allowance.¹¹ The payment was approved, and \$641.10 was deposited into her Suncorp Bank account. Constance's bank records confirmed that she accessed her account twice after her release. Constance did not have a debit card and was required to attend a branch and provide formal identification to withdraw any funds. On 24 November 2017, she withdrew \$543, and on 27 November 2017 she withdrew \$100. The closing balance in her account was 28 cents. Her last transaction was conducted at the Suncorp Bank, Stones Corner branch.¹²
22. On 27 November 2017, at 2:30am, Constance was seen alive by QPS Officers who conducted a street check of her on Manning Street, South Brisbane. Constance was observed as actively avoiding QPS Officers that morning. At the time, she wore a black hoodie, bike shorts, and no shoes. QPS Officers conducted a search of her person but did not locate any items of interest.¹³ There is no body worn camera or SafeCity CCTV footage available of the encounter.
23. A number of witnesses recall seeing Constance and Sam Sobczak arguing with each other outside the River Terrace Unit Complex. They were yelling at each other, and Constance reportedly accused Sam Sobczak of cheating on her. On some versions provided, Constance was observed hitting Sam Sobczak, but he was not seen to hit her. Other residents of the unit complex told them to leave, and they were seen walking off carrying their bags. This was the last time that Constance was seen alive.
24. Sam Sobczak returned to the Unit on 28 November 2017 with a black left eye and scuff or scratch marks on his neck.¹⁴ Dallas Bandman called QPS twice about Sam Sobczak, alleging that he was forcing his way into their unit.
25. QPS Officers were tasked to attend the Unit in response to Dallas Bandman's

¹⁰ QP1802046310 refers.

¹¹ Exhibit B79 – Centrelink record.

¹² Exhibit B10 Suncorp Bank statements.

¹³ Exhibit B13 – Street check summary report – QI1702083881.

¹⁴ Inquest Transcript Day 5 – P3-12, L40-45.

calls and arrived at the Unit at about 2:20pm.¹⁵ Sam Sobczak was observed with a cut on the right side of his top lip¹⁶ and was eventually arrested for unlawful possession of suspected tainted property and transported to the Dutton Park Police Station.¹⁷

26. The timing of the argument is unclear. If the argument occurred on 26 November, and Constance withdrew money the following day it is likely that she would have been seen by members of the community. Sam Sobczak's return to the Unit on 28 November 2017 is corroborated by his arrest on this date.
27. Darren Young, Constance's former partner and father to three of her children, believed he saw Constance and Sam Sobczak on 27 November 2017 walking along Browning Street, South Brisbane. He knew it was a Monday because he asked her for money, and he was on an opposite pay week to Constance's. Constance tried to cover her stomach which made Sam Young believe she was pregnant. Constance told him she had no money and that she and Sam Sobczak had to go, and he then watched her walking up Browning Street towards Vulture Street.¹⁸

Remains located

28. The decomposed remains of the head, neck, torso and proximal lower limbs were found inside the bag. The bones of the upper limbs and distal lower limbs were found outside the bag, in the same location. The skeleton was found with a dark blue bra fastened around it. The left strap of the bra was previously cut, and the right strap was intact. Pink paint was located on the bra, and the topside of the bag. Also inside the bag was a clump of black hair with roots which appeared to be intact.

Location of the remains

29. The holdall bag was found in an open grassed area with a section of overgrown grass backing onto the base of the Kangaroo Point cliffs. The grass was approximately 1.5 to 2 metres in height.¹⁹ The grassed area had a well-worn path leading into this area of overgrowth. This area of overgrowth was visible from the cliffs above and was in plain sight of the pedestrian path along Lower River Terrace.

¹⁵ Exhibit D8 – Statement of Senior Constable Brooke Farley on 11 October 2018.

¹⁶ Ex C1.5.7 – Appendix to EROI on 24 October 2018 – P45.

¹⁷ Exhibit D8 – Statement of Senior Constable Brooke Farley on 11 October 2018.

¹⁸ Exhibit C51 – Statement of Darren Young, para 28 to 34.

¹⁹ Exhibit D2 – Statement of SC Warren O'Brien.



Lower River Terrace, Exhibit F2.1, P33.

