



# The Indicators of Misconduct in the Cold Case Murder of Joan Webster

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## Abstract

The effects of crime go beyond the primary victim. Misconduct is dysfunction in our legal and law enforcement systems that affects many lives and public safety. Forensic advancements allow new investigation into cold cases with increased opportunity for crime resolution. The advancements do not address the serious impediment to justice when misconduct of authorities obstructs an impartial investigation. The study examines the indicators of misconduct found in the inspection of documents related to the unresolved 1981 murder of Joan Webster. The presence of any identified methods is cause for a review of the case for the presence of misconduct obstructing justice. Cases can be resolved. Remedy is necessary to restore public confidence in our system of criminal justice.

Warning signs of misconduct include; use of confidential sources and snitches, comingled cases with no similarity of victimology, mishandled evidence, hidden exculpatory evidence, fabricated evidence, coerced or threatened witnesses, unreliable witnesses, changed testimony, sensational media coverage, missing evidence or records, compartmentalized records, and influence. All of these indicators were present and identifiable in the case study of Joan Webster.

The continuing problem of misconduct rests with current authorities and a tendency to shield colleagues. An unresolved case empowers custodians to exempt records from document requests that hold key information to resolve crime. Transparency is needed. Massachusetts Rules of Professional Conduct specify the required action of authorities to rectify misprision for the legal system to maintain integrity seeking just resolution.

**Abbreviations:** DA: District Attorney; FBI: Federal Bureau of Investigation; MSP: Massachusetts State Police

**Keywords:** Joan Webster; Cold Case; Unresolved Homicide; Prosecutorial Misconduct; Law Enforcement; Misconduct; Boston

## Introduction

Resolution of cold cases present numerous challenges. Access to witnesses diminish over time, and memories fade. Legal and law enforcement departments often lack resources and personnel to handle the growing numbers of unresolved homicides. The more problematic condition is the lack of commitment to seek justice even though advancements in forensic science continue to open up new opportunities to deliver truthful resolve. Authorities and forensic researchers need to be cooperative in the pursuit of criminal justice.

Every crime has an answer. Research into the 1981 unresolved murder of Joan Webster began with a traditional approach, examination of the investigation through documentation. Standard methods of record retrieval, such as FOIA and private investigation, produced thousands of pages of court records, police reports, sworn affidavits, news accounts, and personal documents that opened new avenues for investigation. This study is a reconstruction of the actual investigation into the unresolved 1981 murder of Joan Webster. Only limited research is conducted in the area of Forensic Sociology, the analysis of evidence to determine negligence in criminal and civil cases. The methods and findings are applicable and relevant to other unresolved crimes.

## Case Overview

Joan Webster boarded Eastern flight #960 at Newark Airport on Saturday, November 28, 1981, after a shortened Thanksgiving holiday with her parents. She was last seen at the luggage carousel at Logan International Airport. Ms.

Webster, a graduate student at the Harvard Graduate School of Design, told family and friends she intended to take a cab to her residence at Perkins Hall. She never arrived. On December 1, 1981, three days after the flight, a classmate notified the family that Joan had not returned to class. Family members filed two missing person reports.

The victim's purse and wallet were found in a marsh area on December 2, 1981, on the southbound side of Route 107, seven miles north of the airport. Contemporary news reports indicated authorities found her suitcase around the first week of February 1982 at the Park Square Greyhound Bus Station in Boston. It was widely reported, the tote bag and contents Joan carried were never recovered.

Officially, the case remained a missing person investigation. The case received high visibility, media attention, and sensational speculation. Numerous agencies were involved in the case including; the Middlesex DAO, Suffolk County DAO, Essex County DAO, the Superintendent of Public Safety, Harvard Campus PD, Saugus, MA PD, Beverly, MA PD, Hamilton, MA PD, and Glen Ridge, NJ PD. Multiple FBI offices participated in various aspects of the case including; the Boston office of the FBI, Newark office of the FBI, Interpol, and FBI headquarters in Quantico. Corporate resources from ITT security assisted the investigation. The Boston USA William Weld with the DOJ handled another aspect of the case prosecuted in the Federal District Court of RI. Ms. Webster's status remained a missing person.

On April 18, 1990, the victim's skull surfaced in a remote and heavily wooded area in Hamilton, MA. A weeklong search in the area resulted in the location of the gravesite. Authorities recovered most of the skeletal remains, and made a positive identification through dental records. Cause of death was ruled a homicide by blunt force trauma. Ms. Webster sustained a blow to the head that left a 2" x 4" hole on the right side of the skull. The victim was stripped of all clothing. Authorities found no clothing or personal belongings in the area except a gold amethyst ring and gold chain found on the skeleton. The offender(s) discarded the body in a black plastic trash bag in a shallow grave. A layer of cut logs concealed the grave. A second layer of logs, added at a later time, concealed the location further. The degree of decomposition of the logs confirmed two separate activities over the gravesite.

