



MAGISTRATES COURT of TASMANIA

CORONIAL DIVISION

Record of Investigation into Death (Without Inquest)

*Coroners Act 1995
Coroners Rules 2006
Rule 11*

I, Simon Cooper, Coroner, having investigated the death of Kim Leonie Maree Szemes

Find, pursuant to section 28(1) of the coroners act 1995, that:

- a) The identity of the deceased is Kim Leonie Maree Szemes;
- b) Mrs Szemes died in the circumstances set out further in this finding;
- c) I am unable to determine the cause of Mrs Szemes' death; and
- d) Mrs Szemes died between 28 May and 8 October 2018 at 2/18 Marys Hope Road, Rosetta, Tasmania.

In making the above findings I have had regard to the evidence gained in the comprehensive investigation into Mrs Szemes' death. The evidence includes:

- Police Report of Death for the Coroner;
- An opinion of the forensic pathologist who conducted the autopsy;
- An opinion of a forensic odontologist;
- The results of toxicological analysis of samples taken at autopsy;
- Medical records – Tasmanian Health Service;
- Medical records – Stoke Street Family Medical Centre;
- Ambulance Tasmania electronic patient care report;
- Affidavit of Paul Scott Szemes – Mrs Szemes' son;
- Affidavits of police officers involved in the investigation into Mrs Szemes' death;
- and
- Forensic and photographic evidence.

Background

Mrs Szemes was born in New South Wales on 10 December 1958. She married Steven in 1979. Together the couple had two sons, Paul and Daniel.

Paul describes his mother as a “traditional housewife” who took pride in her home and performing household roles such as cooking and cleaning for the family.

It is apparent that in the late 1980s Mrs Szemes’ mental health began to decline.

In about 2000 – 2001 Mr and Mrs Szemes separated. Following the separation, Mrs Szemes bought the residence at 2/18 Marys Hope Road, Rosetta, where she lived for the rest of her life. She was at the time caring for her younger son, Daniel, who suffered a moderate level of autism.

Mrs Szemes’ mental health continued to deteriorate. Medical records indicate admissions to the Psychiatric Intensive Care Unit at the Royal Hobart Hospital from 2009. During the same period, Tasmania Police intelligence reports record a number of attendances by police at her residence and contact being made because of those attendances with Mental Health Services.

In about 2014, Daniel moved to the mainland of Australia to live with his brother Paul. Thereafter, Mrs Szemes continued to live at 2/18 Marys Hope Road alone.

Circumstances of Death

On 28 May 2018, neighbours telephoned police because they had not seen Mrs Szemes for several weeks. As a result of that concern for her welfare police attended Mrs Szemes’ residence. They entered by a kitchen window at the rear. The house was noted to be tidy and well-kept but noticeably cold due to a lack of heating. The attending police found Mrs Szemes in bed wearing a beanie and covered in several blankets in an attempt to keep warm. She was noted to be incoherent and struggling to speak. Attending police called for an ambulance, which arrived at 4.31pm. The Police left to attend to other matters. Police indicate that when they left they were under the impression that Mrs Szemes would be transported to the Royal Hobart Hospital by ambulance.

However, the attending paramedics did not take Mrs Szemes to hospital. Instead, because she asked them to leave, they left her in bed and left her residence at 6.16pm. Why they left is difficult to understand – especially given that the Ambulance Tasmania case description records that:

- the house had no electricity, hot water or lighting;
- Ms Szemes was difficult to understand and had had poor enunciation;
- She repeated sentences;
- Ms Szemes had had minimal fluid intake in recent days; and
- She was unable to tell paramedics how or when she washed.

In the same records, as part of the secondary survey, the attending paramedics recorded:

- Ms Szemes refused to move;
- Her behaviour was 'bizarre';
- Her responses were 'inappropriate';
- Her facial expression was 'flat [and] non-responsive';
- Her concentration was 'poor [lacking] ability to organise thoughts [and having a] short attention span; and
- Her speech content was 'bizarre/irrational [with] repetitive questions/statements [and an] inability to have a coherent conversation'.

Despite these observations, there is nothing in the Ambulance Tasmania records indicating the attending paramedics considered whether Mrs Szemes had capacity to make an informed decision to refuse treatment.

There is no evidence of anyone seeing Mrs Szemes alive after the ambulance paramedics left her in bed at 6.16pm on Monday 28 May 2018.

On Saturday, 6 October 2018, Paul came to Tasmania to attend a friend's 40th birthday party. During the morning of 6 October 2018 he went to visit his mother. He knocked on the door and called out, but there was no answer. Because of his mother's behaviour in the past, Paul assumed that she was either ignoring him or perhaps had gone out to the shops. He went back to visit his mother the next day again but did not see her then either. He went back a third time at about 6.00pm on 8 October. Increasingly concerned, he forced entry into the residence where he found his mother lying on the floor in her bedroom.

Police and paramedics from Ambulance Tasmania attended. Mrs Szemes was very obviously deceased and very badly decomposed. No efforts were made to resuscitate her.

Police did not observe anything at the scene which gave rise to suspicion of the involvement of any other person in her death. There were no signs of a struggle, violence or forced entry to the residence. Nothing in the nature of a suicide note was located on the premises. No empty medication packets or containers were located.

After being forensically examined and photographed, Mrs Szemes' body was taken by mortuary ambulance to the Royal Hobart Hospital. At the Royal Hobart Hospital, her body was formally identified by means of a forensic odontologist examination and an autopsy was carried out. I have received reports from both the forensic odontologist and forensic pathologist involved in

these procedures. The report from the forensic odontologist satisfies me to the requisite legal standard that the body found in 2/18 Marys Hope Road was that of Kim Leonie Maree Szemes.

Due to the advanced level of decomposition, the forensic pathologist who carried out the autopsy, Dr Donald Ritchey, was unable to determine a cause of death.

Toxicological analysis of samples taken at autopsy indicated the presence of both acetone and ethanol (alcohol). It is most likely that both of those substances were formed by microbial fermentation after Mrs Szemes death. Nothing else was found to have been present in her body and certainly nothing that can account for her death.

Conclusion

I am satisfied that there are no suspicious circumstances surrounding Mrs Szemes' death. There is no evidence of violence, assault or that her death was due to suicide. There is no evidence that she died elsewhere and that her body was moved to where it was found. On the balance of probabilities I am satisfied that Mrs Szemes died on a date unable to be determined but between 28 May 2018 and 8 October 2018. It is likely that she died closer to May than October given the state of decomposition of the body, but I am unable to be more precise than that. The evidence does not enable me to make any further findings in relation to Mrs Szemes' death.

Comments and Recommendations

The circumstances of Mrs Szemes' death are not such as to require me to make any comments or recommendations pursuant to Section 28 of the *Coroners Act 1995*.

I convey my sincere condolences to the family and loved ones of Mrs Szemes.

Dated: 23 March 2020 at Hobart in the State of Tasmania.

Simon Cooper
Coroner