



DONALD B. SMITH
Brigadier General, U.S. Army (Ret.)
SHERIFF

PUTNAM COUNTY
OFFICE OF THE SHERIFF
AND
CORRECTIONAL FACILITY
THREE COUNTY CENTER
CARMEL, NEW YORK 10512



PETER H. CONVERY
UNDERSHERIFF
(845) 225 - 4300

VIA HAND DELIVERY

March 22, 2013

Resident Agent-in-Charge Sean Willman
Homeland Security Investigations
P.O. Box 606
Castle Point, NY 12511

Re: Violations of federal immigration statutes

Dear R.A.C. Willman:

I spoke by telephone yesterday with SSA Donna Roethal and SSA Sean Brew and shared with them information developed by my office concerning apparent violations of federal immigration statutes. Agents Roethal and Brew were very helpful and informative in providing an overview of the applicable federal statutes and in making a preliminary assessment of the case in question. They directed me to your office and I write to apprise you about the case.

The case involves the arrest of a Romanian national for the violent rape of a 12-year-old girl. The defendant, Alexandru Hossu (Alien No. A078415567) is in the country illegally, having entered in 2000 with a one-year work visa that expired about 12 years ago. He is currently lodged on the rape charges in the Putnam County jail, with an ICE detainer warrant filed.

During the course of the rape investigation, it was learned that Hossu has lived in the home of a Putnam County resident who employed him as a personal fitness trainer. It appears, too, that the resident who housed and hired the alien did not file I-9s or otherwise verify the legal employment status of the alien. I apprised Agents Roethal and Brew of these and other relevant and aggravating factors—which are of a sensitive nature and cannot be detailed herein—and they advised me that, in their opinion, the conduct of the person who housed and hired the illegal alien appeared to constitute the "harboring, shielding, aiding and abetting" of the alien, in violation of federal statutes.

McNamara 4

R.A.C. Sean Willman
March 22, 2013
Page 2

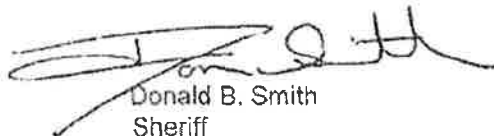
When I spoke with your agents yesterday, I was not in a position to share with them the identity of the resident who housed and hired the alien. Since that time, however, news reports about the rapist's arrest, citing sources outside my office, have publicized that the person who housed and hired the alien is Mr. Adam Levy, of 70 Indian Wells Road in Southeast. Mr. Levy is the District Attorney of Putnam County. Understandably, that publicity has generated substantial public outcry.

For your ready reference, I am enclosing a copy of an article in today's *Journal News* about this case. I am also enclosing a copy of an article that appeared in the *Albany Times Union* concerning the recent conviction of a high-profile defendant for harboring and hiring an illegal alien, just one of many reported cases like the one at hand.

Based upon the facts and circumstances of this case, the applicable federal law, and the legal precedents, I respectfully urge your office to conduct a thorough investigation into this matter to determine whether prosecutable violations of immigration laws were committed—violations that apparently “aided and abetted” a man who violently raped a little girl in Putnam County.


At your earliest opportunity, kindly communicate with me to discuss how your office would like to proceed, and be assured that my office is committed to working with yours to see justice done in this case. Please feel free to call me on my direct line at (845) 225-3000. I look forward to hearing from you soon and I thank you for all that you and your staff are doing to help keep our local communities safe and secure.

Sincerely,



Donald B. Smith
Sheriff

Enclosures


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April 17, 2014

Hon. Preet Bharara
U. S. Attorney's Office for Southern District of New York
One St. Andrews Plaza
New York, New York 10007

Assistant Director George Venizelos
Federal Bureau of Investigation
26 Federal Plaza, 23rd Floor
New York, New York 10278-0004

Re: Corruption within the Putnam County District Attorney's Office

Dear Honorable Sirs:

This is further to my previous correspondences to your offices concerning apparent corruption within the Putnam County District Attorney's Office. I shall not fully recap the facts and circumstances that I have already communicated to you, but will only briefly touch upon those matters to provide context for new information that has come to light since my last correspondence. Some of what follows has been reported in the general media and in state court documents.

