

Illegal Voice Recordings

Prosecutors Mark Bennett and Dan Kasaris directed their Office Manager Dawn Pasela to befriend Tony and make a series of post-indictment voice recordings to learn more about defense trial preparation. Despite a clear duty to provide any voice recordings with a defendant's voice on them before trial, prosecutors failed to provide these recordings -- and still haven't produced these tapes despite years of litigation. Prosecutors also aren't allowed to interfere with the defense's trial preparation -- but prosecutors used illegal means to "win" a conviction in Tony's case.

Attached are key documents concerning the government's lawbreaking. For further details, please consult the federal court's PACER system, Case No. 15-cv-242, Western District of Pennsylvania.

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THE COURT OF COMMON PLEAS

COUNTY OF CUYAHOGA

JUSTICE CENTER

1200 ONTARIO STREET

CLEVELAND, OHIO 44113

DANIEL GAUL

Judge

(216) 443-8706

February 17, 2017

Anthony L. Viola - ID #32238-160
McKean Federal Correctional Institution
P.O. Box 8000
Bradford, PA 16701

Dear Tony:

I hope you are as well as a person can be in federal prison.

Just thought I would write to express my feelings of regret on your continued incarceration. I had hoped that your exoneration in my courtroom would have assisted you in overturning your federal conviction.

In any case, I am writing to inform you that there is a newly elected Cuyahoga County Prosecutor. His name is Mike O'Malley. His office may be willing to take a fresh look at Daniel Kasaris' misconduct in your case. If Kasaris participated in your federal case, O'Malley's office may be able to intervene, or at least support a post-release remedy before Judge Nugent.

Anyway, this is just a thought. Please let me know if I may assist you in any way.

I regard you as an extremely decent man and I do hope you will have your conviction overturned.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Gaul". The signature is fluid and cursive.

Daniel Gaul
Judge

DG/mtl

McGINTY HILOW & SPELLACY CO LPA

Attorneys at Law

March 4, 2016

Anthony L. Viola (#32238-160)
McKean FCI
P.O. Box 8000
Bradford, PA 16701

Re: USA v. Viola
Case Number: 08-cr-506

Dear Tony:

Hope you are well. Sorry for the delay.

I do not recall any voice recording nor do I possess any such recording.

Very truly yours,



Kevin M. Spellacy

KMS/hjs

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January 25, 2016

Anthony L. Viola, ID# 32238-160
McKean Federal Correctional Institution
P.O. Box 8000
Bradford, PA 16701

Dear Tony:

I am in receipt of your January 20, 2016 correspondence regarding your matter. As you know, my role in your case was to act as an expert relative to whether or not, in my opinion, you received the necessary effectiveness in your representation by your trial counsel, Jay Milano. The only documents which I saw were provided by you and/or Mr. Spellacy and those documents were reviewed in formulating my opinion as contained in our written report and my testimony before Judge Nugent.

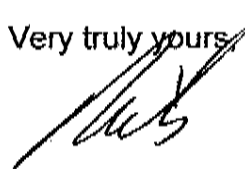
In response to the three questions on page two of your letter, please be advised:

- 1) I did not listen to any recorded conversations including, but not limited to, those made of Uri Gofman. I was not presented with any tape recorded conversations to review as part of our services in the matter.
- 2) Once again, the documents that I was provided did not make me aware of any FBI recorded conversations with either Uri Gofman, you or Dawn Pasela.
- 3) I am not aware of nor was I made privy to any voice recordings of Uri Gofman or you as part of the expert services which I rendered to you.

Since my role in your matter was as an expert, I do not believe it is appropriate for me to correspond with Mark Bennett, Assistant United States Attorney. However, I certainly have no objection to you providing Mr. Bennett with a copy of this correspondence.

Wishing you the best of luck, I am,

Very truly yours,


Richard S. KoblentzRSK/eg
cc: File

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FD-473 (Rev. 6-1-00)

3/17/2008

(Date)

(Location)

I,

hereby authorize

and

Special Agents

of the Federal Bureau of Investigation, United States Department of Justice, to place a

Body Recorder

on my person for the purpose of recording any conversations

Transmitter

with

(Name of Subject(s))

and others as yet unknown which I may have on or about

(Date)

continuing thereafter until such time as either I revoke my permission or the FBI terminates the investigation.

I have given this written permission to the above-named Special Agents voluntarily and without threats or promises of any kind. I understand that I must be a party to any conversation in order to record that conversation. I therefore agree not to leave the recording equipment unattended or take any other action which is likely to result in the recording of conversations to which I am not a party.

Witness

b6
b7C

OK

329EYCU 71645-30

AFFIDAVIT OF KAREN PASELA

STATE OF OHIO
COUNTY OF CUYAHOGA, SS:

I, Karen Pasela, depose and state under oath as follows:

1. I was the mother of Dawn Pasela, who died on April 25, 2012.
2. For the last three years of her life, Dawn worked for the Cuyahoga County Mortgage Task Force, first as a contract employee and then as a county employee.
3. Dawn served in the capacity of office manager. One of her duties was to maintain the task force's files. After Dawn worked there for a while, she said she was concerned that things were being taken from the files and not returned. She also said some employees had signed her name when they took the files, and she feared they were hiding them from attorneys representing the people the task force was investigating. She particularly expressed concern about the way the cases against Anthony Viola and Susan Alt were being handled. Dawn showed us photos she had taken of file boxes haphazardly stacked in the hallway, which made them easily accessible to almost anyone.
4. Dawn also mentioned that some computers in the office had disappeared, and she couldn't find out why or where they went.
5. Although Dawn was not trained as an investigator, she was asked to go to a fund-raising event for Anthony Viola after he had been indicted and to secretly record what was said. She was also asked to write a check for Viola's defense fund so the prosecutors could determine at which bank the fund was being maintained. Dawn wondered about the propriety of these tactics.
6. Dawn continued to attend events sponsored by Viola's supporters and eventually began to sympathize with him because she felt that prosecutors were withholding documents that could help in his defense.
7. As her disenchantment over what was going on at the task force grew, Dawn began drinking excessively. This finally led to her termination. The task force later asked her to come in to discuss reinstatement, but she declined.
8. After the task force learned that Dawn had been subpoenaed to testify on Viola's behalf, two investigators came to her apartment to pressure her to reveal what Viola wanted her to testify about. She told us that the two men said that it would be wise for her to leave Ohio for a while and that if she testified for Viola she could end up in a federal prison. As a result, Dawn did not testify.

9. Dawn was so frightened that the investigators might return that she moved into our house for 10 or more days and stopped drinking. She also parked her car in our garage so no one would see it. Dawn eventually began to feel stronger physically and emotionally and moved back to her apartment.

10. When we visited Dawn the day before she died, we could tell that she had started drinking again, and we urged her to stop.

11. Dawn was found dead the next day. The cause of death was listed as acute alcohol intoxication. She was only 26.

Further I sayeth naught.

Karen Pasela
Karen Pasela

Sworn and subscribed in my presence this 16th day of December, 20 16

Paul Vargo
NOTARY PUBLIC



PAUL VARGO
NOTARY PUBLIC
STATE OF OHIO
Recorded in
Cuyahoga County
My Comm. Exp. 1/25/17