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Good afternoon distinguished members of the Judiciary Committee. My name is Vladek Filler. I submit my testimony before you in the strongest possible support of LD-302, "An Act To Amend the Laws Governing Post-conviction Review in Order To Facilitate the Fair Hearing of All Evidence in Each Case Involving a Claim of Innocence".

My family and I endured a nightmare that no person should ever have to endure. My 12 years of court battles in Maine have set many new precedents and have been the subject of thousands of pages of legal documents, numerous Court Findings, and hundreds of articles and news reports published across the country and the world.

I was criminally prosecuted for 8 years from 2007 until 2015 when I was finally exonerated of the last of the false claims made against me by my ex-wife during our separation and bitter child custody dispute in Maine's Hancock County.

In 2007 I tried to leave an abusive 16 year relationship with my wife, and relocate with my two sons to live with family members near Atlanta, Georgia. As a result of my attempt to finally leave the relationship, I was put through a surreal nightmare.

Three days before I was scheduled to leave, my ex-wife Isabella Arguetta seized our youngest child and moved in with a woman she met. Soon after that she ended up involuntarily hospitalized while making outrageous claims and threats in an effort to gain custody of our children. The Next Step Domestic Violence Project organization got involved with their ideology of 'believe all women.' Maine prosecutors and law enforcement officials got involved who were also closely associated with the Next Step organization. Department of Health and Human Services was contacted and got involved as well.

While Next Step began advocating and legally representing my ex-wife in the divorce and child custody battle, some of Next Step's members, supporters, and liaisons were working at the DA office and law enforcement agencies that were prosecuting me using criminal law.

I faced the loss of my children to the State and the loss of my freedom for up to 152 years because of fabricated lies and malicious prosecutorial and police misconduct.

I was forced to fight the entire Maine legal system for my life and for my children's lives on every front.

I fought the State prosecutor's trumped-up felony charges, the DHHS child protection charges, and my then wife and her pro-bono attorney from the Next Step organization.

I fought 3 separate Protection from Abuse complaints which my ex-wife filed in two Maine counties against me in her repeated effort to regain custody of our children from me.

I cooperated with two different Guardian Ad Litem investigations, one that was commissioned by DHHS and another by my ex-wife. I struggled to pay legal bills until my family and I went completely broke and I was forced to represent myself and my children Pro Se.

No legal aid agency in Maine would agree to provide me and my children with legal assistance because I was a man and because the domestic violence industry in Maine treated me as an enemy, rather than a male victim who was seeking help.

Organizations such as Next Step were publicly using me and my case in order to lobby to get new legislation passed in Maine against men.

I was confronted with the full force of the Maine system of justice and the numerous domestic violence 'advocates' who appeared protesting against me at my hearings without even knowing me. Despite all this I still gained sole custody of my two sons.

What followed were trumped-up criminal indictments, a multi-count criminal jury trial for false Class A Felony charges of spousal sexual assault and assault, a false conviction, a trial court's reversal, the prosecutor's appeal, a divorce in the middle of the State's criminal appeal, a divorce appeal filed by my ex-wife, a multi-count criminal retrial, a second criminal appeal for a misdemeanor conviction, false imprisonment, a 1st of its kind board of overseers actions initiated by me against the prosecutor, a post-conviction review where the sole remaining fraudulent misdemeanor charge for which I was jailed was finally reversed and dismissed after 8 years of full time legal battles.

For the next 4 years I fought the Attorney General's office and an army of top notch private defense lawyers hired to represent 4 Maine prosecutors, 6 law enforcement officers, and 4 law enforcement departments. All of whom ended up settling my Federal Civil Rights lawsuit with me in a first ever settlement of its kind in Maine.

To date none of them have admitted any responsibility, guilt, or expressed any apologies to me or to my family. None have been held accountable for what they did in my case despite a mountain of evidence and admissions.

To find justice I have been forced to fight the State of Maine for 12 years with my life put on indefinite hold. I had to face over 20 different judges from District Court, to Superior Court, to State Supreme Court, and was even forced to defend my lawsuit before the US 1st Circuit Court of Appeals. 12 years of my life and over 20 judges later is what it took to finally get some of the truth out and to finally clear my name.

I beg the distinguished members of this Judiciary Committee to bear all of that in mind as you consider allowing a very modest reform to the Post Conviction Review process that could help other innocent people who are currently trapped in that same system.