30. The bag was a black and white “Urban Style” brand holdall bag, with wheels and a collapsible handle. The bag had pink paint splatters on the topside of it. The bag was dirt stained. Along with the skeletal remains, the following items were also located inside the holdall bag, a:
- i. small red container with black screw top lid (micro sculpting cream);
 - ii. stained black and frayed towel (originally white in colour);
 - iii. pink tube with white lid (hair colour cream);
 - iv. white ceramic owl; and
 - v. switch battery case.
31. A photograph of the bag was shown to Dallas Bandman during the Inquest. He told the Court that he “believed” it was his bag and that he gave it to Constance and Sam Sobczak.²⁰
32. On the ground, in the immediate vicinity of the holdall bag, QPS officers located the lower leg bones, bones of both the arms, and fifteen small bones. Also located in the immediate area was a:
- i. floral printed fitted sheet;
 - ii. double-sided floral printed doona cover;
 - iii. brown coloured curtain with a graffitied skull print;
 - iv. black sheet;
 - v. blue sleeping bag;
 - vi. black dress with white lace overlay;
 - vii. collared shirt with NAIDOC graphic designs;
 - viii. Broncos zipped jacket;
 - ix. blue striped thermal, long sleeve shirt;

²⁰ Inquest Transcript Day 5 – P3-19, L40-45.

- x. black corset;
- xi. black t-shirt;
- xii. one Ugg boot; and
- xiii. various items of fragmented clothing.

Items of significance found alongside the remains

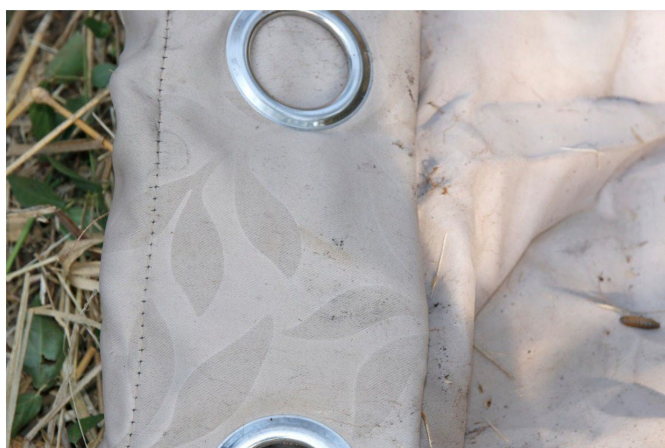
Curtains

33. The curtains found alongside the remains appeared to match curtains that were hanging in the kitchen in the Unit at the River Terrace Unit Complex.



Curtain in the kitchenette of the Unit, River Terrace – Exhibit F1.20, Page 68.

34. Dallas Bandman²¹ confirmed the curtains appeared to be from the Unit.



Curtain located at Lower River Terrace – Exhibit F2.4, Page 6.

Pillowcase

35. During a search of the Unit, QPS Officers located a white floral pillowcase that matched the same white, floral pattern as the fitted sheet located near the

²¹ Inquest Transcript Day 5 – 9.9.2022 – P22, L35-45.

bones.²² During a recorded interview with Dallas Bandman, he was shown photographs of the sheets located near the bones. He recognised one of the sheets as one from his bedroom that he may have given to Constance.²³ At the Inquest, Dallas Bandman confirmed that the white floral fitted sheet was one of the sheets he packed in the bag for Constance and Sam Sobczak.²⁴

36. Dallas Bandman gave evidence that he had previously seen the reversible floral printed doona cover found near the bones, and he believed it was the one of the sheets he packed for Constance and Sam Sobczak.²⁵

Pink paint

37. QPS Officers located an opened bottle of pink paint in the Unit. The paint was seized and tested. It matched the colour of the pink paint that was located on the top of the holdall bag, and on the bra located within the bag.²⁶

Observations of the area

38. Several witnesses who resided in the Kangaroo Point area or were otherwise transient, observed an elderly man living in a tent in the mowed area next to the long grass where Constance's remains were found.²⁷ The witnesses varied in their timelines, some had observed this person and their tent set up a year prior to Constance's disappearance.
39. At the Inquest, witnesses Cameron Allberry and Ruby Wilson-Dean gave evidence that the last time they saw this man, was about a month prior to the discovery of Constance's remains. A couple months prior, they also observed two or three bags in the long grass. Cameron Allberry thought one of the bags was a green luggage type bag but he could not be certain, given his own drug use at the time. He ultimately told the Inquest that nothing about the bags stood out. Further it was not unusual to see bags being left in the area due to the number of "streeties" in the area.²⁸ However, he qualified this by thinking it was unusual bags were there for months because he thought the Council would have removed them or put a property sticker on it when doing maintenance in the area.
40. Cameron Allberry stated he did not search the bags out of respect for another homeless person's belongings.²⁹ Later in his evidence however, Cameron Allberry told the Inquest that months before Constance's remains were discovered, Ruby Wilson-Dean went through those bags to look for a blanket because it was freezing that night and all their belongings were wet, but all she found was clothes and closed the bag.³⁰
41. It is unknown how long the holdall bag and other property had been in the overgrown grass area. The investigating officer said in the coronial report that aerial images of the area indicate this property was there since February 2018.

