

January 11, 1989

"BLOWING THE WHISTLE ON NEWSDAY!"

Dear Sir:

1a. For more than seventeen (17) months, Newsday has actually known that Mr. Dennis F. Vilella was being tried, was convicted, and has been incarcerated for crimes that never occurred, but published the story, as "unusual" only because Mr. Vilella, a layman, opted to defend himself, without aid of an attorney.

b. While District Attorney Denis Dillon and his assistants effectively concealed the medical records of the Community Hospital of Glen Cove from the grand jury, the trial jury, judges, Newsday actually knew of the contents of such concealed hospital records, the decisive implications of same, and also concealed such information from the public and its readers.

c. As a result of such conscious and deliberate concealment by District Attorney Denis Dillon and Newsday, and only because of same, Mr. Vilella has been incarcerated for more than seventeen (17) months, at a cost to the taxpayer of approximately \$50,000 per annum.

2a. Vilella, a college graduate, married, with two (2) small children, leader of a boy scout group, and active in civic matters, was convicted and is presently incarcerated for a maximum term of twenty-five (25) years, for crimes which neither he nor anyone else committed, which I will now easily prove.

b. There is not a single rational person who has examined my dramatic evidence on the subject who controverts the conclusion that Vilella, was convicted of "phantom" and "fictitious", crimes -- crimes that simply never occurred!

3a. Vilella was indicted for, and thereafter convicted of, attempted murder and first degree assault with "a tire iron", with no lesser counts charged or submitted to the jury.

b. The uncorroborated testimony of THERESA NAPPI ["Nappi"], the alleged victim, before the Grand Jury, and thereafter before the Trial Jury, was that she had been struck "about 20 times" (p. 91-92), with "a tire iron" (p. 91), "violently" (p. 102), "with everything [Vilella] had to hit [her] (p. 102), on [her] head and [her] hands, protecting [her]self" (p. 91), after which she was removed to the Community Hospital at Glen Cove.

4a. The concealed hospital records reveal that on the day that Nappi was admitted to the aforementioned hospital, which was shortly after the alleged "violent" assault, her head was x-rayed (Exhibit "A") and a Cat Scan performed (Exhibit "B").

(1) In haec verba, the aforementioned x-ray report (Exhibit "A") reads:

"Skull shows no evidence of fracture. Sutures and vascular markings are normal. Sella turica is regular in appearance. Petrous pyramids and sphenoid wings are intact. IMPRESSION: Normal examination of the skull."

(2) In haec verba, the aforementioned Cat Scan report (Exhibit "B") reads:

"CT scan non-contrast of the brain was performed. No shift of midline structures is seen. No subdural collection is identified. No blood in the white or grey matter is seen. Soft tissues of the brain fail to demonstrate any gross soft tissue swelling. IMPRESSION: See above report."

(3) The Hospital Trauma Assessment Record, also made the same day Nappi was admitted, reveals normal pupils, normal leg and hand reactions and movements, and the highest possible non-coma score.

(4) The hospital consultation report, also concealed, states:

"coherent ... no overt thinking disorder. She [Nappi] is cooperative and fairly verbal. No auditory trouble ..., no delusions. ... Sensories intact. Short term memory good. ... Insight good."

(5) Indeed, a review of the entire hospital record reveals an absence of any traumatic bruises on Nappi's skull -- none whatsoever!

(6) Furthermore the concealed hospital records reveals that there was absolutely no treatment rendered to Nappi for any skull fracture injuries, contrary to the express assertions of Dillon's assistant to the trial jury.

b. Would any Grand Juror have indicted, or Trial Juror convicted, for this "repeated", "violent", "tire iron" assault, had they seen the aforementioned concealed hospital records?

c. What would the citizens of Nassau County have thought, said, and done had Ms. Robin Topping and her superiors at Newsday, published not concealed the truth?

5a. The uncorroborated description of this alleged, "phantom" assault, as testified by Nappi at the Vilella trial-- in full --is as follows:

(1) On direct:

Q What did he hit you with?
A A tire iron
Q How many times did he hit you?
A About eight or twelve.
Q What parts of your body did the
blows land?
A My head and my hands, protecting
myself. [SM-91] ...
Q Please continue.
A And then he hit me some more.
Q What did he hit you with?
A The tire iron.
Q Back in the van again?
A Yes.
Q How many times did he hit you the
second time?
A About six or seven. [SM-92]

Q What were your injuries?
A I sustained six skull fractures.
..." [SM-93]

(2) Nappi's testimony, cross-examined by Vilella, a pro se defendant, -- in full -- reads as follows:

"Q Mrs. Nappi, you testified that I hit you in the van approximately eight to ten times or six to ten times?

A About that. [SM-98] ...

Q Mrs. Nappi, you were hit, you said, again six to ten times in the van?

A I said anywhere from eight to twelve times.

Q Eight to twelve times in the van? you opened the door and ran out? ... [Y]ou came behind me and dragged me back in the van.

Q Would you say you're a strong person?

A I do, but not when you're hit twelve times in the head with a tire iron when you're not expecting it. [SM-101]

Q ... You say somewhere in the Grand [Jury] Minutes I covered your mouth.

A You hit me from behind in the van and you kept hitting me and hitting me and then I somehow got out of the van and I screamed, and I couldn't do anything. You came behind me and dragged me back. I couldn't fight you. I wasn't expecting you to hit me. ... When you're hit like that and you don't know what's coming, you can't do anything. You don't have the strength to do anything, not the way you were hitting me.

Q Would you describe to the Court how it was that I was hitting you?

