

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

Anthony Viola,)	Case # 1:16-cv-1411-TSC
)	
Plaintiff)	Hon. Tanya Chutkan
)	
-vs.-)	
)	MOTION FOR SANCTIONS
US Department of Justice, et. al.)	
)	
Defendants)	

This Freedom of Information Act litigation commenced with a simple public records request nearly a decade ago to obtain the following documents and voice recordings:

- FBI interviews with US District Court Judge Nugent and voice recordings with the Judge’s voice on them seeking a fake job for his girlfriend from convicted political leaders Jimmy Dimora and Frank Russo; and
- Information concerning a fake mortgage company set up by the FBI and informant Paul Tomko to entrap citizens in “mortgage fraud” cases.

During this litigation, the Department of Justice has frequently withdrawn pleadings because they were false, Docket # 16, Docket # 22 and the May 12, 2017 – “Motion to Withdraw Motion for Summary Judgment. Between 2016 and 2019, the Justice Department was

granted a dozen separate requests for extensions to respond to the complaint or motions, see Docket # 47 – “Errata” and request for another extension. The Justice Department also failed to produce relevant documents and failed to follow a court order to provide this court with an update on the status of this case, **Exhibit A**. In addition, the undersigned repeatedly asked the U.S. Attorney’s Office to expedite production of releasable records or to resolve this case, to no avail, **Exhibit B**. In related proceedings, Justice Department misconduct and admissions of lying caused the United States Court of Appeals to appoint Yale Law School to assist the undersigned, **Exhibit C**.

This Court has previously been presented with – and ignored – evidence of serious misconduct by the Department of Justice, including:

- Disbarment proceedings against the former federal prosecutor who prosecuted the undersigned, see Mark Bennett disbarment proceedings and Inspector General report about Bennett’s lies, sexual misconduct and use of his government computer to solicit sex, **Exhibit D**.
- The chairman of the multi-jurisdictional Task Force, Mr. Donald Cleland, stated under oath that the Task Force gave its office manager, Dawn Pasela, federally created records, which it later lost control over, **Exhibit E**.

- Ms. Pasela offered to testify about government misconduct at a subsequent trial of the undersigned, where the Plaintiff was exonerated, but Ms. Pasela never made it to court. Instead, she was found dead in her apartment under mysterious circumstances, <https://uncovered.com/cases/dawn-pasela>.
- Attorneys for the Justice Department are obligated to report misconduct but have failed to follow that obligation in this case, 28 CFR § 0.29c - Reporting allegations of employee misconduct.

MEMORANDUM OF LAW

Failure to comply with a court order related to the production of public records may result in punishment for contempt for the responsible employee, 5 U.S.C. Sec. 552(a)(4)(G). If a district court assesses attorney fees against the federal government and finds that the agency acted "arbitrarily or capriciously" in improperly withholding records, the U.S. Office of Special Counsel must "initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding." 5 U.S.C. § 552(a)(4)(F). The agency must then implement whatever "corrective action" that the U.S. Office of Special Counsel recommends. *Id.* Further, federal employees may be subject

to criminal penalties for the willful and unlawful destruction, removal, or private use of federal records, See 18 U.S.C. § 2071.

WHEREFORE, Plaintiff asks this Court to schedule a hearing to impose sanctions and to examine the Justice Department's failure to follow court orders or public records laws in this matter.

Respectfully Submitted,



Anthony Viola

CERTIFICATE OF SERVICE

I, Anthony Viola, hereby swear and affirm that I caused a copy of the foregoing Motion to be served upon the following office, via regular U.S. mail, postage prepaid, and email, on this 28th day of August, 2023:

Office of the U.S. Attorney
For the District of Columbia
555 4th St NW
Washington, DC 20530

Respectfully Submitted,



Anthony Viola

Exhibit A

Plaintiff's failure to adhere to the Federal Rules of Civil Procedure, the court's local rules or this court's orders may result in sanctions, up to and including dismissal of this action.

III. CONCLUSION

For the reasons set forth above, the court will GRANT DOJ's motion for summary judgment as it relates to the documents it withheld regarding the sentencing judge. The court will issue an order directing the parties to file a joint status report and/or proposed briefing schedule regarding Plaintiff's FOIA request for records relating to Tomko.