²² Ex F1.16, P5 – Pillowcase; Ex F2.3, P28 – Floral fitted sheet.

²³ Exhibit C3.4 – Transcript ROI 2 – 18.9.2018, P35, L522 – 529.

²⁴ Inquest Transcript Day 5 – 9.9.2022 – P20, L15.

²⁵ Inquest Transcript Day 5 – 9.9.2022 – P20, L10.

²⁶ Exhibit A6 – Coronial Report, para 55.

²⁷ Inquest Transcript Day 3 – 7.9.2022 – P57, L15.

²⁸ Inquest Transcript Day 3 – 7.9.2022 – P58, L15.

²⁹ Exhibit C5 – Statement of Cameron Allberry, para 15; Inquest Transcript Day 3 – P3-57, L45.

³⁰ Inquest Transcript Day 3 – P3-59, L10.

It is not certain from the images whether the holdall bag is visible. The company that provided the aerial images confirmed that the images could not be enhanced.

Police Investigation

42. By January 2018, Constance's family had not heard from her. Her brothers Victor and Patrick Watcho travelled from Cherbourg to Brisbane to conduct their own enquiries in the community in an attempt to ascertain if anyone had heard from her.³¹ Victor and Patrick visited West End, Roma Street and Kangaroo Point, and learned that Constance had not been seen in these areas, areas she usually frequented.
43. It was unusual for Constance to not be in contact with any of her family for such a long period of time. Constance was not someone who would travel around, she always stayed in Brisbane,³² so her brothers also found it unusual that no one in the community had seen her for two months. Constance's family did not have a direct way of contacting her but relied on her being seen in the community and checking in with family who lived in the Brisbane area.
44. On 8 February 2018, Victor and Patrick attended Murgon Police Station and reported Constance as a missing person.
45. Police **Operation Quebec Realism** was commenced by the Missing Persons Unit.
46. Checks of Constance's bank records were conducted and confirmed that they had not been accessed since 27 November 2017, nor had she applied for any further financial assistance from Centrelink.
47. Neither Constance nor Sam Sobczak had a mobile phone or online social media accounts. It appeared that their associates did not either. Telecommunication checks were conducted of the two phone numbers registered to Constance. The service providers confirmed that both phone numbers had been deactivated and were unable to be used upon Constance's release from prison on 23 November 2017. Therefore, there was no data that could assist in the determination of her last location.
48. On 19 March 2018, QPS officers interviewed Sam Sobczak regarding his knowledge of Constance's whereabouts. He told them that he was still in a relationship with Constance, despite not seeing or hearing from her since November 2017. He said that Constance had a history of leaving without telling him, so he was not concerned for her safety and believed that she may have returned to Cherbourg.³³
49. On 27 March 2018, QPS officers obtained a statement from Dallas Bandman about his knowledge of Constance since she last stayed at the Unit. Dallas Bandman said it was unusual to not have seen Constance around the flats and believed that Sam Sobczak had something to do with her going missing.³⁴

³¹ Exhibit C46 – Statement of Patrick Watcho; Ex C48 – Statement of Victor Watcho.

³² Exhibit C46 – Statement of Patrick Watcho.

³³ Exhibit C1.1.2 – ROI 19 March 2018 – P4, L70.

³⁴ Exhibit C3.1 – Statement of Dallas Bandman, 27 March 2018.

50. The Missing Persons Unit (of the QPS) prepared a report for the Coroner dated 28 March 2018, advising that investigations to date had failed to locate any proof of life.³⁵
51. On 29 June 2018, Constance was listed on the National Missing Persons campaign.
52. Curtis Hill told QPS that he saw Constance in Toowoomba on 8 May 2018. This sighting is unlikely, given Constance had not accessed her bank account since November 2017. She was unemployed, homeless and her only source of income was her Centrelink payments. Constance's habit was to withdraw the majority of her Centrelink payment on the day it was deposited into her account.
53. On 10 September 2018, **Operation Quebec Graphics** commenced. Constance was identified by way of dental records.
54. The Police investigation was extensively resourced. It involved canvassing a large number of witnesses, door knocking the residents of River Terrace, and reviewing over 500 hours of CCTV footage from Lower River Terrace and River Terrace.
55. On 15 September 2018, Police executed a search warrant on the Unit at the River Terrace unit complex. Due to the state of the unit, the search and forensic examination was carried out over several days and in the absence of the occupants.
56. As part of the operation, investigators applied various strategies to identify the person or persons involved in Constance's death, including covert policing methodologies.
57. At the time of the discovery of Constance's remains, Sam Sobczak was in custody at Woodford Correctional Centre.
58. The covert surveillance identified associates of the three men but did not identify any further information about Constance's death.
59. A number of witnesses who were at the unit complex at River Terrace reported observing Constance and Sam Sobczak having an argument outside the complex one night between 26 and 29 November 2017. Some witnesses recalled the argument occurred when it was raining. A report provided by the Bureau of Meteorology indicated that the only period of rainfall was on 29 November 2017.³⁶ This evidence does not assist in narrowing the date of death, particularly as Sam Sobczak was arrested on 28 November 2017 at about 2:20pm,³⁷ but, it does support that Constance was last seen only days after her release from custody.
60. Despite all the investigations conducted, QPS were unable to identify the cause of death, any persons involved in her death, or whether the location of Constance's remains was the primary or secondary crime scene.
61. While no firm suspects were identified, three persons of interest were identified

