

Anthony Viola
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February 24, 2025

Mayor Timothy DeGeeter
City of Parma
6611 Ridge Road
Parma, Ohio 44129
mayorsoffice@cityofparma-oh.gov

Law Director Scott Tuma
7335 Ridge Road
Parma, OH 44129
law@cityofparma-oh.gov

Chief of Police James I. Blair
Parma Police Department
5555 Powers Blvd.
Parma, OH 44129

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

Dear Sirs:

I am writing to provide your office with additional newly discovered evidence that supports our request for your city to allow other governmental organizations to launch a new investigation into the suspicious death of Dawn Pasela and for your city to fully support our request to change the cause of death. Attached please find:

- An admission by former federal prosecutor Mark Bennett that contradicted his earlier statements in court filings – Bennett now admits that he was aware Dawn Pasela was wearing a wire and illegally recording my trial preparation
- An expert pathologist reviewed the entire file in this case, identified numerous errors and concluded by stating “that I would strongly suggest revision reinvestigation.” The full report is attached hereto.
- Finally, Marty Maurer was caught lying by retired detective Tom Doyle (who is assisting us re-investigate this matter) because Maurer told our investigative team he was not at Dawn’s apartment the night she died, but Mr. Doyle unearthed an earlier interview where Maurer states he was present the night Dawn died.

As you know, the City of Parma has numerous conflicts of interest in this case. Just a few include the following:

- Two of your current or former city officials (Kelly Zacharias and Dean DePiero) share an office with Mark Bennett on Pearl Road
- Detective Scott Traxler, who met with Ed and Karen Pasela, has had criminal cases with Mark Bennett, Parma Case # 21-cra-04345
- Bob Coury, your Safety Director, oversaw Medical Examiner's office when Dawn passed away and is a political ally of Bill Mason and Dan Kasaris
- Your former Chief of Police, Joe Bobak, interviewed Dan Kasaris but failed to take notes or memorialize any interview

We have previously provided you with exhaustive summaries of our investigation, all of which points to foul play in Dawn's death, and none of which indicates her death was an accident. Documents can be forwarded to you upon request, or accessed on line at www.JusticeForDawn.com. Finally, our attorney Kim Corral or the Pasela family are also willing to discuss this matter with you in greater detail at any time.

Thank you for reviewing this submission.

Respectfully Submitted,

Tony Viola

Tony Viola

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

Ed and Karen Pasela

Dr. Felo – Cuyahoga County Medical Examiner's Office

IV. Viola Fails on Claims of Prosecutorial Misconduct.

A. Ground Four: Spying on the Defense after the Sixth Amendment Right to Counsel Attaches after the Indictment.

Viola claims the United States directed Mortgage Fraud Task Force Office Manager Dawn Pasela to secretly record conversations with Viola, post indictment. (R. 475-1: 2255 Motion at PageID 10403). Viola also argues that prosecutors used cancelled checks from Pasela's contributions to Viola's legal defense fund to identify the fund's bank account.

Viola's claims of government misconduct relating to Pasela are not true and, even if they were, do not amount to reversible plain error. First and foremost, the federal government had no involvement in any activities of Ms. Pasela. Secondly, Pasela did not testify at all in the federal trial, let alone testify about any incriminating statements that Viola made in the absence of counsel. Finally, Viola did not raise this issue with this Court during the federal trial, and Viola has not identified any alleged error made by this Court with respect to Pasela - let alone any plain error that affected his substantial rights. His untethered claim of government misconduct with respect to Pasela is blatantly untrue and lacks substance to be considered by this Court.

Respectfully submitted,

STEVEN M. DETTELBACH
United States Attorney

By: /s/ Mark S. Bennett

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February 24, 2024

Sent via Electronic Mail

Dana Poll
Lexi Kakis
Andrea Cipriano
The Justice Show – Seeking Justice for Dawn Pasela

Sent Via Email Only to seekingjusticeshow@gmail.com

RE: Potential False and Defaming Statements About Mark Bennett to Be Made in Seeking Justice YouTube Series on Dawn Pasela Starting February 28, 2024.

Dear Ms. Poll, Ms. Kakis and Ms. Cipriano,

Instead, as part of the trial preparation, the FBI Agent assigned to the federal trial learned of the one recording from one of the agents working on the state prosecution case. Mr. Bennett immediately instructed the FBI agent to obtain a copy of the one

recording and listen to the recording to determine if it needed to be produced. The FBI Agent advised Mr. Bennett that the sound quality of the record was so poor it was not audible. Mr. Bennett advised the Agent to make copies of the one recording anyway and provide it to all defense counsel. Mr. Bennett never listened to the one recording to this day.