Date: March 31, 2022

Tanya S. Chutkan
TANYA S. CHUTKAN
United States District Judge

Exhibit B

Anthony Viola
2820 Mayfield Road # 205
Cleveland Heights, Ohio 44118
(330) 998-3290 MrTonyViola@icloud.com

May 2, 2023

Mr. John Moustakas, Esq.
United States Attorney's Office
601 D Street, NW
Washington, DC 20001

RE: Viola v. US Department of Justice; Case Number 1:16-cv-01411

Dear Mr. Moustakas,

This letter is to make clear that absent a status call in this case on or before June 1, 2023, or absent receipt of records requested under FOIA, I will once again file a Mandamus Petition to the DC Court of Appeals.

I have worked in good faith to resolve this matter but have been stymied with delays and excuses for many years. Since you have looked into my case and are aware of the pending disbarment proceedings against federal prosecutor Mark Bennett, you are more than aware of the underhanded and illegal tactics employed by the Justice Department in my case. Given this criminal activity by prosecutors, and the tremendous enthusiasm exhibited by the government when prosecuting me, I am simply not willing to tolerate a sluggish, decade-long response to a simple public records request involving a corrupt federal judge seeking a job for his girlfriend from currently imprisoned political leaders.

I do not wish to debate or argue with you, I only seek releasable public records and the chance to submit an appeal so the DC Court of Appeals can review the Justice Department's practice of shifting exculpatory evidence and federal records between jurisdictions and locations, then pleading ignorance to the existence federally created records the Justice Department moved to another building.

To learn more about misconduct in my case, or to see recent media coverage of the Justice Department's misconduct and the death of Dawn Pasela, kindly visit FreeTonyViola.com

If you can expedite a conclusion of this case, I would appreciate it. If you cannot, I will move ahead with a filing in the Court of Appeals in June.

Very Truly Yours,


Tony Viola

930
AM

Anthony Viola
2820 Mayfield Road # 205
Cleveland Heights, Ohio 44118
(330) 998-3290
MrTonyViola@icloud.com

more call
Thurs
② 930

February 2, 2022

Mr. John Moustakas, Esq.
Assistant United States Attorney
Civil Division, U.S. Attorney's Office
555 Fourth Street, NW
Washington, DC 20530

RE: Viola v. US Department of Justice, et. al.,
Case No. 1:16-cv-1411, DC District Court
DC Court of Appeals No. 21-5212

Dear John,

Thank you for your consideration and assistance in resolving this matter. I've reviewed the case file and have summarized below what I believe to be the open issues as of this date. Kindly let me know if you believe any of these matters can be mutually resolved, or if any relevant documents can be produced for possible inclusion in a subsequent habeas petition.

The FOIA requests involve intercepted wiretapped conversations between a sitting federal judge (Donald Nugent) and convicted local politicians, as well as requests concerning the government's expert in my prosecution, Paul Tomko, who was reviewing documents inside the US Attorney's Office, but actually stealing identities and obtaining credit in the names of others. Mr. Tomko was later prosecuted, but I have never received any documents concerning his involvement in my criminal prosecutions.

Key open issues are:

- (1) **GOVERNMENT DECLARATIONS** - The docket contains several instances of the government withdrawing summary judgment motions or indicating that newly discovered, releasable documents were available. In addition, I filed a motion to vacate all judgments in favor of the government after admissions that the FBI and Executive Offices for United States Attorneys made false or misleading statements in FOIA declarations in a separate FOIA case, described in detail below. So one question is this: Does the government stand by its earlier declarations, which the Court accepted, and which narrowed the scope of this litigation, and does the

government oppose my request to have earlier judgments vacated, in light of admissions that the government submitted false affidavits in a related matter?

- (2) **ADEQUACY OF SEARCH** – I argued that the Tomko search was inadequate, because the FBI did not search for documents concerning his businesses or the fake mortgage company the FBI set up called “The Mortgage House.” In addition, my request concerned Tomko’s actions as an FBI informant, where he was the expert involved in my case and paid by the government. News articles attached to my filings state Tomko was the government’s mortgage fraud expert, but the documents actually produced concerned his prosecution and are generally available on PACER. Since Tomko committed crimes, and was prosecuted for crimes, I argued he has no privacy rights as an informant.

In addition, documents obtained during the course of the litigation indicated that a Multi-jurisdictional Mortgage Fraud Task Force houses federal records, but the government refuses to look for federal records it placed there. The Task Force was funded by Bureau of Justice Assistance Grant # 2009-sc-0080 and was the central repository for federal evidence (according to testimony of FBI Agent Jeff Kassouf). Also, Task Force press releases say it was staffed by federal officials and made up of federal agencies, including the HUD IG, IRS and FBI. Exhibit B of the complaint is an FBI document that confirms the FBI relocated FEDERAL evidence to the Task Force location.

