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Suffering Mom Sues; She Cites Nassau, Saying Police Failed to Protect Slain Daughter from Former Boyfriend with History of Assault

By Ann Givens, Staff Writer

In the early morning hours of June 18, Nassau County police officers knocked on Huguette Port-Louis' front door and told her that her 23-year-old daughter Merline had been shot to death.

From that moment until the police nabbed Merline's ex-boyfriend Marlon Fann five days later and charged him with her murder, law enforcement gave Port-Louis their total attention, whisking her and Jasmine, the 3-year-old daughter Merline had with Fann, into protective custody.

But it was too little, too late, Port-Louis said yesterday, speaking publicly for the first time since the killing. After filing a notice of claim against Nassau County, she charged that the police failed to arrest Fann even though Merline had been calling them several times a day for nearly two months, telling them he was stalking and threatening her, violating her order of protection and his parole.

"They would say, 'We'll get him, we'll get him. Don't worry,'" said Port-Louis, 43, of Hempstead. "If they had been doing their job this would not have happened." Moments before she was shot, Merline pushed a panic button Nassau police gave her weeks before, but help didn't arrive until about five minutes later.

Spokesmen for the police department and the Nassau County attorney's office said they could not comment on pending litigation.

Jeffrey Lisabeth of Mineola, one of Port-Louis' attorneys on the case, said the police drastically underestimated the violence that Fann was capable of.

"They did literally nothing," he said, noting that police had stopped Fann on traffic violations during the time when they were supposed to be looking for him to charge him with parole and order of protection violations, but had let him go.

The police promised Merline that they would get the man who was stalking her, and they had an obligation to live up to that promise, said John Ardito, of Franklin Square, another attorney representing Port-Louis, who is raising her daughter's child.

Fann is scheduled to be arraigned today in Nassau County Court in Mineola on charges of second-degree murder, criminal possession of a weapon and other crimes. His attorney, William Rost of Mineola, would not address the details of the crime or Port-Louis' legal action, but said his client will plead not guilty and will vigorously challenge the district attorney's case.

Port-Louis said her daughter was terrified from the moment Fann got out of prison, where he served about two years for stabbing Merline.

She had begged the parole board to keep him behind bars just until she could move out of state, Port-Louis said yesterday. But Fann was released April 15, before Port-Louis could make her escape.

After that, Fann made a habit of calling Merline to threaten her, describing what she was wearing on a given day or where she was spending time, Port-Louis said. He told her he would kill her and their daughter.

Fann even mocked the police, one time calling Merline even after the police had arrived at her house to check out a complaint. He said that he was watching her and even described the police who had come to help her, Merline's mother said yesterday.

But it is the last night of her daughter's life that she remembers most vividly. That evening, while Huguette Port-Louis was sick at home in bed, Marlon Fann called her, she said.

According to Port-Louis, he said, "I'm tired of you. I'm going to kill you. After I kill you, I'm going to deal with the rest of them."

Huguette called her daughter, leaving a message on her answering machine to warn her. Several hours later, though, the police knocked on the door to tell her that Merline had been shot outside her New Cassel home.

Then, before she could absorb the horrible news, the phone rang again and Huguette heard the familiar voice: "I told you I was going to kill you, but I didn't get you, I got Merline. I got her good." Fann then threatened to come and kill her and Jasmine next, she said.

"I said, 'Come kill me. You know Merline is everything to me, so why leave me alive?'"

Just two months after her daughter was killed, Port-Louis says she is still trying to pick up the pieces of her life. Jasmine asks constantly where her mother is, if she's in heaven, if she will see her again. They are questions that Port-Louis wonders about herself.

"Without her I am nothing," she said. "Everything was dependent on Merline. She was such a strong girl."

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