Regards,

MICHAEL P. HARVEY, CO., L.P.A.

/s/Michael P. Harvey

Michael P. Harvey, Esq.

MPH/map

Enclosures (Via Dropbox)

Peter M. Mazari, M.D., Ph.D.
Forensic Pathology
P.O. Box 637 | 325 W. Groveland Ave. | Somers Point, NJ 08244

April 25th, 2024

Kimberly Kendall Corral
2800 Euclid
Suite 620
Cleveland, Ohio 44115

RE: Dawn Pasela

Dear Ms. Corral,

At your request, I have reviewed the following documents with regard to the death of Dawn Pasela on April 25th, 2012:

1. Autopsy Report (IN2012-00731)
2. Medical Records from Parma Community General Hospital from 4/12/2012
3. Death Certificate with amendment for Dawn Marie Pasela
4. Out of Hospital Care Report from Parma Fire Department; Incident 12-1203116 from 4/25/2012
5. Police Report from Parma Police Department; 1210642 from 4/25/2012
6. Cuyahoga County Sherrif Department Investigative Report 2320003808 from 1/11/2023

Having reviewed these materials in conjunction with my education, training, and clinical experience, I offer the following opinions regarding Ms. Pasela's death on April 25th 2012.

Dawn Pasela was a 26-year-old female with a history of alcohol abuse who was found deceased in her residence on the evening of 4/25/2012 at approximately 6:00 PM. She was found lying face down on the floor next to the dining room table with one leg still partially on a chair which was removed prior to police and EMS arrival. There were multiple containers of vodka (some empty, one partially consumed, and one unopened) located throughout the residence. Two cups of coffee were located on the dining table when the decedent was found and three cell phones (not all known to belong to Ms.

Pasela) were also found in the residence. An outgoing call was noted at 04:39 on 4/25/2012 on one of the phones.

An autopsy was performed the next day by Dr. Dan Galita of the Cuyahoga County Medical Examiner's Office which found evidence of pulmonary edema, early myocardial ischemic changes, and steatohepatitis. Toxicology testing was positive ethanol in the blood (0.537 g/dL) and vitreous fluid (0.595 g/dL). Dr. Galita (signed off by County Medical Examiner Dr. Thomas Gilson) certified Ms. Pasela's cause of death as "Alcoholic Steatohepatitis with Acute Ethanol Intoxication" and certified the manner of death as "Natural".

During the Parma County Sheriff Department's investigation in 2023 they interviewed Dr. Galita and Chief Investigator Shopak of the Cuyahoga County Medical Examiner's Office inquiring about the case. They were reportedly told that the only way to achieve the blood alcohol level detected in Ms. Pasela's body was through oral consumption and that he had definitively ruled out the possibility of other forms of ingestion, particularly rectal administration ("Boofing").

I would agree with Dr. Galita's assessment of Ms. Pasela's cause of death in general though based on the findings in this case, would suggest that given the level of ethanol detected "Acute Ethanol Intoxication" was the primary cause of death and alcoholic steatohepatitis, which is a sequela of chronic ethanol use was only a minor contributor.

Regarding the manner of death, however, I would strongly suggest revision and reinvestigation. While consequences of chronic drug use (like steatohepatitis) can be considered a natural cause of death, acute drug intoxication falls into the category of unnatural deaths. Clear guidelines exist from the National Association of Medical Examiners (an organization through which this office is accredited) explaining this. This would leave the manner of death to be considered Accident, Suicide, Homicide, or Undetermined based on the provided circumstances.

Regarding the circumstances of this case, several findings leave the circumstances murky enough that I would suggest the manner of death be revised to "Undetermined" at this point pending further police investigation.

The ethanol levels were higher in Ms. Pasela's vitreous fluid than in her blood, which is indicative of the metabolic phase of ethanol metabolism, meaning that she had finished absorbing what she had ingested thus far, her ethanol levels had peaked, and (provided she did not ingest any more) were beginning to come down. At autopsy, however, a significant amount of "food" was noted in her stomach. It would seem odd that someone

with a blood alcohol level of nearly 0.600 g/dL (or possibly even higher at that time before her death) would be able to prepare, consume, and keep down a bolus of food like this. This raises the possibility that she had ingested the ethanol through a different means than oral ingestion, possibly after she had already eaten. According to the report from the Sheriff's department, Dr. Galita stated that he had completely ruled this out and that the only way to achieve a blood alcohol level like that found in this case oral administration. It is unclear how Dr. Galita could come to this conclusion as there is no evidence of support this claim.

