



Righting the WRONG

by TIMOTHY DUMAS
photograph by WILLIAM TAUFIC

Sure, **John Kelly** appears regularly on CNN, NBC and Fox. And yes, his clients (**who include the families of Nicole Brown Simpson and Natalee Holloway**) are at the center of some of the biggest news stories in history. But it seems he's more comfortable setting up a sting operation to catch a cold-blooded killer than he is being interviewed for a magazine article

JOHAN Q. KELLY, A LAWYER WITH THE VENERABLE firm Ivey, Barnum & O'Mara in Greenwich, specializes in wrongful deaths. Very wrongful deaths. Kelly represented the survivors of Nicole Brown Simpson, allegedly knifed to death by her ex-husband, O. J.; of Natalee Holloway, vanished and believed murdered during a high school class trip to Aruba; and of Kathleen Savio, drowned in her bathtub by ex-husband Drew Peterson.

These notorious cases put Kelly on national TV and made him the most sought-after wrongful death lawyer in the land. Curiously, though, he tends to fly under fame's hypersensitive radar. People don't recognize his name or stop him on the street, and there are virtually no news articles that shed light on his illustrious career. Don't imagine that Kelly is displeased by any of this. He gently resisted our interview request and then expressed a desire to get out of his photo shoot. The only way to explain the paradox—a TV personality who doesn't invite public notice—is to point out that in twenty-first century America, television is sometimes necessary to further his clients' cases.

"High-profile, high-stakes litigation is basically a blood sport," he says. "You either win or you lose, and losing's not an option."

"John is an old-fashioned trial lawyer, a very serious lawyer," remarks Greta Van Susteren, the Fox News Channel host. "Some lawyers are easy to book. John is not, unless it's for the benefit of his clients. I think he'd much rather be working for them than talking to me on TV."

"I'll tell you straight out," says Bo Dietl, the private investigator and TV personality. "I've been in this business a long time, and I've seen every kind of lawyer. A lot of

them have big names, and they get on TV and blah, blah, blah, they talk a lot of crap. Not John. John is unique. It's something about the way he presents his cases. He looks honest; he sounds honest; and he is honest. I've never seen an attorney who is better prepared and who can break things down for a jury in a way that they understand."

Kelly has vivid blue eyes set in a tan face, neatly combed chestnut-brown hair and a broad, white, slightly devilish smile. He lacks signs of the enormous ego so common to high-profile lawyers and will venture a heretical opinion when it's warranted. For example: On *Larry King Live* he submitted that the case against Amanda Knox, the American convicted of brutally murdering a housemate in Italy in 2007, smacked of an "egregious international railroading," angering and confusing victims' advocates everywhere. ("What on earth possessed John Q. Kelly?" read one Internet headline.) But he turned out to be exactly right; Knox's conviction was overturned in 2011.

Among his own cases, Kelly's best-known victory came with the civil trial that found O. J. Simpson liable for the deaths of Nicole Brown Simpson and her friend Ron Goldman in 1997. In the criminal trial, prosecutors had presented a pile of evidence showing that Simpson had committed the June 12, 1994 murders—not least Simpson's blood mingled with that of the victims' on his gloves, socks, car and at the crime scene. While seemingly every TV and radio in America was tuned to the months-long criminal trial, Kelly quietly filed a civil suit on behalf of Nicole's estate. He never expected to have to act on it. "Assuming Simpson would be convicted, it would have been just a little footnote, nothing else," Kelly says. "We never would



The \$33.5-million-dollar-man after the O. J. Simpson victory

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On October 3, 1995, Simpson was acquitted, shocking the nation and polarizing it, disturbingly, along racial lines. For the majority who believed him culpable, the only chance now to hold him accountable would come at the civil trial in Santa Monica. A win for Kelly would not put Simpson behind bars, of course, but it would cripple him financially and

might force him to give up custody of his two young children to Nicole's parents, Lou and Juditha Brown.

