

**Defendants**  
Five teachers and  
Ms. Virginia Buckey

# Where Are They Now? An Update on Defendants

by Jim Strickland

**F**ollowing up on the *Child Abuse Storm Scale — Part 1 (Child Care Information Exchange, January/February 1999) and Part 2 (March/April 1999) — this article shares the current status of several sexual abuse in child care cases that were prominent in the news.*

## McMartin Preschool

The McMartin case originally came to the attention of local Manhattan Beach (California) police in 1983. Following the initial complaint, the police sent letters to parents of 200 present and past McMartin children asking the parents to determine whether their children had been victims of criminal acts such as *sodomy* and *oral sex*. The letters produced no immediate additional complaints, but it alarmed some parents who contacted local officials. The parents

were referred to a diagnostic and therapy center *recommended by the district attorney*. Literally, as many as 400 children had been interviewed by the center with approximately 90% reporting abuse, animal sacrifice, secret rooms, and bizarre rituals. Six years elapsed from the time the case began until it went to the jury. It became the longest case in American history, cost \$15 million, and resulted in multiple charges against multiple defendants who collectively spent seven years in jail. *But it resulted in no one being found guilty.*

In January of 1986 — almost two years from the time the charges were filed— *a newly-elected district attorney* determined that there was a *complete lack of evidence* against Ms. Buckey and the five teachers — and he dropped all charges.

**Peggy McMartin Buckey** — Ms. Buckey spent two years in jail — and was released on bond in 1986. In January, the jury acquitted Ms.



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Buckey. She was not retried on additional charges.

**Raymond Buckey** — After spending five years in jail, Mr. Buckey was released on a \$1 million bond. In January of 1990, Mr. Buckey was acquitted by the jury on 52 of the counts against him, but the jury was deadlocked on 13 remaining counts. The prosecutor decided to retry Mr. Buckey on 12 of those counts. That second jury also deadlocked on those counts and Mr. Buckey has not been retried for a third time.

Of the three assistant district attorneys originally assigned to the case, two had significant misgivings. One of them quit and the other was fired for declaring publicly that *none* of the defendants was guilty and that the case was *hogwash*. Nevertheless, as late as 1996, there were those who sincerely believed that the defendants were definitively guilty and were encouraging that their prosecutors continue.

In 1990, several of the defendants filed a civil suit against the city (for the investigatory misconduct); the county (for investigational and prosecutorial misconduct); Kee MacFarlane of the Children's Institute International (for its part in multiple suggestive interviews with the children); and an ABC local television affiliate. All the suits were dismissed.

## Fells Acres Day Care

The Fells Acres case in Malden, Massachusetts, first came to the attention of the authorities the year following the first reports of McMartin Preschool. In this case, there were three defendants: 63 year old Violet Amirault; her 32 year old son, Gerald Amirault; and her daughter, Cheryl Amirault LeFave.

The initial complaint was by one child who said that Gerald Amirault had molested him in a secret room. That complaint occurred on September 2, 1984; on September 5, Mr. Amirault was arrested. A week later, a meeting was held at the Malden police station at which time parents were instructed to begin questioning their children. The children then began to make accusations against Violet Amirault and Cheryl Amirault LeFave.

It took three years for the investigation and trial. Cheryl and Violet were tried together. Gerald was tried separately. In the summer of 1987, all three were convicted.

The case did not receive the public attention or detailed scrutiny of the media as had the McMartin case. Possibly for that reason, the initial appeal and requests for parole were perfunctory — until Dorothy Rabinowitz's January 1995 article in the *Wall Street Journal*. That article was a pivot point for the Fells Acres cases. It generated two more follow-up articles in the *Wall Street Journal*, a detailed analysis in the *Boston Globe*, and a defense fund for the Amiraults which helped the development of a motion for a new trial.

The motion for a new trial for one of the defendants was granted with a Justice of the Supreme Court of Massachusetts writing:

"This weak evidence, in combination with . . . constitutional errors and questionable evidence casts serious doubt on the result of (the original) trial. . . . All these errors have resulted in a substantial miscarriage of justice."

— *Honorable Isaac Borenstein*  
June 1998

Justice Borenstein also found that the methods used in investigation

and prosecution had so contaminated the primary evidence — the children's testimony — that that testimony be excluded should there be a retrial.

## Defendants

**Violet Amirault** — Convicted on June 13, 1987, and sentenced to up to 20 years on two counts of child rape and three counts of indecent assault and battery on a child under 12. Released after filing appeals in 1995 for a new trial. Died September 1997 (before seeing her daughter's conviction overturned). She did get to see the *Wall Street Journal* article. The local assistant district attorney who was interviewed for this article still believes that she was guilty. When she was interviewed, she was critical of the *Wall Street Journal* article and of Ms. Amirault. For example, she volunteered that at the time of her death Ms. Amirault was in litigation over a condominium. She did not explain the relevance of this information.