Finally, I requested tapes of Hon. Donald Nugent as well as documents, but the government responded that the tapes of Judge Nugent were sealed, but never explained why no related documents were ever produced, including an FBI interview with the Judge.

- (3) **FOIA EXEMPTIONS and MISCONDUCT** - Relying on Tax Reform Research v. IRS, 419 F. Supp. 415 (DDC 1976), I’ve argued there is a government misconduct exception to Exemption 5 and that the factual record supports this claim. I’ve also argued there are no “ongoing investigations” and that Exemption 7 does not apply to any James Dimora or Frank Russo documents, particularly since all applicable statute of limitations has long passed.

In the event that it’s helpful, I am attaching three documents:

- FBI admissions they were unaware of 10,000 documents in my case, even though these documents were in the FBI records system. The FBI’s declaration blames local officials in Cleveland for not providing documents and is available in Viola v. US Department of Justice, et. al., 15-cv-242, W.D. Pa., Hon. Susan P. Baxter presiding.

- Admissions by the Executive Offices for United States Attorneys that it made inaccurate statements in its FOIA declarations in the same case.
- The United States Court of Appeals found that I was entitled to legal counsel in related FOIA litigation, and I was extremely fortunate that the law firm of Covington & Burling agreed to represent me on a Pro Bono basis. I'm attaching their appellate brief, which outlines FOIA issues and misconduct in my case. Covington also did a superb job of outlining the factual summary of my case, something I thought you may prefer reading, rather than my Pro Se legal work submitted from jail. Kindly note that the Court of Appeals never ruled on the case, because when the FBI admitted its declarations were false, the case was remanded with instructions for the government to correct the record, a three year process that remains ongoing now.

Finally, my prosecution has been marred by significant misconduct, including a romantic relationship between federal witness Kathryn Clover and Prosecutor Daniel Kasaris. Also, prosecutors directed their Office Manager, Dawn Pasela, to pose as a paralegal working with other defense lawyers and record a series of post-indictment conversations with me to obtain confidential defense trial strategy information. Ms. Pasela offered to testify at my second trial about government misconduct, but was found dead in her apartment on the day of her scheduled testimony. Additionally, the Justice Department's stated that Clover committed perjury at my federal trial but has never withdrawn such false testimony. More recently, the AUSA in my case, Mark Bennett, was fired for misconduct. Given this and other improper actions in my case, I ask you to consider working with me to jointly ask the Inspector general, or other appropriate government body, to investigate this matter, pursuant to Section 45.11 of Title 28 of the Code of Federal Regulations.

If you need any additional information, please let me know. I hope this recap assists you in helping resolve this case. I also consent to any requests you make for additional time to respond to court submissions. Like you, I agree that all efforts should be focused on the production of releasable documents and not endless court filings.

Thank you for your efforts!

Very Truly Yours,

Tony Viola
Tony Viola

Exhibit C

No. 18-2573 (L); 22-2186

**IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

ANTHONY L. VIOLA,
Appellant,

v.

UNITED STATES DEPARTMENT OF JUSTICE, FEDERAL BUREAU
OF INVESTIGATION, Records/Information Dissemination Section;
UNITED STATES DEPARTMENT OF JUSTICE, Executive Offices for
United States Attorneys-Freedom of Information & Privacy Staff;
CUYAHOGA COUNTY MORTGAGE FRAUD TASK FORCE;
Defendants-Appellees,

KATHRYN CLOVER,
Defendant.

ON APPEAL FROM UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA
No. 1:15-cv-00242-SPB, U.S. District Judge Susan Paradise Baxter

**BRIEF OF APPELLANT
WITH ATTACHED JOINT APPENDIX VOLUME 1**

Alan Chen, Law Student
Daniel Mejia-Cruz, Law Student
YALE LAW SCHOOL ADVANCED
APPELLATE LITIGATION PROJECT*
127 Wall Street
New Haven, CT 06511
(914) 316-2302

David Roth, Esq.
Tadhg Dooley, Esq.
Pro bono counsel
WIGGIN AND DANA LLP
One Century Tower
265 Church Street
New Haven, CT 06510
(203) 498-4400

Attorneys for Appellant

*This brief has been prepared by the Advanced Appellate Litigation Project, operated by Yale Law School. The brief does not purport to present the school's institutional views, if any. The motions for admission of law students Alan Chen and Daniel Mejia-Cruz were filed on April 3, 2023, and are pending with the Court.

