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May 26, 2023

Chief Justice Sharon L. Kennedy

And

Justice Patrick F. Fischer  
Justice R. Patrick DeWine  
Justice Michael P. Donnelly  
Justice Melody J. Stewart  
Justice Jennifer Brunner  
Justice Joseph T. Deters

Supreme Court of Ohio  
65 S. Front Street  
Columbus, OH 43215-3431

RE: Disciplinary Counsel v. Mark Stewart Bennett  
Ohio Supreme Court Case Number 2023-0471

May It Please the Court,

The Disciplinary Counsel's complaint against Mark Bennett only address a small portion of the Justice Department's investigation into Mr. Bennett's wrongdoing. That report and the government's own court filings confirm that Mr. Bennett has engaged in wide ranging sexual misconduct for many years and serious prosecutorial misconduct in many criminal prosecutions, but none of these facts were included in the Disciplinary Counsel's complaint in this matter, currently scheduled for oral arguments on June 28.

- **THE DISCIPLINE COUNSEL COMPLAINT ONLY ENCOMPASSES A SMALL PORTION OF THE JUSTICE DEPARTMENT INSPECTOR GENERAL REPORT** – Mr. Bennett sexually harassed and assaulted FOUR women he worked with, groped a waitress and engaged in sexual misconduct for decades, not only as an employee of the

Justice Department but also at the Ohio Attorney General's Office and in private practice. I am attaching the full Inspector General Report to this submission and respectfully ask you to review the report in its entirety, particularly since it has been the subject of media reports and is available on multiple websites, DOJ Inspector General Report No. 21-005, **EXHIBIT A**.

- **THE JUSTICE DEPARTMENT INSPECTOR GENERAL STATES THAT MARK BENNETT MADE FALSE STATEMENTS DURING ITS INVESTIGATION, BUT THE DISCIPLINARY COUNSEL FAILED TO CHARGE THAT, EVEN THOUGH MAKING FALSE STATEMENTS TO AN INVESTIGATIVE BODY VIOLATES THE OHIO RULES OF PROFESSIONAL CONDUCT** – Mr. Bennett claims to be remorseful but that statement is wholly undermined by his own behavior: he made multiple false statements during an investigation into his wrongdoing, requiring the Justice Department to conduct a forensic analysis of his computer to identify its contents. The Justice Department found that Mr. Bennett made materially false statements to its investigators in violation of Ohio R. Prof'l. Cond. 8.4, yet the Disciplinary Counsel failed to present that misconduct in its complaint.
- **MARK BENNETT CLAIMS PROSECUTION OF HIS OFFENSES WAS DECLINED, BUT THE STATE PROSECUTOR SAYS THE OPPOSITE** -- Victims of Mr. Bennett's sexual misconduct have never been given the chance to speak with prosecutors, even though Mr. Bennett claims prosecutors declined to charge him. I am attaching Mr. Bennett's false representations as well as communications I have received from local prosecutors and the Summit County Prosecutor's Office, **EXHIBIT B**.
- **THE JUSTICE DEPARTMENT BLAMES MARK BENNETT FOR FALSE STATEMENTS ABOUT EVIDENCE IN MY CRIMINAL CASE** – I was tried twice on criminal charges and exonerated at a subsequent trial utilizing evidence Mr. Bennett failed to produce before the first trial. In subsequent litigation, the government blamed Mr. Bennett for failing to provide records and the United States Court of Appeals appointed the Yale University Law School to assist me, Viola v. Department of Justice, et. al., case number 22-2186, Third Circuit. I provided court filings to the Disciplinary Counsel, but that office refused to further investigate Mr. Bennett's misconduct in the case pursued by Yale, **EXHIBIT C**.

- **MR. BENNETT ADMITTED HE KNOWINGLY UTILIZED KATHRYN CLOVER'S PERJURED TESTIMONY, BUT FAILED TO WITHDRAW SAID FALSE TRIAL TESTIMONY** – Mr. Bennett discovered during trial that government witness Kathryn Clover committed perjury and stated as much in writing, USA v. Clover, 10-cr-75, ND Ohio, Docket # 46, page 2. However, Mr. Bennett failed to withdraw this false trial testimony, **EXHIBIT D**. I respectfully ask this Court to order Mr. Bennett to explain why he utilized perjured trial testimony to secure convictions and why he failed to withdraw testimony he knew was false, contrary to his obligation under Napue v. Illinois, 360 U.S. 264 (1959).
- **MR. BENNETT ORDERED HIS OFFICE MANAGER DAWN PASELA TO WEAR A WIRE AND RECORD A SERIES OF POST INDICTMENT CONVERSATIONS WITH THE UNDERSIGNED SO HE COULD OBTAIN CONFIDENTIAL TRIAL STRATEGY INFORMATION** – Mr. Bennett received awards for prosecuting me and others, but he utilized unethical and illegal tactics to win cases, including directing his Office Manager, Dawn Pasela, to pretend to be a paralegal and record a series of post indictment conversations with me and my attorney to obtain confidential defense trial strategy information, **EXHIBIT E**.
- **MR. BENNETT COVERED UP AN AFFAIR BETWEEN SENIOR ASSISTANT OHIO ATTORNEY GENERAL DANIEL KASARIS AND GOVERNMENT WITNESS KATHRYN CLOVER** – Over 600 pages of emails produced by the Cuyahoga County Prosecutor's Office, Facebook messages from the wife of Daniel Kasaris and a half a dozen sworn statements all confirm that Prosecutor Kasaris and Government Witness Clover were romantically involved for many years – a fact known to Mr. Bennett because he worked closely with Mr. Kasaris and was copied on many of the emails in question. To read these documents, kindly consult the Evidence Locker of FreeTonyViola.com or see the filing in federal court by Attorney Kim Corral, kindly see In re: Anthony Viola, Case No. 23-3050, Sixth Circuit.
- **NEARLY 5,000 CITIZENS HAVE SIGNED A PETITION ON CHANGE.ORG TO HAVE MR. BENNETT PROSECUTED FOR HIS IMPROPER ACTIONS.** Mr. Bennett has destroyed many lives and

abused his authority as a prosecutor for many years, causing members of the public to demand accountability, **EXHIBIT F**.

Finally, to put the final touches on the farcical nature of these proceedings, please note that Mr. Richard Koblentz, who serves as Mr. Bennett's attorney, also represents me, wrote an expert report in my case and testified at a hearing, where he was cross examined by none other than Mark Bennett, USA v. Viola, 08-cr-506, ND Ohio. I have called this fact to the attention of the Disciplinary Counsel, and provided them billing records and emails, but they have continued to allow Mr. Koblentz – supposedly an expert on ethical obligations of attorneys – to represent me as well as Mr. Bennett, despite the fact that we have opposite legal interests.

I believe that the public's interest in the fair administration of justice requires that all of Mr. Bennett's wrongdoing at least be presented for this Court's consideration and review. Therefore, I am respectfully asking the Court to either allow me and/or my attorney, Ms. Kim Corral, to speak at the June 28 hearing, or for the Court to refer this matter for a more complete investigation by the Disciplinary Counsel, with instructions to allow members of the public to meet with investigators from that office. Repeated efforts by many attorneys and individuals to speak with the Disciplinary Counsel have been ignored, wholly undermining any pretense of fairness here.

Thank you very much for your consideration.

Respectfully Submitted,

*Anthony Viola*

Anthony Viola

cc: Mr. Richard Koblentz – Counsel for Mr. Bennett  
Mr. Matthew Kanai -- Office of the Disciplinary Counsel  
Office of the U.S. Attorney – N.D. Ohio

# **Exhibit A**



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.

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

## REPORT OF INVESTIGATION

<b>SUBJECT</b>		<b>CASE NUMBER</b>	
[REDACTED] Assistant United States Attorney [REDACTED]		[REDACTED]	
<b>OFFICE CONDUCTING INVESTIGATION</b>		<b>DOJ COMPONENT</b>	
Detroit Area Office		Executive Office for United States Attorneys	
<b>DISTRIBUTION</b>		<b>STATUS</b>	
<input checked="" type="checkbox"/> Field Office CFO <input checked="" type="checkbox"/> AIGINV <input checked="" type="checkbox"/> Component EOUSA <input type="checkbox"/> USA <input type="checkbox"/> Other		<input type="checkbox"/> OPEN <input type="checkbox"/> OPEN PENDING PROSECUTION <input checked="" type="checkbox"/> CLOSED PREVIOUS REPORT SUBMITTED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Date of Previous Report:	

### SYNOPSIS

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 from [REDACTED], United States Attorney's Office (USAO) [REDACTED] Assistant United States Attorney (AUSA) [REDACTED] may have physically and verbally sexually harassed, to include deliberately running his arm across the breast of, then USAO [REDACTED] Intern [REDACTED].

During the course of the investigation, the OIG found indications that [REDACTED] may also have made sexually suggestive comments to USAC [REDACTED] AUSA [REDACTED] sent sexual comments over social media to Federal Bureau of Investigation (FBI), [REDACTED], Forensic Analyst [REDACTED]; and made sexual comments to U.S. Postal Inspection Service, [REDACTED], Postal Inspector [REDACTED]. In addition, the OIG found indications that [REDACTED] may have lacked candor during an OIG interview when questioned about using his government laptop computer to access social media sites.