³⁵ Ex B38 – Missing Persons Unit Report.

³⁶ Exhibit B4 – Bureau of Meteorology Report 17 November 2017 to 7 December 2017.

³⁷ And released from the Dutton Park Police Station with a notice to appear.

by Police.

62. The Minister for Police and Minister for Corrective Services issued a reward of \$250,000 for information that would lead to the apprehension and conviction of the person or persons responsible for the murder of Constance. In addition to the monetary reward, the Minister also approved a recommendation for 'appropriate indemnity from prosecution for any accomplice, not being the person who actually committed the crime, and who first gives such information'.³⁸

Persons of interest

Sam Sobczak

63. Sam Sobczak was in a relationship with Constance for about one year. Sam Sobczak recalled having an amicable relationship with Dallas Bandman however, Dallas Bandman told QPS officers that he did not like Sam Sobczak and they would get into fights.³⁹
64. Police interviewed Sam Sobczak twice before Constance's remains were found; on 19 and 27 March 2018. He was interviewed again on 24 October 2018.
65. Sam Sobczak said that he loved Constance but when she drank alcohol or used methylamphetamine she got violent. Sometimes she would hit him, but he would never hit her back. He would push her away or push her against a wall to get her to stop.
66. On 19 March 2018, investigators spoke with Sam Sobczak at the Brisbane City Watchhouse regarding his knowledge of Constance's whereabouts. He told QPS that he hadn't seen her since a few days after being released from jail. Sam Sobczak said they spent three days together but that he had not seen her since. He woke up and she was gone. He claimed that Constance had a history of leaving without telling him; she would disappear for a few days and then return but, this time she did not come back. Sam Sobczak said he had no concerns for her safety and believed she may have returned to her family in Cherbourg.
67. When Sam Sobczak was asked why he did not report Constance missing, he said because "police were already looking for her". When QPS attempted to clarify this, Sam Sobczak said he knew QPS were looking for her because she was on parole and her parole officer or QPS would be looking for her because she had not reported. Constance's fulltime discharge date from custody was 23 November 2017. Therefore, she was not subject to any release conditions and no reason for QPS or parole officers to be looking for Constance after her release. The fact that she did not report or attend court appearances is not something that Sam Sobczak could have known unless he knew she was dead. There is no evidence to suggest parole officers spoke with him about her whereabouts.
68. At the end of his interview with QPS on 27 March 2018, Sam Sobczak said, *"to this day I still love her, I still want to know where she is and make sure she's*

³⁸ QPS Website. The reward is still active. <https://www.police.qld.gov.au/sites/default/files/2019-05/Reward%20Notice%20-%20WATCHO.pdf>.

³⁹ Exhibit C3.5 – Bandman ROI on 18 September 2018.

safe”.⁴⁰

69. In all the recordings with Sam Sobczak, he was inconsistent in his timeline of events, from the time of Constance’s release from custody to the time he last saw her, and what they did in the days in between. This could be attributed, in part, to his substance use.
70. At the Inquest Sam Sobczak was even less forthcoming and his recollection of the events in 2017 and 2018 were reduced to answers of “*I don’t know*” and “*I don’t remember*”. He was evasive from the outset, unable to remember when he met Constance, how he met her, how long they were together, and unable to answer a question as simple as to describe what Constance was like. To that he responded, “*I don’t know*”.⁴¹
71. Even when previous answers he gave QPS during recorded interviews were put to Sam Sobczak, he did not make reasonable concessions and accept he made those statements. When pressed about why he struggled to describe Constance, he again replied “*I don’t know*”. He eventually described Constance as, “*sociable*”.⁴² He told the inquest that he loved Constance and still does to this day.⁴³
72. At inquest, when asked by Counsel Assisting, Sam Sobczak answered ‘no’ to each of the following:
 - i. *Did you have something to do with Constance’s death?*
 - ii. *If I suggest to you, you and Constance got in an argument one night. And she struck you and you’ve pushed her too hard and you’ve hurt her, and that’s caused her death; would you accept that?*
 - iii. *If I suggest to you that you and Constance have used drugs, she’s overdosed, you’ve panicked and then dispose of her body; is that what happened?*
 - iv. *Did she fight back and that’s why she - you had injuries to your face?*
 - v. *I put it to you, Mr Sobczak, that you were involved in her death. What do you say to that?*
 - vi. *You were involved in disposing of her body?*
 - vii. *You dismembered her body and put her in a bag?*⁴⁴
73. When shown photos of Constance’s remains, he did not react at all. He did not accept simple propositions of what were clearly visible bones in the photographs.⁴⁵ It was put to him by Counsel Assisting that he was not shocked at the images because he was aware that Constance had been dismembered and put in the bag. He denied the proposition.⁴⁶