An autopsy was conducted. Recovered records do not reflect an inquest after the recovery. The state filed no charges for the homicide. Essex County DA Kevin Burke released the body for cremation performed on July 13, 1990. Massachusetts General Law Chapter 38, Section 14 stipulates the body can only be released for cremation if no further examination or judicial inquiry concerning such death is necessary. The Essex County DAO, the current custodian, affirmed this is an unresolved and open homicide under their stewardship.

## **Theories**

Numerous leads and theories emerged, some reported in the media, and others hidden from public view. The theory presented by authorities was the focus of this forensic examination after other theories proved false. Verified documents provided a timeline of events while media accounts provided the public narrative. State officials publicly identified a suspect in Joan's case in January 1983, based on allegations from a confidential informant. The informant alleged Leonard Paradiso confessed two crimes to him while both men were confined at the Charles Street Jail. The informant comingled the unresolved 1979 murder of Marie Iannuzzi with the 1981 disappearance/murder of Joan Webster. The confined informant, a two-time convicted murderer, claimed Paradiso raped and murdered Ms. Webster on his boat, and discarded her body in Boston Harbor. The informant, later identified as Robert Bond, alleged Paradiso struck the victim in the head with a whiskey bottle, raped her, took the boat way out, and disposed of the body. Bond asserted Paradiso returned to the pier two days later and sank the boat. Continuous media coverage fueled the allegations.

As facts emerged that conflicted with the theory, such as the location of the remains found in 1990, explanations shifted. However, the critical location of the crime, the boat, remained constant. Recent representations of the alleged crime, by the former prosecutor involved in the Webster investigation, maintains the same theory. Tim Burke's confidence in the informant Robert Bond reinforced the assertion that Paradiso raped and murdered Joan Webster on his boat at Pier 7 in Boston as recently as May 12, 2017, during a public broadcast.

## **Research Findings**

An extensive and detailed timeline emerged from recovered documents and media accounts. The timeline included both the Iannuzzi and Webster cases. Mapping critical points in both cases and visiting the sites, where possible, facilitated in evaluating the plausibility of alleged events.

The same prosecutor and the same lead cop alleged the same suspect was responsible for both the Iannuzzi and Webster murders, despite the fact Joan remained classified as a missing person. The authorities conducted both investigations concurrently and entangled the cases in documents filed with the courts and other agencies, and statements to the media. The Iannuzzi case was prosecuted, but the Webster case was not. The Iannuzzi trial provided detailed insight into the methods used to facilitate a desired outcome.

The study examined every witness and piece of evidence in both cases. Records provided concrete information regarding the conduct of involved officials. To broaden the understanding of findings, the climate in the Boston area, including legal, law enforcement, and criminal activity, factored into the assessment of the investigation. For the purposes of this paper, only a few examples of the findings are detailed.

Media coverage of the Iannuzzi case was moderate at the time of the event on August 12, 1979, and soon faded from interest. Although police identified two suspects, the case went cold. The mystery of Joan Webster's disappearance remained in the news. Authorities declared a "break" in Joan's case in January 1983, after the Bond allegations leaked. Paradiso became the focus of both cases in reports that fused the two victims. The media, updated by central figures in the investigations, took on a critical role in shaping public perceptions.

## **Standards of Misconduct**

The Innocence Project reexamines convictions where guilty verdicts fell short of reasonable doubt. Human error may be a factor in some cases, however, the Innocence Project reports numerous cases that involved misconduct resulting in wrongful convictions. The organization continues to exonerate victims of misconduct through advances in forensic science such as DNA. Analysis of case records was necessary to reach those outcomes. Failure to address these issues lead to a break down in our law enforcement and legal systems.

Prosecutorial misconduct is conduct which violates court rules or ethical standards of law practice. Law enforcement misconduct refers to ill-appropriated conduct and or illegal actions taken by police officers in connection with their official duties.

