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Trista Reynolds calls for child endangerment charges in Ayla disappearance

As the missing Waterville child’s fourth birthday approaches, a grieving mother is pushing for answers.

BY AMY CALDER STAFF WRITER



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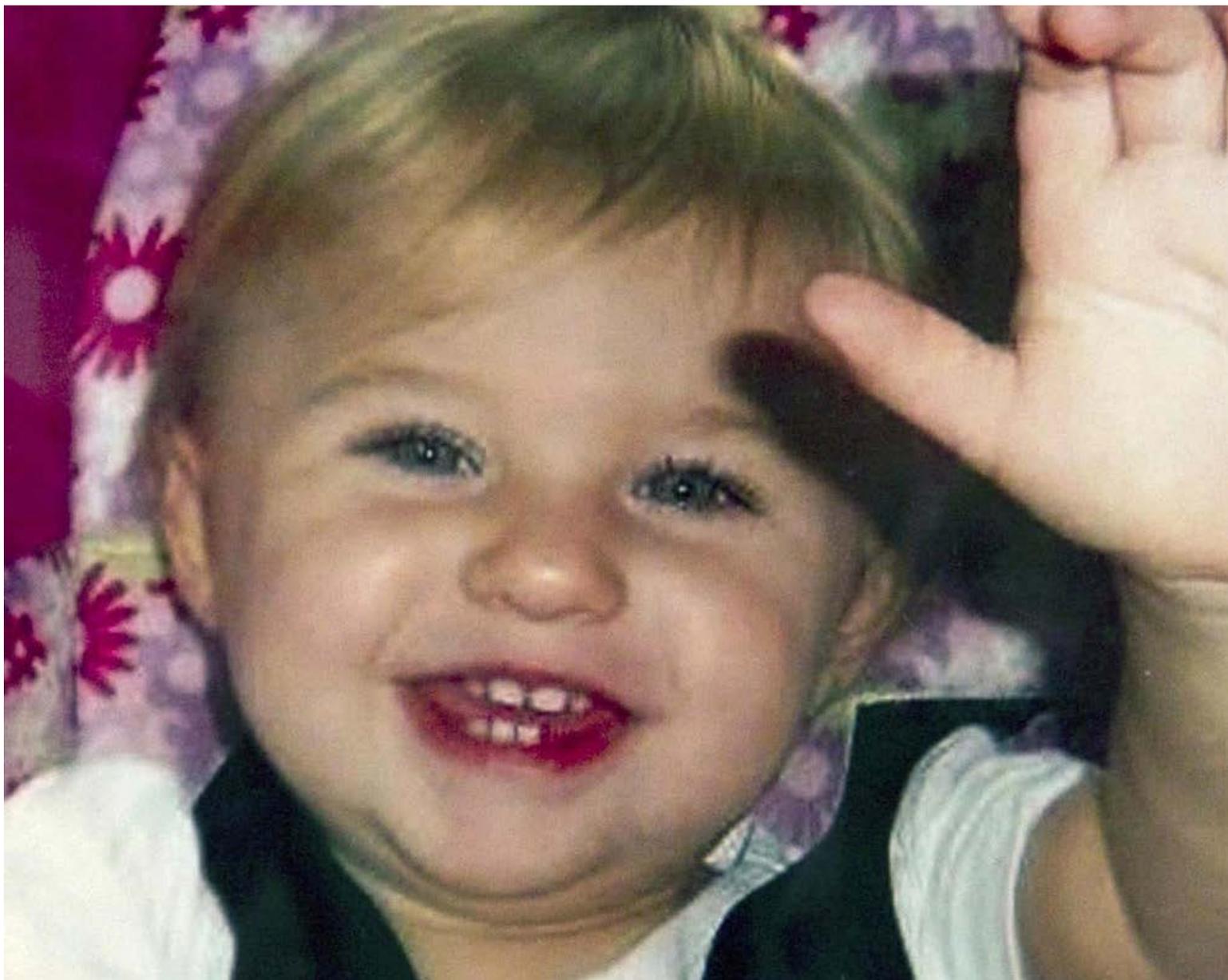


