



**CORONERS COURT
OF NEW SOUTH WALES**

Inquest:	Inquest into the disappearance and suspected death of Kellie Anne Levitski
Hearing dates:	24 to 27 July 2018
Date of findings:	27 July 2018
Place of findings:	Bega Local Court
Findings of:	Magistrate Teresa O'Sullivan, Deputy State Coroner
Catchwords:	CORONIAL LAW – missing person, suspected death
File number:	2015/91843
Representation:	Sergeant Alex Creagh, Sergeant Assisting

Findings:	<p>Identity of deceased: The deceased person was Kellie Anne Levitski</p> <p>Date of death: On, or after, 30 March 2014</p> <p>Place of death: Unable to be determined</p> <p>Manner of death: Unable to be determined</p> <p>Cause of death: Unable to be determined</p>
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The Coroners Act 2009 (NSW) in s81 (1) requires that when an inquest is held, the coroner must record in writing his or her findings as to various aspects of the death.

These are the findings of an inquest into the death of Kellie Anne Levitski.

Introduction:

This inquest concerns the disappearance and suspected death of Kellie Anne Levitski. Kellie was last seen on 30 March 2014 when she was staying in a caravan on her father's property on Mount Darragh Road, Mount Darragh, near Bega.

The Inquest:

The first task facing a coroner in a case such as this is to determine whether the missing person is actually dead. If that can be established, the coroner must continue to make further findings as to the date and place of death and in relation to the manner and cause of death, in the usual way.¹

The police brief was tendered at inquest. The investigating officers, Detective Senior Constable Sarah Lugsdin and Detective Sergeant Justin Marks, gave oral evidence along with five other witnesses.

Section 81 (1) of the Coroners Act 2009 (NSW) requires that when an inquest is held, the coroner must record in writing his or her findings. These are my reasons and findings in relation to the disappearance and suspected death of Kellie Anne Levitski.

The Evidence:

Background:

Kellie-Anne Levitski was born on 30 October 1975. Her father described her as a "beautiful, big hearted, easy going person...". As a teenager she had wanted to be a pilot and began having lessons. However, she was not able to finish them. In her late teens she began experimenting with drugs, and developed mental health problems, most notably schizoaffective disorder. Kellie had a long-term relationship with Donovan Ballard, and lived for a time with him in Canberra, and in a house Kellie's father had given to her in Nimmitabel.

Kellie had had on-going interaction with mental health services since about 1998. Her last admission was at the Canberra Hospital Adult Mental Health Unit on about 20 February 2014. The discharge summary dated, 7 March 2014, records a diagnosis of schizoaffective disorder and summarises her interactions with Canberra Mental Health. Kellie first presented in 1998 with a suspected drug-induced psychosis. She was admitted as an inpatient four times between 2001 and 2012. On

¹ Section 81 Coroners Act 2009 (NSW)

each occasion she stayed between one and four weeks, and on each occasion, with a suspected diagnosis of schizoaffective disorder or schizophrenia.

Kellie also had interactions with the health system in NSW. Between 6 August 2007 and 28 September 2007, she was an inpatient at Chisolm Ross, the mental health unit attached to Goulburn Base Hospital. She was also admitted as an involuntary patient by police between 18 October and 30 October 2008.

In his family statement, Kellie's brother John described the heartbreak of witnessing his sister's deteriorating mental health and how difficult it was for their mother. He believed that Kellie tried so hard to find some treatment and relief for her mental illness and that her substance abuse was a form of self-medication. He said that not knowing where she is has been harrowing.

Kellie was clearly loved by her family and their pain and sadness was evident during the inquest.

The disappearance:

Kellie was admitted into the Canberra Hospital Adult Mental Health Unit by police on or about 20 February 2014 following an incident at a group home. She was discharged from the Hospital on 7 March 2014, to live with her former partner, Donovan Ballard. She did so until about 12 March 2014. On her discharge summary, dated 7 March 2014, a treating psychiatrist notes that Kellie,

“requires on-going intensive input from mental health services that include case manager allocation to provide her regular practical and emotional support in the community, administering regular anti-psychotic depot medication to keep her well in the community on top of oral medication and medication for physical health.”