The OIG investigation substantiated the allegations that [REDACTED] engaged in sexually harassing conduct by making sexually inappropriate comments to [REDACTED] and [REDACTED], 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 also concluded that [REDACTED] unwelcome touching of [REDACTED] breast violated [REDACTED], Sexual Imposition, a misdemeanor. The OIG further found that [REDACTED] lacked candor in his OIG interview, in violation of DOJ policy.

DATE	November 5, 2020	SIGNATURE	[REDACTED]
PREPARED BY SPECIAL AGENT [REDACTED]			
DATE	November 5, 2020	SIGNATURE	<i>William Hannah</i>
APPROVED BY SPECIAL AGENT IN CHARGE William J. Hannah			

Digitally signed by WILLIAM HANNAH  
Date: 2020.11.05 17:02:38 -0600

The USAO [REDACTED] was recused from the investigation. The USAO [REDACTED] and the [REDACTED] Prosecutor's Office declined criminal prosecution of [REDACTED].

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 DOJ personnel have committed misconduct. The Merit Systems Protection Board applies this same standard when reviewing a federal agency's decision to take adverse action against an employee based on such misconduct. See 5 U.S.C. § 7701(c)(1)(B); 5 C.F.R. § 1201.56(b)(1)(ii).



# DETAILS OF INVESTIGATION

## Predication

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 from [REDACTED], United States Attorney's Office (USAO) [REDACTED] Assistant United States Attorney (AUSA) [REDACTED] may have physically and verbally sexually harassed, to include deliberately running his arm across the breast of, then USAO- [REDACTED] Intern [REDACTED].

During the course of the investigation, the OIG found indications that [REDACTED] may also have made sexually suggestive comments to USAC [REDACTED] AUSA [REDACTED]; sent sexual comments over social media to Federal Bureau of Investigation (FBI), [REDACTED], Forensic Analyst [REDACTED]; and uttered sexual comments to U.S. Postal Inspection Service, [REDACTED], Postal Inspector [REDACTED]. In addition, the OIG found indications that [REDACTED] may have lacked candor during an OIG interview when questioned about using his government laptop computer to access social media sites and claiming to have informed other colleagues at the USAO- [REDACTED] about his concerns regarding [REDACTED] allegedly filing a false sexual harassment allegation against him.

## Investigative Process

The OIG's investigative efforts consisted of the following:

Interviews of the following USAO-NDOH personnel:

- [REDACTED], AUSA

[REDACTED]

[REDACTED] AUSA

[REDACTED] (former) Intern

[REDACTED]

Interviews of the following FBI [REDACTED] personnel:

[REDACTED]  
[REDACTED] Financial Investigative Analyst

Interviews of the following personnel:

Review of the following:

- Cyber Investigations Office (CIO) forensic analysis of [REDACTED] government laptop computer.
- Justice Security Operation Center (JSOC), Internet History Logs for [REDACTED] government laptop computer.
- Verizon Wireless records for [REDACTED] personal cell phone.
- Training information from the Offices of the United States Attorneys, National Advocacy Center.
- Training records from the USAO-[REDACTED]
- Facebook Messenger and Instagram Messages the OIG received from [REDACTED]
- Emails, text messages, Skype messages, Facebook Messenger messages the OIG received from [REDACTED]

## Background and Authority

[REDACTED] Sexual Imposition (misdemeanor), prohibits engaging in sexual contact with another, either knowing or recklessly disregarding that the contact is offensive to the other person. The Penal Code defines sexual contact to include touching of another's breast.

29 C.F.R. § 1604.11, "Sexual Harassment," states in pertinent part the following:

(a) Harassment on the basis of sex is a violation of section 703 of title VII. 1 Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

...

(b) In determining whether alleged conduct constitutes sexual harassment, the Commission will look at the record as a whole and at the totality of the circumstances, such as the nature of the sexual advances and the context in which the alleged incidents occurred. The determination of the legality of a particular action will be made from the facts, on a case by case basis.

...

(d) With respect to conduct between fellow employees, an employer is responsible for acts of sexual harassment in the workplace where the employer (or its agents or supervisory employees) knows or should have known of the conduct, unless it can show that it took immediate and appropriate corrective action.

5 C.F.R. § 735.203, "Employee Responsibilities and Conduct" states in pertinent part the following: "an employee shall not engage in criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, or other conduct prejudicial to the Government."

The DOJ, Office of the Attorney General, Prevention of Harassment in the Workplace, Policy Memorandum 2015-04, states in part:

The Department of Justice will maintain a zero tolerance work environment that is free from harassment (including sexual harassment) based on sex, race, color, religion, national origin, gender identity, age, disability (physical or mental), genetic information, status as a parent, sexual orientation, marital status, political affiliations, or any other impermissible factor. . . . Harassing conduct is defined as any unwelcome verbal or physical conduct that is based on any of the above-referenced characteristics when this conduct explicitly or implicitly affects an individual's employment; unreasonably interferes with an individual's work performance; or creates an intimidating, hostile, or offensive work environment.

The DOJ Memorandum for Heads of Department Components Regarding Sexual Harassment and Sexual Misconduct, dated April 30, 2018, sets forth policies and procedures to ensure that: (1) substantiated allegations of sexual harassment or misconduct result in serious and consistent disciplinary action, (2) components report allegations of sexual harassment or misconduct to the Office of Inspector General and the components' security divisions when appropriate, (3) components appropriately consider allegations of or disciplinary actions for sexual harassment or misconduct in making decisions about awards, public recognition, or favorable personnel actions, and (4) components can be held accountable for their handling of allegations of sexual harassment and misconduct.

### ██████████ Sexual Harassment and Unwelcome Sexual Touching of ██████████

The information provided to the OIG alleged that from ██████████ may have physically and verbally sexually harassed ██████████

██████████ told the OIG that from ██████████, ██████████ made several inappropriate sexual comments to her, and on one occasion, touched her breast. ██████████ explained that their communication with each other started out as jovial, back-and-forth banter. However, ██████████ told the OIG that, as time went on, ██████████ sexual comments increased, made her feel uncomfortable, and often interfered with ██████████ ability to complete her work. ██████████ said that ██████████ talked about his sexual relationship with his wife, and on another occasion, he asked ██████████ if sex with ██████████ was "that good." ██████████ stated that ██████████ made comments about ██████████ physique, and on one occasion, he sent ██████████ a social media message to ask her why she haunted his dreams. ██████████ stated that ██████████ sent pictures to her, via either text message or through a social media platform, of himself working out in a tank top t-shirt in one photo and in his bathroom without a t-shirt in another photo. ██████████ said that during another occasion ██████████ brushed his arm against ██████████ breast while reaching for a law book and stared at her the entire time. ██████████ said that ██████████ behavior made her uncomfortable and caused her to move from her assigned workstation to other employees' work areas to avoid him.

██████████ told the OIG that ██████████ told him that ██████████ felt uncomfortable around ██████████ and that ██████████ tried to avoid ██████████ while in the ██████████. ██████████ said that he noticed ██████████ frequented the ██████████ Office's front desk instead of getting her work done. ██████████ said that ██████████ told him about a conversation ██████████ had with ██████████ concerning an alleged relationship ██████████ had with an ██████████. ██████████ said that he thought this was an inappropriate topic for ██████████ to discuss with ██████████. ██████████ said that ██████████ told him in a later conversation that he had screwed up by sending ██████████ text messages in which he indicated his willingness to engage in a sexual relationship with her. However, ██████████ stated that ██████████ denied, in an unsolicited comment, that he groped ██████████.

██████████ told the OIG that ██████████ told her that ██████████ had touched her breast while they

worked in the [REDACTED]. [REDACTED] said that she read Facebook Messenger messages [REDACTED] received from [REDACTED] and although [REDACTED] could not remember the specific content of the messages, she believed they were inappropriate and flirtatious. [REDACTED] said that [REDACTED] told her [REDACTED] behavior made her uncomfortable. [REDACTED] described one occasion when [REDACTED] came into [REDACTED] office and closed the door soon after [REDACTED] arrived at the [REDACTED] Office in order to avoid him. [REDACTED] thought [REDACTED] behavior towards [REDACTED] interfered with [REDACTED] ability to get her work done as an intern.

[REDACTED] told the OIG that [REDACTED] told her that [REDACTED] sent [REDACTED] sexual messages on various social media platforms and tried to pursue her. [REDACTED] said that [REDACTED] told her that she did not want to report [REDACTED] behavior because she was concerned it may have a negative effect on her ability to obtain future employment at the USAO. [REDACTED] believed [REDACTED] made [REDACTED] uncomfortable, and that his behavior towards [REDACTED] created a situation where [REDACTED] could not work at her own station because she wanted to avoid [REDACTED]. [REDACTED] said that [REDACTED] began sitting with [REDACTED] at her desk location to hide from [REDACTED].

