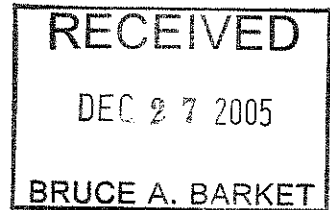


COUNTY OF SUFFOLK
OFFICE OF DISTRICT ATTORNEY
INSURANCE CRIMES BUREAU



THOMAS J. SPOTA
DISTRICT ATTORNEY



December 23, 2005

The Honorable Stephen L. Braslow
Judge of the County Court
Arthur M. Cromarty Court Complex
210 Center Drive
Riverhead, NY 11901

Re: People v. Tankleff
Indictment Nos. 1290-88 & 1535-88

Dear Judge Braslow:

The People write to demonstrate once again that "no credible evidence connects anyone other than Martin Tankleff to the murders of his parents." (People's Opp. Br. of 6/14/05 at 238).

On December 19, 2005, Joseph Guarascio testified that, in April 2004, his father, Joseph Creedon, admitted to having killed Arlene and Seymour Tankleff.¹ But Guarascio's testimony was hearsay and, as even Tankleff concedes, would be inadmissible under any of New York's recognized hearsay exceptions. (See Def.'s Reply Br. of 9/21/05 at 16-17). And as the People have already pointed out, Guarascio's testimony would also be inadmissible "under the due-process 'exception' the Supreme Court discussed in *Chambers v. Mississippi*, 410 U.S. 284 (1973)." (People's Opp. Br. of 9/9/05 at 15).

Guarascio's testimony was also not credible. On December 21, 2001, shortly after Glenn Harris joined Tankleff at the Clinton Correctional Facility, Tankleff wrote to Guarascio's mother, Theresa Covais, "I believe that the road starts and possibly ends with you," and asked Covais to "put [her] faith and trust in [Salpeter]." It would be months before Harris would implicate Creedon and give Salpeter a reason to contact Covais, so it appears that, contrary to Salpeter's claim that he found Harris using "old-fashioned detective work," (HT of 7/19/04 at 81, 85), Tankleff, Salpeter and Harris had reached an accord before Tankleff wrote to Covais, (see People's Opp. Br. of 6/14/05 at 217).

Salpeter furnished Harris with details of the murders, but Tankleff's plan to frame Creedon and Peter Kent suffered a setback when Harris recanted and declined to testify and

¹ Creedon testified that he has *never* admitted to having killed the Tankleffs. (HT of 7/20/04 at 55).

when a recorded statement of Covais, and the testimony of Maryann Testa, exposed Covais as a liar. (See People's Opp. Br. of 9/9/05 at 20-22). But Tankleff and Salpeter are resilient, and, in Guarascio, created what was arguably the biggest liar at the hearings.

Annoyed with Harris, who denied being a knowing part of the murder plot, Tankleff had Guarascio retaliate with, "[Jay,] your buddy Glenn Harris[,] he knew what was going on," and with making Harris, not Creedon, the "pipe thrower." (Tape T at 6, HT of 12/19/05 at 22). As for the loyal Covais, Tankleff had Guarascio and Covais accuse Testa of covering up Creedon's involvement in the murders. (See Tape T at 3, HT of 12/19/05 at 32-33). And to rebut the People's accusation that Salpeter had furnished Harris with details of the crime, Tankleff had Guarascio call "a surprised" Salpeter with an offer to "crack [the] whole case." (Tape T at 1).

But just as Tankleff "screwed up" in failing to wash the blood off his shoulder, (People's Opp. Br. of 6/14/05 at 49), Tankleff similarly erred in having Guarascio place a bicycle brake line and a gun in Creedon's hands, (HT of 12/19/05 at 21, 73-74): there was no evidence that Seymour had been strangled or had suffered a blow from a gun. And in having Guarascio accuse McCready of taking a \$100,000 bribe, (see *id.* at 34-35), Tankleff attempted to divert attention from his improper financial support of William Ram, (see People's Opp. Br. of 9/9/05 at 20 n.5), but made the mistake of embellishing to the point of absurdity. Finally, it defies credulity that a "terrified" teenager (who did not sound terrified or even scared) who believed his father to be "a big time dude" with connections in Florida and other countries, a father who had killed repeatedly and who had threatened to kill Covais and her husband, would the day after crying in bed volunteer, with Covais's support, to get a tape recorder and "get that dude [Creedon] to confess a lot of shit." (Tape T at 5, 7, HT at 24, 28, 31, 73, 86, 91, 94-96).


And what of the tape? Salpeter testified that the reason that he never tried to get a person to "wire up" against Creedon was because he could not find anyone willing to do so:

- Q Did you ever send anyone in to Creedon to see if it would work?
A No.
Q You didn't even make the attempt?
A I didn't have anybody.

(HT of 7/19/04 at 157-58). In Guarascio, Salpeter had not just "anybody," but Creedon's willing son, yet there is no tape. (HT of 12/19/05 at 106). But there *is* a new witness with an outrageous story of conspiracy and cover-up. (See People's Opp. Br of 6/14/05 at 239).

Respectfully submitted,

THOMAS J. SPOTA
District Attorney

By: 
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cc: Bruce Barket, Esq.