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 18-2573 & 22-2186

**Viola v. U.S. Dept. of Justice
(W.D.Pa. 1-15-cv-00242)**

ORDER

David R. Roth, Esq. and Tadhg Dooley, Esq. are hereby appointed as counsel for Appellant without compensation pursuant to 28 U.S.C. 1915(e)(1). This appointment shall remain in effect until termination of this case unless the Court grants the withdrawal or substitution of counsel earlier. Counsel shall have a period of 60 days from the date of this order to review the record. Prior to the expiration of that 60 day period, counsel shall advise the Clerk whether additional documents are necessary. If counsel does not need additional documents, the Clerk will issue a briefing schedule immediately after the 60 day review period ends. Counsel shall file the entry of appearance form within 14 days of the date of this order.

For the Court,

s/ Patricia S. Dodszuweit
Clerk

Dated: December 5, 2022

nmb/cc: Anthony L. Viola
David R. Roth, Esq.
Tadhg Dooley, Esq.
Laura S. Irwin, Esq.
Sharon Swingle, Esq.
Daniel Winik, Esq.



U.S. Department of Justice

*United States Attorney
Western District of Pennsylvania*

*Joseph F. Weis Jr. U.S. Courthouse
700 Grant Street
Suite 4000
Pittsburgh, Pennsylvania 15219*

412/644-3500

September 27, 2019

The Honorable Susan Paradise Baxter
United States District Judge
U.S. Courthouse
17 South Park Row, Room A-240
Erie, PA 16501

RE: Anthony L. Viola v. USDOJ FBI, et al.
Civil Action No. 15-242E

Dear Judge Baxter:

In June 2018, the Court granted summary judgment to the federal defendants in this Freedom of Information Act case, the Federal Bureau of Investigation (FBI) and Executive Office for U.S. Attorneys (EOUSA). The plaintiff, Anthony L. Viola, appealed that ruling to the U.S. Court of Appeals for the Third Circuit, where the appeal remains pending.

In the course of preparing the government's brief on appeal, government counsel discovered that the *Vaughn* index that EOUSA prepared and the government filed with this Court incorrectly described some of the documents at issue. The government has now moved in the Third Circuit to vacate this Court's judgment in favor of EOUSA and remand for further proceedings—in which EOUSA will reprocess the documents at issue and submit a new *Vaughn* index and declaration—once the Third Circuit has resolved the remaining issues in the appeal.

September 27, 2019

Page 2

Because the Third Circuit appeal remains pending, this Court presently lacks jurisdiction, and the government does not ask that the Court take any action at this time. The government is filing this letter simply to avoid any delay in notifying the Court of the inaccuracies in EOUSA's prior submission. The government regrets those inaccuracies and the resulting inconvenience to the Court.

Respectfully submitted,

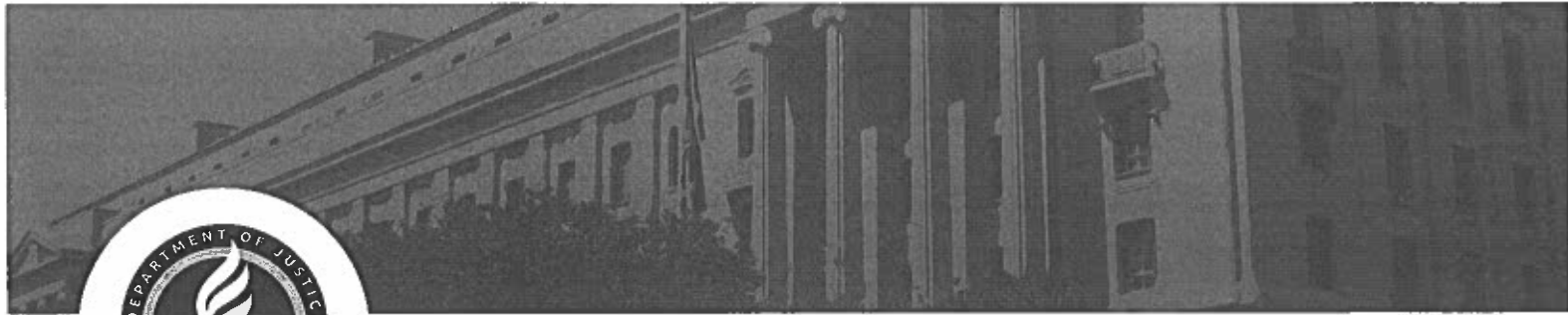
SCOTT W. BRADY
United States Attorney

/s/ Michael C. Colville
MICHAEL C. COLVILLE
Assistant U.S. Attorney
(412) 894-7337