The study identified areas of misconduct, offenses that require proper remedy in the pursuit of criminal justice. Misconduct identified in the Iannuzzi and Webster case study include, but are not limited to:

1. Selective or vindictive prosecution;
2. Providing incentives to secure unreliable evidence from informants.
3. Coercing false confessions;
4. Employing suggestion when conducting identification procedures;
5. Making improper remarks or improperly introducing evidence designed to prejudice perceptions;
6. Lying or intentionally making misleading observations;
7. Failing to disclose exculpatory evidence;
8. Presenting false or misleading evidence;
9. Deliberately mishandling, mistreating or destroying evidence;
10. Threatening, tampering or badgering witnesses;
11. Use of unreliable and untruthful witnesses and snitches; and
12. Hiding, destroying or tampering with evidence, case files or court records.

This study does not intend to suggest all members of law enforcement or prosecutors participate in unlawful misconduct. On the contrary, most public servants are dedicated professionals that sincerely seek truth and justice. Unfortunately, misconduct by even a single individual within the system diverts fair and impartial justice. When evidence of misconduct is present, the system must rectify the injustice to maintain the integrity of our criminal justice system. The degree to which these red flags were discovered in recovered records examined in this study suggests deliberate behavior versus error or incompetence.

## **Indicators of Potential Misconduct**

Patterns emerged in record analysis symptomatic of misconduct during the intertwined investigations of multiple crimes alleged against the state's suspect. Methods implemented by people in positions of authority are seldom transparent. A forensic examination of documents is necessary to reveal concerning tactics present in cases of misprision.

Anonymous, confidential, and criminal sources provided the key elements of the state's case, an indicator of misconduct. Unidentified witnesses presented unverified accusations that shaped perceptions. Unknown contributors

made false representations to federal authorities based on snitches positioned close to the target in jail. Involved officials bolstered the credibility of unreliable charges. As the Webster investigation proceeded, the prosecutor and lead officer misrepresented unsubstantiated innuendo as fact in briefs, court documents, warrants, and to other agencies. Each allegation initiated by unnamed sources bolstered the state's version of events. None of the documented claims brought forward under a cloak of secrecy fit the facts that emerged in the Joan Webster investigation. Only one of the confidential sources remained unnamed after a review of the records. The nature and timing of the information from this source points to a specific individual in the law enforcement community.

A second indicator of misconduct was comingled cases. An anonymous caller identified a suspect for an unrelated cold case and the Joan Webster disappearance. There was no similarity of victimology between the two women. The lead officer assigned to that case also headed the Webster investigation. The 1979 case provided a suspect authorities pursued for both cases simultaneously. Authorities pursued an indictment for the 1979 case while internally spreading speculation about the Webster case. The accused was a parolee and vulnerable to allegations. Days after the prosecutor began proceedings on March 5, 1982, to gain an indictment for the 1979 case, a state trooper informed Leonard Paradiso's parole officer of his suspected involvement in a new Boston crime.

State officials continued to add to the list of victims attributed to Paradiso. The prosecutor portrayed an assault that the witness contradicted in testimony. Tim Burke presented other supposed victims with unverified stories. Multiple witnesses changed testimony after lead officer Andrew Palombo interviewed them. The unresolved murders of three known prostitutes further diluted the known facts in the Joan Webster investigation with victims and crimes that had no commonality.

Seating grand juries is a one-sided presentation of the prosecution's case. Recovered records revealed the abuse of authority misusing the system. The initial grand jury convened on March 5, 1982, targeted Leonard Paradiso for the 1979 murder of Marie Iannuzzi. Testimony implicated another culprit, the victim's boyfriend. When prosecutor Tim Burke seated the next grand jury session on April 5, 1982, the named suspect was changed to "John Doe" under the same cause number. The state continued to press their case before multiple grand jury sessions until obtaining indictments against Paradiso for rape and murder.

Burke conducted Jane Doe grand juries regarding Joan Webster. Witness testimony relevant for the Iannuzzi case given during the Webster sessions remained confidential. Undisclosed testimony from the Webster grand jury was an instrument used to discredit an alibi witness in the Iannuzzi case. The defense had no access to transcripts during discovery because no charges were filed in the Webster case. Burke pressured the witness and instigated charges against her in state and federal cases. The Webster grand jury testimony centered on the existence of the alleged crime scene, a boat. Federal authorities documented the boat was instrumental in bringing both the Iannuzzi and Webster cases to a resolve. Although the boat was not a factor involved in the Iannuzzi case, authorities sought to pressure the witness to gain cooperation. The state created a false perception of the boat.

The symptom of misconduct in comingled cases appeared in an improper search warrant filed with the court on April 25, 1983. The warrant for the Iannuzzi case sought items with no relationship or probative value for the Iannuzzi indictments. The search warrant obtained and executed by lead officer Andrew Palombo sought items woven into the state's theory of Joan Webster's loss. FBI documents and court records support the Iannuzzi case was a smokescreen to pursue Paradiso for the Joan Webster case.