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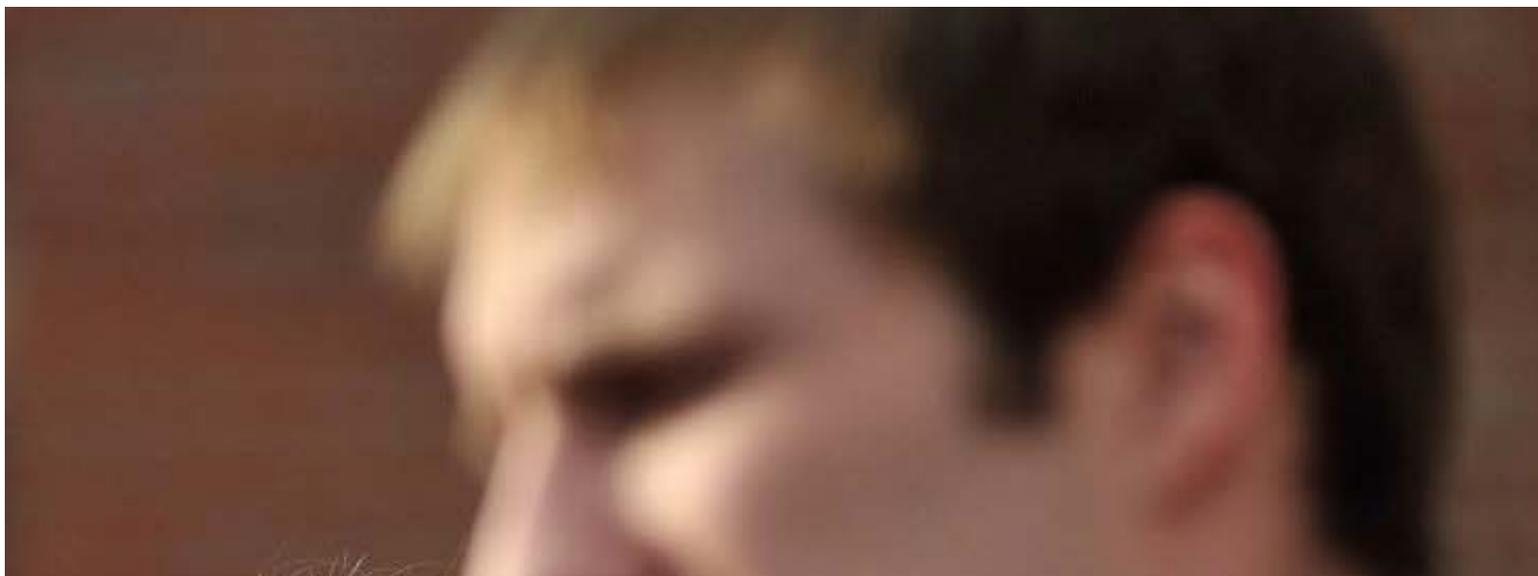
Ayla Reynolds’ mother is calling on the district attorney to bring child endangerment charges against Ayla’s father as the missing toddler’s case gets older with no resolution.