The FOIA contact also reached out to AUSA, Mark S. Bennett and informed him of the FOIA request and the specific records being sought. (ECF 154-2, ¶ 26). AUSA Bennett's legal assistant then conducted a search of the electronic folders and database for responsive records. (ECF 154-2, ¶ 26). AUSA Bennett, his legal assistant and the FOIA contact also conducted a search specifically for emails pertaining to Dawn Pasela and Kathryn Clover by searching the electronic database and AUSA Bennett's Outlook messages. (ECF 154-2, ¶ 27). In this regard, EOUSA staff verified with USAO/OHN that their search located no additional information regarding Kathryn Clover or Dawn Pasela. (ECF 154-2, ¶ 30). The FOIA contact pulled all records from the storage boxes, scanned the records, and uploaded them into EOUSA's previous FOIA review platform, AccessPro. The FOIA contact also uploaded all records located on electronic platforms and provided all identifiable records related to Anthony Viola and Realty Corporation of America on or about June 7, 2016. (ECF 154-2, ¶ 28). On November 10, 2016, the Court ordered "expedited production of tapes and/or transcripts of tapes of Dawn Pasela and emails from and to Kathryn Clover, to the extent they exist and are releasable." (ECF 42). In this regard, EOUSA staff verified with USAO/OHN that the search located no additional information regarding Kathryn Clover or Dawn Pasela. (ECF 154-2, ¶ 30). EOUSA also verified with the district that no such records were located. *Id.* The district indicated that they previously informed the Plaintiff and the Court via multiple filings, that USAO/OHN has no tapes, transcripts, or recordings, regarding the Plaintiff, Dawn Pasela, or Kathryn Clover. *Id.* Moreover, EOUSA does not have, nor does it maintain records that may be held at the state prosecutor's office regarding Mr. Viola's state case or other DOJ components. *Id.*



Exhibit D



DEPARTMENT OF JUSTICE | OFFICE OF THE INSPECTOR GENERAL

INVESTIGATIVE SUMMARY | 21-005

Findings of Misconduct by an Assistant United States Attorney for Sexually Inappropriate Comments to Multiple Individuals, Inappropriate Touching of an Intern's Breast, and Lack of Candor to the OIG

The Department of Justice (DOJ) Office of the Inspector General (OIG) initiated this investigation upon the receipt of information from the Executive Office for United States Attorneys (EOUSA) alleging that an Assistant United States Attorney (AUSA) may have physically and verbally sexually harassed an Intern in the United States Attorney's Office (USAO), including deliberately running his arm across the Intern's breast without her consent.

During the course of the investigation, the OIG found indications that the AUSA also made sexually suggestive comments to three other individuals, including another AUSA, a Federal Bureau of Investigation (FBI) Forensic Analyst, and a U.S. Postal Inspection Service (USPIS) Postal Inspector. In addition, the OIG found indications that the AUSA lacked candor during an OIG interview.

The OIG investigation substantiated the allegations that the AUSA engaged in sexually harassing conduct by making sexually inappropriate comments to the USAO Intern, the AUSA, the FBI Forensic Analyst, and the USPIS Postal Inspector, all in violation of federal regulations regarding sexual harassment and employee conduct, as well as in violation of DOJ policy prohibiting sexual harassment in the workplace. The OIG further concluded that the AUSA inappropriately touched the Intern's breast, in violation of state law. The OIG further found that the AUSA lacked candor in his OIG interview, in violation of DOJ policy.

Federal and state criminal prosecution of the AUSA was declined.

The OIG has completed its investigation and is providing this report to the EOUSA and DOJ's Office of Professional Responsibility for appropriate action.

★ ★ ★

Unless otherwise noted, the OIG applies the preponderance of the evidence standard in determining whether Department of Justice personnel have committed misconduct.

