

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

May 8, 2023

Mayor Tim DeGeeter
City of Parma
6611 Ridge Road
Parma, Ohio 44129
Office: 440-885-8001
Email: mayorsoffice@cityofparma-oh.gov

Copy to:

Chief of Staff
Rich Summers
Office: 440-885-8009
Email: rsummers@cityofparma-oh.gov

Director of Communications
Carolyn Kovach
Office: 440-885-8181
Email: ckovach@cityofparma-oh.gov

RE: Death of Dawn Pasela

Dear Mayor DeGeeter,

I am writing to you to alert you about the actions of the Parma Police Department concerning the death of Dawn Pasela, and to further inform you that the Police are refusing to follow specific, written recommendations made by the Cuyahoga County Sheriff's Office. After you have had the chance to review these materials, I hope you will consider scheduling a meeting with me and the Pasela family to further discuss this situation. We would like to ask your advice about how we should proceed or see if you have any suggestions based on your many years of public service and your role overseeing the City's Police Department.

BACKGROUND - Dawn Pasela

Born in 1985, Dawn graduated at the top of her class at both Cleveland State and at Cuyahoga County Community College, where she was President and founder of Phi Theta Kapa, a member of the National Honor Society's Dean's

List and an important participant in the Criminal Justice Club. Dawn was hired by Prosecutors Dan Kasaris and Mark Bennett to serve as Office Manager of a multi-jurisdictional Mortgage Fraud Task Force. One of the cases prosecuted by Bennett and Kasaris was against me. I was a real estate broker, but prosecutors mistakenly thought I was involved in the mortgage business. I was indicted in both state and federal court on identical charges. In order to gain an edge at trial, Kasaris and Bennett concocted an illegal undercover operation where they directed Dawn to pose as a graduate student studying criminal justice and working with local defense attorneys on similar cases, offering to assist my defense. Dawn was ordered to record a series of post-indictment conversations with me so prosecutors could obtain confidential defense trial strategy information. Kasaris and Bennett also had Dawn donate funds towards my legal fees so prosecutors could use her cancelled check to identify the law firm's bank account, track investigative expenses and identify potential defense witnesses -- who were promptly threatened with indictment if they testified for my defense.

I was convicted in federal court but following the jury verdict at the first trial, but before federal sentencing or the start of the second trial, Dawn provided me with exculpatory evidence prosecutors failed to produce before the first trial, and offered to testify at the second trial about prosecutorial misconduct. Bennett, Kasaris and other law enforcement officials all threatened Dawn with indictment and federal prison if she appeared in court. Dawn was found dead in her apartment in Parma, Ohio shortly after her scheduled testimony, but no inquiry into the circumstances surrounding her death has ever been conducted.

BACKGROUND - The Prosecution of Anthony Viola

I proved my innocence at a second trial but, earlier, I was indicted three times and tried twice on identical charges by a multi-jurisdictional mortgage fraud task force. Prosecutors alleged that I duped banks, including JP Morgan Chase and Citigroup, into making 'no money down' mortgage loans that the bank didn't permit. I was convicted in federal court and sentenced to 12 1/2 years in jail. But from jail, and without an attorney, I proved my innocence at a second trial and was later released after a decade in prison.

During the time I was in prison, my private investigator and other supporters investigated my case and obtained an increasingly large number of indications that Dawn's death was not accidental, but the result of foul play.

In 2020 and 2021, both the FBI and US Department of Justice admitted making materially false statements about evidence in my case and, in 2022, the Ohio Supreme Court Office of Discipline Counsel initiated proceedings to disbar former federal prosecutor Mark Bennett, Disciplinary Counsel v. Bennett, case number 2022-034; DOJ Inspector General Report Number 21-005. Details about my case are available at FreeTonyViola.com.

SUMMARY OF THE PARMA POLICE DEPARTMENT'S ACTIONS IN THIS CASE

Shortly after the Parma Police arrived at the scene, they stated that Dawn's death was not suspicious, but since 2010, I have employed former FBI Agent Bob Friedrich as a private investigator to obtain evidence in my case and to investigate Dawn's death, which Mr. Friedrich thought should be carefully investigated. During this lengthy investigation, we found witnesses who stated they heard discussions about Dawn's "murder" and evidence undermining the police's conclusion that there was no foul play involved with Dawn's death. In 2021, I alerted Dawn's parents, Karen and Ed Pasela, about this evidence and the family met with Mr. Friedrich. Separately from our concerns, they were also suspicious that foul play was involved – but for different reasons (including bruising on Dawn's face, missing items from her apartment and demands from one of Dawn's friends to gain access to her apartment and see toxicology reports. After we provided the Pasela family with the evidence we had, and based on the family's own suspicions of foul play, Karen and Ed met with officials in the Parma Police Department in June of 2022 and provided those officials with documents and sworn statements, and asked the Department to re-open its investigation into Dawn's death, which the police agreed to do.

Later in 2022, the Cuyahoga Medical Examiner produced records that the Parma Police never produced, indicating that three (3) cell phones were found in Dawn's apartment, including one with an outbound call hours after the time of death supposedly occurred.

