



STOP ABUSIVE AND VIOLENT ENVIRONMENTS

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March 29, 2011

Governor Paul R. LePage
1 State House Station
Augusta, ME 04333

RE: DISBARMENT COMPLAINT REGARDING ADA MARY N. KELLETT

Dear Governor LePage:

Stop Abusive and Violent Environments (SAVE), a national victim advocacy organization, is writing to bring to your attention a critical situation involving the welfare and safety of under-age children. The situation is being aided and abetted by the unethical and harmful actions of Mary N. Kellett, assistant district attorney in Maine Prosecutorial District No. 7.

Background of Ligia Filler

Ligia Filler, who resides in Ellsworth, Maine is a mother of three, two of whom are minors. The record shows Ms. Filler is a proven child abuser with a criminal charge record.¹ In 2009 her 10-year-old son testified in a pre-trial interview that his mother regularly abused him, and hit his toddler brother and older sister. Her son stated, “my mother would hit everyone in the house. She was a terror to everybody.”

Ms. Filler has a long history of mental illness. For example the night of April 24, 2007, Ligia repeatedly called 911. She was later discovered on the road, partially clothed, screaming death threats at the police officers who had responded to the call. Ms. Filler was “flipping out” and “certifiable” for admission to a mental facility, according to one policeman on the scene.²

Ligia Filler also has a documented willingness to make false allegations. Responding to her allegations of child molestation, one court warned, “She has shown a capacity to manufacture claims.”³

Current Case

Because of Ligia Filler’s erratic and extreme behavior, in April 2007 husband Vladek informed her of his plan to move out of state for the protection of their children.

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

² http://www.youtube.com/watch?v=GSKlcOhjaJg&feature=player_embedded#at=20

³ Ellsworth District Court, December 3, 2009. Findings at Page 4, Paragraph 1.

In response, Ms. Filler employed what is often termed the “nuclear strategy.” Shortly afterwards, she accused her husband of marital rape.

Her children stated she evidenced no signs of distress when they saw her an hour after the alleged incident. She never provided any physical evidence of the alleged assault and she refused to allow the physician to use a confirmatory “rape kit.” Defense attorney Daniel Pileggi stated his belief that the accusations were so implausible as to be possibly the result of a whimsical conversation with aliens.

T.J. Ward, who was the lead investigator in the Natalie Holloway case (the teenage girl who was abducted and killed in Aruba), has investigated the evidence, and has concluded Ms. Filler’s allegations of marital rape are spurious and entirely without merit.⁴

Around August 8, 2007, Assistant District Attorney Mary Kellett filed seven indictments of assault. The allegations ranged from anal rape to an incident referred to as “water-splashing.” The case was tried January 12-15, 2009. Mr. Filler was found guilty on three charges and innocent on four charges.

During the course of the trial, ADA Mary Kellett repeatedly engaged in prosecutorial conduct:

1. She sought to exclude evidence of Mrs. Filler’s legal efforts to gain custody of her children, evidence that was central to Mr. Filler’s effort to impeach Mrs. Filler’s testimony.
2. During her closing argument, ADA Kellett referred to the absence of exculpatory evidence – evidence that she herself had sought to exclude – as proof of Mr. Filler’s guilt.
3. She personalized the proceeding in a way that served the color the jury’s perception of the defendant, at one point prompting this rebuke by the judge: “I’m troubled by you going beyond that.”⁵
4. She shifted the burden of proof to the defendant, stating in her closing argument, “there was no evidence that the sexual acts did not occur.”

A divorce action was being pursued during the same time period, with the final divorce hearing taking place November 16-18, 2009. Compelled by the consistency and strength of the evidence, the divorce court ruled that Ligia Filler had abused the children and knowingly made false accusations of child molestation. The divorce court awarded child custody to Vladek Filler, with one-hour weekly supervised visitation contacts awarded to Ligia.

Meanwhile, the criminal case was being appealed to the Maine Supreme Judicial Court. On September 9, 2010 the Court issued its decision, remanding the case for a new trial and concluding that “Filler was prevented from establishing that his wife had initiated a series of legal actions to secure legal custody of the children after she had alleged the incidents of abuse that resulted in Filler’s prosecution.”⁶

⁴ False rape claims exposed on AVoiceforMen Radio with T.J. Ward. *Current.com*. March 10, 2011.

⁵ Transcript, p. 126.

⁶ <http://www.maine.gov/tools/whatsnew/attach.php?id=129069&an=1>

The new trial is now scheduled for May 23-26, 2011 in Ellsworth Superior Court. ADA Mary Kellett is expected to be a member of the team involved in the re-trying of the case, raising the specter of a worrisome continuation of prosecutorial abuses.

Conclusion

Stop Abusive and Violent Environments (SAVE), is now petitioning the Board of Overseers of the Bar for the disbarment of Mary N. Kellett, Maine License #7576. The full Complaint can be seen here: <http://www.saveservices.org/wp-content/uploads/COMPLA1.pdf>

The Complaint demonstrates that over the course of the prosecution, ADA Mary Kellett has failed to make timely disclosures of the existence of exculpatory evidence, has repeatedly obstructed the defense attorney's access to evidence, has relentlessly prosecuted a criminal charge that was not supported by probable cause, and made a false statement of fact to a tribunal. Overall, she has engaged in unethical conduct that is prejudicial to the administration of justice.

In the words of court-appointed attorney Neil Fishman, the trial of Vladek Filler was so tainted with prosecutorial errors and violations of constitutional protections as to resemble a "Salem Witch Trial."

The Maine Supreme Judicial Court ruled that Kellett acted improperly in prejudicing the case and impairing the defendant's ability to mount an effective defense. Kellett's actions represent repeated and knowing violations of the Maine Rules of Professional Conduct, and thus constitute prosecutorial abuse.

In sum, Mary Kellett's repeated instances of prosecutorial misconduct has had the effect of undermining public respect for law. She is dangerous to the even-handed administration of justice. Kellett has been shown to be a tireless enabler of a known perpetrator of child abuse. Therefore, prosecutor Kellett's actions demand disbarment by the Maine Board of Overseers of the Bar in order to assure the safety and tranquility of the citizens of Maine.

We urgently request that you intervene to restore justice and protect the best interests of three children whose lives will be irrevocably affected by the outcome of this case.

Sincerely,

Stop Abusive and Violent Environments