State of Ohio,
CUYAHOGA County, ss:

Affidavit of Mark Bennett

I, Mark Bennett, swear or affirm that:

1. I admit that I committed the misconduct listed in the Agreement for Consent to Discipline, that grounds exist for imposition of a sanction against me for the misconduct, and that the agreement sets forth all grounds for discipline currently pending before the Board of Professional Conduct.
2. I admit to the truth of the material facts relevant to the misconduct listed in the agreement.
3. I agree to the sanction recommended in the agreement to the board.
4. My admissions and agreement are freely and voluntarily given, without coercion or duress, and I am fully aware of the implications of the admissions and agreement on my ability to practice law in Ohio.
5. I understand that the Supreme Court of Ohio has the final authority to determine the appropriate sanction for the misconduct admitted by me.


Mark Bennett, Esq.

Sworn to or affirmed before me and subscribed in my presence this ^{2nd} day December 2022.



KELLY M. ZACHARIAS
Attorney at Law
NOTARY PUBLIC
STATE OF OHIO
My Commission Has
No Expiration Date
Section 147.03 O.R.C.


Signature of Notary Public

BEFORE THE BOARD OF PROFESSIONAL CONDUCT
OF THE SUPREME COURT OF OHIO

FILED

AUG 18 2022

Disciplinary Counsel

Relator,

BOARD OF PROFESSIONAL CONDUCT

v.

Case No. 2022-034

Mark Bennett, Esq.
Attorney Registration No. 0069823

Respondent.

Waiver of Probable Cause

Under Gov.Bar R. V(11)(B), respondent stipulates that there is probable cause for the filing of a complaint and waives the determination of probable cause by a Probable Cause Panel of the Board of Professional Conduct.

Dated:

7-21-22

Richard Koblentz, Esq.
Richard Koblentz, Esq.
Counsel for Respondent



United States Department of Housing and Urban Development
Office of Inspector General

Certificate of Appreciation

presented to

Mark S. Bennett
Assistant U.S. Attorney

In recognition for your outstanding contributions to the criminal investigations conducted by the U.S. Department of Housing and Urban Development – Office of Inspector General. Your continued efforts and support of HUD-OIG Special Agents and their investigations have truly made a difference to the people that HUD serves.

April 2015

Nicholas Padilla, Jr
Deputy Assistant Inspector
General for Investigation (DAIGI)

(b)(7)(C)

Office of Investigations – Region V

Exhibit E

STATE OF OHIO)
)SS.
CUYAHOGA COUNTY)

Now comes Donald Cleland who first being duly sworn, affirmed and cautioned according to law deposes and says:

1. Affiant has personal knowledge of all facts related in this Affidavit and is competent to testify.

2. Affiant is retired Cuyahoga County Sheriff's deputy having achieved the rank of Sargent prior to my retirement in 2014.

3. I was director of the Cuyahoga County Mortgage Fraud task force from 2009 until the task force was dissolved in 2013. I investigated Dawn Pasela for violations of Ohio's Confidentiality statute.

4. The Task force was located at a secret location, and its location and access to said location was limited to law enforcement personnel only as in Police Officers, Federal Agents, Prosecutor's and support staff.

5. Pursuant to Ohio Law, the Task force director and investigatory staff had the powers of a peace officer throughout the county or counties in which the investigation is to be undertaken. The task force had the authority to conduct investigations through the issuance of subpoenas and subpoenas duces tecum.

6. Pursuant to Ohio Revised Code Section 177.03 the referral of information by a task force to a prosecuting attorney, to the attorney general, to the commission, or to a special prosecutor



under this division, *the content, scope, and subject of any information so referred, and the identity of any person who was investigated by the task force* shall be **kept confidential** by the task force and its director, investigatory staff, and employees, by the commission and its director, employees, and consultants, by the prosecuting attorney and the prosecuting attorney's assistants and employees, by the special prosecutor and the special prosecutor's assistants and employees, and by the attorney general and the attorney general's assistants and employees until an indictment is returned or a criminal action or proceeding is initiated in a court of proper jurisdiction. Dawn Pasela was bound by this requirement to maintain confidentiality as provided above. Dawn Pasela was aware of this statute and the confidentiality requirement.

7. As the Ohio Organized Crime Commission Cuyahoga County Mortgage Fraud task force director I was responsible for and did secure documents, files, computers and evidence. All such documents, files, computers and evidence were secured pursuant to Ohio law and good police practice.

8. In order to gain access to the Ohio Organized Crime Cuyahoga County Mortgage Fraud Task Force office a person had to be provided a key. Only Law Enforcement or law enforcement staff could possess a key. No cooperating witnesses were provided with a key or access to the Task Force office, files in the office or material in the office. The Task Force location was confidential by law and secure.

