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Case of a murdered mother whose body has never been found

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Australian Police Journal



Where's Michelle?

(The case of a murdered mother whose body has never been found)

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Where's Michelle?

Case of a murdered mother whose body has never been found

By Dr (Detective Senior Sergeant) Terry Goldsworthy, Queensland

Editorial Note

The following case reminds us all of the strong familiar connection which occurs in the large majority of homicides. This was not an easy murder to solve - no crime scene, no body, just the steely determination and instincts of the investigator to solve the crime and obtain a conviction. Even with the defendant's release ten years later, the author has continued to seek answers to some of the mysteries surrounding this inquiry.

Missing Person Inquiry

On Saturday 18 July 1998, I was working a 2pm shift with my work mate, Detective Senior Constable Gary Sweet. At that point in my career, I was a detective sergeant stationed at Surfers Paradise as part of the Northern Investigative Group of the Gold Coast CIB.

About 6pm, I was contacted by Senior Sergeant Vern Sanders of the Broadbeach Police Station, who had concerns about a missing woman who had been reported earlier that day. Detective Sweet and I then went to Broadbeach and spoke to Sergeant Sanders and, from this conversation, it was concluded that his hunch had some merit. There was definitely something suspicious about the report. The missing person was Michelle Patricia Baggott, who was 30-years-old and was last seen dropping her daughter off at school (at Southport) on Friday 17 July 1998 around 7.40am. She had not been heard from since. Michelle, from all accounts, was a good mother and at the time of her disappearance lived



The victim
Michelle Patricia
Baggott



The house in Lavelle Street Nerang

in a happy de facto relationship with a Stephen Glendinning and her 10-year-old daughter, Kara (from a previous relationship).

Inquiries made with Glendinning quickly revealed that the missing person had received a phone call from her estranged husband, Kevin John Baggott, earlier that morning (17 July) about swapping the former family cars over at his house in Lavelle Street, Nerang. Glendinning had not heard from her since.

It was out of character for Michelle to abandon her daughter or remain out of contact. It was for this reason that I immediately contacted the head of the Northern Investigative Group, Detective Inspector Nikola. We then decided to set up a Major Incident Room (MIR) at the

About the Author



Dr Terry Goldsworthy is a Detective Senior Sergeant with over 24-years experience in the Queensland Police Service. He has served in general duties, watch-house and traffic branch before moving to the CIB in 1994. He is currently stationed at the Gold Coast CIB. Dr Goldsworthy has completed a Bachelor of Commerce, Bachelor of Laws, Advanced Diploma of Investigative Practice and a Diploma of Policing. As a result of his law studies Dr Goldsworthy was admitted to the bar in the Queensland and Federal Courts as a barrister in 1999. He then completed a Master of Criminology at Bond University. He later undertook his PhD focusing on the concept of evil and its relevance from a criminological and sociological viewpoint. In particular Dr Goldsworthy looked at the link between evil and armed conflicts using the Waffen-SS as a case study.

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Surfers Paradise Police Station.

At that stage of the inquiry, police had only two main persons of interest: Stephen Glendinning (Michelle's current de facto) and Kevin John Baggott (Michelle's estranged husband). When police checked into Michelle's past it was discovered that she initially had a relationship with Kevin Baggott when she was 16. However, the affair ended soon after they first met and they parted. Some years later they met again and got married. However, a few months before she went missing they had separated again.

Glendinning was quickly eliminated as a suspect due to a strong alibi he provided for the day in question and police were aware of further sightings of Michelle after he had last seen her. Kevin Baggott, on the other hand, was not so easy to eliminate. He had no reliable alibi and it was decided that he should immediately be tied down to a story.

About 7.15pm Kevin Baggott attended the Surfers Paradise Police Station and took part in a formal electronic record of interview. After being warned, Baggott then proceeded to talk for a number of hours, about his movements that day and of course, his relationship with Michelle and Kara (Baggott was not the biological father of Kara). During this time, it quickly became obvious to the detectives that Baggott had been exceedingly busy that morning, in fact almost excessively so. Nonetheless, all his movements were recorded. He strongly denied any involvement in Michelle's disappearance. But he did admit however, that he had contacted her on the morning of 17 July, about swapping his Nissan for her Mazda at his house, but told police, Michelle never arrived. At the conclusion of the interview Baggott took us to his house and we searched it. But our efforts revealed nothing out of the ordinary. Later, Baggott explained his movements for that day and took us to various addresses in the Nerang area where he had performed errands.