Dallas Bandman

74. Dallas Bandman provided three statements to QPS officers and participated

⁴⁰ Exhibit C1.2.5 – ROI – Sobczak on 27 March 2018 – P71, L1339.

⁴¹ Inquest Transcript Day 5 – P3-81, L30-35.

⁴² Inquest Transcript Day 5 – P3-81, L1-5.

⁴³ Inquest Transcript Day 5 – P3-82, L20.

⁴⁴ Inquest Transcript Day 5 – P3-86 to P3-89.

⁴⁵ Inquest Transcript Day 5 – Closed Court – P8, L20-25.

⁴⁶ Inquest Transcript Day 5 – Closed Court – P9, L45.

in two recorded interviews.⁴⁷

75. Dallas Bandman knew Constance and Sam Sobczak through the 'drug scene'. He knew Constance to frequent the unit complex and stay with residents in many of the units. Dallas Bandman did not like Sam Sobczak, on the contrary Sam Sobczak initially told QPS officers that they had an amicable relationship. Dallas Bandman described a volatile relationship between Constance and Sam Sobczak, he observed their arguments and saw Constance hit Sam Sobczak.
76. Upon Constance's release from custody in November 2017, Dallas Bandman described her and Sam Sobczak as being "*really lovey-dovey*" but then things deteriorated over the next few days. One night⁴⁸ the argument between them was so loud that he told them both to get out of the unit. He saw them collect their bags and leave. The next day Sam Sobczak returned to the unit without Constance, and he had two black eyes. Dallas Bandman noted that Sam Sobczak's demeanour changed after that night.
77. Dallas Bandman called triple zero twice on 28 November 2017. He told the operator that "*some guy pushed his way into our house and won't let us leave. He's robbing us and bashing us... a Bosnian looking dude named Sam*".⁴⁹
78. In his recorded interview with QPS officers, Dallas Bandman identified a bedsheet located in the vicinity of Constance's remains as one that was from his bedroom, that he may have given to Constance.
79. Witness, Cameron Allberry, stated that Dallas Bandman admitted to him that he set his own unit on fire because Sam Sobczak told him to do so.⁵⁰ Another witness suggested that Dallas Bandman set fire to the unit to stop drug users coming to the unit. This information was not known to the QPS officers at the time they conducted the interview. At inquest, Dallas Bandman denied setting fire to the unit or any knowledge of who did set fire to the Unit. His evidence was that he was no longer staying at the Unit at the time of the fire on 3 November 2018.⁵¹
80. There are witness statements that allege Dallas Bandman and Constance had a sexual relationship, potentially as a means of Constance paying him for drugs. This information was not known to QPS officers at the time they conducted their interview with him.
81. He told the Inquest that he never really got along with Sam Sobczak, he didn't like him or his character, he described Constance fondly, as a friend.⁵²
82. Dallas Bandman heard that Sam Sobczak might have had a relationship with Angus ("Angel") Langton during Constance's final period of incarceration.⁵³
83. The Inquest heard Dallas Bandman packed a bag with sheets or blankets and

⁴⁷ Exhibit C3.1 – 27 March 2018, C3.2 – 11 September 2018, C3.3 – 15 September 2018, C3.4 – 18 September 18.

⁴⁸ After 3 or 4 days. Exhibit C3.1 – Statement of Dallas Bandman, para 12.

⁴⁹ Exhibit B17.1 – LCAD Call - A INC 1438 28112017 BNE 135533 TO 135711.

⁵⁰ Exhibit C5 – Statement of Cameron Allberry on 22 December 2018, para 24.

⁵¹ Inquest Transcript Day 5 – P3-19, L1-20.

⁵² Inquest Transcript Day 5 – P3-6, L5-20.