9. All evidence seized by a search warrant or received pursuant to a subpoena was kept in a locked evidence room. A log was kept of the evidence possessed by the task force of which I was responsible for. No person ever forged any portion of any evidence log or logs. No computers that came into possession of the Cuyahoga County Mortgage Fraud Task force during the time I was its director was lost or destroyed. Lay witness interviews or lay witness trial preparation

involving lay witnesses including Steve Newcomb of Argent or Kathryn Clover never occurred at the Task Force location as such would violate Ohio's Confidentiality statute.

10. Dawn Pasela was an employee of the Cuyahoga County Prosecutor's office when I became the Director of the Task Force. Dawn Pasela was the office manager of the Task Force office. Dawn Pasela ordered supplies, performed support staff services. Dawn Pasela was a student at Cuyahoga County Community College and wanted to be an investigator. I am aware that in 2011 she failed to appear for work, she was AWOL and that at least on one occasion a well check was performed on her by agents of the task force to ascertain if she was ok.

11. After Anthony Viola was indicted he held a public fundraiser at a local restaurant. The fundraiser was advertised and his attorney was present. Without being asked Dawn Pasela VOLUNTEERED to attend the fundraiser and VOLUNTEERED to wear a recording device to obtain information and to donate money from her checking account to the event. She understood that the TASK FORCE would reimburse her for the donation. Dawn Pasela never went to another of Anthony Viola's fundraisers on behalf of the Task Force as part of any investigation as far as affiant knows Dawn Pasela never contacted Anthony Viola while she was an employee of the Cuyahoga County Prosecutor's office.

11. Dawn was permitted by the Ohio Organized Crime Commission to take home with her a backup hard drive of the computer/server holding the files of the task force. The back up hard drives contained confidential information and data on it. Dawn Pasela was required by law to maintain the confidentiality of whatever was on the back up drive consistent with Ohio Law.

12. When Dawn Pasela was fired by Mike O'Malley the then First Assistant of the Cuyahoga County Prosecutor's office for refusing to take a drug test she took with her the backup

hard drive and was out of town for a period of time. The back up hard drive could not be located for that period of time.

13. For a period of time during the late fall/early summer of 2011 Dawn Pasela did not return the backup hard drive to the Ohio Organized Crime Commission Mortgage Fraud Task Force. The drive was the property of the Ohio Organized Crime Commission and contained confidential records and information.

14. I went to her apartment to try and secure the hard drive. I was not successful as she was not home.

15. After a period of time Dawn Pasela returned the hard drive to another member of law enforcement.

16. In January of 2012 I learned that Dawn had communications with Anthony Viola. I informed the Director of the Organized Crime Commission of such communications at which time he asked me to investigate whether or not Dawn Pasela had provided any confidential information to anyone in violation of Ohio law. Dawn Pasela was required Ohio Revised Code Section 177.03 to maintain confidentiality. During the spring of 2012 leading up to her death in April of 2012 I was actively investigating Dawn Pasela for violating the confidentiality of the Ohio Organized Crime Commission Cuyahoga County Mortgage Fraud Task Force pursuant to the above-mentioned statute.

17. During this investigation I subpoenaed her phone records, other records and interviewed witnesses. I learned from her phone records and from a witness that Anthony Viola had contacted her on the phone during 2011 after Dawn Pasela was fired. I learned from her phone records and from a witness that after Viola called her, Dawn Pasela called a former senior staff

member of the Ohio Organized Crime Commission and talked to that person. I interviewed that person and learned that Anthony Viola wanted to meet with Dawn Pasela but the, former senior staff member of the Ohio Organized Crime Commission advised her not to meet with Viola because to do so may violate Ohio law and to provide Viola with any information concerning the Task Force may also violate Ohio law, specifically Ohio's Confidentiality law. I learned from that senior staff member that Dawn Pasela told the former OCIC staff member that she would not meet with Viola. I later learned from reading a pleading that Anthony Viola filed in his Federal Court Criminal case shortly before he was sentenced to prison by Judge Donald Nugent in Federal Court that the two never met.

18. At the time of her death Dawn Pasela was under an active investigation by myself on behalf of the Ohio Organized Crime Commission for violating Ohio Revised Code Section 177.03©(4). When I learned that she died on or about August 25, 2012 I closed the investigation. If any person suggests that she was not under investigation that person is either unaware of the investigation or misleading whomever such person is talking to.