Only three witnesses suggested Paradiso was responsible for both the Iannuzzi murder and Joan's disappearance. The first was the anonymous caller in January 1982. The witness, later identified in court records, grew up with the accused and an officer involved in the Webster investigation. Patty Bono alleged a 1972 assault with no corroboration. She provided no information related to either unresolved crime, just unsubstantiated innuendo. Her allegations mirrored the presumed fate of Joan Webster authorities circulated. Facts learned later debunked the state's premise, and further challenged the veracity of the witness.

The state produced the second witness, Robert Bond, after the Iannuzzi indictments and internal speculation connecting Paradiso to the Webster case. Another source document recovered in records detailed a conversation with Carmen Tammaro suggesting the boat theory four months before Bond appeared on the scene. The same Sargent, Palombo's superior officer, suggested murder on Paradiso's boat four months before he conducted an interview with Bond describing the same story. Many of Bond's claims are now known to be factually false in both cases.

The third witness, a convicted killer once on death row, inserted himself. Ralph Anthony Pisa contacted state officials and indicated Paradiso confessed to both crimes. His assertions were not verifiable. The authorities noted on record, as

a result of his participation in the state's pursuit of Paradiso, they reversed their position on Pisa's status. Pisa walked out of jail a free man.

Evidence is required to prosecute any case. Evidence presented openly and fairly in the pursuit of justice is the foundation of our criminal justice system. However, under the cover of misused authority, improper manipulation of evidence may produce faulty outcomes. This study examined the physical evidence in both the Iannuzzi murder and the Joan Webster disappearance.

The investigating team ignored the evidence documented in police files in the Iannuzzi case. Overwhelming circumstantial evidence pointed to another culprit, the boyfriend. The suspect had a known abusive relationship with the victim, and a prior act of attempted strangulation just weeks before the murder. Witnesses described severe fresh gauges on the boyfriend's hands soon after the murder. The suspect and his mother gave four different explanations. The boyfriend David Doyle was a known drug user. He took flight after the wake and arrested at Newark Airport stealing from bags at the luggage carousel. Doyle was in possession of a stolen airline ticket from LaGuardia to Boston. Doyle gave NJ authorities a false name. The boyfriend packed the victim's belongings before the body was identified. Family members spotted blood on the stairs leading to the couple's third floor apartment.

Lead officer Tr. Palombo inexplicably testified he did not believe Doyle was a suspect. The undercover cop testified he met with the suspect 20-30 times in undocumented meetings, an improper relationship between an officer and a murder suspect. The trial grossly misrepresented and distorted the facts. An early police report named four individuals that saw the victim after the time she was seen with Paradiso, but the team discounted the eye witness accounts. Lobby conferences at trial revealed Judge Roger Donahue disallowed exculpatory evidence in the reports from going back to the jury.

During the same period, the prosecutor and officer represented items to the courts, federal authorities, and the media inferring items discovered belonged to Joan Webster. Known items were widely dispersed indicating the offender had forensic knowledge to avoid detection. Joan's purse and wallet turned up first in a marshy area on the south side of Route 107. Boaters discovered Ms. Iannuzzi's body on the north side of the split highway behind a vacated business in 1979. The marsh is a large area and known dumping ground. According to media reports, police found Joan's suitcase in a bus terminal in Boston on January 29, 1982. Later published accounts indicated the bag surfaced at the Port Authority in NYC. Authorities reported a tote bag and contents were never found.

Three extortion incidents were kept out of the press. Current custodians were not aware of the incidents and did not have the reports. The "break" in the case came on January 28, 1983, when officials leaked reports of the Robert Bond allegations. The identity of the snitch remained confidential for some time, but a confidential source leaked the informant's accusations to the FBI and the media. The news story was the first public incrimination that Paradiso raped and murdered Joan Webster on his boat at Pier 7, and dumped her body in Boston Harbor.

The story grew with the ensuing investigation entangled with the Iannuzzi case. In court records and to the press, the prosecutorial team represented Paradiso or an acquaintance was in possession of items belonging to Joan. The items known to the public included a book labeled a textbook and a silk jewelry pouch. The coffee table book was a white elephant, out of print six years before Joan boarded her flight. The pouch was part of a three-piece set and the rightful owner was still in possession of the remaining pieces.