It has been established that, in and around 2011-2012, Putnam County District Attorney Adam Levy provided housing and employment to Mr. Alexandru Hossu, a Romanian national who was at that time in this country illegally and without a valid work visa. Mr. Levy failed to file I-9 forms in connection with his employment of Mr. Hossu, who apparently lived in Mr. Levy's own home for a continuous period of about one year, and for other sporadic and shorter periods. Mr. Levy has publically stated that he was unaware that Mr. Hossu—whom he describes as a close family friend—lacked legal status in this country.

My office reported the foregoing information to ICE. ICE agents conducted a brief investigation into the matter in and around March 2013 and an ICE agent then advised us that the government would take no action concerning Mr. Levy's housing and hiring of Mr. Hossu absent "a smoking gun", i.e., information tending to show that Mr. Levy had affirmative knowledge of Mr. Hossu's illegal immigration status.

Hon. Preet Bharara
Assistant Director George Venzolac
April 17, 2014
Page ?

Since the time that the ICE agent mentioned "a smoking gun", information has surfaced that, in my view, may indeed provide that metaphoric piece of evidence. In 2003, Mr. Hossu embezzled about \$84,000.00 from a Katonah restaurant in which he worked. In 2004, Mr. Hossu entered into a stipulated settlement of a civil suit brought by the bilked restaurant owner, whereby he agreed to make restitution of the stolen monies. In the court papers, it was revealed that Mr. Hossu was known to be in the country illegally and that he did not have a valid work visa. In fact, the stipulated settlement provided that the victim of the embezzlement, in exchange for getting restitution, was prohibited from reporting Mr. Hossu to federal immigration officials and from cooperating with local police regarding any investigation of the theft.

Significantly, the revelations about Mr. Hossu's illegal immigration status, as well as his criminality concerning the embezzlement, were revealed in 2003-2004, as just stated. In August 2013, Mr. Levy gave an interview to a newspaper reporter and was quoted in substance as saying that Mr. Hossu had been a good friend of his "for over ten years." What that clearly indicates, then, is that Mr. Levy knew Mr. Hossu at the time of the restaurant theft case.

Interestingly, the state court papers identify only an attorney for the plaintiff restaurant owner; no lawyer is identified as representing Mr. Hossu. But given that the stipulation of settlement in that case contained so much in favor of Mr. Hossu (the bar imposed upon the theft victim against reporting Mr. Hossu's illegal immigration status or having him criminally prosecuted for the theft), it seems likely that Mr. Hossu had the benefit of counsel at that time. It also seems likely that he would have consulted a lawyer with whom he had a close friendship at the time. To state it more plainly, one may reasonably conclude that Mr. Levy was aware of Mr. Hossu's illegal immigration status, and of his larcenous criminality too, back in 2003-2004, and that it was with such knowledge that he helped him negotiate the stipulation that helped him evade federal and state investigations and then later housed and hired him. That, I suggest, is indeed a veritable "smoking gun" that establishes Mr. Levy's culpable conduct in violating the immigration statutes against harboring and unlawfully employing illegal aliens.

I turn now to Mr. Levy's involvement in Mr. Hossu's state rape case, about which there is much public consternation. Based upon information contained in court records, published media reports, and the direct observations of sheriff's investigators and prosecutors from the Westchester County D.A.'s Office, it has been convincingly established that Mr. Levy has acted in violation of law and beyond all ethical boundaries in that case.

