



Prosecutor, Ellsworth spar

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A Republican prosecutor says Democratic congressional candidate Brad Ellsworth tried to use his influence to get a traffic citation against his daughter dropped last year.

Ellsworth, who is Vanderburgh County's sheriff, said he called Pike Prosecutor Boyd Toler because he was told Andrea Ellsworth would not qualify for a deferred prosecution program, which is available to traffic offenders in numerous counties. Ellsworth accused Toler of telling a lie about him, and said the prosecutor, who lost a primary election for a Pike County judicial post, was motivated by politics.

Andrea Ellsworth received the ticket March 6, 2005, while on her way from Evansville to Indiana University, where she was in the second semester of her freshman year. A state trooper issued the ticket for driving 83 mph in a 55 mph zone on Indiana 57 near Petersburg, Ind., according to Pike County records.

Toler said he does not remember the exact words of the phone call, but he said Ellsworth insinuated that the ticket should be dismissed because he was a sheriff. Toler said he refused and told Ellsworth his daughter was not eligible for a deferral program because she was going faster than 80.

"If he'd just been calling up like any ordinary citizen, asking 'What's my chance of getting this dismissed,' that would be one thing," Toler said. "But since I got the distinct impression he wanted it dismissed because

of who he was, I didn't appreciate that."

Ellsworth said he called only to see why she was not eligible for the deferral program, which keeps the ticket from being sent to the state if the offender pays a higher fee and has no violations in the six months after the citation. Normally, traffic offenses go against a driver's record, which can affect insurance rates. Similar programs, with different provisions, are offered throughout the state.

The issue began when Ellsworth called the trooper who issued the ticket. Ellsworth said he made it clear to the trooper that he was not wanting any special consideration, but he wanted to talk to him about his daughter's driving. During the conversation, Ellsworth said the trooper mentioned the county's traffic deferral program. Then, Ellsworth said, he called Pike County Sheriff Todd Meadors, a fellow Democrat, about the program.

Meadors, Ellsworth said, volunteered to ask the Republican prosecutor about the program.

Meadors said he spoke with Toler, who told him the speed exceeded the limit for the deferral program. But Meadors said he went to the clerk's office and immediately found five tickets of offenders who had been going even faster and were admitted to the program. Meadors said the prosecutor told him a new

policy had been adopted a month before that prohibited such speeders from the deferral program. Meadors told Ellsworth he had never heard of the new policy and that it wasn't written.

"That concerned me, because I didn't understand why one person would qualify for it and one person wouldn't," Meadors said.

After finding out about the other tickets, Ellsworth said, he decided to call Toler to ask why his daughter would not be allowed into the deferral program, not to demand that the ticket be rescinded. He wondered, he said, whether his daughter was unable to enroll in the program because of politics. Ellsworth said most people knew then that he was running for Congress.

"I placed the call to him to get an explanation as to why she couldn't get in, when other people had," Ellsworth said. "I felt discriminated against for whatever reason and wanted an explanation from him."

When Toler was asked Friday about other excessive speeders that Meadors said were allowed into the program, Toler said a deputy prosecutor in his office could not find any such cases. He said he does, in fact, have a policy in his office that prevents anyone who drives faster than 79 mph from getting into the program.

Toler said he has been in contact with representatives of Hostettler's campaign about the ticket. They called to ask about what happened, he said. He has not spoken to them this year, he said, but he thinks it is a relevant issue in the congressional campaign.

"I think it's something I would want to know," Toler said. "The reason I think it might be relevant is people may consider that to be some sort of elitist attitude. And is that something he would have in Congress?"

Ed Patru, spokesman for the National Republican Campaign Committee, said his organization has been following the allegations. He alerted the Courier & Press about the ticket and referred reporters to Toler. But he said Saturday that he had not pursued an aggressive media campaign about the incident and that no one from the NRCC spoke to Toler.

He would not comment on whether this issue will be used in NRCC campaign materials, but said he thinks it is relevant.

"This shows Brad Ellsworth believes his uniform allows him to operate under different rules," he said. "That raises serious questions as to whether he would abuse the powers of a congressional office. ... This story looks very bad. I'm not at all surprised that the sheriff is adamantly denying it and attacking the whistleblower."

Ellsworth said he stands by his actions and probably would do the same thing if it happened again. He insisted that Toler's version of the phone call is a fabrication.

"If he said that I tried to get her out of that, then he is bold-faced lying and he's violated ethics," Ellsworth said.

"It's a year and a half later. If he thought the sheriff of Vanderburgh County was doing anything wrong, why wait a year and a half to now bring it up?"



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