An undated photo showed the interior of the boat with liquor bottles, the alleged murder weapon, on a shelf. The snitch reported to police he saw the pictures tacked on Paradiso's cell wall. Burke recovered ER records that showed Paradiso was treated for three splinters two days after the disappearance. The prosecutor represented to the court the remaining splinter may be the only evidence linking Paradiso to the crime in an unprecedented warrant for a surgical removal. When x-rays showed no splinters, Burke inexplicably asserted in court in front of the media, Paradiso removed a microscopic splinter.

Authorities discovered the sunken boat and raised it on September 27, 1983, near its mooring site at Pier 7. An FBI analysis of the boat found no items connecting Joan Webster to the scene. However, Burke and Palombo filed warrants with the court claiming the boat contained several shards of broken glass to match the suggested murder weapon, a whiskey bottle. FBI lab reports, invisible to the courts and the public, discredit the assertion.

The public was not aware of a missing bracelet. Burke is named in FBI reports claiming a photograph confiscated in an Iannuzzi search warrant showed an acquaintance of Paradiso wearing a bracelet just like the one-of-a-kind bracelet belonging to Joan. A confidential source told the FBI at the same time, Paradiso lavished his girlfriends with jewelry

from his victims. Joan was the only victim with missing jewelry. The source also alleged the woman pictured knew where Joan's body was disposed. The woman testified she was pressured by the FBI.

During grand jury testimony for a federal bankruptcy charge against Paradiso, the woman's testimony discredited the assertion she had Joan's bracelet. Burke instigated the federal case regarding the boat, and Palombo affirmed in court papers he worked on the insurance matter. In a court setting in front of the media, in the Iannuzzi pretrial, the same woman testified Paradiso chopped bodies, tied cinderblocks to them, and sank them in the ocean. The story made sensational headlines and furthered the theory the state promoted. The FBI lab results of the boat did not support the story, and Joan surfaced more than 30 miles away in Hamilton, MA. The woman refused to testify at the Iannuzzi trial.

A second item Burke introduced was a fake .357 magnum recovered at the pier area. He speculated Paradiso used the gun to force Joan onto the boat. Burke introduced his witness during the Iannuzzi pretrial. Burke directed a BPD diver to a precise location, and the officer soon came up with the replica handgun on October 20, 1983. Assigned divers scoured the waters for two months after raising the boat in September 1983. A contemporary report by one of the assigned divers indicated nothing was found that linked Paradiso with the alleged crime. The gun was not submitted to FBI labs like other items found at the pier or on the boat. Current custodians have no reports on the gun Burke supposedly discovered from another confidential source.

The source, identified as John O'Connell, was serving time in a penitentiary for defrauding the government of HUD grant funds to renovate Pier 7, and lying to federal authorities. O'Connell received the grant for work done during 1980, and funds paid through the end of that year. He was under federal investigation by October 1981. FBI agents secretly videotaped him on November 24, 1981, before Joan Webster disappeared, at a hotel in Florida. The interview with authorities described the water conditions at the pier. His divers, when they worked at the pier, found a Mercedes at the bottom. O'Connell faced other charges for drug trafficking when one of his boats was stopped at a Maine port with 30 tons of marijuana. Burke and Palombo both represented to the courts that Paradiso used the fake gun to force Joan on the vessel.

Another item discreetly inserted by the team was an invalid boat registration. The boat was registered in the girlfriend's name and she held the registration in a titled state. The Suffolk County DA office submitted two boat registrations for the federal bankruptcy case that included the boat. The first was the valid license. The second had the same number and required seal and signature from the registrar's office. However, the number was hand written, not stamped by machine. It was a fake ID allegedly signed by Paradiso. The registrar testified representatives from the DA office removed the supporting documents for the registration when he was out sick. Iannuzzi appeal records revealed Andrew Palombo obtained the vehicle registrations. The current custodians do not have the second, invalid license in their files.

Joan's case never went to trial. Therefore, the Iannuzzi hearings and trial transcripts brought witness treatment into focus. Palombo interviewed numerous witnesses. Critical testimony that contradicted the state's theory changed from previous testimony and police reports. One witness faced accessory and mail fraud charges to negate her impact. One witness described FBI pressure and a promise of money. Two sworn affidavits alleged pressure from the prosecutor and police. The women were threatened with never seeing their children again.

Burke informed the judge in a lobby conference that one Iannuzzi witness was assaulted and the prosecution had pictures. He alleged Paradiso, confined at the time, somehow had involvement. The witness, a family member of the victim, went into hiding until appearing in court on July 18, 1984. In the morning the defense private investigator interviewed her and found her recollection consistent with her March 5, 1982, grand jury testimony. Her substantive testimony implicated the boyfriend. After the defense interview, Palombo and Burke escorted her down the hall. An hour later on the stand, the witness changed her testimony. The private investigator recorded a sworn statement.