When Karen and Ed met with the police, the following documents were provided:

- A letter from Judge Daniel Gaul stating that there was serious misconduct in my criminal prosecution. Judge Gaul has said he believes there was foul play involved with Dawn's death and has repeatedly offered to speak with investigators but no one has ever contacted the Judge.
- An email threatening Dawn with "prison" if she testified in my case.
- Copies of court subpoenas confirming Dawn was scheduled to be in court shortly before her death.
- Information about government informant Marty Maurer, who has a long criminal history and who was at Dawn's apartment shortly before her death. After Dawn passed away, Marty repeatedly demanded re-entry into her apartment.
- Cancelled checks proving Dawn was donating funds towards legal fees and forced to engage in an improper undercover operation.
- Sworn statements from multiple witnesses supporting our belief that Dawn's death was the result of foul play.

- A sworn statement from Kelly Patrick that both she and her children heard Attorney John Patrick (the brother of Prosecutor Dan Kasaris) talk about Dawn's "murder" on several occasions.
- A sworn statement from retired Sheriff detective Donald Cleland, who said Dawn was given ALL evidence and records from Task Force cases to take home. The fact that so much evidence was at Dawn's apartment – and that her computer was missing at the time of her death – also points to foul play.

Dawn's family informed the Parma Police were told that Dawn's computer was missing from her apartment, but this fact was never investigated, and the cell phones were never returned to Dawn's family.

In addition to the foregoing, Mr. Friedrich wrote a letter to the Parma Police stating that he was available to meet any time and review the materials and evidence he gathered. Mr. Friedrich has been investigating this matter for many years, and has amassed significant documentary evidence, but no one from the City has ever contacted Mr. Friedrich, who believes a proper investigation by law enforcement should be commenced immediately.

Mr. Friedrich is a former FBI Agent who respects law enforcement and routinely works with local, state and federal officials on a collaborative basis. However, your city officials have refused to meet with Mr. Friedrich or even respond to his communications.

Nearly a year ago, Parma Police officials agreed to re-open the case, and said they were writing a letter to Ohio BCI to ask them for their assistance, and the Medical Examiner said they would change the cause of Dawn's death to "undetermined" pending an investigation. Last August, Lieutenant Daniel Ciryak claimed the Law Director was reviewing a letter to Ohio BCI before it could be sent. Later, additional excuses were offered, we were told BCI had a conflict of interest and could not help, and a series of promised meetings were cancelled or postponed. More excuses continued through the end of the year. In January 2023, I wrote Lt. Ciryak, summarized all evidence we had gathered and again respectfully asked him to re-open an investigation, but no response was ever received. A copy of this letter is attached hereto.

More important than your Department's failure to respond to me or Mr. Friedrich is the way the Pasela family has been treated. They have not had phone calls returned and have been treated like they are bothering your police, even though this is a heartbreaking situation involving the death of their daughter.

In late 2022, I retained Attorney Kim Corral to look into this matter and, at the time, the Parma Police stated they were turning the file over to the Cuyahoga County Sheriff. The Cuyahoga County Sheriff reviewed the actions of

your police department and found the police force did nothing whatsoever to investigate this case. These reports (which I am attaching) tell a story of gross incompetence and outright misconduct – including moving Dawn’s body before EMS arrived – and conclude with a series of recommendations to the Parma Police. Months later, the Parma Police still refuse to investigate this case, and the Department is ignoring the Sheriff’s written recommendations. In addition, the Medical Examiner has yet to change the cause of Dawn’s death to “undetermined” pending an investigation.

I believe that political interference from Senior Assistant Ohio Attorney General Daniel Kasaris and others have caused the Parma Police to ignore what may have been a murder. Mr. Kasaris is desperately attempting to circumvent an investigation into his actions concerning Dawn, his threats to imprison her right before she passed away and the fact that Kasaris destroyed his own laptop computer on the day Dawn passed away.

Meanwhile, our investigation continues to unearth more and more information about what happened to Dawn – we have reports from multiple doctors disputing the Medical Examiner’s findings about the excessive alcohol content found in tissue samples, witnesses who know Dawn was afraid and reaching out for help days before she died and the presence of a government informant, Marty Maurer, at Dawn’s apartment hours before she died.

Given all that has transpired, Dawn’s family and I are respectfully requesting the following:

- (1) That you review the police department’s actions in this case and let us know why the file has not been provided to or turned over to Captain James Mackey at the Cuyahoga County Sheriff’s Office and Charlie Snyder at Ohio BCI, both of which have stated they will investigate this case if given the chance;
- (2) An “in person” meeting to discuss this matter to seek any suggestions you may have, or steps you think should be taken.

Finally, not only is our request in the interests of justice and in the interests of fairness to Dawn Pasela’s family and friends, but perhaps the actions of the police in this case require you to review of policies and procedures in your department. The Cuyahoga County Sheriff points out a number of blatant violations of standard police procedure when Dawn’s body was found, including moving her body, not “canvassing” nearby apartments, not interviewing witnesses, not seeking surveillance video – among others. In addition, despite years of effort, we cannot locate the relevant EMS records in this case. As the leader of the City of Parma, we defer to you, but ask you to consider whether or

not additional steps beyond our request concerning Dawn should be considered by your and your colleagues.

Should you wish to see any additional documents or evidence, please visit the JusticeForDawn.com website or simply let me know what information would be helpful and it will be provided at once.

Thank you very much for your public service, for reviewing this submission and for considering my request for an "in person" meeting.

Respectfully Submitted,



Tony Viola

cc: Mrs. Karen Pasela
Mr. Edward Pasela



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".