"We had plenty of evidence before we started," Kelly says, "but probably the most compelling new evidence we turned up were the pictures of Simpson wearing the Bruno Magli shoes." This was a huge stroke of good luck. The bloody shoe prints leading away from the crime scene were made by size 12 Bruno Magli Lorenzos, a rare high-fashion shoe with a soft sole; but prosecutors had been unable to prove that Simpson owned such a shoe. In a civil-case deposition, Simpson himself testified that he would never own such "ugly-ass" footwear. Mistake. Kelly learned in December 1996—deep into the civil trial—that a freelance photographer in Buffalo had gone through his archive and turned up pictures of Simpson at a football game in 1993, wearing exactly the shoes in question. "The photographer developed those pictures the day I went up there—I think it was New Year's Eve," Kelly says, grinning at the memory of that eureka moment. (Simpson's attorneys were obliged to

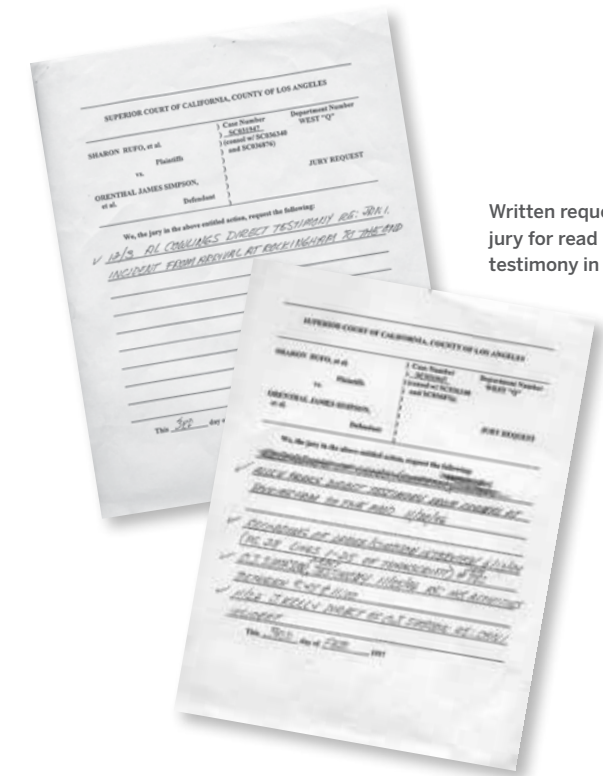
claim the photos were fakes.)

Unlike the criminal trial, the civil one was not televised. A gag order and a no-nonsense judge also ensured an atmosphere of sobriety and restraint, in marked contrast to that of the circus-like criminal trial. The jury awarded total damages of \$33.5 million for the deaths of Nicole Brown Simpson and Ron Goldman. The families did not expect to realize the whole award, but they were able to collect a portion of it from the auctioning of O. J. Simpson's personal property—including the Heisman Trophy he won in 1968.

TO CATCH A KILLER

On March 30, 2010, Kelly received an e-mail from a man identifying himself as "J. P. Sanders." So began the wildest adventure of Kelly's legal career. Sanders soon revealed himself to be none other than Joran van der Sloot, the Dutch teen arrested twice, but never charged, in the May 30, 2005, disappearance of Natalee Holloway, from Mountain Brook, Alabama. Natalee had last been seen in a car outside the Aruban restaurant and nightclub Carlos 'n' Charlie's in the company of van der Sloot and his friends Deepak and Satish Kalpoe. The three young men claimed they'd taken Natalee to a beach and then dropped her at the Holiday Inn where she was staying; but no evidence suggesting that she returned to the hotel ever came to light. »

Kelly being interviewed by Larry King • A courtroom sketch of Kelly during the O. J. Simpson civil trial



Written requests from the jury for read backs of key testimony in the O. J. case



A never-before published photo of Johan van der Sloot in front of the house where he initially told Kelly Natalee Holloway's body was buried. Kelly took the photo himself during his first solo meeting with van der Sloot.

Natalee's mother, Beth Holloway, hired Kelly five months after the disappearance of her daughter, a beautiful blonde honors student who was bound, on a full scholarship, for University of Alabama. "I'd reached a turning point where, honestly, I'd carried the ball as long and far as I could," Beth told *GREENWICH* magazine. "John took it from me and carried it beautifully. He is brilliant—mentally the toughest, most disciplined attorney you could ever hope to meet. He is always three steps ahead of everybody else."

