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Maine AG: Public pressure won't speed Ayla Reynolds case

Legal experts say that public pressure and publicity to bring charges in a case can often do more harm than good.

BY [MATT HONGOLTZ-HETLING](#) STAFF WRITER



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Trista Reynolds plans to release details about the case of her missing daughter, Ayla, to the public Tuesday in hopes, she said, it will lead to charges against Ayla's father.

Justin DiPietro was caring for the 20-month-old child in his Waterville home when he reported her missing Dec. 17, 2011.

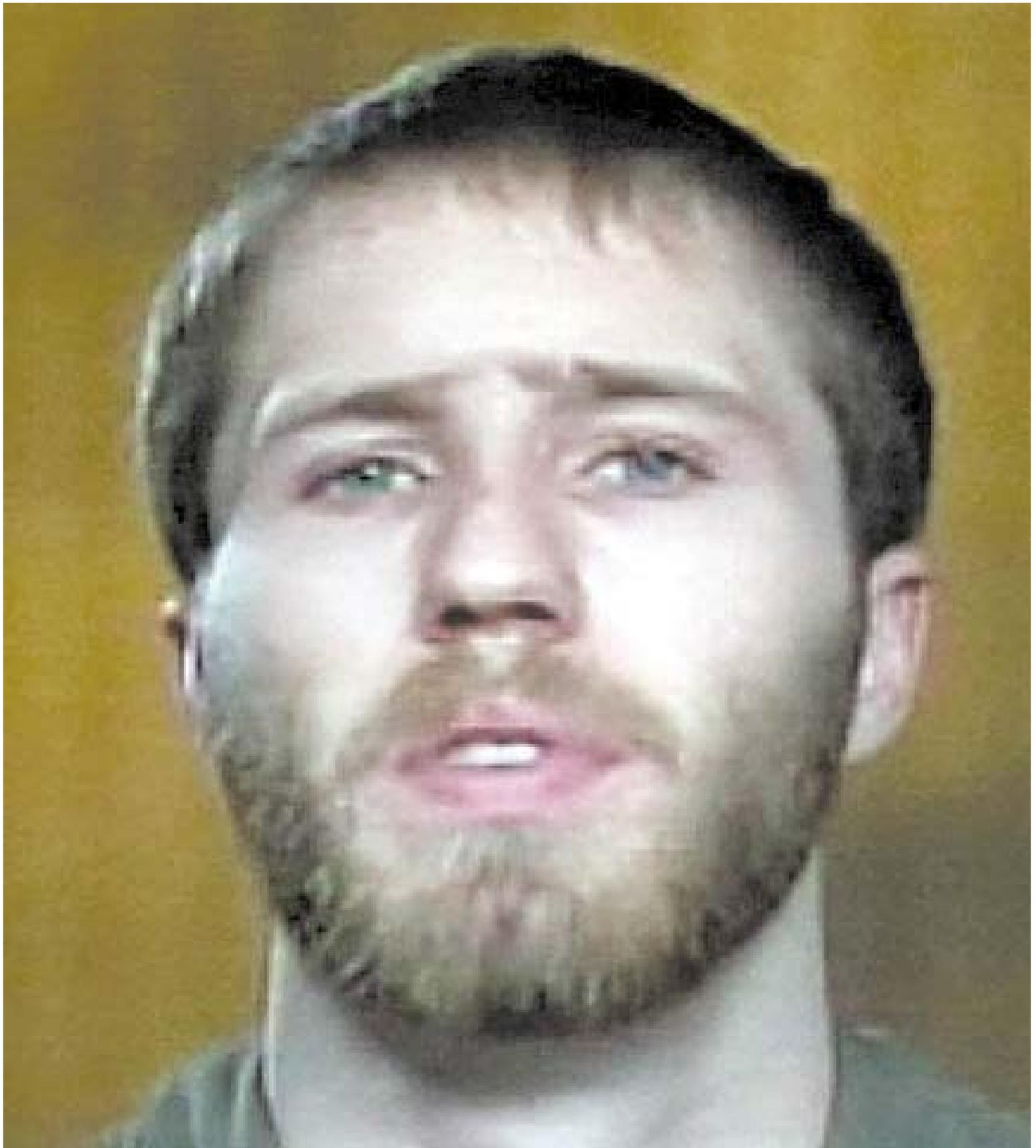
ADDITIONAL PHOTOS



Trista Reynolds, 25, holds a photo of her 20-month-old daughter, Ayla Reynolds, during an interview with the Associated Press in Westbrook on Sept. 17. Reynolds, whose daughter went missing in December 2011, says she's going to release more information she's been told by investigations in hopes of calling



Ayla Reynolds *Contributed photo*



Justin DiPietro *Contributed photo*



Deputy Attorney General William Stokes *Staff file photo by Joe Phelan*



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Maine State Police said in May 2012 that Ayla is probably dead. The case is still being investigated.