Daniel Gaul
Judge

DG/mlt

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

CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

FILE NO. 232000808

DATE February 3, 2023

FROM Detective John Morgan #241

TO Lieutenant Jim Mackey

SUBJECT Review and recommendations

COPIES TO CCSD File

On February 3, 2022, while assigned to the Cuyahoga County Sheriff's Department Detective Bureau writer was given an assignment by Lieutenant Jim Mackey to review a death investigation completed by the Parma Police Department of Decedent Dawn Pasela who expired on April 25, 2012, and to provide recommendations on what investigators may or may not have completed during the initial investigation. The Following are recommendations to investigate this matter at this time:

This investigator reviewed the following documents before preparing this report. The writer reviewed the entire case file turned over to the Cuyahoga County Sheriff's Department by the Parma Police Department, sat down with Dr. Galita, the pathologist who performed the post-mortem examination, and Joe Stopak, Chief of Morgue Operations at the Cuyahoga County Medical Examiner's Office, and even reviewed the website www.freetonyviola.com and read through the "Evidence Locker" where rumor has that other persons were responsible for the death of the decedent.

The case file turned over to the Cuyahoga County Sheriff's Department

The case file consisted of two (2) brown folders and one (1) compact disk containing approximately twenty-two (22) photographs of the crime scene taken by the Parma Police Department. One (1) brown folder contained the case file produced by the Parma Police Department, and one (1) brown folder consisted of printed material from the www.freetonyviola.com website, a list of "unexplained Coincidences," and a compilation of police reports and other records reference a male identified as Martin F. Maurer.

After reviewing the Parma Police case file it was clear that the Parma Police Department did not investigate the death of the decedent.

There was not one interview conducted in this matter, an area canvass, in this case, a canvass of the decedent's neighbors located in the apartment building, was not completed.

Furthermore, there is not any indication in any of the police reports provided that an attempt was made to retrieve video surveillance from the apartment complex entry/exits, and there was no attempt to preserve any evidence collected at the crime scene.

The Parma police reports do not include any mention of mobile cellular devices located inside the department writer was unaware after reading the initial police investigative reports or looking through the photographs taken from the scene, that a mobile cellular device was located inside the decedent's apartment. The writer only discovered there were three (3) mobile cellular devices located at the decedent's apartment from the Cuyahoga County Medical Examiner's Investigator's report. Furthermore, a mobile cellular device was pictured in the Medical Examiner's photographs with an outgoing call to a telephone number at 0439 hours on the day that the decedent's body was discovered by the Parma Police Department.

An electronic communication was sent to the Parma Police by the writer to ascertain if any mobile cellular devices were discovered at the decedent's residence, and if so, were they in the custody of the Parma Police Department. In the reply (see previous document) the Parma Police believed that since it was a "Corner's Case" and

CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

that "there were no signs of forced entry," they believed that the Medical Examiner would investigate this case; therefore they did not conduct an investigation.

After ten years have passed The Cuyahoga County Sheriff's Department recommendations to investigate this case would be the following:

1. Locate the three (3) missing mobile cellular devices.
2. Identify the person who owned TX: 440-915-9207.
2. Once the devices are located complete a download of those devices.
3. Try and identify who the decedent attempted to contact at 0439 hours.
4. Interview Kelly Patrick
5. Interview John Patrick
6. Interview Susan Kasaris
7. Interview Edward Pasela
8. Interview Karen Pasela
9. Interview Kathryn Clover

Medical Examiner's Files

The writer met with Deputy Medical Examiner Dr. Dan Galita. During this meeting, Dr. Galita explained that the most accurate blood alcohol reading came returned at almost six times the legal limit and that the alcohol had to be ingested through the stomach to reach this level.

Furthermore, he completely ruled out, what had been described in the case file as "Boofing". Boofing is a term best described as an alcohol enema, and also ruled out someone soaking a tampon and inserting it into their vagina to feel the effects of the alcohol quicker.

When the writer and Joe Stopak went through the photographs of the crime scene which had been taken by the Medical Examiner's office, the mobile cellular devices were discovered and the photographs taken of the decedent's last attempted outgoing telephone call dialed to 440-915-9207.

Website www.freetonyviola.com

The writer, on several occasions, visited this website to gain an understanding of some of the exterior issues regarding this case. This document is not going to go into great detail about the issues brought up by this webpage; however, a few comments should be directed toward this webpage.

After carefully reviewing the "Evidence Locker" portion of this site, the writer found that almost every one of the allegation were simply allegations without any facts to substantiate the claim or to support the allegation. If there were any truth to these allegations then a proper investigation would have shut down some of these conspiracy theories.

For example, if the mobile cellular devices had been taken into evidence and forensically downloaded, investigators would have been able to obtain toll records and text messages in the days leading up to the decedent's death. We would have known who she would have been in contact with and if, anyone from the Cuyahoga County Prosecutors Office, their investigators, or anyone associated with the Mortgage Fraud Task Force had been in contact with the decedent before her death.

For another example, the first document writer noticed upon opening the second brown file folder is a document titled "Prosecutor Dan Kasaris implicated in Death of Dawn Pasela," and the second line reads, "Kasaris at the scene hours before Pasela's Death; Foul Play Suspected." When the writer completed a Google search of "Dawn

CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

Pasela" this article is listed and to view this document, there is a hyperlink to www.freetonyviola.com/evidencelocker. This is one of the documents stored in the evidence locker.

When you read through the document it provides zero factual evidence that Dan Kasaris visited the decedent on the night of her death. This article mentions that investigators from the Mortgage Fraud Task Force visited the decedent and her parents searching for a missing computer. However, what this does not tell you is when this all occurred.