Whilst at the suspect's house in Lavelle Street, I took possession of the clothing that Baggott claimed he had worn on the morning in question (this would play a crucial role later). Baggott then accompanied Detective Sweet and I back to Surfers Paradise Police Station where his vehicle (a blue and silver 1986 Nissan Navara) was seized by police. This vehicle

was also to play a vital role in proving the suspect's guilt (*although, at the time, police had no idea of this*).

Baggott was then released and we began planning our investigative strategies for the next few days. So far we had no idea where Michelle was or what had happened to her (*but I had a feeling that Kevin Baggott was to play a major role in the investigation*).

Breakthrough

The next few days involved checking out the story Baggott had given as to his movements on the day Michelle disappeared. One of the first places we visited was the Suncorp Bank at Nerang where Baggott said he had made a withdrawal. There was no doubt he had made the withdrawal as stated, however, upon viewing the video surveillance it showed Baggott in different clothing to that which he said he was wearing on the day that Michelle disappeared. This was only a matter of hours after Michelle went missing. He had deliberately misled investigators as to the clothing he was wearing at the time of Michelle's disappearance. The question was why?

Inquiries continued and we quickly



Kevin Baggott (in black clothing) at the Suncorp Bank, Nerang on the day of Michelle's disappearance

determined that the Nissan vehicle owned by Kevin Baggott was in fact at his place of work on the day that he was to exchange cars at his house. Ostensibly his purpose to meet Michelle at his house at Lavelle Street on 17 July was to swap vehicles, yet with his car still at his place of work, he must have known he would not have been able to do this. Then, what was his real purpose in getting Michelle to come to his house?

During his record of interview, Baggott

mentioned that he found a video camera near his house on the day that Michelle went missing and he had handed this to police that same morning. This was verified by checking the log and property receipts at Nerang Police Station, and that police station was only some 50 metres from where Baggott lived in Lavelle Street. To me it seems it was just too convenient that Baggott could place himself in a police station which later would provide him a rock solid alibi. Some days later we had Kara (Michelle's daughter), do an identification parade of a number of video cameras, including the one handed in by Baggott. She immediately recognised the one that he claimed to have found on the 17th and stated that Baggott had possession of that camera for a number of weeks prior to handing it in.

Michelle's Car Located

At 9am on Tuesday 21 July 1998, I received a phone call that I had been expecting. Michelle's car, a white Mazda station wagon, had been found abandoned in William Street, Mermaid Beach. Accompanied by Detective Sweet and others from the Homicide Squad we rushed to the scene. Upon arrival it didn't take long for disappointment to set in. The car was very clean and would reveal little in the way of forensic evidence to assist the investigation. A doorknock of the area also proved fruitless. Yet, this car had been somewhere for the last four days and hopefully someone had seen something, or even a person in it.



Michelle's car

Back to Lavelle Street

Holes were beginning to appear in Kevin Baggott's story and it was decided that a further crime scene warrant should be executed on his address in Lavelle Street, Nerang and that the premises be scientifically (and thoroughly) examined.

At 4.45pm on Tuesday 21 July 1998 we went to the address and I executed the crime scene warrant. Whilst there, I took possession of various items of clothing, documents and other items. I then spoke to Sergeant Jason Hanson, who was the scientific officer assigned to the case and we agreed that the whole house would have to be examined. Yet this failed to reveal any signs of violence. Scientific examinations of Baggott's Nissan also failed to show any signs of it being a crime scene.

Suicide Attempt

The pressure was building and there was no greater sign of this, than Kevin Baggott attempting to commit suicide on Wednesday 22 July 1998. From my experience people who are serious about suicide don't tell anyone; they just do it. Baggott had made a number of phone calls telling people what he was going to do prior to him attempting suicide. *I have no doubt that he did not want to take his own life and just wanted to be stopped in time.*



Kevin Baggott being helped from his house after attempting suicide. *Gold Coast Bulletin*

As to exactly what Baggott was trying to achieve by doing this we don't know. But if he wasn't under suspicion before, he certainly was now. I attended the hospital about 3pm that day and went to speak to Baggott. Suddenly his demeanour changed, where once he was happy to tell all, now he refused to be interviewed. Things were beginning to move along at a more rapid pace.

On 26 July another breakthrough occurred. We were contacted by a witness who claimed that he had seen a male person driving the victim's car on 18 July near

the spot where it was located in Mermaid Beach. We quickly obtained a statement from this witness who could clearly identify the car as being the victim's. But could he identify the driver? He stated he could. A photo-board containing a picture of Kevin Baggott and others of similar build was prepared and shown to the witness. He picked our person of interest out! Now, we had a witness putting Kevin Baggott in Michelle's car the day after she went missing, the net was beginning to tighten.