Paradiso submitted two motions for a new trial, but the same Iannuzzi trial judge reviewed the requests. Both times Judge Donahue found no error in the proceedings in his courtroom. The motions were denied. Burke left the DA office in September 1985 with a plumb account representing the Massachusetts State Police. Burke also left the DA office with a carton of Joan Webster files according to an employee that worked in Burke's new office. He came back as a special prosecutor to challenge Paradiso's 1986 appeal in the Iannuzzi case. Paradiso lost.

The climate in the Boston area reflected the dysfunction in the legal and law enforcement communities during the Joan Webster investigation. The Boston office of the FBI was later exposed for shielding criminal informants. The improper relationship between authorities and mob leader James Whitey Bulger led to criminal prosecutions and convictions. Misconduct permeated the system on every level. The Suffolk County DA office under DA Newman Flanagan was

exposed for secret and duplicate files raising questions over convictions from 1980-1988. The aggressive pursuit of Leonard Paradiso was during the height of misprision in that office.

On May 3, 1983, ADA Tim Burke contacted the Financial and Personal Crime Units of the FBI to instigate a bankruptcy fraud charge against Paradiso. The central component of the bankruptcy filed on August 26, 1981, several months before Joan Webster disappeared, was the alleged crime scene, the boat. The FBI shielded the intent of the case under a new case number naming Joan Webster as the victim of a bankruptcy investigation. Due to publicity, the venue was changed to the Federal District Court of RI, Judge Bruce Selya presiding. Case CR 85-010-S affirmed, with undisputed evidence, the boat, the alleged crime scene, did not exist by August 1981 when Paradiso filed for bankruptcy. The state's theory was an impossible crime.

The current custodian's files do not contain court records regarding the status of the alleged crime scene. Records also contained evidence of influence, another indicator of misconduct. The federal prosecutor presented three letters to the judge during the sentencing phase from a known individual with an interest in the outcome of the case. However, the federal court discredited the basis of the interest; the boat did not exist when Joan Webster disappeared on November 28, 1981.

The central participants in the Webster investigation continued to allege Paradiso raped and murdered Joan on his boat. The story maintained their suspect dumped her body in Boston Harbor up until authorities found the remains buried in Hamilton, MA in April 1990. The press quoted Tim Burke at that time having knowledge in September 1983 the boat had a broken rudder and was not navigable.

Media influences perceptions. When guilt or innocence is tried by tabloid, our criminal justice system fails. Continuous and sensational coverage was an indicator to look for misconduct. The Webster disappearance drew interest on a far reaching scale and spanned more than three decades. The press took representations from the officials as fact, and the public was conditioned to trust authority. Guilt was presumed without presenting verified evidence.

A case of this scope produced tens of thousands of records. Recovered documents revealed another indicator to examine this case for misconduct. The participants concealed improper activity in segregated files. The participants compartmentalized the investigation. The tactic is evident in reviewing the Iannuzzi files for answers in the Webster case. The FBI alone recorded numerous case numbers under different departments. Current authorities responded to a recent FOIA that their files do not contain relevant records or evidence Burke falsely represented to the courts and other agencies. Secret grand jury testimony under multiple causes, activity in multiple courtrooms under different jurisdictions, removal of documents from the DA office, and numerous agencies and departments contributed to a broken path to truthful answers.

A final indicator of misconduct is the resistance to review newly introduced evidence and examine the case. The tendency to circle the wagons to shield misconduct abuses the authority of officials delegated with the responsibility to seek justice and public safety. The same tactics discovered examining the investigation continue to deflect justice. Whistleblowers can suffer irreparable harm from destructive insinuation, rumor, and smear tactics intended to discredit. The tactics implemented at the time continue today rather than an earnest response to verified records. The records uncovered the proper path to a truthful resolve.

## **Current Case Status**

The Essex County DA office of Jonathan Blodgett, the current custodian of the Joan Webster files, holds the unresolved homicide under their stewardship unsettled. Since the initial contact in 2006, the office has been resistant to inquiry challenging authorities involved during the investigation. By their own description, the office is in possession of nine banker's boxes filled to the hilt with documents numbering in the tens of thousands. Exemptions claimed in response to FOIA requests indicate documents related to other victims are comingled in Joan's records.