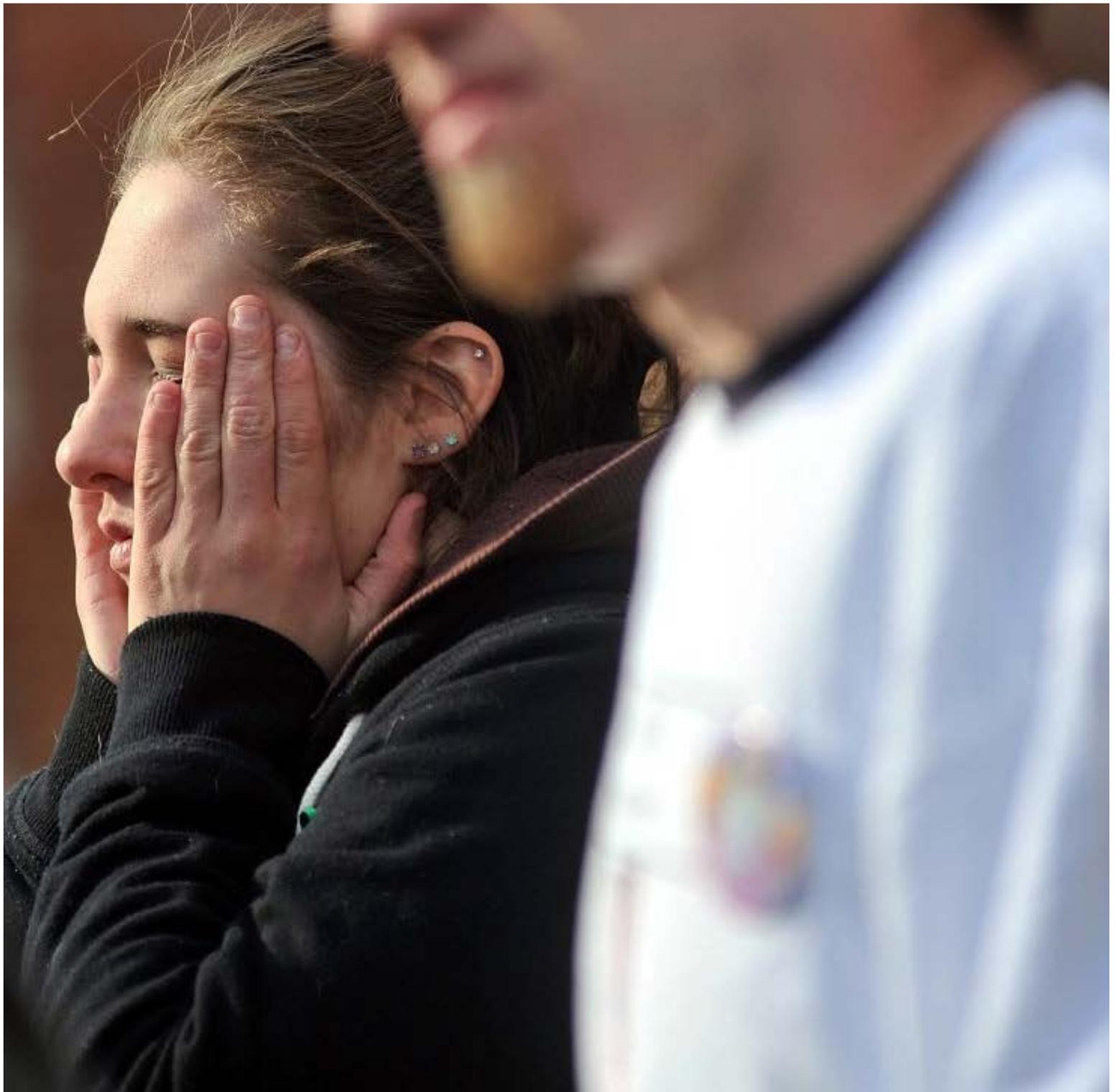
Trista Reynolds, in a letter to the Morning Sentinel, emphasizes that Ayla was in Justin DiPietro’s care Dec. 17, 2011, when he reported her missing from his Violette Avenue home in Waterville. She said in the letter — [as she has frequently in the past several months](#) — that police found enough of Ayla’s blood in the house to prove a crime had been committed.

ADDITIONAL PHOTOS



STILL MISSING: This undated file photo provided by Trista Reynolds shows Ayla Reynolds, her 1-year-old daughter, who was reported missing from her father's home in Waterville on Dec. 17, 2011. In a letter this week to the Morning Sentinel, Trista Reynolds is asking that Ayla's father, Justin DiPietro, be charged with child endangerment. *File photo*





THAT WAS THEN: Trista Reynolds, back, and Justin DiPietro speak to the news media in January 2012 during a vigil in Castonguay Square in Waterville to call attention to their missing toddler, Ayla Reynolds. Trista Reynolds, in a letter this week to the Morning Sentinel, is asking that DiPietro be charged with child endangerment. *Staff file photo by Michael G. Seamans*



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In the letter, dated March 24, Reynolds asks Kennebec County District Attorney Maeghan Maloney to bring child endangerment charges against DiPietro because the statute of limitations on such charges runs

out in nine months.