The psychiatrist also noted that, “If her mental health deteriorates, she would [be] likely to refuse medication for physical health leading to a decline in physical health precipitated by high and fluctuating blood pressure and high blood sugar that would end up in lethal consequences.”

Donovan Ballard participated in an electronically recorded interview with police. He told police that everything was good for the first couple days but then Kellie, “decided not to sleep for three days”, was “chain-smoking”, and had spread everything she owned across the lounge room floor. Donovan says he, “basically snapped”, and told her to leave. Kellie's brother, John Levitski Jnr, also participated in an electronically recorded interview. He told police that he received a call from Kellie on 13 March 2014. She said that she had had some sort of fight with Donovan. She caught a taxi to Gilmore, where her brother lived with their grandmother. John Levitski Jnr called their father and explained the situation.

John Levitski Snr agreed that Kellie could stay with him. He lives on a property on Mount Darragh Road, Mount Darragh. It is set on about 140 acres of dense bushland among very difficult terrain. When he was told Kellie was coming to stay he bought a caravan from a neighbour which he put a short distance from the main residence and

set it up as a room for Kellie. He stated in evidence that the reason Kellie was in the caravan and not the main residence was because Kellie had threatened him with a knife on two separate occasions and he, “had a wife to think about.” I add that when Kellie had threatened her father she did so because she was suffering from severe mental health issues. It was not her nature to be dangerous or aggressive when in good health.

Kellie arrived in Mt Darragh on or about 13 March 2014. During her stay John Levitski Snr states that she took her medication. He focused on trying to improve her health. He insisted that she try and get more sleep, as she would often stay up well past midnight. He went on a number walks with her to help her lose weight. He also wanted her to cut back on the number of cigarettes she smoked and would bring her ten per day. However, Sue Levitski, a former smoker, said that she would give Kellie a few extra cigarettes if she ran out. John described his time looking after Kellie as, “a good two weeks...a memorable two weeks.”

On the evening of Sunday 30 March, John Levitski Snr told Kellie that he wanted a peaceful night to watch a television program. She said, “no worries, I will just read me book or listen to music.” The following morning, John woke up at about 8.00am and did some work around the property. At about 9.30am he knocked on the door of Kellie’s caravan to bring Kellie her medication and cigarettes. There was no answer. He opened the door and could not find Kellie. Kellie’s disappearance was reported to police that same day.

The police investigation:

Police conducted an extensive investigation including a number of searches, responding to possible sightings, and conducted interviews with Kellie’s family.

On 31 March 2014 general duties police from the Far South Coast Local Area Command attended the Levitski property. They searched the caravan Kellie had been staying in and found her phone, medication, wallet, bank cards, and cigarettes. They issued a state-wide message on the police email system to keep a lookout for Kellie. They contacted the local hospitals and the Woden Mental Health Unit to determine if Kellie had presented.

On Wednesday 2 April 2014 police from the Bega Criminal Investigation Unit contacted Premier Coaches requesting information on any person named Kellie Anne Levitski who may have boarded services in the Bega valley or Mount Darragh area. There was no record of any person by that name using the service.

On 7 April 2014, Detective Senior Constable Sarah Lugsdin and Detective Sergeant Justin Marks attended 4555 Mount Darragh Road. They were met by John Levitski Snr and conducted another search of the caravan in which Kellie had been staying. John Levitski Snr also provided police with a notebook that had belonged to Kellie.

On Monday 21 April 2014, Detective Senior Constable Lugsdin noticed several phone numbers in the notebook that John Levitski Snr had provided. She called the

numbers and found they were mostly government agencies, including ACT Mental Health, Canberra Hospital and ASIO.

On 28 April 2014, police contacted the Bega Women's refuge, and were informed that Kellie was not there.

On Tuesday 6 May 2014 police spoke to a local resident at 3000 Mount Darragh Road who said that their dog, a whippet, was behaving in the same way it had behaved once before. That was when a deceased motor cycle rider was found near the property; the dog was looking straight over a cliff and sniffing. Police marked the indicated area and returned the following day. They conducted a thorough search of the area but did not locate anything relevant.

