

Accused boyfriend killer had charges dropped once, but she's ...

FACING MURDER INDICTMENT AGAIN

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TRENTON — A Mercer County prosecutor is expected to ask a new grand jury to file another indictment against a suspected boyfriend killer whose initial charges were tossed out by Superior Court Judge Thomas P. Kelly.

Prosecutor's spokeswoman Casey DeBlasio made the announcement yesterday after a defense lawyer disclosed for the first time that the charges against Ivelis Turell were thrown out on Nov. 20.

Turell, 30, of the 200 block of Ferry Street in Trenton, was charged with homicide and weapons offenses for the fatal

shooting of live-in boyfriend Stephen Whitaker, 35, on May 2, 2007.

A grand jury indicted her on the charges days later. When the case reached Kelly, however, he said it looked to him more like self-defense than murder and dismissed the indictment.

According to police, Turell shot heating and air-conditioning technician Whitaker in the chest, killing him, and then shot herself in the shoulder. But defense lawyer Timothy R. Smith called it self-defense.

"(Whitaker) used the gun to beat women. He had a history of beating Ivelis and wielding a gun. They were struggling over the gun and the guy shot himself," Smith

said. "Ivelis got shot during the incident."

Smith reasoned that the police department and prosecutors, under pressure to stop the city's violence at the time, prematurely lodged the charges against Turell before all of the facts were brought forth.

"Ms. Turell was the victim here of domestic violence," Smith said. "This was clearly self-defense. The jurors asked for a charge of manslaughter, but the state wouldn't even let them consider it."

Turell was released on bail a few weeks after her arrest. But she lost custody of her children after the bust and still hasn't been able to get them back, said Smith, adding that the mother is heartsick at the loss.

"It's very refreshing to see the judiciary recognize the fact that the grand jury system should be more than a mere rubber stamp and actually act as a screening process," Smith said, praising the decision of Judge Kelly.

"The grand jury should really screen these cases and differentiate between cases that are viable and those that are frivolous. Ivelis Turell is as innocent as innocent can be."

Soon after he made the statement, however, DeBlasio told *The Trentonian* that a prosecutor would present the case against Turell again to another grand jury. Assistant Mercer Prosecutor Skylar Weissman handled the initial case.