Court records show that Mr. Levy, and members of his office acting under his direction, actively worked against the prosecution of Mr. Hossu from the very moment that Mr. Levy's "close friend" was identified as the suspect in the rape of a child. It is now known that Assistant District Attorney Laura Roberts, under Mr. Levy's apparent direction, surreptitiously monitored a sheriff's investigator's interview of a witness in the

Hon. Preet Bharara
Assistant Director George Venizelos
April 17, 2014
Page 3

case after acknowledging that Mr. Levy's office was legally conflicted out of the case. Furthermore, it is apparent that Ms. Roberts later took a copy of a video-recording of a witness interview and provided it, either directly or through Mr. Levy or a third party, to Mr. Hossu's defense lawyer—without advising the Westchester County prosecutor of the existence of the recording.

During the rape trial in Putnam County Court, several employees of Mr. Levy's district attorney's office were present in the courtroom, including D.A. Chief Investigator Henry Lopez, Mr. Levy's Confidential Assistant Laurie Mainey, and Assistant District Attorney Sarah Crabtree. Upon information and belief, Inv. Lopez was observed conferring with Mr. Hossu's defense lawyers during recesses in the case. Following Mr. Hossu's acquittal, Ms. Mainey was seen "high-fiving" Mr. Hossu's lead attorney, Daniel Mentzer, who is Mr. Levy's brother-in-law. It was revealed months ago by the press—a fact that Mr. Levy then admitted—that Mr. Levy had paid a reported \$30,000.00 to Mr. Hossu's first lawyer, Robert Altchiler.

Mr. Altchiler, before withdrawing as Mr. Hossu's counsel, reported to the court that Mr. Levy had been involved in the defense of Mr. Hossu from the inception of the case. Mr. Altchiler told the court that Mr. Levy had leaked secret grand jury information in the case to him, which is a felony under state law. Mr. Altchiler said that Mr. Levy urged him to approach the grand jury foreman, while the case was still under grand jury review, in a planned attempt to influence the grand jury proceedings.

With respect to Mr. Hossu's acquittal on the rape charge, we in the criminal justice system can certainly appreciate the fact that a "not guilty" verdict is not the same thing as "innocent." The sheriff's office sex crimes investigators and Westchester D.A.'s sex crimes prosecutors, all of whom are very experienced in such cases, found the child victim to be credible. The rape charges were submitted to a judge, who upon the facts alleged issued an arrest warrant for Mr. Hossu. The Putnam County Grand Jury indicted him on those charges. The trial jury deadlocked for three days before acquitting him. The case, being one in which the victim did not come forward until some two years after the alleged rape, was a difficult one for prosecutors to try and prove beyond a reasonable doubt.

In a difficult or close case, such as the Hossu rape trial, we all know that the verdict in the case could turn on the smallest piece of evidence. In the Hossu case, one of the items of evidence considered by the jury was the recording of a controlled telephone call made by the alleged victim—at the direction of and under surveillance by sheriff's investigators—to Mr. Hossu. In that call, Mr. Hossu denies the child's allegations of the rape. Many people who were present in court and heard the recording, however, have expressed suspicion that, based upon Mr. Hossu's tone of voice and the words he used, he had been tipped-off to expect a controlled call and was coached in his responses. If that suspicion is correct, then it may be that whoever

Hon. Fred Bharara
Assistant Director George Vonizelos
April 17, 2014
Page 4

tipped him off may have succeeded in altering the outcome of the verdict in the rape trial.

Moreover, the peculiarity of the controlled call is not the only thing giving rise to suspicions that someone tipped-off Mr. Hossu early on that he was under investigation in the case. Within a few days after the Putnam D.A.'s Office learned he was a suspect, Mr. Hossu, through his girlfriend, filed a change of address form with the post office, indicating they had moved from Mr. Levy's house to another address; that occurred at about the time that Putnam County Chief Assistant D.A. Chana Kraus telephoned the Westchester D.A.'s Office and vehemently denied that Mr. Hossu lived in Mr. Levy's house. In addition, when Mr. Hossu was arrested, the cell phone he was carrying had its SIM card removed. All of those facts and circumstances, when considered together in light of Mr. Levy's other actions undertaken in the case, strongly suggest that he, or someone acting at his direction, tipped-off Mr. Hossu that he was under investigation for rape and may thereby have altered the outcome of the case.