On April 2, 2017, I submitted a narrowed FOIA request of specific documents. The response affirmed a complicating factor and indicator of misconduct, incomplete records. Compartmentalized records, or records removed from the files, is a critical factor that effectively obstructs justice. The Essex County DA obtained their records from the Massachusetts State Police investigatory files in 1990, after Joan surfaced in Hamilton, MA. MSP officers Andrew Palombo and his superior Carmen Tammaro, with access to records, played integral roles in the Paradiso boat theory. Former prosecutor Tim Burke, partnered with Palombo on Paradiso matters, removed a carton of Joan Webster files when he left the Suffolk County DA office in 1985.

Representatives from the Essex County office indicated they are not in possession of evidentiary items Burke and Palombo declared to the courts and federal authorities. According to Burke, a photograph showed a woman wearing a bracelet just like Joan's one-of-a-kind bracelet. Burke claimed an unnamed witness identified a photo of a jewelry pouch like one Joan kept her pearls in. These items do not exist in current files, and they were missing FBI reports about the items.

Webster case files are deficient of the Iannuzzi records necessary to identify the methods and behaviors of the central team aggressively pursuing Paradiso for multiple allegations. Instead, current officials publicly announced reopening the unresolved murders of three known prostitutes based on Burke's contentions. The cases have no similarity or victimology to Joan's case.

The DA office denies the list of contents of Joan's suitcase, purse, the unrecovered tote bag, and any other items recovered. In the FOIA response, the office revealed a new contradiction indicating authorities recovered Joan Webster's suitcase on November 29, 1981, the day after her flight to Logan. Police staged a major media event recovering the suitcase from the Park Square Greyhound Station in early February 1982. FBI reports indicate the bag turned up on January 29, 1982. Burke recently published workers found the bag at the Port Authority in NYC. Confusion and disinformation muddied the waters blocking a clear path to the truth.

The Essex County DA does not have court records from the federal bankruptcy case CR 85-010-S affirming Paradiso's boat, the alleged crime scene, did not exist by August 1981. Current custodians are missing reports about the gun Burke alleged Paradiso used to force Joan onto the boat. The gun was not mentioned in FBI reports or submissions to the lab in Quantico. The DA does not have Iannuzzi pretrial testimony introducing the gun at Burke's direction. An FBI 302 report is not contained in the custodian's records that identify the item found at Pier 7 by O'Connell Seafood Company divers was a Mercedes, not a fake .357 magnum, as Burke contends.

The FOIA requested documents that had been obtained from other sources. The current stewards claimed exemptions to deny documents contained in their files. The documents reveal misconduct and name specific individuals involved in the investigation. MSP interviews with Robert Bond and Bond's written statement are being denied. Many aspects of Bond's allegations in both the Iannuzzi case and the Webster investigation are known to be false. However, seven years before Joan's skeleton surfaced, Bond provided the correct manner of death with correct detail, revised from the multiple choice given during a taped MSP interview. It is a reasonable concern Bond spoke to someone with knowledge of the murder. The alleged confession of Paradiso presented by Bond was false. No evidence connected Joan Webster to Leonard Paradiso. The MSP interview unmask the names of the individuals Bond spoke to.

Constructing a mental map of those individuals narrowed the short list of suspects. Known locations, forensic knowledge, behavior during the investigation, and behavior in other matters pointed to an individual in a position of authority able to divert the investigation. A final concern was the likeness to the composite suppressed by officials in December 1981, soon after Joan disappeared. A cabbie provided a description of a bearded man leaving the airport with Joan.

This study followed the evidence and named a suspect to the Essex County DA as a person of interest for the murder of Joan Webster. The outstanding question of prosecutorial and law enforcement misconduct is their complicity in the crime.

## **The Scales of Justice**

There is no statute of limitations for murder in Massachusetts. The status creates a double edged sword when misconduct is suspected. The case remains open and current custodians deny access to vital records under investigatory and privacy exemptions. Statutory exemptions apply to some records, however, others do not. Investigatory exemptions effectively shield misconduct and deny the victims justice. The exemptions may override accountability of public officials in a broken system.

On May 1, 2017, I met with prosecutors in the Essex County DA office. Verified documents supported legitimate questions of misconduct that obstructed justice in the Joan Webster case under their stewardship. Experience during the research of this case necessitated well-documented meetings.

First Assistant DA John Dawley, entrusted with Joan's case, respectfully affirmed my knowledge and credibility. Dawley holds the discretion to investigate or leave the case dormant, an unresolved murder. Statements during the meeting raise the concern of the commitment to resolve a homicide under their stewardship, a responsibility Essex County was tasked with in April 1990.