Indeed, Kelly had devised an ingenious plan that promised a win, it seemed, no matter what the outcome. "I played cat-and-mouse with that guy for five years," Kelly says of Johan van der Sloot. "I thought I had him dead to rights."

In his e-mails to Kelly, van der Sloot proposed what amounted to an extortion scheme: Pay me \$250,000 and I'll lead you to Natalee's body. Kelly was aware of van der Sloot's many teases and lies over the years. Natalee had died of an overdose. She fell and hit her head on a rock. He'd sold her into sexual slavery. "He had scammed so many people out of so much money—reporters, private investigators, you name it. Always the same thing. 'Give me the money and I'll tell you,' and then he'd say he made it all up. I was certainly attuned to that." Kelly led van der Sloot to believe he would play along. The best outcome would be to recover Natalee's body and bring her home; failing that, he would nail van der Sloot for extortion and wire fraud.

In April of 2010, the two met alone in a hotel room in Aruba. "No one knew, no tape-recordings, nobody following us, nothing. And I picked his brain for about two hours." Toward the end of the meeting, Kelly revealed to van der Sloot that he didn't bring Beth's \$25,000 advance as promised. Already Kelly had noticed how large van der Sloot was—about six-foot-four, 220 pounds—and now Kelly saw rage simmering beneath the phlegmatic van der Sloot countenance: "Oh, he was pissed. Very agitated." Kelly

THE E-MAIL TRAIL

After extensive negotiations with Johan van der Sloot, Kelly had the killer where he wanted him. Here is just one example of an e-mail exchange between the two.

Joran,
The only time I can do this is May 9th and 10th—I will call you when I get there. I'll have two original contracts signed by Beth with me, we meet and you sign contract—one copy for you, and one copy for me. I'll bring part of \$25K payment with me, and have balance of payment wired ahead and waiting at bank for Monday morning.

We will meet early Monday morning. I'll go to bank to pick up balance, pay you \$25K in cash, and then you will take me to exact location where you are certain Natalee's remains still are, and tell me how she died, and who was involved with her death and involved in the disposal of her body (per contract). I will then take the Monday afternoon flight back to New York, and think about the most discreet way to confirm everything you've shown/told me.

Contract will be specific that you are certain where Natalee's remains are as of May 10th, 2010 and that you will specifically take me to within 50 feet of the exact location of where her remains currently are, and point it out (no pointing out to ocean, big swamp, sand dunes or big area with caves, etc). Contract will also specify that I want full names and current addresses of others involved—no nicknames, moved out of country, etc.

There will be no \$1,000,000.00 penalty clause for me "leaking" information because:

- I have not broken my word to you yet,
- You broke your word to me more than once last time, and
- You could easily secretly leak info, claim I did it, and come after me for the \$1,000,000.00—I want my involvement in this to end in the next few weeks.

I also want firm confirmation from you by this Wednesday that you have made arrangements to be in Aruba on May 9th—no more wild goose chases for me.

Final note—worst thing you could do is bring me to Aruba on another one of your hoaxes, and put Natalee's parents through more unimaginable pain. Your life going forward will be much better if you finally do the right thing, and are totally honest for once. *Regards, JQK*

Hey, Okay May 9th and 10th it is. I will arrange everything on my end so I will be their [sic]. I can let the penalty for leaking the contract go but I want in the contract that the 225,000\$ [sic] will be paid to my bank account within a month after confirming Natalee's remains are their [sic]. I will take you to the exact location and tell you what happened and how she was disposed of but I refuse to name everyone involved for my own safety. I will not lead you on a goose chase or mess with you. I know that this is important for everyone and if I want a life at one point so this is vital to me. I will also go and turn myself in before the story hits the news so I would like for us to stay in touch and communicate about how fast things will be happening. *Take care*

did bring the money to their next meeting, on May 10, 2010. Also in attendance, safely out of view, were a dozen FBI agents who had equipped the hotel room with hidden cameras and sound recording devices. "He took the money, took the wire transfer and showed me the house where Natalee was supposedly buried." Kelly snapped photographs of van der Sloot pointing to the house's foundation; van der Sloot claimed that his father, Paulus, a judge and lawyer who had died earlier in 2010, had buried Natalee's body in gravel before the foundation was poured.