⁵³ Inquest Transcript Day 5 – P3-7, L40-45.

gave it to Constance and Sam Sobczak when he told them to leave the unit complex. He described the bag as, about a metre long, two wheels on the bottom of it and a long handle.⁵⁴ He also said he had packed the bag with sheets for Constance and Sam Sobczak. These sheets were stolen from the abandoned unit next door.⁵⁵

84. This information was in contrast to his statement on 15 September 2018⁵⁶ when he stated he last saw Sam Sobczak carrying a large stripey bag, like the \$2 ones with a zip at the top from the cheap shop, and Constance with a small black school bag. He thought the stripey bag had blankets and pillows in it. He also recalled giving Constance a blanket.
85. At the Inquest, Dallas Bandman was shown a series of photographs of the floral fitted sheet and the double-sided floral doona cover. In response to the photograph of the floral doona cover, he immediately said he believed that was the one he put in the bag for Constance. In response to the floral fitted sheet, he initially stated that he presumed it was one he put in the bag and then accepted it was one of the sheets from the Unit he put in the bag.
86. After three QPS statements and two recorded QPS interviews, during Inquest was the first time Dallas Bandman told anyone that he packed a wheeled bag with sheets for Constance and Sam Sobczak (and he accepted that the sheets found at the scene were the sheets he packed for them). Dallas Bandman was shown photographs of the sheets during his recorded interview on 18 September 2018 and he accepted the doona cover looked familiar and he had seen it on his bed before and may have been the sheet he gave Constance.⁵⁷ He also accepted the floral fitted sheet as being taken from his bed and believed that Constance and Sam Sobczak stole it from his bed as *“they were pretty light fingered”*. He said he may have given the fitted sheet to them or they may have taken it, *“either way”*.⁵⁸
87. The Inquest was not the first time he had seen the photographs of the holdall bag or the sheets. His evidence changed from *“may have”* to certainty during Inquest. Dallas Bandman was adamant in his evidence that his *“story hasn’t changed, my answers haven’t changed and nothing about anything has changed for me”*.⁵⁹
88. Dallas Bandman was the only person of interest to offer that he had work experience with knives or blades. He gave evidence he did farm work on a banana plantation in North Queensland. He described the type of sharp knife that he used, a blade of about 300mm with a long, plastic handle. He denied still owning such a knife during the period he lived at the Unit.⁶⁰ It is difficult to draw a connection between his plantation work and having the requisite skills to disarticulate a human body.
89. Dallas Bandman denied having a sexual relationship with Constance. He denied telling others that he loved her and kept her tooth in his wallet. He denied any involvement with Constance’s death and dismemberment. He

⁵⁴ Inquest Transcript Day 5 – P3-11, L10.

⁵⁵ Inquest Transcript Day 5 – P3-20, L30.

⁵⁶ Exhibit C3.3 – Statement of Dallas Bandman on 15 September 2018, para 15.

⁵⁷ Exhibit C3.4 – ROI on 18 September 2018 – P33 and 34.

⁵⁸ Exhibit C3.4 – ROI on 18 September 2018 – P35.

⁵⁹ Inquest Transcript Day 5 – P3-68, L45.

⁶⁰ Inquest Transcript Day 5 – P3-24, L25-45.

denied threatening witnesses to not speak to QPS officers or give evidence at the Inquest but did tell the Inquest that Sam Sobczak had threatened him to stop telling QPS officers that Sam Sobczak was involved with Constance's murder. Dallas Bandman offered no explanation about Constance's death or the circumstances of her remains being found so close to his unit.

90. Dallas Bandman told the Inquest he *"had nothing to do with Constance's death, and she was a friend of mine and I'm very sad and sorry for her loss – family's loss"*.⁶¹

Autopsy results

91. On 13 September 2018, Dr Andrew Reid conducted a post-mortem examination of the remains. The examination showed a combination of skeletal and decomposed soft tissue remains, with the soft tissues inside a holdall bag having undergone a wet process of decomposition and adipocere formation.
92. The lower right-sided ribs 6, 7, 8 and 9 showed evidence of rib fracture and callus formation anteriorly. The radiological age of the fractures was not able to be determined. There were no recent fractures of the ribs to suggest significant chest trauma as a cause of death.
93. There were no other fractures of the skull, face, spine, pelvis and long bones to suggest antemortem trauma as a cause of death.
94. The upper limbs had been disarticulated at the shoulders. The scapulae (shoulder blades) were inside the holdall bag. The bones of the arms, forearms and most of the bones of the hands were found separately outside the holdall bag.
95. The lower limbs had been disarticulated at the knee. The left patella (kneecap) was within the bag, the right patella was recovered outside the bag. The femora had been flexed at the hip and thereby it was possible for the pelvis and proximal lower limbs to be with the rest of the body inside the holdall bag. There was no evidence that the body had been dismembered through the spine or at the wrist. The distal lower limbs and most of the bones of the feet were found outside the holdall bag.
96. There were no identifiable internal organs to conduct an internal examination.
97. The cause of death could not be determined given the state of decomposition.
98. The two sets of remains had clearly been subjected to different environmental conditions in decomposition. The main parts of the body in the bag had undergone a process of decomposition where soft tissues formed a waxy material and the bones were admixed with this material. The bones outside the bag were drier and did not have the soft tissue decomposition. It was not possible to date the bones; but the decomposition was indicative of the bones being in nature for many weeks to months, rather than hours to days. Dr Reid was of the opinion that most of the decomposition probably occurred in the holdall bag, as opposed to being placed in the bag during the