Our inquiries also revealed that on the day that Michelle had gone missing, Baggott had rung Kara's school to make sure that the child had been picked up (it was almost as if he knew Michelle would not be there to do so).

Police now had proof that Kevin Baggott was lying about a number of issues; including him being seen in Michelle's car after she had gone missing, the clothing he was wearing on the day of her disappearance, the handing in to police of a (allegedly found) video camera and the location of his Nissan motor vehicle being at his work on the day he was supposed to give it to Michelle.

Arrest

Given the number of inconsistencies in his story, police felt that there was certainly sufficient evidence to bring Baggott in for questioning. I thought that there was nothing to lose and I wanted to see how he would react when the holes in his story were put to him. It was decided that police would obtain two search warrants for execution on Sunday 26 July 1998, in relation to the murder of Michelle Baggott. The first was for the premises at Lavelle Street. The other was for the address of Kevin Baggott's father, where we knew Kevin had spent some considerable time.



The downstairs door leading to under the house where Michelle was killed

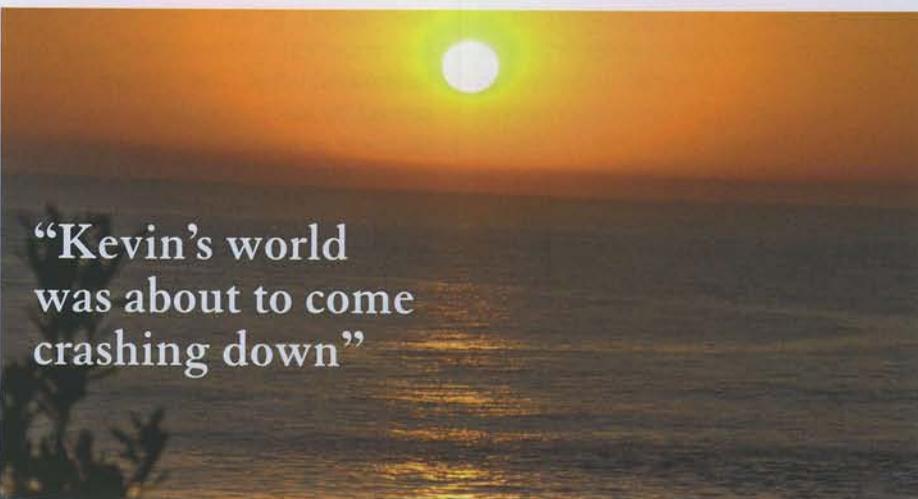
No other addresses of interest could be identified.

I first went to Baggott's father's address at about 4.41pm that afternoon but Kevin Baggott was not there. I then went to the Lavelle Street home where other detectives had located Kevin Baggott and who had already issued him with his warnings. Upon my arrival I requested Kevin to come back to the police station, he agreed and together with Detectives Sweet and Niland we returned to our office.

The Confession

The trip back was uneventful until about 500 metres from the station, when Baggott seated in the back seat with Sergeant Niland muttered the words, "I did it!" At this stage I turned around in amazement and turned on my tape recorder and asked him if he had something to say. He did. After we parked the car under the Surfers Paradise Police Station I went to help Baggott out of the car. At this point, Detective Sweet and I literally had to carry him to the lift as he struggled, cried and moaned in what I would describe now as self-pity. Kevin's world was about to come crashing down.

For the next four hours I interviewed





Police divers searching the Nerang River for Michelle's body. Gold Coast Bulletin

Baggott at length about the murder of his wife Michelle. His basic story was that he had telephoned Michelle to come over on the pretence to swap their cars at Lavelle Street (which she did). When she arrived Baggott was downstairs under the house and told Michelle to come in under-there through a rear door. When she walked into the downstairs part of the premises, she allegedly said to Baggott, "You will never see Kara again" at which point Baggott lost control and punched her once – allegedly a blow to the head killing her instantly. He then claimed to have loaded her body into the back of his work truck and then driven to a Nerang River boat ramp (he claims at 9am in the morning), he then pushed her body out into the middle of the river in full view of the passing morning traffic and watched Michelle slowly sink from view. She was never seen again.

Baggott agreed to do a police video re-enactment and took detectives to both the house and boat ramp in question where he claimed the offence had occurred.

At 10.40pm on 26 July (only eight days after Michelle had been reported missing) I arrested Kevin Baggott and he was formally charged with Michelle's murder at the Southport Watch-house. He made no reply when charged.