To say that my life has been a living nightmare for the past 12 years would be an understatement. And I had to endure it while raising my two sons as a single father with my youngest son being only 1 ½ years old when all of this began. No father should hug their children good bye before leaving for Court and wonder if or when they will ever see their children again.

From the beginning, authorities were aware of exculpatory evidence and admissions. Instead of the State prosecutors fulfilling their duty to seek truth and justice instead of merely a conviction, I was forced to deal with prosecutors and law enforcement officers who repeatedly and deliberately withheld exculpatory facts and evidence, and refused to cooperate with my attorney's requests and subpoenas for that evidence.

I had to deal with officials who coached my ex-wife, helped her come up with different stories and claims, and who directly and indirectly engaged in fabrication of false evidence while withholding exculpatory evidence in my case.

The prosecutor ignored not only defense requests but even a court order for specific records and recordings. The DA office's policy was to send defense attorneys on a wild goose chase for discovery records by telling them to just go and seek them directly from law enforcement agencies. But as my case illustrated, the law enforcement officers were then given legal advice and instruction by the prosecutor not to comply with defense requests and subpoenas for records. The State was legally required to turn over all the evidence to defense lawyers, but instead the prosecutors and law enforcement officers deliberately withheld crucial evidence.

Exculpatory reports, recordings, and 911 records were deliberately withheld from production and a crucial video with audio that captured my ex-wife's exculpatory admissions was deliberately destroyed after numerous demands and after a Court order for its production. The excuse later given was that there was no VCR available to copy the VHS tape for production to defense, therefore the sole copy of the exculpatory recording was destroyed instead.

Some of the police reports I was entitled to and fought to obtain were finally turned over to me 10 years later in the course of my Federal Civil Rights lawsuit.

Had I been forced to sit in prison, for 152 years, as a completely innocent person and wait for all those same actors who deliberately withheld exculpatory records to somehow provide them to me in a timely manner to meet Maine's Post Conviction Review requirements, I believe I would die in prison before those actors would voluntarily abide by the rules.

How many men are sitting in Maine prisons that are innocent and can't get evidence released to them or get a Post-Conviction Review hearing for the evidence that they actually manage to obtain?

I can't even begin to touch upon the outrageous misconduct and violations that were committed in my case, inside and outside of the courtroom. My Federal Civil Rights lawsuit was 103 pages long and even it was limited in scope only to violations for which the State defendants did not enjoy immunity protection. In other words, even my 103 page concise lawsuit could not detail all the violations committed in my case because the State actors enjoyed immunity from private lawsuits for much of the misconduct they actually engaged in.

Despite all that my case managed to reveal, the State and County actors involved have not been held accountable. Many of the actors in my case continue to hold positions of power and influence to this day.

Attorney Mary Kellett Gray continues to practice law in Ellsworth. Paul Cavanaugh is the current Deputy District Attorney for Kennebec County and has twice sought to become a District Attorney. Detective Stephen McFarland continues his work as Detective for the Hancock County Sherriff's Department. And Deputy Travis Willey, now promoted to Lieutenant, continues his work for Washington County Sherriff's Department.

On January 23, 2019 at the final hearing of my Civil Rights lawsuit at Federal District Court in Bangor, the Honorable Judge John Woodcock Jr. stated:

“And this is really, from a judicial perspective, it's just appalling. I can't say how sorry I am to you that you had such a terrible experience with the criminal justice system in this country and in this state. There's no excuse for what happened to you. I know that you were born in Kiev. Not far from Kiev is Prague. In Prague, there was an author named Franz Kafka, and he wrote a book called The Trial about a man who is subjected to a malicious and befuddling and horrific trial system, and, unfortunately, you're a living embodiment of what Franz Kafka wrote about. And I'm just terribly sorry it happened to you; there is just absolutely no excuse.”

Distinguished members of the Judiciary Committee, I present my testimony before you with the hopes and prayers that no other Mainer is ever put through the kind of nightmare that my family and I were put through. That innocent people who are convicted of crimes in Maine may be given a chance to find justice by being allowed to present evidence of their innocence through Post-Conviction Reviews as proposed by LD-302 that is before you.

I am asking the Judiciary Committee to please help the Maine Justice system by allowing any wrongs that were committed against innocent people, and their families, to have a chance to be corrected by the passing of LD-302, and by taking any and all further legislative actions necessary to protect the Rights of all Mainers, their families, and their communities from the kind of prosecutorial and law enforcement abuses which my family and I were forced to endure.

Thank you for your consideration and for this opportunity for me to be heard.