[REDACTED] told the OIG that [REDACTED] told him that, while at the USAO, [REDACTED] stood over her and tried to look down her shirt. [REDACTED] said that [REDACTED] also described an incident in which [REDACTED] brushed up against her breast while in the [REDACTED]. [REDACTED] recalled [REDACTED] receiving several messages from [REDACTED] that were sexual in nature, either via text or Facebook Messenger. [REDACTED] stated that, in one of the messages, [REDACTED] implied [REDACTED] should provide him with a sexual favor in exchange for a letter of recommendation, and in another message [REDACTED] commented on [REDACTED] physique and told her how good she looked. [REDACTED] vaguely recalled [REDACTED] telling him about a social message she received from [REDACTED] in which [REDACTED] asked [REDACTED] why she haunted his dreams. [REDACTED] told the OIG that he advised [REDACTED] to report [REDACTED] inappropriate behavior.

[REDACTED] the OIG conducted consensually monitored cell phone text communications between [REDACTED] and [REDACTED]. In these communications, [REDACTED] texted [REDACTED] that he was surprised [REDACTED] [REDACTED] made references to [REDACTED] buttocks, including comments about their size and that [REDACTED] could not wait to "have them." [REDACTED] condemned [REDACTED] for making him think about it (sex) again, as he had tried to put her out of his mind. [REDACTED] stated he was going for a run and ended their conversation.

In a voluntary interview, [REDACTED] told the OIG that he worked with [REDACTED] from [REDACTED], and admitted he was sexually attracted to her. [REDACTED] stated that he and [REDACTED] discussed her romantic relationships, but he said that was not inappropriate because [REDACTED] initiated the conversations. [REDACTED] stated that he had written a letter of recommendation for [REDACTED] and may have asked her what he would get out of it, but he said he was referring to possibly lunch or drinks with her, not sex. [REDACTED] said that he probably sent messages to [REDACTED] that referenced her physique, and reasoned he tried to help her low self-esteem. [REDACTED] acknowledged that he sent [REDACTED] a Skype message which referred to sex between [REDACTED] and her boyfriend and asked if it was really that good and that he talked to [REDACTED] about his sexual relationship with his wife. [REDACTED] admitted he should not have engaged in this type of communication with [REDACTED] and explained he has a character flaw when women flirt with him. [REDACTED] stated that he did not believe his actions rose to the level of sexual harassment, and he denied touching [REDACTED] breast. [REDACTED] declined to submit to a voluntary OIG-administered polygraph and said he believed the tests were unreliable.

The USAO [REDACTED] was recused from the investigation. The USAO [REDACTED] and the [REDACTED] Prosecutor's Office declined criminal prosecution of [REDACTED].

### *OIG's Conclusion*

The OIG investigation concluded that [REDACTED] sexually harassed [REDACTED] both physically and verbally by conveying sexually charged communications to her and physically touching [REDACTED] breast. The OIG found [REDACTED] account of her interactions with [REDACTED] including that he touched her breast without her consent, to be more credible than [REDACTED] account, particularly in light of the corroboration provided by the OIG's interviews of other witnesses and the consensually monitored text messages. The OIG further credited [REDACTED] account that [REDACTED] conduct caused her to be uncomfortable and interfered with her ability to conduct her work at the USAO. The OIG finds by a preponderance of the evidence that [REDACTED] conduct violated [REDACTED], Sexual Imposition. The OIG further finds that [REDACTED] conduct violated federal regulations regarding sexual harassment and employee conduct, as well as DOJ policy prohibiting sexual harassment in the workplace.

## [REDACTED] Sexual Harassment of [REDACTED]

During the course of the investigation, the OIG found indications that [REDACTED] may have made comments to FBI Financial Investigative Analyst [REDACTED] which were sexual in nature and made her feel uncomfortable.

[REDACTED] told the OIG that she attended a retirement gathering for [REDACTED]. [REDACTED] told the OIG that during that gathering [REDACTED] watched [REDACTED] talk in close proximity to a waitress and slap her buttocks as she departed when the conversation ended.

[REDACTED] told the OIG that she was standing next to [REDACTED] while this occurred and that she also witnessed [REDACTED] inappropriate behavior with the waitress. [REDACTED] further stated that [REDACTED] had made statements to her over several years, which [REDACTED] described as comments he probably should not have made which had distracted [REDACTED] from her work at the FBI. [REDACTED] said that some of [REDACTED] comments were flirtatious or contained sexual connotations, such as remarks about [REDACTED] physique and wanting to hold [REDACTED] during yoga. [REDACTED] stated that the comments made [REDACTED] uncomfortable and caused her to re-think her official meetings with [REDACTED]. [REDACTED] said that she subsequently ensured someone else was available to attend any required in-person meetings she had with [REDACTED]. [REDACTED] stated that she did not have this concern with others with whom she had to meet during the course of her official duties at the FBI. [REDACTED] provided the following Facebook and Instagram messages she received from [REDACTED] from [REDACTED]

- So wait...I can do a class (Yoga) when I hold you up and you hold me up, and we are all touching on each other?? Where do I sign up? 😊😊
- So u r single...hmmmm. [sic]
- Did I mention that [REDACTED] and I have been talking about taking a break and I do Yod. Yog. Yoga. [sic]
- You are gorgeous...U know that. [sic]
- U r brilliant. And you have a body that does not quit...[sic]
- Yeah...Get that. But think of all the strange you are going to get...
- Not a guy on this planet u can't get.? [sic]
- Nothing better than pleasing a woman.
- Just know I think u r amazing. And hope u find a guy who realizes that and u think the same about. [sic]
- So who is this new guy? An agent? An AUSA?
- Why t u ignoring me?? [sic]

In a voluntary interview, [REDACTED] told the OIG that he thought [REDACTED] was an attractive woman, but he was not sexually interested in her. [REDACTED] said that [REDACTED], and he knew [REDACTED] was not interested in him. [REDACTED] admitted he sent [REDACTED] the aforementioned messages and knew some of the comments made her feel uncomfortable. [REDACTED] stated that he believed he apologized to [REDACTED] for the comments. [REDACTED] stated that he was not sure why he continued to send [REDACTED] these types of messages after she sent him several subtle messages asking him to stop sending them. [REDACTED] said it may have been late at night or after he had a

couple of drinks (alcohol) when he sent them. [REDACTED] declined to submit to a voluntary OIG-administered polygraph and said he believed the tests were unreliable.

### *OIG's Conclusion*

The OIG investigation concluded [REDACTED] sent [REDACTED] messages of a sexual nature which interfered with [REDACTED] work environment. The OIG found that [REDACTED] account of [REDACTED] conduct was corroborated in large part by the messages [REDACTED] provided to the OIG, and the OIG credited her statement that [REDACTED] conduct made her feel uncomfortable being alone with him. The OIG therefore found that [REDACTED] actions constituted administrative misconduct in violation of federal regulations regarding sexual harassment and employee conduct as well as DOJ policy prohibiting sexual harassment in the workplace.

### **[REDACTED] Sexual Harassment of [REDACTED]**

During the course of the OIG's investigation, the OIG found indications that [REDACTED] may have also made inappropriate comments to AUSA [REDACTED], by suggesting that she was having a sexual affair with another AUSA [REDACTED].

[REDACTED] told the OIG that [REDACTED] voiced concerns that [REDACTED] made her feel uncomfortable. However, [REDACTED] could not recall the specific details of the incident(s) [REDACTED] recounted. [REDACTED] recalled the conversations she had with [REDACTED] and others started when individuals expressed their general concerns about [REDACTED] elevated intoxication level during a social gathering at a bar and his desire to drive home.

[REDACTED] stated that when she first started at the USAO-[REDACTED] entered her office, looked at a picture of her and her husband, and said [REDACTED] was better looking than her husband, which caused [REDACTED] to feel uncomfortable. [REDACTED] stated that she and [REDACTED] worked together in [REDACTED] to prepare for trial when [REDACTED] had seen the two enter the building during a weekend; [REDACTED] later made comments to both [REDACTED] insinuating that [REDACTED] was having an affair with [REDACTED]. [REDACTED] described [REDACTED] comments as unprofessional and inappropriate, and she again felt uncomfortable. [REDACTED] stated that on another occasion, [REDACTED] told [REDACTED] about a previous sexual harassment complaint filed against him by [REDACTED] in the office. [REDACTED] said that during their conversation, [REDACTED] told [REDACTED] he did not sexually harass the woman as alleged and said he did not think she was attractive. [REDACTED]

[REDACTED] However, [REDACTED] said that [REDACTED] purchased a pair of earrings and two necklaces for her, which struck her as odd and made her feel uncomfortable.

[REDACTED] told the OIG that he and [REDACTED] previously worked together at the [REDACTED] and more currently at the USAO-[REDACTED] said that he learned from others about alleged sexual harassment claims against [REDACTED] during his previous employment at a private law firm and while he was employed at [REDACTED]. [REDACTED] said that in [REDACTED], he and [REDACTED] spent a lot of time with each other as they prepared for a trial. [REDACTED] opined that this made [REDACTED] jealous, because [REDACTED] was attracted to [REDACTED]. [REDACTED] said that during that time period, [REDACTED] saw [REDACTED] and [REDACTED] together in a vehicle as they drove into the USAO building, because [REDACTED] forgot her Personal Identity Verification card to gain access through the building's garage. [REDACTED] said that shortly afterward, [REDACTED] texted [REDACTED] suggesting [REDACTED] was having an affair with [REDACTED]. [REDACTED] said that he responded to [REDACTED] by saying he did not need to deal with [REDACTED] texts, because trial preparation was stressful enough. [REDACTED] said that [REDACTED] responded he was just joking. [REDACTED] said that he had a discussion with [REDACTED] about [REDACTED] texts, but [REDACTED] was not sure if [REDACTED] and [REDACTED] talked about the comments.