The next day the Nerang River in the vicinity of the boat ramp was dragged by police divers, but all efforts failed to locate Michelle's body. Scientific examination of the house and his work truck failed to reveal any evidence of a major crime scene. The story given by Baggott was convenient and I was convinced it was a lie. I had no doubt that Baggott had killed Michelle, but not in the manner he described. To my mind he was setting himself up for a manslaughter plea and

hoping to get a reduced sentence. I would do my best to prevent this.

The long process of putting the brief together began. We now had the extra challenge of obtaining evidence that would show that Michelle was dead, even though no body had been found. To this end inquiries and statements were obtained from sources such as Medicare, Centrelink and the Department of Immigration etc., to show that there had been no activity at these organisations by Michelle.

Trial

It was never going to be an easy trial. Police couldn't produce a body and there was no crime scene to speak of. Moreover, the defendant had provided a self-serving confession. On the first day of the trial Baggott offered to plead guilty to a manslaughter charge, but it was rejected. I wanted to run the murder because I thought we could get over the line. The crown prosecutor was Charlie Clark and he agreed with this. As a result the trial proceeded for the next three weeks before Justice Fryberg and it didn't start well.

Detective Sweet and I were subjected to a three-day *voir dire* in which Defence Barrister Dennis Lynch desperately tried to get Kevin's confession thrown



The work truck used to transport Michelle's body

out. This also included the defendant giving evidence in an effort to have his confession excluded. Lynch argued on the grounds of alleged verballing by the police and a failure to conform to the interview provisions of the still relatively new *Police Powers and Responsibilities Act* in Queensland. This Act legislated the form of how suspects were to be warned, offered solicitors and asked back to the police station etc. Fortunately Lynch failed to persuade the Judge and the trial began.

Out of over 100 witnesses some 80 were called and it was a demanding time, having to get to work at 5.30am to travel up to Brisbane and not getting back to the office until 7pm at night. A request for accommodation in Brisbane was not approved. The trial proceeded smoothly enough until the defence requested that Detective Sergeant Niland give evidence. Detective Niland was nowhere to be found. Justice Fryberg then became exasperated that such a crucial police witness was not present, he issued an ultimatum, find Sergeant Niland for evidence by 2pm or he was going to throw the case out. Frantic inquiries revealed that Detective Niland had gone overseas on annual leave and I tracked him down to Las Vegas, Nevada. I eventually contacted him at a hotel and told him to sit by the phone to give evidence. Unfortunately it was after 2pm. I raced up to the chambers of Charlie Clark and told him I had found Sergeant Niland. Mr Clark was less than impressed and told me it was too late. At this point tension boiled over and Mr Clark and I exchanged a few points of view over life's issues and he then ordered me out of his chambers. Sergeant Niland was never required to give evidence but the trial continued. To this day I am unsure of what the Judge had in mind, but I was happy that the matter was continuing.

When going to court, I like to get in and get my evidence out of the way. Unfortunately, this was not to be the case for this trial. Charlie liked to use me to fill in any gaps. The result was that I had to give part evidence on almost every day of the trial. Trying to do this and also organise the trial became very taxing.

Verdict

At the end of the three weeks the jury came back with a guilty verdict after deliberating

for two days. To my disappointment it was a guilty verdict for manslaughter. This I put down to the vagaries of our justice system which requires lay jury members to understand quite technical and complicated legal concepts, especially in relation to the law regarding homicides. Certainly Charlie Clark had done his best.