**Cheryl Amirault LeFave** — Convicted on June 13, 1987, of two counts of child rape and four counts of indecent assault on a child. Appealed — had appeal rejected. In 1997, filed motion for new trial. In 1998, motion for new trial was granted with judge saying there had to be a substantial miscarriage of justice.

**Gerald Amirault** — In August 1987, convicted of sexually abusing nine children and sentenced to up to 40 years in prison. Remains imprisoned as of January 1999.

## Wee Care Nursery School (The Kelly Michaels Case)

(as described in the May 1990 issue of *Harpers Magazine*)

The Wee Care Nursery School was an Episcopal church day care program in Maplewood, New Jersey. The case originally came to public attention on May 2, 1985. A few days earlier, a child who was having his temperature taken rectally mentioned that that was what his teacher did to him at nap time (a charge which the jury ultimately rejected).

On May 8, the Nursery Administration sent a letter to parents alerting them of the charges. On May 15, the Administration arranged a meeting of parents and invited a social worker from the sexual assault department of a local hospital. By some reports, the expert told parents to begin to have their children checked for sexual abuse. It took months of interviewing children for the massive number of complaints to develop and for Ms. Michaels to be indicted.

### Defendants

**Diane Costa** — Indicted for failing to report that other defendants had molested children. There is significant speculation that the actual reason for Ms. Costa's indictment was her refusal to testify against Ms. Michaels (according to Assistant Prosecutor Sara McArdle). Charges were dismissed against Ms. Costa.

**Kelly Michaels** — On July 12, 1985, Kelly Michaels was arrested on six charges of abuse. On June 22, 1987, the trial began. In May of 1988, Ms. Michaels was convicted of 115 counts of sexual abuse against 20 children. On August 2, 1988 (three years after her arrest), she was sentenced to 47 years in prison. In 1993, eight years after her arrest and five years after the 1988 sentencing, the appeals court released her on bail. In 1994, the prosecution appealed the decision to allow Ms. Michaels to be released on bail but the appeal was denied. The court ruled that if

the prosecution decided to retry the case it was going to have to explain in advance how the case could be fairly prosecuted. In particular, the appeals court stated that the multiple interviews of children asking them leading questions had contaminated the reliability of the children's testimony. In December of 1994, all charges against Kelly Michaels were dropped. Prosecutor Glenn Guildback advised the jury at the outset that it was not necessary to believe everything the children said — in effect the prosecution asked the jurors if they could suspend their belief in the constitutional rights of Ms. Michaels in the interest of protecting the children.

### Little Rascals

In Edenton, North Carolina, Bob and Betsy Kelly operated their New Little Rascals Child Care Center. In January 1989, Jane Mabry's child, Joel, who attended the center, reported that someone at the center had slapped him. Initially, fellow townspeople did not take Ms. Mabry's complaints seriously. Ms. Mabry made her concerns known to Betsy Kelly, but the situation was not handled to Ms. Mabry's satisfaction. In February 1989, the allegation of slapping turned to allegations that Bob Kelly had sexually abused a child. Mr. Kelly hired Chris Bean as his representative. Mr. Bean was a local attorney who also had his child at their center.

Several months later, moments before the first hearing, local authorities informed Mr. Bean that his child was one of those who reportedly had been molested. After the hearing, Mr. Bean withdrew as the Kelly's representative. The rumors of repeated, often bizarre, sexual molestations increased. In September, the local authorities also arrested Betsy Kelly, Robin Bryon,

Dawn Wilson, Darlene Harris, and Shelly Stone. All were arrested on the basis of allegations that they had sexually abused children at the center, that they had assisted in or knew about such abuse. Brenda Ambrose and Betsy Ann Phillips (also workers at the center) were not arrested. Scott Privott — owner of a local video store — was also arrested. The first of seven trials began in August 1991. That trial lasted eight months and was the most expensive criminal proceeding in North Carolina's history. In 1995, the Court of Appeals of North Carolina, in a unanimous decision, reversed the convictions of two of the defendants.

### Defendants

**Bob Kelly** — Originally accused of slapping a child. In February 1989, accused of *sexually* molesting the child he was originally accused of slapping, plus three additional children made allegations. (Following this, numerous children went into therapy.) The actual charges involved rape, sodomy, and fellatio and were eventually accompanied by stories of animal mutilations, murders of babies, hanging children upside down in trees, giving children drugs, and children being taken out in a boat and thrown to a school of sharks.

In August 1991 (a year and a half after the original arrest), Bob Kelly's trial began. Mr. Kelly's trial lasted eight months. On April 23, 1992, Bob Kelly was found guilty on 99 of the 100 charges against him. He was sentenced to 12 consecutive life sentences — which made him ineligible for parole in his lifetime.

On May 2, 1995 (six years after his original trial and three years after the conviction), Bob Kelly's conviction was unanimously reversed by the North Carolina Supreme Court. Nevertheless, the prosecution was still

not ready to admit it had erred. According to Mr. D. S. Swan, who administers a defense fund set up for the defendants, the prosecutor has continued to attempt to prosecute Mr. Kelly on a charge that was known of but not acted upon at the time of the original trial.