“Who can argue Ayla was not a victim of heinous abuse?” Reynolds asks in the letter. “Her father had a duty to protect her and he did not and for that he needs to be prosecuted.

“I call upon Maeghan Maloney to begin the prosecution of Justin DiPietro before time runs out.”

Ayla, who was 20 months old when she disappeared, would be 4 on Friday. Her disappearance launched the largest criminal investigation in Maine history.

“You may not have the authority to prosecute Justin for murder but you do have the authority, and the obligation, to prosecute him for other crimes,” the letter says.

STATE’S CASE

While Reynolds is asking for action from the county district attorney, since the case was transferred early in the investigation to the state attorney general’s office, all decisions about charges would come from that office.

Maloney said her office has no jurisdiction over the case. “Once a case is transferred, it is transferred completely, for all charges,” Maloney said.

Deputy Attorney General William Stokes said the case is still a major case, but he cannot discuss what charges might come from it.

State law gives the attorney general exclusive jurisdiction over homicides and other major cases, and while the Ayla case has not been classified as a homicide yet because there is no body, Stokes said, it is certainly a major case.

Stokes said he would be committing a crime to discuss why a specific person has not being charged.

“No prosecutor can talk about that,” he said. “It’s considered to be confidential criminal history record information, among other things.”

While he could not comment on the investigation, Stokes said it is very active.

“It’s almost a daily occurrence. The state police work on it and I’m brought up (to speed) on it. This is not what I’d call a cold case. We’re working on leads at least on a weekly basis on that case.”

Steve McCausland, spokesman for the state Department of Public Safety, concurs the case is open and active. State police, wardens, firefighters, FBI agents and others have conducted more than 20 searches for Ayla.

“There are no new developments,” McCausland said this week. “At this point, there are no new searches planned, but there will be additional searches.

Asked to comment on the contents of Reynolds’ letter, he said, “I have no reaction to any specifics in Trista’s letter.”

Stokes said he’s hopeful about solving the case “and so are the state police.”

Facebook messages to both Justin and Elisha DiPietro, his sister, who was in the house the night Ayla disappeared, seeking comment were not returned. There was also no reply to an email sent to their mother, Phoebe DiPietro, who owns the Violette Avenue house but was not home the night Ayla disappeared.

WITHOUT A BODY

DiPietro has said from the beginning that he last saw his daughter when he put her to bed Dec. 16, 2011, and awoke to find her bed empty.

He said he thinks someone took her from the house, but state police say they believe she is dead and DiPietro and the other adults who were in the house that night — Elisha DiPietro and his then-girlfriend, Courtney Roberts — have not told authorities everything they know.

Reynolds, in her letter, spells out the evidence she says is enough to prosecute for endangerment.

“My daughter’s blood was found on the car seat in Justin’s vehicle, on Ayla’s slipper, on a sofa upstairs, on her doll, on a fan cord downstairs in the basement, on a plastic tote, on a blanket found inside the tote (the Maine State Police said the blanket was used to clean up the blood), inside Justin’s sneakers, a ‘fist size stain’ on Justin’s mattress and sheets, on the cement floor and wall beside Justin’s bed (the MSP blood analysts determined that the blood splatters were created by intense projectile vomiting and/or blunt force trauma) and on a wood pallet in the basement,” Reynolds wrote.

Reynolds has said she learned of the blood evidence from police, but they repeatedly have refused to comment to the news media about it.

“My daughter suffered and suffered greatly while in the care of her father yet he has not been held accountable.”

She says “it is obvious that a crime was committed there.”

“You don’t need a body to prosecute this crime,” she wrote. “There is enough blood evidence to prove this crime has been committed.”

Stokes said the fact that no body has been found is a large part of why there haven't been charges.

"We certainly have prosecuted cases without a body," he said. "We did the Buddy Robinson case in Lewiston, and we eventually did find the body after the trial.

"More recently, in Aroostook County, was the George Jaime case from 1999. That case went to trial last fall and we were successful."