FURTHER AFFIANT SAYETH NAUGHT.


DONALD CLELAND

SWORN to before me and SUBSCRIBED in my presence this 3rd day of September
, 2022.



NICHOLAS J. BRYSON
Notary Public, State of Ohio
My Comm. Expires 06/19/2024
Recorded in Cuyahoga County


NOTARY PUBLIC

AFFIDAVIT OF KAREN PASELA

STATE OF OHIO
COUNTY OF CUYAHOGA

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. Dawn worked for the Cuyahoga County Mortgage Fraud Task Force, first as a contract employee and then as a county employee. Dawn was recruited to work at the task force by Arvin Clar. Then Assistant Cuyahoga County Prosecutor Daniel Kasaris was Dawn's boss. While at the task force, she worked with FBI agents. In fact, she was told if she finished two more subjects, and with her background and experience, she could work for the FBI.
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 individuals 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 case against Anthony Viola and Susan Alt were being handled. Dawn showed me photos she had taken of files 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. Dawn also mentioned that Katheryn Clover was frequently in the Prosecutor's Office, accessing files and evidence.
5. Although Dawn was not trained as an investigator, she was asked to go to a fundraising event for Anthony Viola after he had been indicted and to secretly record what was said. Dan Kasaris gave Dawn money and told her to write a personal 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 was told that she had to continue to attend events sponsored by Viola's supporters wearing a wire, or her job would be in jeopardy. I was very alarmed and afraid for my daughter's safety and advised her not to wear a wire. However, Dawn felt she had no choice but to comply with her boss's orders.

7. Eventually, Dawn began to sympathize with Viola because she felt that prosecutors were withholding documents that could help in his defense.
8. 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.
9. After Dawn was no longer working at the task force, she told me she was meeting with Viola. I was very worried about Dawn and I was concerned that if she tried to help Viola, she could be prosecuted. I urged not to get involved.
10. During Viola's second trial, Dan Kasaris showed up at our house, with another individual, wanting to come in and search for computers and hard drives. He demanded entry into my house but my husband Edward refused, and told him we had no computers from his office and to return with a search warrant.
11. 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. Dawn called me one morning, upset and crying, saying 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 federal prison. As a result, Dawn did not testify.
12. 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.
13. During Viola's second trial, when Dawn was staying at our house, I heard Dawn speaking to Viola. She was crying and so upset that she was visibly shaking. She said she was too upset to talk more about what was going on during the trial.
14. When we visited Dawn the day before she died, I could tell that she started drinking again, and we urged her to stop.
15. After Dawn was found dead in her apartment, the police refused to allow my husband Ed to see Dawn's body. When my daughter Christine arrived at Dawn's apartment, police officers told her that she was not allowed to see Dawn's body. No one in my family ever saw Dawn's body and no one in my family was ever asked to identify Dawn's body.
16. Later, Ed called the Cuyahoga County Coroner, requesting to see Dawn's body. When the Coroner called back, they were adamant that I should not come because

you want to remember her the way she was and that she looked bad. I was insistent and wanted to see my daughter but I was again told not to go to the Coroner's Office. I was told to wait to see Dawn at the funeral parlor.

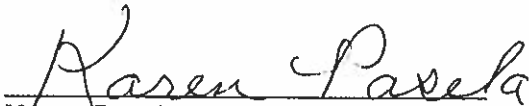
17. At the funeral parlor, when I first saw Dawn's body at a private viewing, I was shocked at the way her face looked. Many other family members told me the same thing, which I thought at the time was the result of a poor makeup job. Because of our complaints, the funeral home redid Dawn's makeup before the public viewing. Even after the second makeup job, family members who did not see Dawn at the private viewing commented that Dawn did not look natural.

18. I agree with my husband Ed's opinion, which is that Kasaris contributed towards my daughter's death because

- The way he treated her was wrong
- The unprofessional tactics that were used in the office made my daughter extremely upset and she did not know how to handle what was going on with the files and computers.
- Dawn was also threatened with prosecution for violating a confidentiality agreement, but we have proof that she never signed any agreement.

19. I believe that there should be a full investigation into the actions of Kasaris as well an entirely new investigation into my daughter's death.

Further I sayeth naught.


Karen Pasela

Sworn and subscribed in my presence this 25 day of May, 2022.


NOTARY PUBLIC



ANDREW SCHMIDT
Notary Public, State of Ohio
My Commission Expires
January 2, 2024