On 17 June 2014, a number of police from Bega Police Station attended 4555 Mount Darragh and conducted a thorough search of the buildings and surrounds. During the search police located "two or three"² blister packs of medication belonging to Kellie. Police noted that packs had dates on them indicating when the medication should be taken and that the packs for marked 25 to 31 March still contained tablets in the breakfast and dinner pouches. Police suggested to John Levitski Snr that this indicated Kellie had not taken her medication between 25 and 30 March. He said that she had, but they had given her packets marked with another date, and thrown those packs out after she had taken them. He said that Kellie had six or seven packs with her when she arrived.

On 17 June 2014 police attended Clarke St. Nimmitabel and searched the property owned by Kellie.

On 19 June 2014, Kellie's mother, Airi Beckett, participated in an electronically recorded interview and provided a DNA sample which was sent to the Missing Person's Unit. John Levitski Jnr also participated in an electronically recorded interview on this day.

On 20 June 2014 Donovan Ballard participated in an electronically recorded interview. Donovan first met Kellie in 2002. They had been in a relationship for much of the time between then and 2014. He told police that Kellie did, "what she wanted do whenever she wanted to do it." He said that it was not uncommon that during their relationship, that she would go away sometimes for three or four weeks and he wouldn't see her. He would ring Nimmitabel Police Station, which was next to her place and ask them to check on her.

Donovan stated that, when she was getting monthly injections from City Mental Health, in the few days leading up to her injection, he was "praying for that time to go", because you could tell when the drugs had started to wear off. Towards the end of the month her behaviour would become aggressive, erratic, and emotional. Then she'd have the injection, which she complained about every month, but that there was a noticeable difference in her behaviour.

² Paragraph 28, of Det S/C Lugsdin's statement

On 25 June 2014, John Levitski Snr drew police attention to two sheds about 3km from 4555 Mount Darragh Road, towards Wyndham, suggesting that Kellie may have used them at some stage. Police searched the sheds and discovered they were locked from the outside. They detected no sign that Kellie had been nearby.

On 2 July 2014, police attended 4555 Mount Darragh Road and commenced a walk on Mount Darragh, covering both sides of the road. Police searched 1 km towards Bombala and 15 km towards Wyndham.

On Tuesday 8 July 2014 police became aware of an intelligence report from an anonymous source regarding a person living in the area. Investigators made a thorough investigation of the individual and his movements at the relevant time. Ultimately, there was no evidence to suggest that any known individual was involved in Kellie's disappearance or had any information about it.

On 18 July 2014, Police spoke to the Levitski's neighbour across the road, Thomas Knowles. He told police that around the time that Kellie went missing he heard a loud argument coming from the Levitski property. During an interview on 23 July 2015 he added that he identified a male voice and a female voice. He said that the female voice was not Sue Levitski, and that he thought he heard the female say, "I can't put up with this." He could make no comment on the male voice, nor could he remember any other words used.

In August 2014, a media release was issued during National Missing Person's Week. On 20 August 2014, Police received Kellie's medical records which indicated she had not made a claim between 30 March 2014 and 25 June 2014. No claims had been made under the Pharmaceuticals Benefits Scheme either.

On Friday 29 August 2014 police were contacted by Airi Beckett. Ms Beckett said that her mother, Kellie's grandmother, spoke to Kellie on the phone on 28 March 2014. Kellie made the call and was able to hold a conversation and did not appear to have any problems. However, Kellie told her that she was bored and it was quiet where she was staying.

On 21 April 2015, police conducted a search of a gully which runs between the boundaries of 4479, 4555 and 4562 Mount Darragh Road, utilising a cadaver dog. Police trail bike riders also search 4562 and 4555 Mount Darragh Road. Nothing was found. The dog provided an indication in a vehicle found on a vehicle at 4562 and registered to Thomas Knowles.

The vehicle was searched, with Mr Knowles' consent, and three items that the dog had interest in were seized and submitted for forensic analysis. Nothing was identified linking the items to Kellie.

On 20 July 2015 police conducted a Cellebrite download of Kellie's mobile phone. A video recording was discovered in which Kellie said she was recording her "last will and testament", she says the date is 1 October 2013. Nothing else was discovered that was considered relevant to her disappearance.