The writer contacted the Cuyahoga County Prosecutor's Office and asked for the day of the decedent's termination from the Prosecutor's office. The director of human resources advised that Dawn Pasela was terminated on June 2, 2011. There was no cover-up after her death as the article points out. Loved ones of the decedent are not allowed into the crime scene to preserve evidence not to cover up evidence; this article is trying to convince the reader of a cover-up by giving facts (not all the facts) that support their theory.

The biggest question is why not collect all the evidence from the scene and do a basic death investigation until the results of the toxicology report return; that would ensure if something odd appeared in the toxicology report then they could have proceeded with the investigation.

In conclusion, as stated earlier, if the Parma Police Department would have investigated this matter many of these issues could have been answered over ten years ago.

Detective John Morgan #241

CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

FILE NO. 2320003808

DATE January 5, 2023

FROM Detective John Morgan #241

TO Lieutenant Jim Mackey

SUBJECT Receipt of case

COPIES TO File

On January 5, 2023, while assigned to the Cuyahoga Regional Human Trafficking Task Force writer received an assignment from Lieutenant Jim Mackey to conduct a review of a death investigation completed by the Parma Police Department in April of 2012. The following is a summary of events that occurred surrounding this investigation on that day.

On this day, writer picked up two brown folders containing the case file along with a compact disk containing photographs from Lieutenant Mackey's office to begin the case review. Inside the white envelope containing the compact disk were business cards for Daniel Ciryak, Detective Lieutenant and Public Information Officer for the Parma Police Department, and our police liaison for this case review.

This matter will be further investigated

CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

FILE NO. 2320003808

DATE January 11, 2023

FROM Detective John Morgan #241

TO Lieutenant Jim Mackey

SUBJECT Meeting at Medical Examiner's Office

COPIES TO File

On January 11, 2023, while assigned to the Cuyahoga Regional Human Trafficking Task Force writer received an assignment from Lieutenant Jim Mackey to conduct a review of a death investigation completed by the Parma Police Department in April of 2012. The following is a summary of events that occurred surrounding this investigation on that day.

On this day writer met with Dr. Dan Galita (Dr. Galita) M.D, Deputy Cuyahoga County Medical Examiner, and Joe Stopak (Stopak), Chief Cuyahoga County Medical Examiner Investigator and Head of Morgue Operations, to discuss Cuyahoga County Medical Examiner's Case# IN2012-00731 decedent Dawn Pasela.

Dr. Galita provided a copy of the Vital Statistics Report and the finalized Medical Examiners Verdict. In this case, Dr. Galita explained that the decedent died of Alcoholic Steatohepatitis with acute ethanol intoxication. Dr. Galita further explained that Alcoholic Steatohepatitis was simply the "Pickling of the liver from alcohol consumption, and the acute ethanol intoxication stems from the blood alcohol level of 0.537 and the blood alcohol level taken from the Vitreous Humor (a fluid that fills the space between the retina and the lens of the eye) was 0.595 which is almost 8 times the legal limit that state law measures whether or not a person is intoxicated.

Dr. Galita had earmarked page 519 of a book titled Interpretive "Toxicology: Drug Abuse and Drug Deaths." On this page, the writer read Table 23.1 Acute Alcohol Intoxications. This table explained what happens to the human body at certain levels of alcohol intoxication. A blood alcohol level of 0.40 causes unconsciousness, coma, and possible death, again the decedent's blood alcohol level was measured to be 0.595. When asked if the decedent could have soaked a tampon in vodka, or if she could have utilized an alcohol enema, and if that would that contributed to her death; Dr. Galita explained that the only way to reach that level of alcohol intoxication was through consuming it orally.

After the meeting with Dr. Galita writer met with Stopak in his office to go over the 24 photographs taken by the Medical Examiner's Investigator (Daniel Morgan) while at the scene and photographs were taken before and during the post-mortem examination. Pictures #20 and #21 were taken by the CCME investigator of a Samsung Flip Phone. One mobile cellular phone was pictured in the Parma Police Department (PPD) photographs; however this phone was not depicted in any of the reports or photographs.

The photographs were taken of the last outgoing call attempted by the decedent at 0429 Hours (4:29 AM) on April 25, 2021. However, due to the flash from the camera, writer can only make out the first six digits and is missing the last four numbers of the telephone number called. Writer can only make out the following numbers: 440-915-XXXX and is missing the last four numbers. Stopak contacted a technician from the photography laboratory to see if they could assist with the identification of the last four numbers.

CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

Also identified in the photographs taken by the CCME investigator was #16. This photograph depicted two work identification cards. At the top was an Identification card issued to the decedent by the Cuyahoga County Prosecutor's Office and the second identification was issued to the decedent by the Attorney General's Office Organized Crime Commission.

A check with Stopak revealed that no mobile cellular devices were received with the decedent's body. Furthermore, the CCME investigator documented in his report that there were three (3) mobile cellular devices located in the decedent's apartment. The photographs were taken of the mobile cellular device which had been discovered closest to the decedent's body.

On Friday, January 13, 2023, writer drafted an electronic communication to Lt Daniel Ciryak, Detective Lieutenant inquiring if the Parma Police Department collected any mobile cellular telephones from the decedent's residence. On Monday, January 16, 2023, writer received the following response, "I was off last Friday, but double-checked with our property/evidence officer today to verify that our department DID NOT remove any evidence from the scene. The coroner's office investigator (oddly enough named Morgan) deemed this a corner case and noted in the report there was no evidence of foul play. At the time, Edward Pasela, indicated that his daughter had a history of alcohol and drug abuse. It wasn't until about 10 years later that Ed raised all of these questions."