Then, predictably enough, van der Sloot played his old game: "He sent me an e-mail saying it was all a lie, that's not where she is, joke's on you, Kelly. I'm thinking, 'You dumb shit, you're going to be arrested in twenty-four hours, so don't feel too bad for me.'"

Only, it didn't work out that way. "John planned and executed a perfect sting operation," Beth Holloway says. "But through no fault of his, it went awry." Inexplicably, Aruba let its most infamous resident slip off the island as the legal noose tightened. Using Beth's \$25,000 for travel money, van der Sloot went first to Venezuela and then to Peru. On May 30—five years to the day after Natalee went missing—he met twenty-one-year-old Stephany Flores while playing poker at a casino in Lima. He took her back to his room at Hotel Tac and beat and strangled her to death. The motive remains unclear. Van der Sloot claimed Flores had opened his laptop and found information that he was suspected of killing Natalee Holloway, whereupon his anger boiled over. The real motive, according to Peruvian police, was simply to rob Flores of her casino winnings, which van der Sloot did. He was captured in Chile on June 3—the same day he was charged in U.S. District Court of Northern Alabama for extortion and a warrant for his arrest was issued and forwarded to Interpol.

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—BETH HOLLOWAY ON THE CASE OF HER MISSING DAUGHTER NATALEE

"Had he not been [allowed] to slip out of Aruba, I'm quite confident he would be sitting in an Alabama prison cell right now, doing about twenty years," Kelly says. "And I suspect he would have talked about Natalee. But I don't think there's any incentive for him to talk in Peru, and there never will be."

THE ACCIDENTAL LAWYER

John Quinlan Kelly was born in Chicago in 1953, the eighth of nine children of a lawyer father and a schoolteacher mother. A lover of sports but an indifferent student, he graduated from Georgetown University without a glimmer of a career goal. He roughed it through Europe and the Middle East for a couple of years, and on his return, drifted into law for lack of a better idea. He suffered through a year of incredibly boring night courses—contract and personal property law—at Suffolk University in Boston. But he persisted into a second year and was rewarded by discovering the thrill of moot court—simulated trials that, for Kelly, infused the law with excitement and drama.

Kelly landed in the Queens District Attorney's Office in 1981, when New York City was a crucible of violent crime. In his early twenties he prosecuted major drug cases, rapes and murders. After that baptismal flame, he went into private practice, defending the sorts of people he used to prosecute. This did not sit especially well with him. "I lost my stomach very early on for doing criminal defense work," he says. "I can honestly say that. The clients are not the sorts of people you want to spend time with. That's just a fact of life."

Kelly during one of his many appearances on the *Today* show »



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But there were exceptions. One day in 1985 Kelly got a call from the New York Yankees—his first big press case. He still has no idea why the Yankees chose him, a young unknown, to represent Joe Pepitone, the all-star first baseman for the sixties-era Yankees. Long retired, Pepitone remained a very public figure, known for posing nude in *Foxy Lady* magazine, for his longhaired wig (“We couldn’t get through the metal detectors because he had so many safety pins holding it in place,” recalls Kelly), and for stumbling into legal trouble. One night in 1985, Pepitone and two friends were cruising through the dangerous Brownsville section of Brooklyn in a Cadillac Riviera with tinted windows. Police said the Cadillac ran a red light; in any event, they stopped the car and

“He was out walking around and being as cocky as hell, doing his TV interviews. We filed a very detailed wrongful death case against Peterson, and two weeks later, a grand jury finally indicted him on the homicide charge, basically using the road map we’d laid out in our wrongful death case. Now he’s where he should be.”

—JOHN KELLY ON CONVICTED MURDERER DREW PETERSON

ordered the suspicious trio out. “I’m trying to tell the guy who I am, and the cop grabs me by the hair, pushes me down on the trunk and puts a gun to my head,” Pepitone explained to Kelly. Then Pepitone felt his head and his hair go separate ways. “And so I’m standing up, watching this cop with his eyes closed, telling my wig not to move.”

