

Mary Kellett: Prosecutor on a Mission

Everyone remembers Michael Nifong, the North Carolina prosecutor who was eventually disbarred due to his misconduct in the 2006 Duke University lacrosse case.

Prosecutors play an essential, even heroic role in our nation's criminal justice system. But prosecutors have enormous leeway in deciding which cases to pursue. Sometimes they abuse that power.

One such person is Mary Kellett, assistant district attorney in Ellsworth, Maine.

How VAWA Contributes

The cornerstone of the Violence Against Women Act is Section 101, which awards millions of dollars annually to support criminal justice efforts around the country. Of all Section 101 funds, one-quarter – \$52 million annually -- is allocated to bolster prosecutorial efforts.

If probable-cause exists, of course the case should be prosecuted. But the problem is, two-thirds of all prosecutors' offices have now implemented so-called "no-drop" policies for domestic violence cases.

Probable cause or not, we're coming after you.

Innocence is No Excuse

Ligia Filler is a proven child abuser with a severe psychological condition and a criminal history. She also had a known propensity to falsely accuse. All this is a matter of public record.¹

In 2007 her husband Vladek informed her of his plan to leave the state to protect the children from her continuing violent episodes. Within days, Ligia responded with what's called the "nuclear option" -- she accused him of marital rape.

There were no bruises, cuts, tears -- nothing. There was no DNA or forensic evidence. The details of the alleged incident were so implausible as to appear to be inspired by a conversation with aliens. *And when the accuser went for a medical exam, she refused a rape kit that would have proven her case.*

But that didn't stop Mary Kellett from taking the case. That's because her website makes the no-drop promise, I will "prosecute *all* cases."

Maine Supreme Court Weighs In

Because her case was so weak, Prosecutor Kellett conspired to prevent the defendant from introducing evidence that would have revealed the accuser's history of child abuse, psychiatric illness, criminal justice charges, and false allegations.

The case was eventually appealed to the Maine Supreme Court. On September 9, 2010 the Supreme Court ruled that Keller had "improperly encouraged the jury to use the absence of evidence regarding the marriage ending and a child custody dispute – evidence that had been excluded based on the State's objection – as a reason to reject [defendant] Filler's case."

Based on this and many other documented instances of prosecutorial misconduct, SAVE is now calling for the disbarment of Mary Keller.²

Betrayal of Victims?

Mandatory prosecution is not the solution to domestic violence or sexual assault – quite the opposite. No-drop prosecution diverts scarce prosecutorial resources away from the real victims. And one study found no-drop prosecution was associated with a *doubling of homicide risk for wives.*³

We need to rein in the Mary Kelletts of the world so the real victims can get the priority and protections they deserve.



STOP ABUSIVE AND VIOLENT ENVIRONMENTS

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¹ <http://www.fillerfund.com/index.htm>

² <http://www.saveservices.org/wp-content/uploads/COMPLAI.pdf>

³ Dugan L, Nagin D, and Rosenfeld R. Exposure reduction or backlash? NCJ Number 186194. 2001.

<http://www.ncjrs.gov/app/Publications/Abstract.aspx?ID=186193>