On Tuesday, January 17, 2023, writer contacted The Cuyahoga County Prosecutors Office and they verified that the decedent's employment had been terminated on June 2, 2011.

This matter will be further investigated.

CUYAHOGA COUNTY SHERIFF'S DEPARTMENT

FILE NO. 2320003808

DATE February 3, 2023

FROM Detective John Morgan

TO Lieutenant Jim Mackey

SUBJECT Meeting with Katie Snyder

COPIES TO File

On February 3, 2022, while assigned to the Cuyahoga County Sheriff's Detective Bureau writer was given an assignment by Lieutenant Jim Mackey to complete a case review of a death investigation conducted by The Parma Police Department. The following is a result of that case review:

On this date, writer was contacted by Joe Stopak, Director of Morgue Operations and Chief investigator at the Cuyahoga County Medical Examiner's Office. During this call, Stopak advised that the forensic photography department was able to identify the last four digits of the telephone number on the silver slip phone photographed at the decedent's residence and that still photographs had been prepared for investigators.

At approximately 1330 Hours writer met with Stopak and Katie Snyder, Chief, of the Forensic Photography Department. During this meeting, Snyder provided two (2) pictures displaying the telephone number 440-915-9207. This number was dialed by someone at 4:39 AM on Wednesday, April 25, 2021, the screen listed no name attached to this telephone number however, this could provide investigators a lead in this case if it is to be investigated over 10 years after the death of the decedent.

These photographs will be attached to the paper and electronic file associated with this case.

1 THE STATE OF OHIO,)
2 COUNTY OF CUYAHOGA.)) SS: JOHN O'DONNELL, J.

3 IN THE COURT OF COMMON PLEAS

4 CIVIL DIVISION

5 ANTHONY L. VIOLA,)

6 Plaintiff,)

7 -v-)

8 SUSAN KASARIS, et al.,)

9 Defendants.)

Case No. CV
21-951041

10 - - - -

11 TRANSCRIPT OF PROCEEDINGS

12 - - - -

13 APPEARANCES:

14 ANTHONY VIOLA, Plaintiff, Pro Se,

15 REMINGER & REMINGER CO., L.P.A.
16 CLIFFORD MASCH, ESQ.,

17 on behalf of Deft John Patrick.

18 BONEZZI, SWITZER, POLITO & HUPP CO., L.P.A.
19 DAVID COMSTOCK, ESQ.,

20 On behalf of Defendants Susan Kasaris,
21 Kelly Connors, DeMina O'Shea-Moran,
22 Kathryn Clover.

23 Lisa Hrovat, RPR
24 Official Court Reporter
25 Cuyahoga County, Ohio

1 relevant to whether or not the allegations in
2 the complaint are either scandalous, or
3 indecent, or recognized under Ohio law as
4 being frivolous.

5 Mr. Viola is attempting to get into
6 the merits of the case, which this Court
7 already dismissed on the rulings on the motion
8 to dismiss. I respectfully submit this entire
9 line of examination is irrelevant to the
10 sanction hearing before the Court.

11 THE COURT: Here is what
12 we'll do. The particular objection is
13 overruled. The testimony has already been
14 given.

15 Mr. Viola, focus on whether the
16 filing of the complaint amounted to frivolous
17 conduct. That would be good.

18 Q. Couple more questions. Who is Rose
19 Kapturasky?

20 A. Rose is a family friend of John's and Dan's.

21 Q. Okay.

22 A. They all grew up together.

23 Q. Has your former husband, John, ever discussed
24 the, quote, "murder" of Dawn Pasela?

25 MR. MASCH: Objection, your

1 Honor.

2 A. Yes.

3 THE COURT: Overruled.

4 A. Yes. We discussed it in my driveway one day.

5 Q. He discussed it with your children as well;
6 correct?

7 A. Correct.

8 Q. Okay. Based on what you know, do you think
9 there should be a renewed investigation into the
10 circumstances surrounding the death of Dawn Pasela?

11 A. Absolutely.

12 Q. Is there anything else that you want to tell
13 the Court that you think is relevant concerning
14 today's proceedings?

15 A. Not at this time, no.

16 MR. VIOLA: Thank you,
17 Kelly.

18 THE COURT: One moment,
19 ma'am. Thank you, Mr. Viola. Do you have any
20 cross-examine, Mr. Masch?

21 MR. MASCH: No, your Honor.

22 THE COURT: Mr. Comstock,
23 same question.

24 MR. COMSTOCK: No, your Honor.

25 THE COURT: Thank you for

From: Dan Kasaris
Sent: Fri 4/27/2012 2:56 PM
To: Dana Schroeder; Mike Stybel
Subject: RE: Laptop for Dan Kasaris

any news on the laptop
thx
dan

Dan Kasaris Esq.
Representing the Residents of Ward 6
North Royalton, Ohio
440-623-2098

From: Dana Schroeder
Sent: Thu 4/26/2012 8:40 AM
To: Mike Stybel; Dan Kasaris
Subject: RE: Laptop for Dan Kasaris

Thanks Mike for letting him know.

From: Mike Stybel [<mailto:mikes@discomputers.com>]
Sent: Thursday, April 26, 2012 8:25 AM
To: Dan Kasaris; Dana Schroeder
Subject: RE: Laptop for Dan Kasaris

Hey Dan,

Just wanted to make sure you were aware that we moved our office location. We are now in Richfield. Our address is 3046 Brecksville Rd. Unit B1 Richfield, Ohio 44286.