As my investigators have discussed with federal agents before in this connection, our office does not have the ability of a prosecutor's office to subpoena telephone, text, and email records that might connect the dots and conclusively show whether Mr. Levy, or one of his operatives, tipped off Mr. Hossu. We have urged that such records be obtained and examined, and I again urge that it be done.

I believe more strongly than ever that, based upon the facts and circumstances surrounding Mr. Levy and his involvement with Mr. Hossu, as summarized here and in my other correspondence and reported in other sources, that the Putnam County District Attorney's Office has violated the law to pervert justice in the Hossu case.

I am again renewing the request I have been making for well over a year now, that the FBI and the U.S. Attorney's Office carefully and fully investigate this case. As always, my office is ready to assist your offices in this matter.

The criminal justice system in Putnam County is broken, and without the assistance of your offices it will remain so. Please help restore honesty and integrity to that system.

I look forward to hearing from you soon and I thank you for all that you do in seeing justice done for the people we serve.

Sincerely,

Donald B. Smith
Sheriff



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VIA CERTIFIED MAIL - PERSONAL AND CONFIDENTIAL

October 1, 2013

Hon. Eric T. Schneiderman
Office of the Attorney General
The Capitol
Albany, NY 12224-0341

Re: Prosecution of Putnam County Sheriff's Office cases

Dear Honorable Sir,

I write to request your crucial assistance in helping to restore and preserve the proper and lawful administration of justice within Putnam County. At present, the integrity of the criminal justice system within the County is being undermined by untoward forces

As I presume you are already aware from considerable media reporting and from information my office has provided to Assistant Attorney General Wanda Perez-Maldonado, Putnam County District Attorney Adam Levy has engaged in an ongoing course of conduct that has seriously impaired his personal credibility and the capability of his office to fairly and objectively prosecute criminal cases investigated by my office.

Mr. Levy has blatantly demonstrated a bizarre and extreme bent to take the side of criminals against innocent victims, as displayed for example in the cases of Mario Caruso and Alexandre Hossu, two rape cases in which Mr. Levy has championed the cases of the rapists—one convicted and the other awaiting trial—over the interests of their respective child victims. Assistant A.G. Perez-Maldonado has been provided with detailed information about those cases.

Mr. Levy has also improperly politicized investigations in criminal cases to politically attack me and to undermine the lawful work of my office. Among such cases that we have discussed with Ms. Perez-Maldonado are those involving Tony Hay, Alexandre Hossu, Roger Chirico and Andrew DeStefano

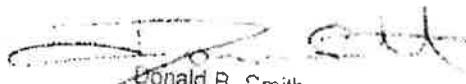
Re Prosecution of Putnam County Sheriff's Office cases
October 1, 2013
Page 2

It suffices in this limited space, I think, to state simply and unequivocally that the hard-working deputy sheriffs and criminal investigators in my office have been placed in an entirely untenable position by Mr. Levy. They fear that that in any given case they handle, the district attorney's office may be predisposed to undermine the case and to set them up for failure, embarrassment and legal exposure, if to do so would aid in Mr. Levy's efforts to discredit and malign me.

To state matters more succinctly, we have lost all confidence in the district attorney's office to do what is right, lawful and just in criminal cases because of Mr. Levy's own nefarious agenda. As a result, we need your office to step in and assume the prosecutorial function for all Putnam County Sheriff's Office cases.

I realize that my request for your office to assume the prosecution of all Sheriff's Office cases is a most unusual and perhaps even unprecedented one, but the present state of facts is so serious and so severe that I am compelled to make this request. I look forward to hearing from you to further discuss this matter. In the meanwhile, I thank you for the outstanding work that you and your office does every day to help keep New York a great place to live, work and raise a family.

Sincerely,


Donald B. Smith
Sheriff