On [REDACTED] in a voluntary interview, [REDACTED] told the OIG he asked [REDACTED] through either email or text messaging if [REDACTED] was having a sexual affair with [REDACTED] and said he made the comment in jest. [REDACTED]

said that [REDACTED] became very upset with [REDACTED] and told [REDACTED] to stop talking to him during the pendency of a trial. [REDACTED] said that he discussed the comments he sent to [REDACTED] with [REDACTED] but he stated that he could not recall how she responded to the conversation. [REDACTED] said that after he made the comments to [REDACTED] and [REDACTED] he was excluded from the group. [REDACTED] stated that he used to go out for coffee, and sometimes lunch with [REDACTED], and others. [REDACTED] admitted he bought [REDACTED] jewelry [REDACTED] and said he did not think of it as an intimate gift because they were very good friends.

### *OIG's Conclusion*

The OIG investigation concluded [REDACTED] made comments to [REDACTED] and [REDACTED] insinuating they were having a sexual relationship, which made [REDACTED] feel uncomfortable and caused an offensive work environment. The OIG credited [REDACTED] account over [REDACTED] claim that the comment about [REDACTED] and [REDACTED] was made in jest, in large part because of prior inappropriate comments [REDACTED] made to [REDACTED] and the unsolicited gifts he gave to her. The OIG further credited [REDACTED] statement that [REDACTED] conduct made her feel uncomfortable. The OIG found that [REDACTED] conduct violated federal regulations regarding sexual harassment and employee conduct, as well as DOJ policy prohibiting sexual harassment in the workplace.

### **Sexual Harassment of [REDACTED]**

During the course of the OIG's investigation, the OIG found indications that [REDACTED] may have also made inappropriate comments to U.S. Postal Inspector [REDACTED] when he inquired if her husband allowed her to have extra-marital affairs.

[REDACTED] told the OIG that she heard that [REDACTED] had made [REDACTED] uncomfortable, but [REDACTED] did not provide details about the incident.

[REDACTED] told the OIG that she worked an investigative case with [REDACTED] and [REDACTED] in [REDACTED], which was adjudicated in the [REDACTED] Federal Courthouse. [REDACTED] said that she, [REDACTED], and [REDACTED] went to lunch after a court proceeding [REDACTED] said that during the lunch, [REDACTED] asked [REDACTED] if she was married. [REDACTED] said that she replied she was, [REDACTED] [REDACTED] said that [REDACTED] asked her if she had a pass, and [REDACTED] asked for clarification as she did not understand his question. [REDACTED] said that [REDACTED] elaborated that [REDACTED] husband should permit her to have an affair [REDACTED] [REDACTED] opined that even if those comments were made by someone she knew, it would be inappropriate, and since she really did not know [REDACTED] at that time, the comments really caught her off guard. [REDACTED] said that she was uncomfortable with [REDACTED] from that point forward and made sure she was not alone in meetings with him.

[REDACTED] told the OIG that he could not recall the specific comments [REDACTED] made to [REDACTED] nor could he recall how he learned about them. [REDACTED] believed that he learned about the offensive comments directly from [REDACTED] but he could have heard them while at lunch with [REDACTED] and [REDACTED] [REDACTED] recalled that [REDACTED] comments were sexual in nature and pertained to [REDACTED] husband. [REDACTED] said that he knew the comments made [REDACTED] feel uncomfortable, and he believed they had affected her work. [REDACTED] said that [REDACTED] had to schedule another agent to attend any meetings she had with [REDACTED]. [REDACTED] said that he knew someone reported [REDACTED] comments to [REDACTED] [REDACTED] to which [REDACTED] and others were assigned. [REDACTED] said that he believed [REDACTED] was removed from the task force after the complaint to [REDACTED] was filed.

[REDACTED] told the OIG that sometime in [REDACTED], he had contacted [REDACTED] regarding his concerns about the inappropriate comments [REDACTED] made to [REDACTED] [REDACTED] recalled that the comments were sexual in nature, but he could not recall the specifics. [REDACTED] said that he had also been made

aware of other complaints by female agents about [REDACTED] inappropriate behavior. [REDACTED] said that [REDACTED] arranged to have [REDACTED] come to [REDACTED] office to discuss [REDACTED] concerns. [REDACTED] said that he met with [REDACTED] and told him he was aware of [REDACTED] inappropriate comments to [REDACTED], and [REDACTED] said [REDACTED] must have misunderstood what he said. [REDACTED] said that he asked [REDACTED] if he would have made inappropriate comments to [REDACTED] and others if his wife had been present. [REDACTED] said that [REDACTED] did not respond. [REDACTED] stated that he told [REDACTED] that if the answer to his question in his head was no, then [REDACTED] should avoid those types of comments in the work environment.

[REDACTED], in a compelled interview, [REDACTED] told the OIG that he learned [REDACTED] filed a complaint with [REDACTED], regarding alleged comments [REDACTED] made to [REDACTED] during lunch. [REDACTED] said that he believed [REDACTED] told [REDACTED] that [REDACTED] comments to [REDACTED] during lunch were inappropriate, and [REDACTED] was too flirtatious with [REDACTED]. [REDACTED] admitted he asked [REDACTED] about her husband during lunch and reasoned they were general, inoffensive questions. [REDACTED] stated that [REDACTED] did not file the complaint against him, rather [REDACTED] took the initiative, and [REDACTED] opined [REDACTED] may have had misplaced motivation to file the complaint based on a past negative encounter between [REDACTED] and [REDACTED].

### *OIG's Conclusion*

The OIG investigation concluded [REDACTED] made comments to [REDACTED] to inquire if her husband would allow her to have a sexual affair while he was away from home, which caused [REDACTED] to feel uncomfortable and interfered with her work environment. The OIG credited [REDACTED] account of [REDACTED] comments, which was corroborated in large part by [REDACTED] the OIG further credited [REDACTED] statement that [REDACTED] comment made her feel uncomfortable and that she did not want to attend meetings alone with him after he made the inappropriate comment to her. The OIG found that [REDACTED] conduct violated federal regulations regarding sexual harassment and employee conduct, as well as DOJ policy prohibiting sexual harassment in the workplace.

### **[REDACTED] Lack of Candor**

During the course of the investigation, the OIG found indications that [REDACTED] lacked candor in his voluntary interview with the OIG regarding his access to social media sites on his government laptop.

Justice Manual Section 1-4.200 states in pertinent part:

All Department employees have an obligation to cooperate with OPR and OIG misconduct investigations (28 C.F.R. § 45.13) and must respond truthfully to questions posed during the course of an investigation upon being informed that their statements will not be used to incriminate them in a criminal proceeding. Employees who refuse to cooperate with OPR or OIG misconduct investigations after having been informed that their statements will not be used to incriminate them in a criminal proceeding may be subject to formal discipline, including removal. Employees are obligated to cooperate and respond truthfully even if their statements can be used against them in connection with employment matters.

As noted above, the OIG learned during this investigation about inappropriate messages that [REDACTED] sent to certain individuals via social media sites. In light of this information, the OIG asked [REDACTED] whether he had used his government laptop computer to access those social media sites. [REDACTED] told the OIG that he had not signed into Facebook and Twitter on his government laptop computer and advised he completely avoided those sites on his government laptop computer. [REDACTED] reasoned that they (USAO) have always told personnel that accessing those sites increased the likelihood of viruses on your computer.

The OIG reviewed the JSOC Internet history logs pertaining to [REDACTED] government laptop computer, identified



as Internet protocol (IP) [REDACTED]. The logs showed between [REDACTED], [REDACTED] accessed several social media sites, more than 25 times, to include Facebook and Twitter with his government laptop computer. [REDACTED] advised the OIG that between [REDACTED] had been assigned exclusively to [REDACTED] government laptop.

The USAO-[REDACTED] was recused from the investigation. The USAO [REDACTED] declined criminal prosecution of [REDACTED]

### *OIG's Conclusion*

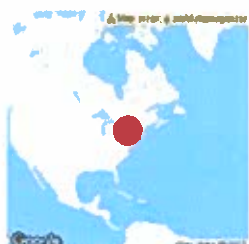
The OIG investigation concluded that [REDACTED] lacked candor in his interview with the OIG when questioned by the OIG about accessing social media sites on his government laptop computer, in violation of DOJ policy. The information was relevant to the OIG investigation in an effort to determine if [REDACTED] used his government laptop during work hours for any inappropriate communications with others he worked with.

# A Prosecutor Sexually Harassed Women Across The Federal Government, A Watchdog Agency Found

The Justice Department inspector general's office declined to identify the assistant US attorney in a report provided to BuzzFeed News, citing privacy concerns.