Michael Stybel
Senior Network Engineer
Digital Integrated Systems, Inc.
3046 Brecksville Road Unit B1
Richfield, OH 44286
440-838-4111
330-523-7202
www.discomputers.com

From: Dan Kasaris [<mailto:ward6@northroyalton.org>]
Sent: Thursday, April 26, 2012 6:35 AM
To: Dana Schroeder; Mike Stybel
Subject: RE: Laptop for Dan Kasaris

Computer fan runs like an airplane propeller from beginning and it will not boot up. I did back up files a month ago so I am ok with that. Will drop off 2 nite at dis on way home around 6. If that is no good please advise. I bhad c cleaner on it as well as Adobe PDF creator on it . Please have on new computer. Please call me if a problem at 440 305 4226. Thank u

Dan Kasaris Esq.
Representing the Residents of Ward 6
North Royalton, Ohio
440-623-2098

-----Original Message-----

From: Dana Schroeder
Sent: Wed 4/25/2012 8:25 AM
To: Mike Stybel
Cc: Dan Kasaris
Subject: RE: Laptop for Dan Kasaris

Mike when are you available to replace?

Dana

From: Dan Kasaris
Sent: Tuesday, April 24, 2012 8:39 PM
To: Dana Schroeder; 'Mike Stybel'
Subject: RE: Laptop for Dan Kasaris

Ok when can I bring this one in?

I will back up the documents on it

Please transfer all doc and settings however and all my programs

My back up will be a back up incase something happens

Thx

dan

From: Dana Schroeder
Sent: Tuesday, April 24, 2012 11:00 AM
To: Mike Stybel
Cc: Dan Kasaris
Subject: RE: Laptop for Dan Kasaris

Mike,

I just left him a voice message. When I hear back from him I will let you know.

RESUME OF ROBERT S. FRIEDRICK

Education

UNITED STATES NAVAL ACADEMY, Annapolis, Maryland – B.S. Engineering

Experiences

FRIEDRICK & ASSOCIATES, President

Formed company in 1987 to provide competitive intelligence to lawyers, corporation executives and individuals. Conducted extensive major medical defense. Performed due diligence investigation; health care investigation, including the ability to conduct sophisticated surveillance; asset search/bankruptcy fraud; white collar crime investigation; environmental investigation; and computer forensics.

FEDERAL BUREAU OF INVESTIGATION (FBI)

Supervisory Agent – Supervised fourteen Agents who handled Organized Crime (O.C.) investigations. Supervised a narcotics/gangland murder investigation, targeting the Mafia underboss and his two lieutenants. Forty individuals were identified as being associated with the narcotics operation. Responsible for soliciting the cooperation of a subject who detailed the narcotics operation and murders. Three Mafia figures, including the underboss of the family, and fourteen high-level associates were indicted and convicted for narcotics distribution and seven murders. Responsible for the underboss agreeing to cooperate with the Government. Underboss testified against Mafia figures in Chicago, New York, Kansas City and Milwaukee. Supervised and coordinated the Cleveland Informant Program, considered one of the best in the United States. Was contact Agent for Jackie Presser. Presser's position in the Teamsters gave him access to all the Locals and Joint Councils throughout the United States. His information was instrumental in convicting the leadership on the La Cosa Nostra (LCN) families across the country to include the famous New York Commission Case. Received outstanding performance ratings as well as letters of commendation from the FBI Director and other high bureau officials.

Case Agent – Investigated Federal violations of O.C. statutes. Initiated the first Federal O.C. arson-for-profit investigation in Cleveland. Handled an O.C. informant and was responsible for the arrest of a top echelon O.C. racketeer. Received an incentive award for the arrest. Responsible for the investigation of a highly publicized gangland murder of a rackets figure slain in Cleveland. Investigation resulted in an arrest of a Top Ten FBI fugitive and the arrests and convictions of all of the hierarchy of the Cleveland Mafia, with the exception of the underboss. In addition, a top echelon O.C. Mafia figure agreed to cooperate with the government and his testimony had significant impact on O.C. Mafia families throughout the country. Coordinated and directed the investigative efforts of FBI Agents in many FBI offices in handling this case. Received a quality step increase (equivalent to early advancement) and an incentive award for this investigation.

Surveillance Agent – Conducted O.C. surveillances. Responsible for the indictment of one O.C. figure. Responsible for indictment of two O.C. figures and conviction of one for an attempted gangland murder. Responsible for indictments and convictions of several O.C. loan sharks and gamblers. Received letters of commendation from the FBI Director.

Special Weapons & Tactics (SWAT) Team Commander – Responsible for selecting, training and equipping eighteen Agents designated to make arrests and execute raids where the potential for violent confrontation existed (a para military operation). Responsible for the development of operation plans, and the coordination and execution of same. Conducted several high-risk operations without incident.

Military

UNITED STATES MARINE CORPS (USMC). Left USMC as a Captain.

Enclosed is a copy of my resume.

By way of background, I graduated from the United States Naval Academy and was commissioned in the United States Marine Corps where I served for seven years. Within one year of resigning my commission I was accepted in the Federal Bureau of Investigation through the Philadelphia office. My resume details some of my accomplishments during my thirteen years of service. My years with the Bureau provided me with an in-depth knowledge of federal and state law. While with the Bureau I handled several major RICO cases as a special agent and as supervisor of the Organized Crime Squad.