⁶¹ Inquest Transcript Day 5 – P3-26, L35.

decomposition process.⁶²

99. Dr Reid explained that the bones were not separated solely due to the processes of post-mortem decomposition. It was not possible to determine when the body was disarticulated, it equally could have occurred in the peri-mortem period immediately after death and it could have been disarticulated in a subsequent later post-mortem period.⁶³
100. Perimortem oblique incisions to bone were seen on the medial surface of the medial condyle of the left femur. The incision to the bone would not have caused death. The location suggests that they were caused by a sharp instrument used to disarticulate the left leg at the knee.
101. Dr Reid gave evidence at the Inquest that a reasonable degree of care had been exercised to disarticulate the limbs. There would be a minimum requirement for incisions to be made close to the shoulder and knee joints, through skin, subcutaneous tissue, muscles and ligaments. The degree of force required would depend upon when the disarticulation occurred in the peri-mortem or post-mortem periods. Dr Reid explained that less force would be required, and manipulation of the limbs would be facilitated if this were done in the post-mortem period after rigor mortis had subsided when the limbs would not be stiff. Thereafter the skin and soft tissues would require less sharp force to be made.⁶⁴
102. The lack of marks to the smooth surfaces of the disarticulated scapular, humeral femoral and tibial bones of the shoulders and knees, suggest that periarticular soft tissue was incised for the purposes of disarticulation with sufficient care so as to avoid damage to articular surfaces.
103. Dr Reid was not able to comment on what sort of experience the person might have had that led to the sufficient skill to disarticulate the limbs, but he opined that it was not done randomly or recklessly.⁶⁵
104. When asked what sort of tool was more likely to be used to disarticulate the limbs, Dr Reid opined that it did not appear to be a power tool but that it could not be excluded as a possibility. The opinion of a sharp tool is consistent with the lack of damage or tool marks on the remains.
105. Dr Reid reconstructed the skeleton with all the remains that were available, and some small bones of the hands and feet were missing, but the bones were essentially a complete human skeleton. However, the hyoid bone and the larynx were not identified. In cross-examination, Dr Reid could not explain why the hyoid was not identified or recovered. For the hyoid to have been removed and not present within the bag implies that the structures of the neck have not been included with the body or the contents of the bag; that would mean something else has occurred to remove the structures of the neck, in particular the larynx, before the main body was put into the bag.⁶⁶
106. Dr Reid could not exclude the possibility that the tool used to disarticulate the

⁶² Inquest Transcript Day 1 – P1-49, L35.

⁶³ Exhibit A5.1 – Supplementary Statement of Dr Reid on 30 August 2022.

⁶⁴ Exhibit A5.1 – Supplementary Statement of Dr Reid on 30 August 2022, Para 3.

⁶⁵ Inquest Transcript Day 1 – P1-48, L1.

⁶⁶ Inquest Transcript Day 1 – P1-49, L45.

body could also have been used to remove the structures of the throat. The line of examination was in relation to strangulation as a possible cause of death. The suggestion was that if Constance was strangled with such force it could damage the hyoid bone and was potentially a reason why it could have been intentionally removed. Dr Reid also explained that someone can die by strangulation without there being any damage to the hyoid.

