

VLADEK FILLER

Other Maine Exonerations



Vladek Filler

On April 26, 2007, 37-year-old Vladek Filler was charged with physically and sexually assaulting his 37-year-old wife, Ligia, in Gouldsboro, Maine, after she told police he had attacked her on various occasions beginning in December 2005.

At the time of Filler's arrest, he and his wife were in divorce proceedings and were battling over custody of their two sons. The marriage had been deteriorating for about two years, but the enmity escalated when Filler said he wanted to move to Georgia with the boys to live near his mother.

The charges were triggered when Ligia ran into the street from the family home holding one of the boys, yelling that she wanted to kill her husband for molesting and abusing their children and that she feared he would kill their 12-year-old son. Ligia told police that Filler sexually assaulted her against her will. The children were removed from the home and put in foster homes and Filler was charged with felony gross sexual assault and misdemeanor assault.

By the time Filler went to trial in Hancock County Superior Court in January 2009, a state social services investigation had found no evidence of any abuse of the children and Filler had been awarded custody of the two boys.

At the trial, Ligia testified that Filler forced her to have sex against her will when he became angry. She said that in April 2007, he raped her on a clothes dryer because she used his bank account to pay for getting her hair cut and used their car when he intended to use it. She also testified that he physically assaulted her in December 2005 and on April 20, 2007.

A physician testified that he could find no signs of sexual abuse. A police officer testified that Ligia had a bruise on her arm which she said was the result of Filler's abuse.

Filler's defense attorney attempted through cross-examination of Ligia to impeach her credibility by pointing out that she did not make her allegations against Filler until after she realized that there would be a custody battle. The trial judge sustained objections by Assistant District Attorney Mary Kellett to defense questions regarding legal steps Ligia took to try to get custody of the children.

Filler's defense attorney, in his closing argument to the jury, said Ligia's testimony was not credible and that she only made the claims of sexual and physical assault when it became clear that there would be a custody battle.

The lawyer said that Ligia "began hedging her bets in the child custody battle" by telling "tales to friends; tales, ladies and gentlemen." He also told the jury that "[t]here's nothing wrong with wanting to keep your kids . . . [and] with being desperate in a child custody situation [but] [t]here is something wrong with using the criminal process to do so."

In rebuttal, Kellett told the jury that there was no evidence of any child custody dispute and that they should not decide the case on "facts that aren't in evidence" relating to any custody battle. "The suggestion that [Ligia] has made this all up just for the purpose of getting ahead in the child custody, where is the evidence of that?" Kellett declared.

The defense objected to the argument, saying that Kellett had objected

State:	Maine
County:	Hancock
Most Serious Crime:	Sexual Assault
Additional Convictions:	Misdemeanor
Reported Crime Date:	2007
Convicted:	2009
Exonerated:	2015
Sentence:	Not sentenced
Race:	White
Sex:	Male
Age at the date of reported crime:	37
Contributing Factors:	Perjury or False Accusation, Official Misconduct
Did DNA evidence contribute to the exoneration?:	No

to the evidence of a custody battle and thus arguing there was no such evidence was improper. The objection was overruled.

On January 15, 2009, the jury convicted Filler of one count of gross sexual assault and two counts of misdemeanor assault. The jury acquitted Filler of four other counts of gross sexual assault.

Prior to sentencing, the defense filed a motion for a new trial, contending that the prosecution's argument to the jury had been improper. In March 2009, the motion was granted and the convictions were vacated.

The prosecution appealed the ruling. In December 2009, while the appeal was pending, the divorce was finalized. The divorce court found that Ligia had abused the children, made false allegations of molestation by Filler and had publicly threatened to kill Filler. The divorce court found that there was no evidence of spousal rape. In September 2010, the Maine Supreme Judicial Court upheld the decision and ordered a new trial.

Filler went to trial a second time in May 2011 and on May 27, 2011, he was convicted of one misdemeanor assault charge. He was acquitted of gross sexual assault and the other misdemeanor assault charge. He was sentenced to 21 days in jail.

In 2012, after his conviction had been upheld on appeal, Filler filed a complaint with the Maine Board of Overseers of the Bar, the agency which handles complaints about attorney misconduct.

The complaint alleged that Kellett had failed to disclose to Filler's defense lawyers two pieces of exculpatory evidence. One was a copy of a 911 call from Filler's wife on April 24, 2007—just prior to her claim that Filler assaulted her and the children. On the call, Ligia said she needed help finding her cat and didn't mention anything about any sexual or physical assaults. The prosecution also failed to disclose a statement Ligia made to police five days after one of the alleged sexual assaults, during which she again made no mention of being raped. And the defense was never told that when the Gouldsboro police chief was shown the bruise on Ligia's arm three days after she said she was assaulted, Ligia said the bruise had just appeared that day.

In July 2013, Kellett admitted she violated rules of the Main State Bar after a board grievance panel found that she had violated seven bar rules. Kellett admitted that she made an improper argument during Filler's trial and that she failed to disclose evidence favorable to Filler's defense, although she said that police never informed her of the evidence. Ultimately, the state board ordered Kellett suspended for one month, but then suspended that penalty in lieu of Kellett obtaining six hours of legal education, including one hour relating to the professional and ethical duties of a prosecutor. She was the first prosecutor to be sanctioned in Maine for prosecutorial misconduct.

In 2015, Filler's attorney filed a motion to vacate and dismiss the misdemeanor conviction. The motion was granted on April 24, 2015 and the charge was dismissed.

Filler filed a federal civil rights lawsuit against the prosecutor, police and the city of Gouldsboro in 2015. The lawsuit alleged that a recording of an interview of Ligia by a nurse was edited to exclude a portion where the nurse advised Ligia to cry when she testified so that the rape would seem more real. The lawsuit was settled for \$375,000 in September 2018. In 2019, a federal judge ordered a registered nurse who testified against Filler to pay him \$1.8 million in damages.

– *Maurice Possley*

Report an error or add more information about this case.

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ABOUT THE REGISTRY

The National Registry of Exonerations is a project of the Newkirk Center for Science & Society at University of California Irvine, the University of Michigan Law School and Michigan State University College of Law. It was founded in 2012 in conjunction with the Center on Wrongful Convictions at Northwestern University School of Law. The Registry provides detailed information about every known exoneration in the United States since 1989—cases in which a person was wrongly convicted of a crime and later cleared of all the charges based on new evidence of innocence. The Registry also maintains a more limited database of known exonerations prior to 1989.

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