**Zoe Tillman**  
BuzzFeed News Reporter



Reporting From  
**Washington, DC**

Posted on June 1, 2021 at 4:41 pm



*Samuel Corum / Getty Images*

WASHINGTON — A federal prosecutor sexually harassed multiple women he worked with over the span of several years — including an intern, a fellow

prosecutor, an FBI analyst, and a postal inspector — according to a report from the Justice Department inspector general's office obtained by BuzzFeed News.

The allegations confirmed by the inspector general's office included one instance of physical harassment — the assistant US attorney (AUSA), whose name is redacted in the report, touched the intern's breast while reaching for a law book “and stared at her the entire time,” according to the report. The IG's office also described a wide array of “inappropriate” and “sexually charged” comments and messages the AUSA directed toward the intern and other women he encountered in the course of his work.

The verbal harassment included comments about the women's romantic relationships and physical appearances, sending inappropriate messages after being asked to stop, and suggesting the women were having extramarital affairs or should have them. The women who reported being harassed told investigators that the AUSA's behavior interfered with their work and that they made arrangements to avoid meetings or other contact with him.

The inspector general's office publicly announced the conclusion of the investigation in November, but the one-page summary was light on details, as is the office's usual practice. The office provided the full 11-page report to BuzzFeed News through a Freedom of Information Act request. It's heavily redacted but includes new details about the allegations and what investigators found. It states that although investigators determined the physical harassment of the intern likely violated state law, the AUSA would not face federal or state charges.

The name of the lawyer and other identifying information about him is redacted. His office is also redacted, but one section includes a reference to “USAO-NDOH,” which suggests the lawyer worked for the US attorney's office for the Northern District of Ohio, which has sites in Akron, Cleveland, Toledo, and Youngstown. The November announcement and the unredacted parts of the recently released report didn't specify when the events at issue took place or the AUSA's employment status; other inspector general reports have noted when the subject of an investigation left their job.

A spokesperson for the Northern District of Ohio did not return a request for comment on Monday about whether the AUSA is still employed with the Justice Department and whether he faced any disciplinary action. Asked about the reference to the Ohio office, the inspector general's office notified BuzzFeed News that the information was “inadvertently disclosed” and should have been redacted.

In keeping the prosecutor's name secret, the inspector general's office cited privacy exemptions to the Freedom of Information Act. The IG's office has withheld the names of Justice Department officials even after confirming allegations of sexual harassment and other serious misconduct against them. In 2019, a federal judge in New York ordered DOJ to release the name of a former US attorney who was the subject of a sexual misconduct investigation after BuzzFeed News sued. The inspector general's office also redacted the name of a senior DOJ official who was found to have harassed and assaulted multiple women who worked under him, and it withheld the name of a federal prosecutor who used anti-gay slurs and other abusive language when he was arrested for drunken driving.

According to the latest report, the inspector general's office opened an investigation after getting a complaint that the AUSA may have physically and verbally harassed an intern, including brushing his arm across her chest. As that investigation unfolded, investigators discovered the allegations of sexual harassment involving other women.

The intern, whose name is redacted, told the inspector general's office that her communications with the AUSA started as "jovial, back-and-forth banter," but that he began to make "sexual comments" that made her uncomfortable and interfered with her ability to do her job. He sent messages to the intern discussing his sexual relationship with his wife, making other references to sex, and asking her why she "haunted his dreams," and sent her pictures of himself working out and not wearing a shirt. She reported that one time he "brushed his arm" against her breast while he was reaching for a law book and stared at her.

The intern said the AUSA's behavior made her so uncomfortable that she moved to other workstations to avoid him. Investigators spoke with multiple witnesses (their names are also redacted) who said the intern told them about being harassed by the AUSA and her discomfort; one witness said the intern told them that she didn't want to report the AUSA "because she was concerned it may have a negative effect on her ability to obtain future employment."

The inspector general's office noted that it had reviewed sexually explicit text messages between the intern and the AUSA. Another witness said the AUSA had told them that he'd made a mistake sending the messages to the intern but denied "in an unsolicited comment" that he'd groped her.

The AUSA spoke with investigators and denied touching the intern, but admitted sending messages about her relationships; he claimed it wasn't inappropriate

because she'd initiated the conversation. One witness recalled learning that the AUSA had messaged the intern implying she should give him a sexual favor in exchange for a recommendation letter; the AUSA told investigators he "may have asked her what he would get out of it, but he said he was referring to possibly lunch or drinks with her, not sex." He also said he "probably" messaged her about her body, but said it was to "help her low self-esteem."

"[REDACTED] admitted he should not have engaged in this type of communication with [REDACTED] and explained he has a character flaw when women flirt with him," the report states.

The inspector general's office concluded that the AUSA had sexually harassed the intern in violation of federal regulations and Justice Department policy, and credited her allegation that he touched her breast. Investigators concluded that the AUSA likely committed "sexual imposition," a misdemeanor offense, but federal and state prosecutors declined to bring charges.

The report also includes new details about the allegations of sexual harassment involving the three other federal employees. An FBI financial investigative analyst, whose name is redacted, reported witnessing the AUSA inappropriately touch a female server's buttocks during a retirement party and shared that he'd made inappropriate comments to her over the span of several years. The analyst said she ended up making arrangements for another person to go to in-person meetings with the AUSA.

The AUSA's Facebook and Instagram messages to the FBI analyst included comments about wanting to touch her during a yoga class; saying she was "gorgeous" and had a "body that does not quit"; writing that there was "nothing better than pleasing a woman"; questioning her about a "new guy"; and asking, "Why t u ignoring me?? [sic]." The AUSA admitted sending the messages and said he knew they made the analyst uncomfortable; he explained that he might have sent them when he'd been drinking or late at night.

"[REDACTED] stated that he was not sure why he continued to send these types of messages after she sent him several subtle messages asking him to stop sending them," according to the report.

The inspector general's office confirmed an allegation that the AUSA made other inappropriate comments suggesting that a woman assistant US attorney was having an extramarital affair with a colleague, both to the woman and to another person. The woman AUSA said that he also bought her jewelry, which made her

feel uncomfortable. The AUSA admitted making comments about the woman AUSA, but said it was meant as a joke, and that he didn't think the jewelry was inappropriate because "they were very good friends."

The final harassment allegation involved a postal inspector, who said she had been working on a case that brought her into contact with the AUSA. Over lunch with a third person, she said, the AUSA had asked if she was married and said her husband should give her a "pass" to have an affair. The postal inspector said the comments made her uncomfortable and that she made sure not to meet with him alone in the future. The AUSA — in what the report described as a "compelled interview"; the report indicated other interviews had been "voluntary" — admitted asking the postal inspector about her husband but "reasoned they were general, inoffensive questions."

In addition to the sexual harassment complaints, the inspector general's office found that the AUSA lied about not using his government computer to access Facebook and Twitter; investigators had been looking into his social media activity because of the allegations that he used those platforms to send harassing messages.

# **Exhibit B**

Mr. Viola –

I asked our Chief Counsel Brad Gessner to research any interaction our office has had with Mr. Bennett and the Inspector General. It appears Mr. Bennett was mistaken when he said the Summit County Prosecutor's Office reviewed the Inspector General report.

Here is what Mr. Gessner sent me.

-----

I reviewed this matter and contacted all of our prosecutors who review sexual assault felonies. Additionally called the Akron U.S. Attorney's Office and the Ohio Inspector General. The results are that we have no documents nor does anyone recall any such inquiry about this matter from any Office of Inspector General. The name does not show up in a search of our case management system. The Akron Office of the U.S. Attorney said they did not send us anything, they made a referral to Washington, D.C. to the Justice Department. The Ohio Office of Inspector General said they know nothing about Michael Bennett nor would they have jurisdiction to act regarding the conduct of any prosecutor. It is possible that someone from the Department of Justice Office of The Inspector General called someone in our office, but there are no such records or notations of any such communications other than in Mr. Bennett's email submitted by Mr. Viola. However, it is more likely that if the Department of Justice Office of inspector General reviewed this matter with a "State" prosecutor it would have been the Akron City Prosecutor as the facts alleged appear to be a misdemeanor offense rather than a felony. We do not have charging jurisdiction on a misdemeanor. It appears Mr. Bennett may have erred in saying this was reviewed by the Summit County Prosecutor's Office since that is not the wording of the Department of Justice Office of Inspector General that he refers to.

As we previously stated, we do not have any records related to this matter.

-----

Therefore we do not have any records per your request.

Please let me know if you have any questions.

## James Pollack

Director of Communications

53 University Ave.

Akron, Ohio 44308

C 330.604.2739

O 330.643.8386

[www.facebook.com/SummitCountyProsecutorOffice](http://www.facebook.com/SummitCountyProsecutorOffice)

[www.co.summit.oh.us/prosecutor/](http://www.co.summit.oh.us/prosecutor/)





DEPARTMENT OF LAW

EVE V. BELFANCE  
Director of Law



DANIEL HORRIGAN, MAYOR

May 3, 2023

Tony Viola  
mrtonyviola@icloud.com

Dear Tony Viola:

This letter is in response to your request for:

*The Summit County Prosecutor suggested I contact your office about any records concerning Mark Stewart Bennett, who was investigated by the Justice Department Inspector General and is now the subject of disbarment proceedings in Ohio, Case Number 2022-034, Disciplinary Counsel v. Bennett.*

*This case may (or may not) contain investigative records from your office, as the matter may have been presented / referred to you ... if that's the case, I'm requesting any emails or other public records about the referral and any decision not to pursue the case.*

The City of Akron is dedicated to providing a high quality of customer service in accordance with Ohio's Public Records Act.