Conclusions on coronial issues

107. In accordance with Section 37(1) of the *Coroners Act 2003* (Qld), the Coroners Court is not bound by the rules of evidence and may inform itself in any way it considers appropriate. However, this does not entirely remove the requirement for the Court to have some regard to the 'rules of evidence'⁶⁷ particularly in terms of the receipt and weight to be afforded to evidence during the inquiry.⁶⁸

108. The relevant standard of proof for findings of the Coroners Court is the civil standard, namely the balance of probabilities. The relevant standard of proof is that of the balance of probabilities, with reference to the *Briginshaw*⁶⁹ standard. Accordingly, the more significant the issue for determination, the clearer and more persuasive the evidence must be for the coroner to be sufficiently satisfied on the balance of probabilities that the issue has been proven:

- i. *'But reasonable satisfaction is not a state of mind that is attained or established independently of the nature and consequence of the fact or facts to be proved. The seriousness of an allegation made, the inherent unlikelihood of an occurrence of a given description, or the gravity of the consequences flowing from a particular finding are considerations which must affect the answer to the questions whether the issue has been proved to the reasonable satisfaction of the tribunal. In such matters "reasonable satisfaction" should not be produced by inexact proofs, indefinite testimony, or indirect inferences.'*⁷⁰

109. Section 45(2) of the *Coroners Act 2003* (Qld) sets out the findings that the coroner must make, if possible, namely who the deceased person is, how they died, when they died, where they died and what caused the person to die.

110. In accordance with section 45(5) of the Act, the coroner must not include in findings, statements that a person is, or may be guilty of an offence, or may be civilly liable for something. The focus of the coronial process is on discovering what happened, not on ascribing guilt, apportioning liability, or attributing blame to any party.

111. Accordingly, I find that the deceased person is Constance May Watcho.⁷¹ The precise circumstances of Constance's death are unknown however, I find that Constance's death occurred in suspicious circumstances due to:

- i. Constance's remains being partially disarticulated;

⁶⁷ *Rodriguez v Telstra Corporation Pty Ltd* (2002) 66 ALD 579, per Kiefel J at 585 [25]

⁶⁸ *Kostas v HIA Insurance Services Pty Ltd* (2010) 241 CLR 390, per French CJ at 396 [17]

⁶⁹ *Briginshaw v Briginshaw* [1938] HCA 34 and (1938) 60 CLR 336.

⁷⁰ Dixon J (as he then was) in *Briginshaw v Briginshaw* 60 CLR 336.

⁷¹ IAW s45(2)(a).

- ii. The manner of disposal of Constance's remains;
- iii. The location of items, consistent with the contents of the unit, found where her remains were found; and
- iv. The length of time between when Constance was last seen and when her remains were found.⁷²

112. I find that Constance's death may have been caused by a person or persons whose identity cannot be established. However, I make this finding alongside the possibility that Constance died from some other unknown cause. Based on the state of decomposition at the time her remains were found, what caused Constance's death may never be known, and caution must be exercised in drawing inferences from the circumstances and largely unreliable evidence available.

113. I find, on the evidence before the court, that sometime after her death, Constance's body was disarticulated and interfered with by a person or persons whose identity cannot be established from the evidence before me.⁷³

114. I find, based on the state of decomposition of Constance's remains, that it is more likely than not, Constance died closer to the time she went missing (27 November 2017); rather than the time approximate to when her remains were found on 10 September 2018.⁷⁴

115. I find that the location of Constance's death is unknown.

116. I find on the evidence before the court, the cause of Constance's death is undetermined.⁷⁵

Findings required by s. 45(2)

Identity of the deceased –	Constance May Watcho
How she died –	The precise circumstances of the death are unknown. Constance died in suspicious circumstances. Her death may have been caused by a person or persons whose identity cannot be established.
Place of death –	Unknown.
Date of death–	On a date unknown between 27 November 2017 and 10 September 2018.
Cause of death –	Undetermined.

⁷² As submitted by Mr JP Benjamin.

⁷³ IAW s 45(2)(b).

⁷⁴ IAW s 45(2)(c).

⁷⁵ IAW s 45(2)(e).

The identity of any other persons involved in the death of Constance May Watcho

117. Three persons of interest were identified through the exhaustive QPS investigation and the coronial inquest.

118. However, given the lack of compelling evidence and, the weight of the evidence available to me, I am unable to identify any person as a person who was involved in the death of Constance May Watcho.

Comments and recommendations

119. I acknowledge Constance's family and, in particular, her children who have lost their mother in suspicious circumstances. As noted by the State Coroner, *'the ambiguous loss experienced by the family of a missing person is considered to be the most traumatic kind of loss, and most unmanageable form of stress'*.⁷⁶

120. I acknowledge that the anguish of Constance's family would be further compounded by the way in which Constance's body was interfered with, and by the way in which her remains were found, which will likely contribute to a sense of ongoing and unresolved grief for them.

121. I recommend that the Commissioner of Police ensures that the investigation into the death of Constance May Watcho remains open, to allow for the timely investigation, review and monitoring of any new information that may come to light over time.

I close the inquest.



Stephanie Gallagher
Deputy State Coroner
BRISBANE

⁷⁶ Inquest into the death of Sharon Phillips, paragraph 154.