

Pastor Loses Appeal in Lesbian Kidnapping Case

A U.S. appeals court on Wednesday upheld the conviction of a Mennonite minister accused of helping a woman flee to Nicaragua with her daughter to evade court orders giving her former lesbian partner visitation rights.

The 2nd U.S. Circuit Court of Appeals in New York upheld the conviction of Kenneth Miller, whose case drew widespread attention as gay rights and evangelical Christian groups took opposing sides in the legal battle over the daughter.

Prosecutors said Miller helped orchestrate Lisa Miller's flight to Canada and Nicaragua in 2009 with her daughter out of Christian solidarity with her decision to reject homosexuality and her former partner. The two Millers are not related.

He was found guilty in 2012 by a federal jury in Burlington, Vermont for aiding in international parental kidnapping and subsequently sentenced to 27 months in prison.

On appeal, Miller argued that Vermont, where the custody battle between the women took place, was an improper venue, as he personally was not alleged to have committed any criminal act there.

But U.S. Circuit Judge Susan Carney, writing for a three-judge panel, said it was Lisa Miller's removal of her child from the United States that allowed that allowed for the jurisdiction.

"It was not, for example, simply violating a state court custody order and crossing a state line: Its international nature endowed it with a different character and consequences," Carney wrote.

A lawyer for Miller did not respond to a request for comment.

The criminal case was filed 2011, two years after Lisa Miller took the girl to Central America after denouncing homosexuality and losing a series of family court battles in Vermont with her former partner, Janet Jenkins.

Jenkins and Lisa Miller were joined in a civil union in Vermont in 2000 and, using in vitro fertilization, Miller gave birth to their daughter, Isabella Miller-Jenkins, two years later.

Lisa Miller filed to dissolve the union in 2003. She got custody of Isabella but a Vermont court gave Jenkins visitation rights.

Prosecutors said Kenneth Miller, an Amish Mennonite minister, subsequently organized Lisa Miller's departure with Isabella by arranging for them to leave from Virginia to Nicaragua, engaging individuals who accompanied and helped them, and planning for their reception in Nicaragua.

Lisa Miller was indicted on international kidnapping charges in 2010, but has not returned to the United States since, according to the court decision. {eo}

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