The City of Akron does not create or maintain a record responsive to your request.

The City of Akron reserves the right to deny public record requests for reasons not included herein in accordance with applicable laws.

This concludes the City of Akron's response to your public record request.

Sincerely,

The City of Akron Law Department

...ing to be any connections with her related to the state trial. Your knowingly false statements listed on your postcard and posted on Tweeter that I was involved in any way in any alleged "Covered up details of Dawn Pasela's death" is also a violation of R.C. 2917.21(A)(9).

Please retract and cease and desist from making any future similar false statements.

Regards,

Mark

## BENNETT LEGAL, LLC

Mark S. Bennett, Esq.  
Founding Member  
1991 Crocker Road, Suite 600  
Westlake, Ohio 44145  
216.849.8230  
[mark@bennettlegalfirm.com](mailto:mark@bennettlegalfirm.com)  
[www.bennettlegalfirm.com](http://www.bennettlegalfirm.com)

---

**From:** Tony Viola <[mrtonyviola@icloud.com](mailto:mrtonyviola@icloud.com)>

**Sent:** Thursday, April 6, 2023 5:42 PM

**To:** Mark Bennett <[mark@bennettlegalfirm.com](mailto:mark@bennettlegalfirm.com)>

**Cc:** [ruchi.asher@usdoj.gov](mailto:ruchi.asher@usdoj.gov) <[ruchi.asher@usdoj.gov](mailto:ruchi.asher@usdoj.gov)>; [bryan@Koblentzlaw.com](mailto:bryan@Koblentzlaw.com) <[bryan@Koblentzlaw.com](mailto:bryan@Koblentzlaw.com)>;

[nick@Koblentzlaw.com](mailto:nick@Koblentzlaw.com) <[nick@Koblentzlaw.com](mailto:nick@Koblentzlaw.com)>; [rich@koblentzlaw.com](mailto:rich@koblentzlaw.com) <[rich@koblentzlaw.com](mailto:rich@koblentzlaw.com)>; [Daniel.Ball@usdoj.gov](mailto:Daniel.Ball@usdoj.gov)

<[Daniel.Ball@usdoj.gov](mailto:Daniel.Ball@usdoj.gov)>; [James.bennett4@Usdoj.gov](mailto:James.bennett4@Usdoj.gov) <[James.bennett4@Usdoj.gov](mailto:James.bennett4@Usdoj.gov)>; Bacchus, Renee A. (USAOHN)

<[Renee.Bacchus@usdoj.gov](mailto:Renee.Bacchus@usdoj.gov)>

**Subject:** Re: Yale University Law Clinic highlights Mark Bennett's Misconduct- Case # 22-2186

Mark (with a copy to everyone else)

Please be specific and state which statements I have made or that are on the [FreeTonyViola.com](http://FreeTonyViola.com) website that you believe are "false" and provide any supporting documents. I have said you have engaged in CRIMINAL activity and that you are a CRIMINAL because that's what the DOJ Inspector General report states. In addition, I have quoted Yale University's appellate briefs and government filings that blame you for making false statements about evidence in my case. I also used your own court filings where you admit using Kathryn Clover's

Subject: Re: Yale University Law Clinic highlights Mark Bennett's Misconduct - Case # 22-2186

Date: April 6, 2023 at 8:16:58 PM

To: Tony Viola mrtonyviola@icloud.com

Cc: ruch.asher@usdoj.gov ruch.asher@usdoj.gov,  
bryan@Koblentzlaw.com bryan@Koblentzlaw.com,  
nick@Koblentzlaw.com nick@Koblentzlaw.com,  
rich@koblentzlaw.com rich@koblentzlaw.com, Daniel.Ball@usdoj.gov Daniel.Ball@usdoj.gov,  
James.bennett4@Usdoj.gov James.bennett4@Usdoj.gov, Bacchus, Renee A.  
(USAOHN) Renee.Bacchus@usdoj.gov

Mr. Viola,

I will not engage in any further debate or discussions with you beyond this email. And I will not address any of your other false allegations regarding your federal prosecution because they have all been previously addressed in public court filings.

With regard to your recent knowingly false statements regarding any criminal conduct by myself, although the OIG SA made a passing, unsubstantiated comment in his report that he personally found it "likely" that my conduct violated an Ohio statute, his report made it clear that he presented the results of his investigation to both the United States Attorney for the Eastern District of Michigan and the Summit County Prosecutor's Office and both declined prosecution - because no criminal conduct occurred.

On your resent postcard, which you also posted on Tweeter, you falsely state that "Mark Bennett is a Sexual Predator!" and that I "Committed 'sexual imposition'." Claiming that I am a "sexual predator" is a specific term defined by R.C. 2950.01(B)(1) as "a person who is convicted of, pleads guilty to, has been convicted of, has pleaded guilty to, is adjudicated a delinquent child for committing, or has been adjudicated a delinquent child for committing any sexually oriented offense." Likewise, your statement that I have committed "sexual imposition" is a specific reference to violation of R.C. 2907.06, which is a criminal statute. These are knowingly false statements. I have not been charged with, or convicted of, or plead guilty to, the criminal conduct of any sexually oriented offense. I have not been charged with or convicted of sexual imposition. These knowingly false statements about alleged criminal conduct on my part are a clear violation of R.C. 2917.21(A)(9).

With regard to Ms. Pasela, you are aware through multiple court filings that I had nothing to do with Ms. Pasela attending your public fundraiser. I also did not hire, supervise, and/or terminate Ms. Pasela. I also had

Mr. Viola,

It appears that we do not have any documents related to your request.

Thanks,

Ray

**Raymond J. Hartsough**

Assistant Prosecuting Attorney

Mahoning County Prosecutor's Office

21 W. Boardman St., 5<sup>th</sup> Floor

Youngstown, OH 44503

Telephone: 330-740-2330 (Ext. 7231)

Fax: 330-740-2829

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**From:** Tony Viola <mrtonyviola@icloud.com>

**Sent:** Thursday, November 17, 2022 5:19 PM

**To:** Hartsough, Raymond <raymond.hartsough@mahoningcountyoh.gov>

**Subject:** [EXTERNAL] Re: New message from "Mahoning County Prosecutor's Office";

Thank you for your reply. Can you answer this question... Are there records that are not releasable due to exemptions?

Thanks for clarifying

Regards,

Tony Viola

(330) 998-3290

[Mrtonyviola@icloud.com](mailto:Mrtonyviola@icloud.com)

On Nov 15, 2022, at 4:46 PM, Hartsough, Raymond <[raymond.hartsough@mahoningcountyoh.gov](mailto:raymond.hartsough@mahoningcountyoh.gov)> wrote:

Mr. Viola,

We have received your below public records request. After a diligent search through our records, it appears that no responsive records to your request exist. Please let me know if you have any questions or concerns.

Ray

**Raymond J. Hartsough**

Assistant Prosecuting Attorney

Mahoning County Prosecutor's Office

21 W. Boardman St., 5<sup>th</sup> Floor

Youngstown, OH 44503

Telephone: 330-740-2330 (Ext. 7231)

Fax: 330-740-2829

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**From:** Mahoning County Prosecutor's Office <[email@prosecutor.mahoningcountyoh.gov](mailto:email@prosecutor.mahoningcountyoh.gov)>

**Sent:** Wednesday, November 9, 2022 10:13 AM

**To:** Prosecutor <[Prosecutor@mahoningcountyoh.gov](mailto:Prosecutor@mahoningcountyoh.gov)>

**Subject:** [EXTERNAL] New message from "Mahoning County Prosecutor's Office"

Name: Tony Viola

Email: [mrtonyviola@icloud.com](mailto:mrtonyviola@icloud.com)

Agency: Mahoning County Prosecutor's Office

Message: RE: Former US Attorney Mark Bennett

Dear Sirs:

In 2020, the US Department of Justice's Inspector General conducted an extensive investigation of former Federal Prosecutor Mark Bennett's sexual harassment of multiple individuals and your office investigated this matter to determine whether or not state prosecution was warranted. DOJ Inspector General Report # 21-005.

This matter has been widely covered in the news media and Bennett is currently undergoing discipline proceedings before the Ohio Supreme Court Office of Discipline Counsel, case # 2022-034. This publicity and the previous disclosure of the inspector general report diminishes any "privacy" rights in this matter.

I am writing to request all releasable documents concerning your review of Mr. Bennett. Should there be any charges for the production of these records, please let me know and payment will be sent promptly.

