

The National Registry
of
EXONERATIONS

VIOLET AMIRAULT

Other Posthumous Exonerations



Violet Amirault

On August 20, 1984, a five-year-old boy told his uncle that he was undressed two months earlier at the Fells Acres Day School in Malden, Massachusetts.

The allegation triggered one of the first in a series of investigations of child sex abuse at day care and pre-school facilities across the country in the 1980s and 1990s – a convulsion of child sex abuse hysteria driven by suggestive and coercive interviewing techniques by social workers, therapists and law enforcement.

After two weeks of questioning by relatives, the five-year-old boy told his mother he was raped by a man at Fells Acres and she filed a report with state authorities.

On September 5, 1984, Gerald Amirault, 30, a cook and bus driver at the school owned by his mother, Violet Amirault, was charged with raping the child.

The school was promptly shuttered and 65 parents of pupils were called to the Malden Police department for interviews. On January 23, 1985, Gerald and Violet Amirault, 59, and Amirault's daughter, Cheryl Amirault LeFave, 27, were indicted on 18 counts of raping and indecently assaulting eight children, often in secret rooms and at least once by someone dressed as a clown.

On September 19, 1985, additional indictments were brought alleging the rape and sexual abuse of 11 more children.

On July 20, 1986, Gerald Amirault was found guilty on all counts after an 11-week trial, the longest child sexual molestation trial in state history.

Seven children testified that he took them to a "magic" or "secret" room, disrobed them and either molested them or forced them to perform sex acts with him. Some said he sometimes dressed as a "bad clown" and others said they were photographed nude. No physical evidence was presented.

On August 21, 1986, Gerald Amirault was sentenced to 40 years in prison.

In the summer of 1987, Violet Amirault and her daughter went on trial. Four children testified similarly—that they were taken to a "magic room" where they were sexually abused and photographed in the nude by the two women.

The allegations by the children included that a robot would bite them if they refused to engage in sex, that the "bad clown" would "throw fire around the room," and that Cheryl LeFave captured a squirrel and pulled its legs off. Other children alleged they were tied naked to trees, forced to eat human feces and attacked with knives. As before, there was no physical evidence.

Defense attorneys contended that the child witnesses were coached and pressured into making the accusations.

Violet Amirault and Cheryl LeFave were convicted on all counts on June 13, 1987.

On July 15, 1987, both were sentenced to 20 years in prison.

After their convictions were initially upheld by the Massachusetts Supreme Judicial Court, they fought for a new trial and won on August 29, 1995 because the children had testified with their backs to the defendants. In 1994, the Supreme Judicial Court had ruled that defendants had to have an "eye to eye" confrontation with their accusers.

Both women were released on bail, but on March 24, 1997, the Supreme Court Judicial Court reinstated their convictions, ruling that the case required "finality."

Less than two months later, Middlesex Superior Court Judge Robert A. Barton declared that Violet and Cheryl were the victims of a "miscarriage of justice" and removed himself from the case.

The judge who took over the case, Isaac A. Borenstein granted a new trial to both women on the ground that their defense attorneys did not provide constitutionally adequate representation because they failed to object to the children testifying with their backs to the defendants.

In his opinion, Judge Borenstein shredded the prosecution's case, saying the children were manipulated by "overzealous" investigators who succumbed to a "climate of panic, if not hysteria." The children's accounts were tainted by suggestive interviewing techniques and were coerced by investigators who refused to take a denial of abuse as an answer.

The judge barred the victims from testifying in any retrial.

On September 12, 1997, Violet Amirault died of cancer. On June 28, 1998, Borenstein dismissed the charges against her, posthumously.

On August 18, 1999, The Supreme Judicial Court set aside Borenstein's ruling as it applied to Cheryl LeFave.

On October 21, 1999 Cheryl LeFave reached a deal with the prosecution to settle her case. She agreed not to appear on television to discuss her experiences or profit from the case. In return, prosecutors agreed that LeFave, who had been free on bond, would not have to return to prison to finish her sentence. Gerald Amirault was released from prison on parole on May 3, 2004.

– *Maurice Possley*

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Posting Date: Before June 2012

ABOUT THE REGISTRY

The National Registry of Exonerations is a project of the Newkirk Center for Science & Society at University of California Irvine, the University of Michigan Law School and Michigan State University College of Law. It was founded in 2012 in conjunction with the Center on Wrongful Convictions at Northwestern University School of Law. The Registry provides detailed information about every known exoneration in the United States since 1989—cases in which a person was wrongly convicted of a crime and later cleared of all the charges based on new evidence of innocence.

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