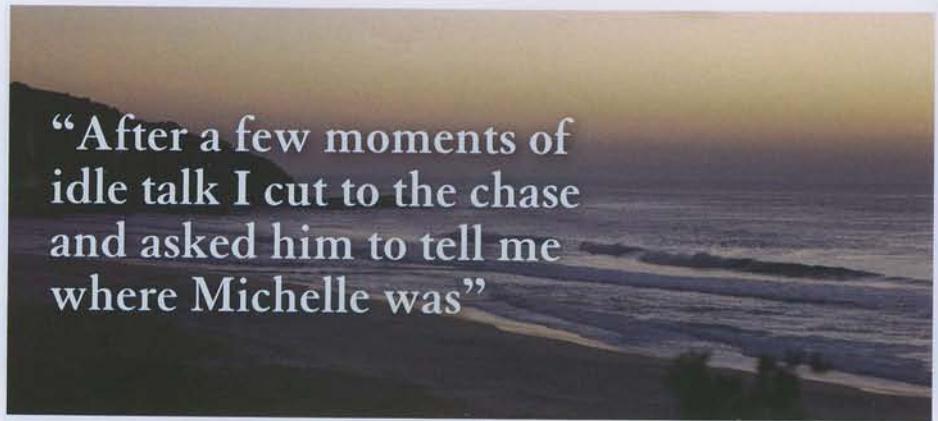
Judgement and Sentence

Judge Fryberg sentenced Kevin Baggott to 11-years jail and declared him a serious violent offender. This would ensure that Baggott served a minimum of 80% of his term before being eligible for parole. Judge Fryberg was scathing of Baggott in his judgement. Some of his comments are included below. In relation to the *voir-dire*, Judge Fryberg had the following to say, "You gave evidence in the *voir-dire*. I thought you were a liar... I am satisfied that you lied to the police." In regards to other aspects of the case the learned judge said the following:

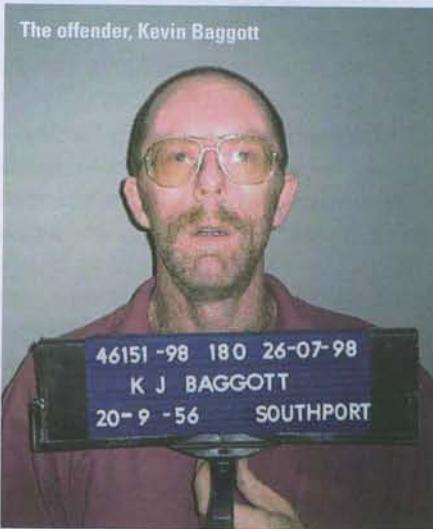


Steven Glendinning with Michelle's daughter Kara, Gold Coast Bulletin

"I am satisfied beyond a reasonable doubt that the reason you invited her (Michelle) to your house was to cause her some form of harm, whether by way of physical or economic harm... Then you killed her. How you killed her I cannot determine. Again you have given no version on oath. I am satisfied that the version you gave to the police was a lie. I do not believe that you killed her by one punch to the head... You have given no satisfactory account of your movements on the day of your wife's death, nor have you given any satisfactory account of the movements of her vehicle... The circumstances of the disposal your wife's body were most reprehensible. There is indignity in the process. It indicates a complete lack of remorse on your part for



"After a few moments of idle talk I cut to the chase and asked him to tell me where Michelle was"



The offender, Kevin Baggott

what you have done. There is indifference to the feelings of Kara and to the feelings of your wife's parents... When you made your confession in the police car, and for some time thereafter at the police station, you showed tears. You cried tears, in my view, of self-pity. They were not tears of remorse."

Appeals

Kevin Baggott appealed his conviction to the Queensland Court of Appeal. He appealed on the grounds of severity of sentence. Baggott had no previous convictions and was hoping for a reduction in sentence. On 3 March 2000 the three Supreme Court Justices, Mackenzie J, McMurdo P and McPherson J A, handed down their decision. McMurdo and McPherson upheld the sentence of 11-years whilst Mackenzie dissented. McPherson had the following to say in his judgment:

"The consequences of his (Baggott) action have been serious for those concerned. Not only is his former wife dead, but a number of people have suffered whose victim impact statements can be seen

in the record. In particular the little girl, Kara, who was only about ten when this happened, has been orphaned by the action of the applicant; and, according to reports which we are given, it has proved very difficult for her to come to terms with the loss of her mother. There is a rather moving statement from her of her problems and her longing to see her mother again. In all the circumstances and, in particular because there is, as I see it, nothing in the material before us to demonstrate that the sentencing discretion miscarried, or that the sentence was obviously excessive, I consider that we are bound in accordance with the principles on which we act in this court to dismiss the application for leave to appeal, and I would do so."

The sentence stood. Baggott then attempted to appeal the matter to the High Court of Australia but failed.

Further Efforts to Find Michelle

In 2007 Kevin Baggott was released from jail. Shortly thereafter Detective Sergeant Justin Percival and I went to visit Baggott at home. The purpose of the trip was to elicit the true whereabouts of the remains of Michelle. This was to give some closure to her parents, and her daughter Kara. Surprisingly, after almost ten years Kevin looked little different from when I had first met him. After a few moments of idle talk I cut to the chase and asked him to tell me where Michelle was. Despite my best attempts he refused to move from his original version. As Justice Fryberg stated, "... the version you gave to the police was a lie" and I still believe this to be the case. Ten years on and Michelle has still not come home.