The Robinson case was concluded in 2012 after he was found guilty in Androscoggin County Superior Court of killing Christiana Fesmire, who had been missing since 2011. They both lived in Lewiston. He was sentenced to 55 years in prison.

Jaime, of Presque Isle, was convicted of murdering Starlette Vining, who had been missing since 1998 and whose body was never found.

"We have done it, so not having the body is not an absolute bar to prosecution; but it does present problems. It does present challenges," Stokes said this week.

Stokes said he can not speak specifically about the Ayla case, but he can talk generally about why prosecutors might not charge someone with a lesser crime in certain circumstances.

He points to [Title 17 A, section 14](#), of Maine criminal code, which says that a defendant can't be subject to separate trials for multiple offenses based on the same conduct, or arising from the same crime except in certain instances. A defendant can request to be tried separately on charges if "justice so requires," according to the statute.

Stokes said there is always a risk of violating section 14 when bringing lesser charges against someone and afterward lodging other charges based on the same incident.

"We would do a disservice to our entire system of justice if prosecutors and police officers make decisions based on public demands," he said.

He said he can understand Reynolds' frustration, however.

"We understand that, and our hearts go out to Trista and her family," Stokes said. "But as I've emphasized before, we have a professional responsibility to do this investigation in a correct way, and we really can't base our decision on petition drives or letters to the editor, as well-meaning as they may be."

The reason or theory behind section 14 is that someone could be tried multiple times, according to Stokes.

"The government could be wearing you down — wearing a defendant out who has limited resources.

Typically, you want to bring the charges that you can bring concerning an incident or conduct all at the same time, rather than piecemeal.”

Still, Reynolds’ stepfather, Jeff Hanson, who operates the website united4ayla.com and writes the blog aylareynolds.com, questions that pressing child endangerment charges poses a risk.

“What is the risk?” Hanson asked. “Why isn’t he telling Trista and the rest of Ayla’s maternal family this? Why has he refused time and again to meet with Ayla’s mother to discuss these matters? Instead, we are incumbent on second-guessing the state of Maine’s statutes and his involvement in Ayla’s case.”

THE TIME ELEMENT

The passage of time is not only hard on the family, whose members don’t know what happened to the child, but also can damage a criminal case.

Stokes, who has been with the AG’s office for nearly 40 years, said in the Ayla Reynolds case, it’s not a problem yet.

“This (Ayla case) isn’t that long,” he said. “In August we’ll be going to trial on a case that dates back to 1976. [Gary Raub is charged with killing Blanche Kimball](#), of Augusta. A couple of years ago we did the trial involving Rita St. Peter, which went back to 1980.”

In 2012, [Jay S. Mercier was found guilty of killing St. Peter](#), of Anson.

“So sometimes time can hurt us and sometimes time can work to your benefit,” Stokes said. “Obviously, you would prefer to be able to solve crimes as early in the process as you can. Two and a half years is a long time for the (Reynolds) family, but we have successfully brought older cases.”

The time Ayla has been gone seems an eternity to Trista Reynolds.

In a telephone interview Thursday, she said caring for her two boys, Raymond, who on Monday turns 3, and Anthony, 7 months, keeps her busy; but Ayla is never far from her thoughts.

Her letter to the Morning Sentinel reflects the frustration she feels about not seeing her daughter in more than two years and knowing whoever is responsible is still free.

And she is worried, she said, because the statute of limitations on the lesser class D endangering charge expires in less than nine months.

She said she knows she must accept that Ayla, in the words of state police, probably will not be found alive.

“I hate it, but I’ve got to keep faith and be strong, and I’ve got two little boys here at home,” she said in Thursday’s phone interview. “My daughter’s life right now is in state police hands, and I have to trust them as best I can. It’s been hard being patient, but I’m doing my best at it. I’ve got to keep it together, but some days are harder than others. This week is a little rough because it was the week before having her — of having mini-contractions. It’s a lot of memories, having her and being pregnant with Raymond.

“It’s a lot of things running through my head lately, and it’s sad.”

Amy Calder — 861-9247 Twitter: @AmyCalder17

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