Respectfully Submitted,

Tony Viola

---

Date: November 9, 2022

Time: 10:13 am

Page URL: <https://prosecutor.mahoningcountyoh.gov/press/public-records-request/>

User Agent: Mozilla/5.0 (Windows NT 10.0; Win64; x64) AppleWebKit/537.36 (KHTML, like Gecko)

Chrome/107.0.0.0 Safari/537.36

Remote IP: 76.240.39.107

Powered by: Elementor

<Response Letter Regarding PRR from Tony Viola to MCPO (Mark Bennett).pdf>

From: Giernig, Alexandra agiernig@prosecutor.cuyahogacounty.us

Subject: Public Record Request -- Mark Bennett

Date: September 14, 2022 at 2:55:05 PM

To: Tony Viola mrtonyviola@icloud.com

Cc: Horne, Anna ahorne@prosecutor.cuyahogacounty.us, Dalton,  
Amy adalton@prosecutor.cuyahogacounty.us

---

Dear Requestor,

The Cuyahoga County Prosecutor's Office does not have any responsive records to your request.

Best Regards,

Lexi Giering | Communications Manager

Cuyahoga County Prosecutor's Office

Michael C. O'Malley

Office: 216.443.7488



---

**From:** Tony Viola <[mrtonyviola@icloud.com](mailto:mrtonyviola@icloud.com)>

**Sent:** Thursday, September 1, 2022 1:56 PM

**To:** Dalton, Amy <[adalton@prosecutor.cuyahogacounty.us](mailto:adalton@prosecutor.cuyahogacounty.us)>

**Cc:** Giering, Alexandria <[agiering@prosecutor.cuyahogacounty.us](mailto:agiering@prosecutor.cuyahogacounty.us)>

**Subject:** Re: Public Record Request-- Mark Bennett

Good afternoon!

Former Assistant US Attorney Mark S. Bennett (bar number 0069823) is currently the subject of disbarment proceedings by the Office of Discipline Counsel and the Department of Justice Inspector General found that Bennett violated the law. However, the IG also says that state officials declined to prosecute Bennett. Now that this issue has been extensively covered in the news media, and now that there are no privacy rights at issue, I am respectfully requesting any and all releasable records concerning this matter. Below is one of many news articles about this, and I'm also attaching the Inspector General's findings, and the proceedings underway by the Office of Discipline Counsel. If there is any cost for the production of these records, just let me know! And if you need any additional information to process this request, also let me know. THANK YOU!!

<https://www.cleveland.com/metro/2022/08/former-cleveland-federal-prosecutor-accused-of-sexually-harassing-intern.html>

Regards,

Tony Viola

[MrTonyViola@icloud.com](mailto:MrTonyViola@icloud.com)

(330) 998-3290



# Exhibit C



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

IN THE UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

ANTHONY L. VIOLA,

Plaintiff-Appellant,

v.

U.S. DEPARTMENT OF JUSTICE, FEDERAL  
BUREAU OF INVESTIGATION; U.S. DEPART-  
MENT OF JUSTICE, EXECUTIVE OFFICE FOR  
U.S. ATTORNEYS; CUYAHOGA COUNTY  
MORTGAGE FRAUD TASK FORCE; and  
KATHRYN CLOVER,

Defendants-Appellees.

No. 18-2573

**FEDERAL DEFENDANTS' MOTION TO EXPAND THE SCOPE OF  
THE PARTIAL REMAND**

In this Freedom of Information Act (FOIA) action, plaintiff Anthony L. Viola seeks records from the Federal Bureau of Investigation (FBI), the Executive Office for U.S. Attorneys (EOUSA), and the Cuyahoga County Mortgage Fraud Task Force. In October 2019, counsel for the federal defendants discovered that the *Vaughn* index submitted to the district court in support of EOUSA's withholdings contained inaccuracies. The federal defendants therefore requested a partial remand to allow EOUSA to reprocess responsive records and submit a new *Vaughn* index and declaration to the district court. The other parties to this appeal did not oppose the motion, and this Court granted it on October 31, 2019.

When EOUSA reprocessed the responsive records on remand from this Court, it referred to the FBI a number of records for which the FBI was the custodian. When the FBI received those records, it discovered that they had not been processed during the initial phase of district court litigation. The FBI investigated why the records were not initially processed and found that, when it had initially searched for and gathered records, it had inadvertently failed to obtain all portions of the responsive records. The FBI thus determined that, in addition to the records referred from EOUSA, it must now process the previously unprocessed responsive records within its own investigative files. The FBI intends to process the additional records expeditiously and then to provide the district court with a supplemental declaration and *Vaughn* index.

Because the federal defendants' motion for a partial remand asked for a remand only as to EOUSA, not the FBI—and because this Court granted the motion without saying anything further about the scope of the remand—it appears that the district court may currently lack jurisdiction to consider a supplemental declaration and *Vaughn* index, and adjudicate any resulting disputes, as to the FBI. The federal defendants accordingly request that the partial remand be expanded to include the FBI.

The Cuyahoga County Mortgage Fraud Task Force does not oppose this request. Viola intends to file a response.

## CONCLUSION

The Court should vacate the district court's judgment with respect to the FBI and remand with instructions that the FBI be permitted to produce a supplemental

declaration and *Vaughn* index after it processes additional records. This appeal should continue to be held in abeyance until the district court has completed proceedings on remand as to the FBI and EOUSA.

Respectfully submitted,

SHARON SWINGLE

*/s/ Daniel Winik*

DANIEL WINIK

D.C. Bar No. 1015470

*Attorneys, Appellate Staff*

*Civil Division, Room 7245*

*U.S. Department of Justice*

*950 Pennsylvania Avenue NW*

*Washington, DC 20530*

*(202) 305-8849*

June 29, 2020



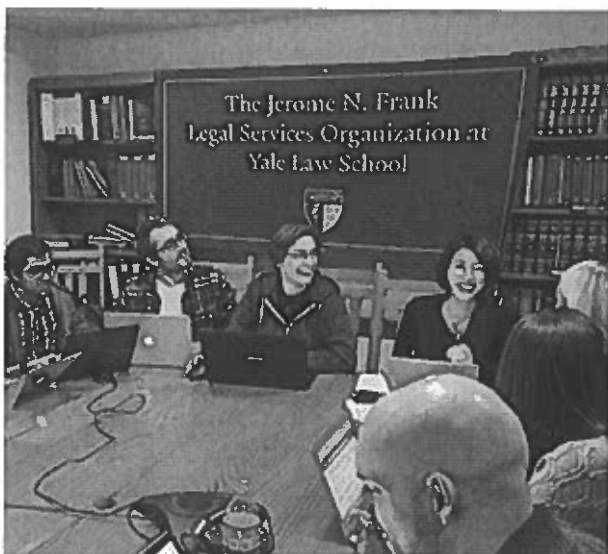
The FOIA contact also reached out to AUSA, Mark S. Bennett and informed him of the FOIA request and the specific records being sought. (ECF 154-2, ¶ 26). AUSA Bennett's legal assistant then conducted a search of the electronic folders and database for responsive records. (ECF 154-2, ¶ 26). AUSA Bennett, 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.*

# Appellate Litigation Project

Students represent pro se clients before the United States Court of Appeals for the Second Circuit. Under the supervision of Yale faculty and attorneys from the appellate group at Wiggin and Dana, teams of students will work on cases referred through the Pro Bono Counsel Plan for the Second Circuit. This program provides legal representation to pro se appellants with meritorious civil cases pending before the court. The issues raised in these cases may include immigration, employment discrimination, prisoners' civil rights, and other section 1983 claims. The Project will focus on prisoners' civil rights but may also include other types of cases. Students take primary responsibility for drafting the briefs in their assigned case, and one of them will deliver oral argument before the Second Circuit. In the instructional portion of the project, students will learn principles of appellate law and practice, including concepts such as standard of review, preservation of issues, and understanding the appellate record. Students will also receive instruction in brief writing and oral advocacy.

The instructors are [David Roth \(https://law.yale.edu/david-roth\)](https://law.yale.edu/david-roth) and [Tadhg Dooley \(/tadhg-dooley\)](/tadhg-dooley).

## Ways to Engage





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

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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.*

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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.