On 8 August 2015, a media release was again made, as part of National Missing person week.

In March 2016 an appeal for information was made through the media. Three crime stoppers reports were obtained as a result. The first was that a homeless woman in Gosford matched Kellie's description. Police found the woman described, and she was not Kellie.

The second and third reports related to two individuals who may be of interest. Police investigated and discounted the possibility that either person was involved.

In the weeks before the inquest, police repeated what are commonly referred to as the "signs of life checks". These are checks made with government organisations, such as Medicare and all state police services, as well as private organisations such as utilities and banks, to determine if there has been any activity recorded in the missing person's name. No activity had been recorded any Kellie Anne Levitski's name.

The evidence of John Levitski Snr

John Levitski Snr agreed that Kellie could stay at his property on Mount Darragh Road. He had a caravan which he put a short distance from the main residence and setup as a room Kellie. Kellie arrived in Mt Darragh on or about 13 March 2014. During her stay John Levitski Snr stated that she took her medication. He focused on trying to improve her health. He insisted that she try and get more sleep, as she would often stay up well past midnight. He went on a number walks with her to help her lose weight. He wanted her to cut back on the number of cigarettes she smoked and would bring her ten per day. John described his time looking after Kellie as, "a good two weeks...a memorable two weeks."

On Sunday 30 March in the evening, John Levitski Snr told Kellie that he wanted a peaceful night to watch a television program. She said, "no worries, I will just read me book or listen to music." The following morning, he got up at about 8.00am and did some work around the property. At about 9.30am he knocked on the door of Kellie's caravan to bring her her medication, and cigarettes. There was no answer. He opened the door and could not find Kellie. Kellie's disappearance was reported to police that same day.

Mr Levitski said that he was aware Kellie was due for a depot injection on the Wednesday after she disappeared. He was asked whether he had noticed her mental health deteriorate in the way that Donovan Ballard had observed it would when she was due for an injection. Mr Levitski said that he had only had a couple weeks to observe Kellie and couldn't say whether her mental health was deteriorating.

He was questioned about Kellie's house in Nimmitabel. This was a house that had belonged to John which he had given to Kellie some years before. He said that he

had decided to sell the house and explained this to Kellie while she was staying with him. He said that she made no reply, and he assumed this was due to her mental state at the time.

When questioned about whether he was involved in an argument with Kellie on the night of 30 March 2014, he stated that he was not and that he didn't hear anything that night.

Possible sightings

The Wyndham store owner, Ainsley McCone, told police that she saw a female that matched Kellie's description. Ms McCone said that when John Levitski Snr attended the store shortly after Kellie went missing and showed her a photo, she recognised the photo as someone she had seen in the store at about 11am on 31 March 2014. She described the female she saw as Caucasian, solid build, nice skin with olive complexion, with blonde hair tied back in a knot or bun, and wearing a long black dress with shoe string straps and a dark jumper tied around her waist. The woman did not buy anything from the store.

Ms McCone said that the female was in the company of a male. She described that male as Caucasian, the same height as the female, short fine mousy brown hair, about 25 or 26 years old but possibly younger, wearing long denim shorts and v-neck t-shirt.

This information was investigated by Merimbula Police when it was reported. Merimbula Police reviewed the CCTV footage from the store on 31 March 2014 but did not see anyone matching Kellie's description. Detective Senior Constable Lugsdin also reviewed the footage. She noted that it only covered the middle aisle of the store and that no-one matching the description of Kellie, or the descriptions given by Ms McCone of the female and male in the store, was seen on the footage. This possible sighting of Kellie does have some veracity and the details provided by Ms McCone do match what was known of Kellie's appearance at that time. Unfortunately, police were unable to take this possible sighting any further due to the lack of information, including CCTV footage showing the pair or a car description or registration plate number.

Evidence of another possible sighting of Kellie came from Melanie Schmidt. Ms Schmidt provided an account of a woman she saw being followed by a Toyota Hilux ute about 3.1km from the Levitski property, walking in the direction of the property, around 11am between 29 March and 4 April 2014. The ute was described as a tray back and with a pig cage on the back. Ms Schmidt believed there was a front passenger as the woman appeared to be engaged with a person in that position. Ms Schmidt also believed there was a person in the back seat of the ute.