**Betsy Kelly** (wife of Bob Kelly) — Arrested, released, and then arrested on multiple charges. Spent two years in jail awaiting trial. Eventually pleaded no contest and sentenced to seven years in prison. Served one year of the sentence and was then released on parole.

**Dawn Wilson** — One of the youngest workers at the center, Dawn cooked and helped with the children. At the time of her arrest, she had an infant barely a year and a half old. Dawn complained that the prosecutor repeatedly offered her deals if she would testify against Bob Kelly. She maintained her own innocence and steadfastly maintained that she had never seen Mr. Kelly or anyone molest a child. She was prosecuted for alleged abuse of four children.

Throughout Ms. Wilson's trial, the prosecutor continued to attempt to introduce non-complimentary and embarrassing information about Ms. Wilson which had no relevance to the case — frequently these attempts were successful. In 1992, after already spending several years in jail, Ms. Wilson was found guilty and sentenced to life imprisonment. In May of 1995, the North Carolina Supreme Court reversed her conviction.

**Scott Privott** — Mr. Privott, who apparently had never been in the child care center, was the son of a judge, president of the country club, and owner of the local video store. According to some of those interviewed for the article, the only thing

that Mr. Privott did wrong that was even remotely associated with this case was that he was Bob Kelly's friend, and the inventory of his video store included some adult films. Nevertheless, he became one of those accused in 1989, and he was arrested. Mr. Privott spent three and a half years in jail before being able to post bond in June of 1993. In 1994, Mr. Privott pleaded *no contest* to 37 charges involving 16 children.

Mr. Privott was placed on five years probation. When interviewed for this article, Mr. Privott said that the only reason he pleaded no contest to something that he did not do was that he had seen how the system had worked to convict others who he was sure were innocent, so he was "scared" into doing a plea bargain.

**Robin Byron** — Charges dismissed.

**Shelly Stone** — Charges dismissed.

**Darlene Harris** — (Worked at the Head Start center located several miles from Little Rascals). No information available.

## Breezy Point Day School

This case is included because it demonstrates what can happen when the local prosecutor maintains objectivity. In April 1989, the Bucks County (Pennsylvania) Children and Youth Services began investigation into allegations of child sexual abuse at the Breezy Point Day School in Holland, Pennsylvania. As with the other cases, word quickly spread among parents that there was an allegation of child sexual abuse — a few additional children then complained that they too had been molested. The child who made the original allegation recanted, then recanted the recantation. A local police department

investigated the three original charges and on October 25 determined that it could find no basis to file criminal charges. The district attorney's office then assumed responsibility for the investigation and for the next few months — in conjunction with the FBI and other local law enforcement agencies and the state attorney general's office — conducted a detailed investigation.

The number and types of allegations continued to grow. In October and November, allegations of satanic abuse began to arise. Parents contacted the National Agency Against the Organized Exploitation of Children and James T. Stillwell of that organization. Mr. Stillwell reported that *ritualistic abuse* had occurred at the center, that there were "clear indications of Satanism and perversion including pentagrams, crescent moons, and crescent stars," and that he had a videotape in which the children were singing "satanic songs" involving "chopping up puppies." He further alleged that Gale Wiik had been seen at a satanic workshop church in Pennsylvania. In its review, the local district attorney's office was able to review the videotape which Mr. Stillwell described as the children singing a satanic song about chopping up puppies. You may recognize it:

*"I have a little puppy  
He has a stubby tail  
He isn't very chubby  
He's skinny as a rail  
He'll always be a puppy  
He'll never be a hound  
They'll sell him at the butcher shop  
For twenty-five cents a pound  
Bow-wow-wow-wow-wow-wow  
Hot dog!"*

In March of 1990, based on what he saw as the absurdity of such allegations, the district attorney issued a report exonerating the accused and castigating those who conducted the

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original investigation. Among other things, the district attorney discovered that the mother who had made the original allegations had either intentionally or mistakenly misled the county protective service personnel who had originally investigated the case. She is reported to have told those investigators that a doctor had examined her child and confirmed the molestation. A doctor had in fact examined the child but had found no evidence of molestation. The district attorney's report states: "The case worker and attending psychologist based their conclusions on the false premise that the child had undergone a medical examination which confirmed (the molestation). The pediatrician disclosed no such evidence and was entirely contrary to the mother's report."

This was a *very* significant issue because it was this *misunderstanding* that gave the local district attorney grounds on which to examine more objectively the remainder of the charges. Based on the number and type of the allegations, and the fact that this, too, occurred in a small town, it is impossible not to draw parallels between this and the Little Rascals case. It appears that the major differences were the issue with misstatement about the doctor's confirmation, the involvement of several separate different investigatory bodies, and the willingness of a district attorney to recognize a responsibility to remain objective.

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