# Exhibit D

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	CASE NO. 1:10 CR 75
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
v.	)	
	)	
KATHRYN CLOVER,	)	GOVERNMENT'S RESPONSE IN
	)	OPPOSITION TO CLOVER'S
	)	MOTION FOR EARLY
Defendant.	)	TERMINATION OF PROBATION

Now comes the United States of America, by and through its counsel, Steven M. Dettelbach, United States Attorney, and Mark S. Bennett, Assistant United States Attorneys, and hereby respectfully moves this Honorable Court to issue an order denying Defendant Kathryn Clover's Motion for Early Termination of Probation for the following reasons:

- (1) This Court sentenced Clover on September 28, 2011 4 years probation with 10 months of house arrest. Clover has only served 1 year and 4 months - not even half of her sentence;

- (2) The issue of restitution still needs to be determined. However, the parties agreed in the written plea agreement that the loss caused to the lenders by Clover's fraudulent conduct exceeded \$1 million. Accordingly, Clover will have a substantial restitution amount to pay, and her probation should be continued to allow the Court to oversee her restitution;
- (3) As this Court knows, Clover provided false testimony during the trial of this matter. Because of her false testimony, the government did not move for the full amount of 5K1.1 contemplated by the plea agreement and, as such, Clover's sentencing guideline range 15 to 21 months in Zone D, based on an offense level of 14 with a criminal history category of I. Accordingly, Clover should have been sentenced to a term of imprisonment. However, the Court granted defense's request for a further reduction of levels pursuant to 5K1.1 and placed Clover in a range and zone allowing for a sentence of probation. Clover has already been given an extremely favorable sentence and this Court should not give her the additional benefit of the early termination of her probation;
- (4) As part of her plea agreement, Clover was not prosecuted for her role in other mortgage fraud schemes, nor did the government request that this Court take into consideration at the time of sentencing her involvement in other mortgage fraud schemes as "other relevant" conduct, which would have greatly increased her guideline sentencing range. Clover has already

been given an extremely favorable sentence and this Court should not give her the additional benefit of the early termination of her probation;

(5) The federal government did not prosecute Clover for bankruptcy fraud, nor did the Cuyahoga County Prosecutor's office prosecute Clover for filing a false police report based on her false statements regarding the loss of her diamond ring. Clover has already been given an extremely favorable sentence and this Court should not give her the additional benefit of the early termination of her probation; and,

(6) The Cuyahoga County Prosecutor's office did not prosecute Clover for her involvement in the companion state prosecution of this mortgage fraud scheme, or for her involvement in various other mortgage fraud schemes. Clover has already been given an extremely favorable sentence and this Court should not give her the additional benefit of the early termination of her probation.

For the foregoing reasons, the United States respectfully moves this Honorable Court to issue an order denying Defendant Kathryn Clover's Motion for Early Termination of Probation.

Respectfully submitted,

STEVEN M. DETTELBACH  
United States Attorney

By: s/Mark S. Bennett  
Mark S. Bennett (0069823)  
Assistant U.S. Attorney  
801 West Superior Avenue  
Cleveland, Ohio 44113  
(216) 622-3878; (216) 522-8355 (fax)  
mark.bennett2@usdoj.gov

# Exhibit E

## AFFIDAVIT OF EDWARD PASELA

STATE OF OHIO  
COUNTY OF CUYAHOGA

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

1. I was the Father of Dawn Pasela, who died on April 25, 2012.
2. For the last three years of her life, Dawn worked for the Cuyahoga County Mortgage 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.
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. Kasaris gave Dawn money and told her to write a check for Viola's defense fund so the prosecutors could determine at which bank the fund was being maintained. Dawn wondered about the propriety of these tactics.
6. Dawn continued to attend events sponsored by Viola's supporters and eventually began to sympathize with him because she felt that prosecutors were withholding documents that could help in his defense.



7. As her disenchantment over what was going on at the task force grew, Dawn began drinking excessively. This finally led to her termination. The task force later asked her to come in to discuss reinstatement, but she declined.
8. 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 was very insistent that I let him into my house. I refused, and told him we had no computers from his office and that he was welcome to return with a search warrant.
9. After the task force learned that Dawn had been subpoenaed to testify on Viola's behalf, two investigators came to her apartment to pressure her to reveal what Viola wanted her to testify about. She told me 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.
10. 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.
11. When we visited Dawn the day before she died, I could tell that she started drinking again, and we urged her to stop.
12. I was concerned about Dawn and could not reach her on the phone, so I went to her apartment to check on her. When she did not answer the door, I requested a welfare check. During previous welfare checks, one or two officers showed up within 20 – 30 minutes. In this case, six police officers immediately arrived on the scene. They refused to let me into my daughter's apartment, physically held back in the hallway, refusing to allow me access to the apartment. I was never allowed into the apartment to view Dawn's body.
13. After I left Dawn's apartment to tell my wife Karen what happened, 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.
14. In my personal opinion, 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 such agreement.

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

Further I sayeth naught.

  
Edward 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

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.

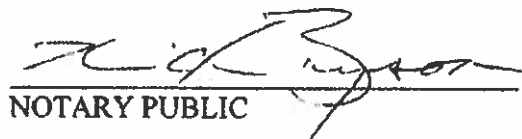
FURTHER AFFIANT SAYETH NAUGHT.

  
DONALD CLELAND

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



NICHOLAS J. BRYSON  
Notary Public, State of Ohio  
My Comm. Expires 08/19/2024  
Recorded in Cuyahoga County


  
NOTARY PUBLIC

# Exhibit F



 **At 5,000 signatures**, this petition is more likely to get picked up by **local news!**



 ers like you.

[Dashboard](#) [Petition details](#) [Edit](#) [Comments](#)



## It's Time to Indict Federal Prosecutor Mark Bennett and State Prosecutor Dan Kasaris!

4,553 have signed. Let's get to 5,000!

 **At 5,000 signatures**, this petition is more likely to get picked up by **local news!**

 **Niki Hindmarsh** signed this petition

 **Shatawn Cason** signed this petition

 **Tony Viola** started this petition to Ohio Attorney General Dave Yost and U.S. Attorney Justin Herdman

[Share this petition](#)



**At 5,000 signatures**, this petition is more likely to get picked up by **local news!**

urt. She was  
o her death

Recently, both the Department of Justice and the FBI both admitted making made false statements about evidence, and Tony was released from jail. Perhaps more importantly, the evidence proving Tony's innocence likely exonerates hundreds of other defendants prosecuted by these same prosecutors on similar charges. Prosecutors Bennett and Kasaris have been caught red-handed hiding evidence, using fabricated testimony at trial, "losing" computers seized in televised raids, threatening to prosecute Dawn for testifying in Tony's case and covering up a romantic relationship between Kasaris and government witness Kathryn Clover. Despite all of this, no court has ever looked into the misconduct in Tony's case and Prosecutors Bennett and Kasaris have faced no consequences whatsoever for their illegal activities, In fact, they are continuing to utilize the same tactics to prosecute other citizens. This Petition seeks the public's help in compelling Ohio Attorney General Dave Yost and U.S. Attorney Justin Herdman, to suspend these prosecutors, look into Dawn's death (her picture is above), have Bennett and Kasaris properly investigated and re-open old criminal cases where the evidence Tony used at his second trial likely exonerates hundreds of other Americans.

Details about Tony's case are summarized below and can be found at [www.FreeTonyViola.com](http://www.FreeTonyViola.com),

Tony Viola was indicted three times and tried twice on identical charges by a multi-jurisdictional mortgage fraud task force. Prosecutors alleged Tony duped banks like JP Morgan into making 'no money down' mortgage loans that the bank didn't permit. Tony was convicted in federal court and sentenced to 12 1/2 years in jail. But from jail, and without an attorney, he proved his innocence at a second trial on the same charges using evidence the Justice Department hid before the first trial. Prosecutors possessed evidence proving Tony's innocence all along but never provided it to the defense. The Prosecutor's Office Manager, Dawn Pasela, gave Tony that evidence before the second trial, where the government's own documents and evidence were used to destroy its case. The evidence that proved Tony's innocence likely proves the innocence of most or all of the 1,300 citizens prosecuted by the Task Force.

Prior to the first trial, federal prosecutor Mark Bennett and state prosecutor Dan Kasaris interviewed bank executives, who said that lender employees were authorized to approve 'no money down' loans and waive underwriting conditions, but both prosecutors lied under oath and in writing, falsely stating no such interviews existed. But Ms. Pasela provided Tony with those interview summaries, called FBI 302 reports. Tony used those 302s at the second trial to confront bank executives with their own statements that banks allowed the loans Tony supposedly tricked them into making. Ms. Pasela also provided lender files and internal spreadsheets that confirmed bank were fully aware borrowers were not making down payments. Since banks knew the loans in Tony's case were no money down and made them anyway, the results of the second trial prove there was no "mortgage fraud," the government's theory is wrong and the evidence suppressed before the first trial was material.

Prior to the first trial, Prosecutors Bennett and Kasaris directed Ms. Pasela, to pose as a graduate student studying criminal justice and working with local defense attorneys on similar cases. Ms. Pasela was directed to record a series of post-indictment conversations with Tony so prosecutors could obtain confidential defense trial strategy information. Ms. Pasela also donated funds towards Tony's legal fees so prosecutors could use her cancelled check to identify the law firm's bank account. Then, the FBI tracked investigative expenses and identified potential defense witnesses -- who were promptly threatened with indictment if they testified for Tony's defense.

Additional government misconduct in Tony's case includes undisclosed payments to government informants, the



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Finally, in 2019, the United States Court of Appeals for the Third Circuit rejected the Justice Department's claims that it was not required to search the Task Force location for evidence prior to Tony's first trial and appointed Covington & Burling to represent Tony. Later in 2019, the Justice Department admitted lying about evidence in Tony's case and in early 2020, the FBI also said it made false statements about evidence in Tony's case. Finally, Tony was released from jail but remains on house arrest pending further proceedings.

Tony's investigative team also uncovered a romantic relationship between Prosecutor Kasaris and government witness Kathryn Clover -- a fact confirmed by written statements from a half dozen witnesses. Kasaris also used a private Yahoo E mail account to sent hundreds of e mails to Clover over a six year period professing his 'endless love' for her. He also used taxpayer funds to provide her with undisclosed financial support. To read the Court filings, or for more details about secret tapes, missing computers and romantic e mails, please visit the FreeTonyViola.com Evidence Locker.

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