The physical description of the woman Ms Schmidt provided was similar to Kellie; she said the woman was chubby but not huge, was wearing a long black dress and a jacket, and had hair that was dark with blonde streaks running through it. Ms Schmidt said she had seen the woman twice before, walking by herself around the same area. She was confident it had been the same woman, and said those

occasions had been in the “few months” before. She then changed that to “six weeks”, and ultimately agreed all sightings could have been within 2 weeks.

However, even if it were within two weeks, Ms Schmidt said that the woman was alone each time. Kellie had been walking in the area, but was always accompanied by her father. It is therefore unlikely that the woman was Kellie. Even if I accept that the woman was Kellie, there is no evidence of what happened to the woman after she was spotted by Ms Schmidt, though the inference I draw from Ms Schmidt’s evidence is that she thought the woman was in danger of being abducted.

I also note that the sighting was not reported to police until 18 months after Kellie’s disappearance and police were not able to verify any of the details. An uncorroborated sighting, reported 18 months after it occurred is insufficient to find that it was Kellie.

On 20 August 2014, police spoke to a man who believed he had seen Kellie in the Canberra Hospital between 10 and 14 June 2014. Police made enquiries with the Canberra Hospital and found that no one had been admitted under Kellie’s name between 8 and 17 June 2014, and that no one who had refused to provide their details had been admitted. Police provided a photo of Kellie to the Public Relations office of the Hospital and it was distributed throughout the Hospital to see if any staff recognised her. No information was provided as a result.

Is Kellie deceased?

In order to make the finding that a missing person is deceased, the court must have before it, cogent, clear and exact evidence to that effect.

The most compelling evidence is perhaps that of an absence of evidence rather than anything else.

Most compelling of all is that Kellie has not been seen by friends or family since 30 March 2014.

The checks described by police as “signs of life checks” indicate that Kellie has not accessed her bank accounts, Medicare, or any other government services. Nor has she come to the attention of police here in NSW, or any other state since her disappearance.

These factors are particularly significant in Kellie’s case. Prior to her going missing, Kellie had frequent admissions to hospitals and was on a number of medications due to her serious physical and mental ill health. She had relied heavily on the support of her friends and family to function in the community. Without this support, it is very unlikely that Kellie would have been able to survive for more than days or perhaps weeks.

Kellie's mental health condition made her, in the words of Donovan Ballard, "stick out like a sore thumb". If she were in the community alone, it is very unlikely that she would go unnoticed.

Two possibilities that must be considered when determining if a missing person is deceased, is whether they have simply chosen to abandon their family and friends and are living in secret elsewhere, or whether they may have been abducted by a third party and are still living somewhere away from family and friends. Kellie's unique medical needs make these scenarios highly unlikely.

Sadly, I find that Kellie is deceased.

Conclusion:

Taking into account all of evidence, I conclude, on the balance of probabilities, that Kellie is deceased. Regrettably, the available evidence does not allow me to make any finding, even on the balance of probabilities, as to precisely when Kellie died, or what the cause and manner of her death was. Too little is known to enable any such findings to be made.

I would like to thank the investigating officers, Detective Senior Constable Sarah Lugsdin and Detective Sergeant Justin Marks, for their extremely thorough investigation.

I thank the advocate assisting me, Sergeant Alex Creagh for his excellent assistance before and during this inquest.

Finally, I offer my heartfelt condolences to Kellie's family who have sat through every day of this inquest. The uncertainty associated with the circumstances in which Kellie went missing has no doubt caused them a great deal of sorrow and anguish. I hope that in the future, some evidence can be gathered to provide them with some information regarding what happened to her.

Findings required by s81(1)

As a result of considering all of the documentary evidence and the oral evidence heard at the inquest, I am able to confirm that the death occurred and make the following findings in relation to it.

The identity of the deceased

The deceased person was Kellie Anne Levitski

Date of death

On, or after, 30 March 2014

Place of death

Unable to be determined

Cause of death

Unable to be determined

Manner of death

Unable to be determined

I close this inquest.

Magistrate Teresa O'Sullivan
Deputy State Coroner
27 July 2018
Bega, NSW