Reynolds and her supporters say the state has all the evidence needed for a prosecution.

But legal experts say that it's not that simple and public pressure and publicity can often do more harm than good.

In a case like Ayla's, law enforcement officials are often battling not only a complicated case that can be difficult to prosecute, but also intense pressure from an angry public seeking justice.

State Deputy Attorney General William Stokes said Maine's investigators and prosecutors are frustrated,

but won't allow emotion — either their own or those of the family — to have an impact on the case.

DiPietro said he last saw Ayla, wearing pajamas that said “Daddy’s Princess,” when he put her to bed at his 29 Violette Ave. home the night of Dec. 16, 2011.

He'd moved from Portland into his mother's home in October, when he took temporary custody of Ayla, so his mother could help care for her. His mother, Phoebe, was not home the night Ayla disappeared, but his sister and girlfriend and their children were.

When DiPietro got up the next morning, Ayla was gone, he told police. His call to them sparked a search that became a criminal investigation two weeks later.

Before that day, Ayla was the center of a custody battle between her parents. She'd gone to live with DiPietro when Reynolds went into rehabilitation for substance abuse. The day before she disappeared, Reynolds filed for permanent custody.

Since then, the battle between the two has been over whether DiPietro is to blame for Ayla's disappearance.

Public statements from the families and heavy media coverage have fired up public emotion, including frequent calls on websites set up to chronicle the case for DiPietro's imprisonment or even death.

DiPietro and his supporters have said Ayla was taken from the home by strangers, a claim Steve McCausland, spokesman for the Maine Department of Public Safety, said doesn't “pass the straight-face test.”

The investigation, which police have called the largest criminal case in the state's history, is now a month older than Ayla was when she disappeared.

Tired of waiting for an answer, Reynolds plans to reveal what a website run by her family calls horrific physical evidence.

Earlier this month, Reynolds told a television interviewer that police told her they'd found Ayla's blood in DiPietro's vehicle, on his shoes and in his bedroom.

Police also said in January 2012 that they found traces of her blood in the Violette Avenue home's basement.

The court of public opinion

If what Reynolds says is true, that evidence may appear to prove guilt beyond a reasonable doubt — the

legal threshold needed to convict a person of a crime in the United States.

But the public and the Reynolds family are not capable of making that judgment, said Josh Tepfer, an attorney and co-director of the Center on Wrongful Convictions.

The center, a joint project of schools of law at the University of Michigan and Northwestern University, maintains a national registry of exonerations — crime convictions that are overturned when the person is proven innocent.

The center has documented more than 2,000 exonerations in the U.S. over the past 23 years. That number represents a small percentage of those wrongfully convicted, Tepfer said.

While Tepfer has no direct knowledge of the Ayla Reynolds case, he said it bears the classic hallmarks of cases in which law enforcement officials are pressured into bringing charges.

When violence is perpetrated against a child, it leads to a level of hysteria among the public, he said, and rural Maine is just the type of place where public outcries are most powerful.

“If it’s in a smaller community, things like abductions and missing toddlers and violent crime is uncommon and it upsets the community,” he said. “People in the community talk about it. Sometimes things they hear aren’t true.”

The net effect can be imprisonment for those who are innocent, and freedom for those who are guilty, Tepfer said.

In many cases, seemingly airtight cases have unraveled, the initial suspect eventually proven innocent, he said.

Among the wrongful conviction cases documented by the center is one in Maine.

In the 1930s, a man who had been convicted of murdering a local doctor wrote a lengthy letter from prison in which he claimed that Oxford County Sheriff’s Deputy Frank Carroll was the one who actually did it. The convict claimed Carroll beat the doctor to death to prevent the doctor from exposing a sexual relationship between Carroll and Carroll’s daughter.

