

Battery charge against assemblywoman thrown out



2849344

July 18, 2008 - 9:00 pm



Don't miss the big stories. Like us on Facebook.

Like 288K

When Assemblywoman Francis Allen was in court earlier this month to face a felony domestic violence charge, she shied away from news cameras and wouldn't discuss accusations that she stabbed her husband in the arm with a knife.

But on Thursday, after a Justice of the Peace dropped the charge against her, Allen spoke up.

"I do feel vindicated," she said after she learned the charges against her were thrown out. "The truth came out."

Allen was accused of stabbing husband Paul Maineri with a steak knife during a fight at the couple's home May 17. Allen was facing one count of battery domestic violence. Allen, who is running for re-election in Assembly District 4, denied the charges.

Las Vegas Justice of the Peace Joe Bonaventure dropped the charges against Allen because Maineri testified Thursday during a preliminary hearing that he stabbed himself with a kitchen knife.

Bonaventure said he believed Maineri.

"I find this statement made today, that this offense did not occur, credible," he said.

Maineri previously told Las Vegas police and a physician who treated his wound that Allen stabbed him during a domestic dispute.

Bonaventure also said the Clark County district attorney's office didn't provide enough evidence at Thursday's hearing to hold Allen over for trial.

Nevertheless, Deputy District Attorney Phillip Smith served Allen's attorney, Richard Wright, with an indictment letter after the hearing. An indictment letter is a procedural step used when prosecutors plan to bring a case before a grand jury. Smith told Wright he would be seeking to indict Allen on the same charges.

During the hearing, Maineri tried to avoid testifying by invoking his Fifth Amendment right against self incrimination. Bonaventure granted him immunity, however.

Once given immunity, Maineri answered all questions asked by Smith and Wright. He didn't appear nervous and answered questions concisely and in a clear voice.

Maineri didn't show up to testify at an earlier hearing because he was out of town and wasn't properly served with a subpoena, said his attorney, Amy Chelini.

Maineri testified Thursday that he and Allen were entertaining a few friends on the night of the stabbing. Maineri and Allen argued and their guests left because there was "friction" between him and Allen and it became uncomfortable for the guests, he said.

The argument escalated and soon became physical, he said. Maineri said he didn't touch Allen but said he hurt himself.

"I grabbed that knife and I jammed it through my arm," he said.

After the incident, he drove himself to Summerlin Hospital Medical Center for treatment. He received three stitches for the wound.

Physician Randall Miller testified that Maineri told him at the hospital that Allen stabbed him with the knife.

Maineri also told Las Vegas police while he was at the hospital that Allen stabbed him but he recanted after he learned she was facing arrest, according to a Las Vegas police report.

Maineri admitted that he told police that Allen stabbed him but maintained Thursday that he stabbed himself. The question of why he gave that initial account to police was never asked Thursday.

In making his decision to drop the charges, Bonaventure said he compared Maineri's earlier statements to police with his current testimony. Maineri made his previous statements after he had fought with Allen and had been drinking.

In contrast, when Maineri said he stabbed himself on Thursday, he had a lawyer, was given immunity and was testifying under oath, he said.

Allen, 30, is a two-term member of the Assembly. Three other Republicans, a Democrat, a Libertarian and a member of the Independent American Party are running in Assembly District 4, in the northwestern part of the valley.

After the hearing, Allen said she and Maineri are living apart and she is considering divorcing him.

When asked whether the accusations against her will affect her chances in the election, Allen replied "we'll see."

"Early voting starts the 26th," she added, smiling. "Don't forget to get voters out."

Contact reporter David Kihara at dkihara@reviewjournal.com or 702-380-1039.