Rectal administration of ethanol (alcohol enemas) is a known means by which to ingest alcohol which leads to fast absorption, and which slows drug metabolism by avoiding first pass hepatic metabolism. This allows for very high levels of intoxication to be achieved. Multiple fatal cases of acute ethanol intoxication by this route have been reported in the literature with blood alcohol levels greater than 0.400 g/dL reported. Many more instances of this likely go unnoticed as there is no conclusive autopsy evidence to support or rule it out. Unless substantial evidence is found at the scene to suggest this method of ingestion there would be no other means by which to confirm this. Colitis can sometimes be found if one were to look at microscopic sections of the rectal mucosa, but this finding is neither sensitive nor specific. No other physical findings have been reported related to ingestion of alcoholic beverages by this means.

If Ms. Pasela ingested ethanol through a means such as this, it would be possible for her to have done so after eating by as long as several hours. Typical gastric emptying takes approximately 1-2 hours, but can be slowed in the setting of ethanol intoxication. This would provide a more plausible explanation for why someone with a fatal level of ethanol in their bloodstream could have gastric contents like those described in Ms. Pasela's autopsy report.

Additionally, there is evidence that another person had been present with Ms. Pasela on the night of her death. There were two coffee mugs both containing apparent coffee on the dining table. Reports from the family are that these were not there when they were last in Ms. Pasela's home at approximately 8:00 PM on 4/24/2012. Additionally, three cell phones were located at the scene not all of which were known to belong to Ms. Pasela. An outgoing call was noted at 04:39 AM on one of the phones to a number belonging to Ms. Pasela. However, there is no report of an incoming call being noted at that time on any of the other phones and the data from these phones was never obtained to know whether the call history in any of these phones was altered. Further, no evidence of any sort of ethanol ingestion was noted at the scene other than bottles of vodka. No glasses to support oral consumption were noted nor was there any evidence of any other method of ingestion either. These missing pieces raise the possibility that

the scene was altered prior to Ms. Pasela being discovered, which suggests that another person was present around the time of Ms. Pasela's death.

Finally, it is unclear exactly how Ms. Pasela was positioned when she was originally found. It is reported that one leg was still partially on a chair which is not noted in the provided photos. It is certainly possible that positional asphyxia played a role in Ms. Pasela's death. This raises the possibility of positional asphyxia as a key component in Ms. Pasela's death. If that were to be the case, whether knowing how Ms. Pasela came to fall from the chair and whether another person was present at the time would be critical pieces of information to determining Ms. Pasela's manner of death.

In summary, I agree that Ms. Pasela's death was due to acute ethanol intoxication but disagree with Dr. Galita's assessment of the manner of death as acute drug intoxication is inherently unnatural. I also disagree that he was able to rule out other means of administration other than oral ingestion. Further, given the circumstances surrounding the death of Ms. Pasela, based on the provided investigative materials, it is my opinion that the manner at this time would be best classified as "Undetermined" and that further police investigation would be necessary to adequately rule out the possibility of foul play.

I reserve the right to amend and supplement my opinions should additional relevant information become available.

Sincerely,

A handwritten signature in black ink, appearing to read 'P. Mazari', written in a cursive style.

Peter M. Mazari, M.D., Ph.D.

Case Summary

General Information

Case Number :

21CRA04345

Attorney Name :

MARK S. BENNETT

Assigned To :

Offense Date :

12/17/2021

Date Filed :

12/27/2021

Waiverable :

No

Speedy Trial Waived :

No

Affiant Name :

DET. SCOTT TRAXLER

Affiant Type :

PARMA PD

Proof of Insurance :

Unknown

Muni Name :

PARMA

Defendant Information

Name :

JAH MECCA KEIDA STEFANY. WELLS

Address Line1 :

12804 GAY AVENUE

Address Line2 :

City :

CLEVELAND

State :

Financial Information

Total Fines and Costs :

\$455.90

Total Paid :

\$114.00

Total Owed :

\$341.90

Vehicle Information

Plate State :

OH

Plate Number :

Vehicle Year :

Vehicle Make :

Vehicle Model :

Vehicle Color :

Warrant Information

Active Warrant :

Yes