A Violently with everything you had to hit me.

Q Could you show us, please? [SM-103]

A Show you? You took the thing and hit me.

Q Which way? Just go through the motions.

A I didn't see the first hit because I was under the blanket, but I saw afterwards because I protected myself from it.

Q Show us the second hit.
A You stood over me and hit me like
this (Indicating)
Q With the tire iron?
A With the tire iron that looks
similar to that.
THE COURT: For the purpose of the record, did
he raise his hand up over his head with the tire iron?
THE WITNESS: No, not all the way down over his
head. ...
THE COURT; ... So he raised his hand halfway
up to the head and struck down with the tire iron?
THE WITNESS: Right. ...
Q Were they tapping motions or you
say violent?
A Violent." [SM-103-4]

b. On October 9, 1987, at sentencing, more than two
(2) months after the verdict of "guilt" had been rendered by a
Trial Jury -- a jury which had been deceived of the true nature
of the hospital records -- the following was stated:

"MR. [Ass't D.A.] LITTMAN:... This was a
particular brutal, unprovoked assault on a woman. We
recommend that the maximum sentence be imposed. [SM-6]

THE COURT: According to the
victim, she was struck 8 to 15 times altogether with
what Mr. Littman described as a tire iron. She
suffered five skull fractures. ...

...

THE COURT: ... I heard the evidence
and that's in the medical records and it's found in the
evidence and the Court feels that a jury could very
well have based upon the evidence before it, have
returned this verdict. There is no question that this
was a brutal beating and one of the most heinous
matters outside of actual murder that this Court has
seen." [SM-11]

c. Clearly, unless Nappi had mystical survival
powers which far exceeded that of the legendary Rasputin, in view
of the hospital records, these crimes were simply never committed
by Vilella, a very powerfully built 38 year old male, nor any
other adult.

6a. For his appeal, Vilella retained ROBERT RIVERS,
Esq. ["Rivers"], who as will here briefly and partially be
demonstrated, was corrupted by Dillon's Office to betray his
client.

b. Initially, in the filings at the Appellate Division, neither the "Dillon Gang" nor Rivers forwarded the Nappi hospital record.

c. There is nothing, in the Briefs filed at the Appellate Division, to indicate the fictitious nature of these Vilella crimes, as will here be shown.

7a. In full, the Rivers' Brief with respect to the injuries to Lady Rasputin and references to the hospital Report, are as follows:

"Based upon Ms. Nappi's allegations, medical records and testimony that Ms. Nappi was assaulted by someone, Appellant was convicted of attempted murder in the second degree and assault in the first degree. [p. 4]. ... In the instant case the record shows that the only evidence that the prosecution presented that indicated that the Appellant committed the crimes in question was the testimony of the victim ... [p. 14]. [T]he testimony she gave to the grand jury where she indicated that after the assault she remembered nothing until she woke in the hospital ... there may have [been] another person who assaulted Ms. Nappi ... The remaining evidence presented by the prosecution merely indicates that the victim was indeed assaulted by someone, not necessarily by the Appellant, that the victim sustained serious injuries [p. 14-15]." [emphasis supplied].

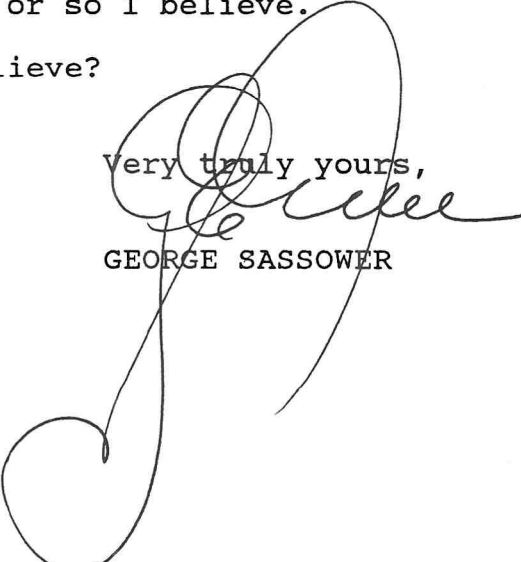
b. All the statements in Dillon's Brief on the same subject read as follows:

"[D]efendant began to hit her with a tire iron. He hit Nappi 'about eight or twelve' times in the head and on her hands. ... Nappi managed to get out of the van, but defendant 'came behind me and covered my mouth and pulled me back in the van ... and then he hit me some more ... with the tire iron' [p. 2]. ... Dr. Peter Sordi ... observed five skull fractures [p. 3]. ... [D]efendant struck her 'about eight or twelve' times with a tire iron on her head and hands Nappi managed to get out of the van to try to seek help, but defendant 'came behind me and covered my mouth and pulled me back in the van.' Defendant 'then hit me some more' with the tire iron. ... As a result of this attack, Nappi suffered five skull fractures. ... The only remaining question was the identity of the assailant. ... [p. 7]." [emphasis supplied]

8a. The public has a right, from the media, to know how Newsday reports the news, or so I believe.

b. What do you believe?

Very truly yours,


GEORGE SASSOWER



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7/27/86

Skull

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#096008

Skull shows no evidence of fracture. Sutures and vascular markings are normal. Sella turcica is regular in appearance. Petrous pyramids and sphenoid wings are intact.

IMPRESSION: Normal examination of the skull.

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L. Tizol, MD

LT:maw

dct 7/27/86

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Exhibit "A"



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7/27/86
CAT scan brain

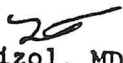
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Exhib. V "B"