In the Cadillac police found cocaine, quaaludes, a freebasing kit, a loaded pistol, \$6,300 in cash—in short, not a very innocent-looking array of goods. For the cocaine possession alone, Pepitone faced a mandatory minimum sentence of fifteen years. (He was caught on camera saying,

“I didn’t know cocaine was illegal!”) The situation looked so grim that, when an inquisitive reporter asked, George Steinbrenner denied hiring Kelly to defend Pepitone. “These guys don’t want anything to do with anything that might go south,” Kelly remarks. “The Yankees were utterly sure he was going to be convicted. They were just trying to be nice to him.” Miraculously, though, Pepitone was convicted on only two misdemeanor drug charges and served four months at Rikers Island. After Kelly won acquittal on the felony charges, he got a call from Yankee Stadium: “Great job, John,” came Steinbrenner’s voice. “Congratulations.”

BECOMING ONE OF THE GOOD GUYS

It was the extraordinarily sad case of Anne Scripps Douglas that set Kelly on his present course. The newspaper heiress had been beaten to death on New Year’s Eve of 1993 in the Bronxville home she shared with her abusive husband, Scott Douglas. Their young daughter, Victoria, watched her father give Anne “boo-boos” with the claw hammer she kept at her bedside to protect against him. Douglas, a house painter who kept an apartment in Greenwich, then parked his BMW—with the bloody hammer in the passenger’s seat—in the middle of the Tappan Zee Bridge and vanished. Anne Douglas’ daughters by her first marriage, Alexandra and Annie, hired Kelly almost immediately, when their mother was still alive but comatose, and Scott Douglas was still believed to be at large. Three months later his body washed ashore on the banks of the Hudson. (In a tragic coda, Annie committed suicide in 2009—by leaping off the Tappan Zee.)

Since Nicole Brown Simpson, a fair portion of Kelly’s practice has focused on women killed by their husbands or boyfriends. Among the most notorious of those cases was that of Kathleen Savio. In March 2004, four months after divorcing career police officer Drew Peterson near Chicago, she was discovered dead in her empty bathtub. Despite the suspicions of her family, the death was ruled an accident. When

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Peterson's fourth wife, Stacy, disappeared in 2007—she has never been found—the Savio family had Kathleen's body exhumed and a second autopsy performed. This time the evidence strongly suggested homicide. "They contacted me when Peterson hadn't been charged with anything," Kelly says. "He was out walking around and being as cocky as hell, doing his TV interviews. We filed a very detailed wrongful death case against Peterson, and two weeks later, a grand jury finally indicted him on the homicide charge, basically using the road map we'd laid out in our wrongful death case. Now he's where he should be." Peterson was convicted of first-degree murder in September, and as a result the Savio family did not file a civil suit. He was awaiting sentencing when *GREENWICH* magazine went to press.

Kelly, who is married with four children, has worked an astonishing variety of wrongful death and injury cases. In one of them, a six-story-tall Cat in the Hat balloon in the windy 1997 Macy's Thanksgiving Day Parade struck a half-broken arm of a lamppost, which in turn fell and hit a woman carrying her infant child. The child was uninjured, but the woman, Kathleen Coronna, suffered a severe traumatic brain injury. In another case, Kelly represented the estates of young Europeans who were trekking through Arizona's Antelope Canyon when a flash flood swept them to their deaths. In a third case, Kelly won a \$26,500,000 settlement for the estate of a couple killed in a tractor-trailer accident on the Pennsylvania Turnpike. "These are all tragedies, all things I feel strongly should not have happened," Kelly says. "No, a large settlement is not the ultimate result. Nothing is, except bringing a loved one back. But the survivors feel some measure of justice. And the compensation helps them put their lives back together and move forward."

Through a bit of luck and a lot of skill, Kelly has fashioned the perfect career for himself. His cases place him on the side of the wronged. "I guess I'm a born civil prosecutor," he says. "Pushing the envelope for victims, working on the right side of the wrong stuff—I love it. I can't think of any better job in the world." 



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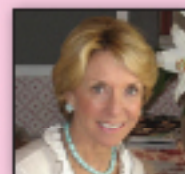
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