The S.J.C. Rule 3:07 is the Massachusetts Rules of Professional Conduct. It is a reasonable understanding that government employees in the DA office represent the victims and the public. The responsibility of the prosecutor is to seek justice for his clients and assure public safety.

ADA Dawley acknowledged he knows Tim Burke, the former Suffolk County prosecutor involved in the Joan Webster investigation. Dawley stated he did not want to focus on Tim Burke. Rule 1.7 defines conflict of interest issues. Section (a) states, "Except as provided in paragraph (b), a lawyer shall not represent a client if the representation involves a concurrent conflict of interest. A concurrent conflict of interest exists if: (2) there is a significant risk that the representation of one or more clients will be materially limited by the lawyer's responsibilities to another client, a former client or a third person or by a personal interest of the lawyer."

Rule 1.8 further details conflict of interest for current clients. The current clients of Essex County are Joan Webster and the public. Section (b) states, "A lawyer shall not use confidential information relating to representation of a client to the disadvantage of the client or for the lawyer's advantage or the advantage of a third person, unless the client gives informed consent, except as permitted or required by these rules."

Rule 1.11 defines special conflict of interest for former and current government officers and employees. Subsection (e) states, "As used in this Rule, the term "matter" includes: (1) any judicial or other proceeding, application, request for a ruling or other determination, contract, claim, controversy, investigation, charge, accusation, arrest, or other particular matter involving a specific party or parties." A conflict of interest or the appearance of a conflict exists impacting the impartial dispensation of justice for the Joan Webster investigation.

During the May 1, 2017 meeting at the DA office, I raised concern of personal risk for specified individuals. Supporting documents affirmed harassment and threats from known and unknown persons. ADA Dawley responded to the concerns stating information would only come out if I continued to probe deeply into the case. (The exchange is paraphrased to protect the identity of vulnerable individuals.) I have asked for clarification of the statement. Topics brought to the attention of the Essex County office with verified records relate to an unresolved homicide, and allegations of other crimes. ADA Dawley affirmed I could be subject to prosecution if I brought false information forward in a criminal case. No documents have been challenged or negated. It is also unlawful to withhold evidence in a criminal matter, constituting complicity.

Rule 1.2 of the S.J.C 3:07 guidelines defines the scope of representation and allocation of authority between client and lawyer. Section (d) states, "A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer knows is criminal or fraudulent, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning, or application of the law.

ADA Dawley indicated he had to weigh whether to investigate further and inform family members that might open old wounds. Rule 4:1 in the rules of conduct deals with truthfulness in statements to others. "In the course of representing a client a lawyer shall not knowingly: (a) make a false statement of material fact or law to a third person." In this case, disclosure of information to individuals directly impacted by crimes must be truthful.

Standards to maintain the integrity of the legal profession and the proper functioning of our judicial system requires accountability and remedy for misconduct. Rule 8:3 requires reporting professional misconduct. Section (a) states, "A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the Bar Counsel's office of the Board of Bar Overseers."

The office has a professional responsibility to report misconduct to the MA Board of Bar Overseers. S.J.C Rule 4:01 Section 12:3 provides that a serious crime includes "any felony, and ... any lesser crime a necessary element of which ... includes interference with the administration of justice, false swearing, misrepresentation, fraud..." The Rules of Conduct instruct when it is the responsibility to report. "A lawyer has knowledge of a violation when he or she possesses supporting evidence such that a reasonable lawyer under the circumstances would form a firm opinion that the conduct in question had more likely occurred than not."

The Essex County DA office is now in possession of verified documents raising legitimate concerns of misconduct by authorities during the Joan Webster investigation and related matters. Again, there is no statute of limitations for murder.

## **Conclusion**

Crime prevention belongs to everyone. Resolving and preventing crime are difficult tasks with far reaching implications. As a society, the public is conditioned to trust those in a position of authority and those closest to the circumstances. When misconduct infects legal and law enforcement systems, justice is skewed. Every case requires truthful resolve to allow genuine healing and assure public safety.

Misconduct evident in the Joan Webster investigation obstructed justice and left innocent people vulnerable. Numerous indicators found in recovered documents support the need for current authorities to investigate the misconduct evident in the files. To ignore the problem perpetuates a dysfunctional system that denies justice. There is a moral and legal obligation to defend the victims of crime and rectify egregious misconduct. Accountability for misconduct rests with the offenders, not the victims. All crimes have an answer; every answer is painful in a tragic loss. The forensic study of the Joan Webster investigation exposed the difficulties resolving the case. To honor the value of Joan Webster's life, the current authorities tasked with the responsibility of her case must seek justice. The 1981 unresolved Joan Webster murder is solvable.