I have conducted private investigations for over twenty years. I have done extensive medical negligence. In particular I do backgrounds (to include medical experts), interviews, locate witnesses and extensive surveillance. My video equipment is extremely sophisticated. Other areas of my expertise include: Computer forensics, due diligence investigations, general investigative matters (criminal and civil), health care investigations, asset searches/bankruptcy fraud, white collar crime investigations and environmental investigations. I also conduct/arrange special investigations to include locating forensic experts, electronic countermeasures (office and telephone debugging), video camera installation (overt and covert) and pre-employment screenings/background investigations. I have an extensive network of contacts both nationally and internationally, which enables me to coordinate investigations in both a timely and cost-efficient manner.

Computer forensics has been very helpful to our clients when investigating various matters. This piece of the puzzle often supports other investigative tools in order to bring a more effective result. We have our own forensic data analyst that has the same training as law enforcement and has been a computer technician for over fifteen years. All of our equipment and methods follow chain of evidence rules and are modeled after law enforcement procedure. More information can be provided upon request.

My fee for general investigation is \$125.00 per hour. Background investigation is \$85.00 per hour. For computer forensics I charge \$150.00 per hour. For surveillance I charge \$75.00 per hour.

If you feel my background/experience could contribute to the overall efforts of your firm, please contact me and I will arrange to meet with you at your convenience.

Sincerely,



Robert S. Friedrich

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

January 26, 2023

LT. Daniel Ciryak
Parma Police Department
5555 Powers Blvd.
Parma, OH 44129

RE: Summary of Newly Discovered Evidence -- Death of Dawn Pasela

Dear Lieutenant Ciryak,

I am writing to respectfully request that your office officially turn the investigation into the death of Ms. Dawn Pasela over to the Cuyahoga County Sheriff's Office to conduct a new investigation into the circumstances surrounding her death. In support of my request, I am pleased to summarize newly discovered evidence that supports this request.

BACKGROUND

My name is Tony Viola and I was born and raised in Cleveland. I was very fortunate to establish a local real estate business in Cleveland. Our Company employed over 100 team members throughout our community. I had zero criminal history and never interacted with law enforcement, but in 2008, I was indicted twice -- on identical charges -- in both state and federal court on allegations I committed fraud concerning a mortgage business and stole millions of dollars. According to various press releases, I masterminded the "Nation's Largest Mortgage Fraud Scheme". I was shocked by the charges and felt our business acted ethically and honestly. We also had a real estate attorney who advised us on our actions. Given this background, and the fact that I was never involved with any mortgage loans, I refused to plead guilty and began to prepare for trial.

Shortly after these indictments, the government claimed it "lost" computers from the mortgage company that actually originated the loans at issue in the case. Also, before trial, and concerned about the strength of their case, prosecutors Mark Bennett (currently undergoing disbarment proceedings) and Daniel Kasaris ordered their Office Manager, Ms. Dawn Pasela, to wear a wire and pretend to be a paralegal working with other defense attorneys on similar cases. Dawn had no training as an undercover officer but was ordered to say she could assist our defense. Dawn was also given money to contribute toward my legal fees. In fact, she actually recorded a series of conversations with me so prosecutors could obtain confidential defense trial strategy information, and prosecutors used her

cancelled checks to identify supporters. After a federal jury verdict of guilty, but before sentencing, and before the start of the second trial, Dawn contacted me to inform me she wore a wire so prosecutors could gain insight into our trial preparation. She also claimed that prosecutors had not provided exculpatory evidence before the first trial. She then gave that evidence to me and it was presented at the second trial, where an acquittal resulted. But during that trial, Dawn's was threatened with prosecution and found dead in her apartment shortly after her scheduled testimony.

I remained in prison for a decade of legal wrangling but, during this time, I repeatedly asked state and federal courts to order an investigation into Dawn's death, especially since it was likely responding officers or the Parma Police were not aware at the time of her death that she wore a wire and was involved in an undercover operation that resulted her being thrust into a high profile criminal prosecution. Those requests were denied, leaving me with two choices: do nothing and forget it, or gather information and evidence to support our request, with hopes of one day presenting the information we have in court, or to the proper law enforcement authorities, so that a full review could be initiated.

I am fortunate that former FBI Agent Bob Friedrich has been assisting me with my case for many years. Mr. Friedrich has charged me a small fraction of what most investigators would, and he strongly believes there should be a new investigation into the circumstances surrounding Dawn's death.

When I learned that Dawn passed away, I found the timing very suspicious and also thought that the reaction in court of Prosecutor Kasaris was unusual – he seemed hardly to care, while everyone else in the courtroom was in tears. Also, I spoke with Ms. Pasela during my trial and she said she was afraid for her life, and that her apartment was under surveillance. She was also told to leave the state of Ohio or be prosecuted for speaking with me, because she violated a confidentiality agreement. But the first proof we obtained that something was seriously wrong came in 2014 when:

- Mr. Friedrich obtained documents that confirmed that Dawn Pasela never signed any “confidentiality agreement”
- Public records from North Royalton indicated that on the day Dawn passed away, Prosecutor Kasaris disposed of his old laptop and bought a new one.

In 2015, the government admitted that the tapes made by Dawn existed and later in the same case, prosecutors admitted making false statements about evidence, Viola v. Department of Justice, 15-cv-242, WD Pa. By this point, we had several pieces of hard evidence that confirmed what Dawn told me, and that the explanations surrounding Dawn's death were called into question.