The accusations of incestuous molestation were sensationalized in newspapers across the country, bringing intense public pressure to bear on police and prosecutors.

Carroll was convicted in 1938. He was eventually proven innocent and freed, but not until 1950, after he spend 12 years in prison.

Battling emotions

The decision of whether to move forward with charges in the Ayla Reynolds case ultimately lies with the attorney general's office, and Stokes said his criminal investigation remains unaffected by the public uproar.

"You just can't let public pressure or public emotion affect your judgment because you really do compromise the integrity of the investigation," he said.

Stokes said that in the last month alone, he's gotten 31 messages through an online comment form on the attorney general's website asking for justice to be brought in the Reynolds case.

The messages are the product of a group of active websites, blogs and Facebook pages dedicated to Ayla in which commentators repeatedly express anger that DiPietro hasn't been taken into custody.

Postings urge group actions including contacting Stokes, signing petitions, putting signs up on lawns and leaving porch lights on overnight.

One Facebook page includes hundreds of digitally altered pictures of Ayla, often placed alongside images of DiPietro, in which speech balloons and thought balloons are inserted that accuse DiPietro of the crime.

Jeff Hanson, Trista Reynolds' former stepfather, operates one of the sites, aylareynolds.com, and is in contact with those who operate others.

Hanson said the public campaign is designed to prevent the investigation from becoming a cold case, and he is prepared for the possibility that it could hinder the investigation rather than help it.

"I'll tell you what Trista said. She says it's her daughter and she wants justice," he said. "If the justice system fails because of what she's done here, she'll take the blame and so will I."

Hanson said he is aware that some people have called for DiPietro's death on the sites, and that he routinely deletes such comments.

He said he and the Reynolds family don't want anyone in the public to take action against DiPietro.

The goal of the public campaign, he said, is to push the attorney general's office to charge DiPietro, an action Hanson said is warranted by the evidence the family will release on Tuesday.

Hanson said Reynolds released the previous information about Ayla's blood to better prepare people for the possibility that the toddler is no longer alive.

Last week, Reynolds said, "After seeing what I've seen, I do believe Ayla is dead and I don't think they're

going to find her.”

Public pressure intense, immense

Stokes said the calls for DiPietro’s arrest won’t make a difference in the case, but experts said it can be almost impossible for law enforcement to be unaffected by the pressure.

Hanson said many rank-and-file investigators within the Maine State Police want the case to move forward, despite the official position of top administrators and state officials.

“There is dissension in the ranks of law enforcement,” Hanson said.

The impact of public pressure is difficult to quantify, according to Criselda Ruiz, interim executive director of the New England Innocence Project, which advocates on behalf of the wrongfully convicted.

“I don’t think anyone would doubt that media coverage and public perception can be a factor, but to what degree? I don’t know that anyone’s measured that,” Ruiz said.

Ruiz said prosecutors can be sensitive to outside pressure because perceptions about their success, both internally and externally, can be tied to the outcome of highly publicized cases.

Ruiz said such cases can also hurt a case farther along the process by making it difficult to find an unbiased jury.

Using publicity to push a case along “is a very bad idea,” said Bruce MacFarlane, a professional affiliate with the University of Manitoba Faculty of Law and former deputy attorney general of Manitoba.

“Public and media pressure ... poses the greatest risk for distorting normal decision making in the criminal justice system,” wrote MacFarlane in an academic paper on wrongful convictions.

In an email last week, MacFarlane said that the public information release is unlikely to advance justice.

“The bottom line is that the planned press conference, at least for that purpose, is a very bad idea,” he said. “Victim lobbying efforts, though well-intentioned, can backfire badly.”

In his paper, MacFarlane said law enforcement officials are most often swayed in publicized cases involving “violence toward a woman or child, or cases in which a child dies under tragic circumstances,” and that public outcry can lead to tunnel vision in which investigators build a case against an individual rather than weighing all evidence objectively.

Stokes said there is frustration about the case all up and down the chain of command, but the pressure of

emotion isn't swaying judgment.

“We're as frustrated as anybody else is,” Stokes said. “We're in the business of solving cases. There's nothing more frustrating to us than not being able to solve the case and bring some closure for everyone involved.”

Matt Hongoltz-Hetling — 861-9287

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