In 2021, Hon. Daniel Gaul, who presided over my second trial, told me he believes there is a likelihood of foul play in Dawn's death and said he would speak with investigators about his conversations with Dawn during my trial (days before her death). To contact Judge Gaul, kindly contact his Bailiff, Mary Jo Simmerly, at (216) 443-8706. After discussing this matter with Karen and Ed Pasela and receiving their permission, I requested a meeting with the doctor who performed the autopsy, Dr. Dan Galita, and asked for his advice. Dr. Galita said that he did not know Dawn was due in court, or was subpoenaed to trial, or he would have noted this on the report. Dr. Galita suggested we present all of the new evidence in our possession to the Parma Police.

RECAP OF ALL NEWLY DISCOVERED EVIDENCE

- I was unaware that no one in the Pasela family was allowed to see Dawn's body. In addition, at the funeral home, at a private viewing, family members noticed that Dawn's face did not look natural and what may have been swelling. Yet even when Ripepi Funeral Home of Parma redid Dawn's make-up, it failed to conceal the marks on her face, a possible sign of a struggle.
- Public records laws did not permit me to obtain the full Medical Examiner file on Dawn until the Pasela family gave permission, but the records provided in 2022 indicated:
 - 3 cell phones were found at the death scene
 - Outbound call on Dawn's cell phone occurred well after the stated time of death, based on the amount of liver mortis observed on her body.
 - Many new photos were produced, allowing for a more detailed assessment of Dawn's death
- Former FBI Agent Earl Pitts, who has investigated homicides, examined death scene photos and thought he identified carpet marks indicating Dawn's body was dragged. Mr. Pitts (phone number 417-407-0559) also thought it was possible someone grabbed Dawn's necklace, based on his analysis of the photos. He also thought the lack of vomit with such a high alcohol level was unusual, and that the way her body was found indicated it had been moved. Additionally, Mr. Pitts has not been able to obtain any EMS records, despite many requests. Mr. Pitts is retired and assisting us at no cost, and will happily speak with you or your colleagues about what he knows.
- In 2022, Karen and Ed Pasela provided sworn statements that provided additional information about Dawn's role in my case, and that Mr. Bennett and Kasaris came to their house during my trial looking for computers. Mr. and Mrs. Pasela also confirmed that she wore a wire and described her fear after being threatened.

- Information about Marty Maurer
 1. Martin F. Maurer, 10461 Edgerton, North Royalton, OH 44133
Date of Birth: 8/10/1981
 2. Mr. Maurer was likely at Dawn's apartment the night of her death / last person to see her alive
 3. He has a long criminal record, with multiple drug-related convictions, and was in the mortgage business, perhaps an informant working with the Mortgage Fraud Task Force.
 4. He demanded to gain entry to Dawn's apartment during her funeral, supposedly to retrieve a teddy bear to put into her casket
 5. He repeatedly asked to see Toxicology reports
 6. He refused to speak with Bob Friedrich

- Former Task Force Chair Donald Cleland stated under oath that Dawn Pasela was given hard drives with evidence on Task Force cases (involving hundreds of defendants) home with her, and these drives were later lost. At the time of her death, Dawn's computer, which had been in her second bedroom, went missing. Mr. Cleland's statement also confirms Dawn was engaged in an undercover operation and that she wore a wire to gather information about my trial preparation.

- The Medical Examiner did not test contents of Dawn's stomach to see if alcohol was forced down her throat, nor did they perform an extensive toxicology testing. Instead, Dawn's death was treated as a simple overdose.

- Parma Hospital confirmed to the Pasela family that someone requested and received Dawn's medical records from Parma Hospital – and those records were on a table when Dawn's body was found. Dr. Felo at the Medical Examiner's Office said the location of these records – openly displayed -- was suspicious.

- Stacey France (Phone Number 440-667-7273) is friends with Jason Samide (https://twitter.com/jason_samide) who worked in law enforcement and was friends with Dawn. Days before her death, Dawn reached out to Mr. Samide, informing him she was afraid and seeking help and advice. Mr. Samide said he could not be of assistance, but he regrets not assisting Dawn. Both Mr. Samide and Ms. France may have important information about what happened to Dawn. As of now, we have not yet made contact with Ms. Samide.

- Kelly Patrick (Phone Number 440-503-4592) has heard her former husband talking about the "murder" of Dawn Pasela. Ms. Patrick's children, 17 year old Brayden and 15 year old Kyla, have also heard Mr. Patrick speak about the "murder" of Dawn Pasela.

- Kelly Connors (Phone Number 330-272-2831) who claims she had a sexual relationship with Daniel Kasaris, also claims that Mr. Kasaris frequently discussed Dawn's death. Ms. Connors also accessed Mr. Kasaris' email account and began publishing emails, including an unsolicited email sent from Mr. Kasaris to Karen and Edward Pasela about Dawn's death.

Both Bob Friedrich (phone number 440-546-8393) and I would be pleased to fully cooperate with any investigation, provide all documents and evidence in our possession, and detail the source of the documents in question. In addition, Bob Friedrich is willing to discuss his review of the case and authenticate any witness statements or key documents that he obtained.

Given the large number of potential witnesses that should be interviewed, I feel my request to have a new investigation into Dawn's death is in the interests of justice, and warranted under the circumstances.

We know that we are not the appropriate individuals to continue investigating Dawn's death and we hope you agree that there is sufficient evidence that a complete investigation by the appropriate governmental agency should be initiated. I am respectfully asking you to take the required action to allow the County Sheriff to interview witnesses and investigate this case.

Thank you very much for considering this request.

Respectfully Submitted,

Tony Viola

Tony Viola

Cc: Lt. Mackey
Cuyahoga County Sheriff
1215 West 3rd Street
Cleveland, Ohio 44113