

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

DECLARATION

v.

JOSEPH BONGIOVANNI,
PETER GERACE, JR.,

Case No.: 19-CR-227

Defendants.

UNITED STATES OF AMERICA,

v.

PETER GERACE, JR.,

Case No.: 23-CR-37

Defendants

STATE OF NEW YORK)
COUNTY OF ERIE) SS.:
TOWN OF AMHERST)

STEVEN G. RESZKA declares under penalty of perjury and pursuant to 28 USC §1746,
that the contents hereof are true and correct:

1. I am a media consultant hired by Tiveron Law, PLLC to provide consulting services in regard to the above referenced matters. I was in April and hired in May of 2021 in response to the intense negative media being generated by the United States Department of Justice. This declaration bears on the merits of the government's motion seeking to "gag" Mr. Cohen from speaking to the media.

2. I have more than 35 years of experience in public relations, media relations,

crisis communications and event management as well as owning and operating media related consulting companies throughout my career.

3. Throughout my career, I have held various positions where I have implemented and conducted media training programs with corporations, political candidates and individuals throughout the United States.
4. I have approximately 45 years in radio and television experience, including 21 years in radio station ownership.
5. I have been employed as an Assistant News Director at WTOK-TV in Meridian, Mississippi, a freelance reporter for ABC News, the Sports Director for KFDX-TV in Wichita Falls, Texas, and a freelance reporter for NBC Sports.
6. I have sat on the Board of Directors for the Buffalo Broadcasters Association for approximately 25 years, including three years as president.
7. I was asked to look into the media coverage in the above matter and to provide a comprehensive analysis of the media reports in this case since March of 2021 through to the present.
8. During the course of my research I have found that there has been significant media coverage regarding this case and since March 1, 2021 there have been 32

printed articles in newspapers and 27 video news reports. I have not tracked radio coverage for this case. In the Western New York area, radio news coverage is primarily driven by print and television coverage, so while I have found there to have been extensive radio coverage, I have not quantified that radio coverage at this time and limit this Sworn Declaration to print and television coverage.

9. That of the 32 newspaper articles, 30 of them originated in the Buffalo News, 1 originated in the Miami Herald (Miami, Florida) and 1 originated in the South Florida Sun Sentinel.¹
10. In those 32 printed articles the approximate number of total column inches is 1,025" dedicated strictly to this case. Of those total combined 1,025 inches, 995.5" column inches, or 97.13% has been favorable to the prosecution/government that has been generated by oral or written government statements and/or filings, and 29.5" column inches, or 2.87% have been favorable to Mr. Gerace, generated by oral or written statements from Steven M. Cohen, Esq., regarding this case.²

¹ Stories that originate in print and broadcast media may also be disseminated via media company websites which can cause exponential secondary distribution of stories throughout countless media outlets, social media, podcasts and "talk shows" in cases of interest. The Gerace prosecution is such a case of interest. My analysis does not attempt to quantify secondary distribution. The nature of news during all times relevant to this case is such that readership extends well beyond subscription circulation, and can usually be accessed by anyone with a digital device and internet connection, greatly expanding distribution of stories.

² "Favorable" is a subjective standard for which I am utilizing my expertise when categorizing language as favoring one side or another.

11. Of the 32 printed articles, the terms “Italian Organized Crime” “Buffalo Mob” “Mob Boss” and/or “Organized Crime Case” have been mentioned in approximately 25 of them.
12. Of the 32 printed articles, the terms “Mob Boss” “Mob” “Buffalo Mob” and/or “Organized Crime” appear in the headlines of 11 separate articles.
13. Of the 27 video news reports, the terms “Mafia” “Mob Boss” “Italian Organized Crime” and/or “Organized Crime” and similar language has been used in 25 of them.
14. On February 28, 2021, the Buffalo News printed an article that stated “Tripi was not permitted by the U.S. Attorney's Office to talk with The Buffalo News about the Mafia probe, but he has repeatedly spoken about the investigation into the “Buffalo Mafia,” “Italian Organized Crime,” or “IOC” in court documents and in federal court hearings.” The article goes on to state, “It's an active organized crime investigation,” Tripi told a judge last year, during a detention hearing for Bella. “The investigation reveals that organized crime members and associates, which include Mr. Bella, are involved in drug trafficking and various us wire fraud schemes.”
15. On March 1, 2021, the South Florida Sun Sentinel printed an article entitled “Nephew Of Alleged Buffalo Mob Boss Arrested In Fort Lauderdale”. The article

states “a top figure in one of the nation’s most notorious crime families was arrested in Broward County after a federal grand jury in Buffalo, N.Y., indicted him on charges of bribing a DEA agent, drug dealing, and human trafficking”. The article goes on to state “In total, the indictment charges Gerace with five separate crimes, including bribery of a federal official, manufacturing and distributing narcotics, human trafficking at least 40 people and conspiracy, according to Assistant U.S. Attorney Brendan Cullinane”.

16. On December 16, 2022 the Buffalo News printed an article entitled “Who is Joe Todaro and Why Do the Feds Say this Pizzeria Owner Runs the Bufalo Mob”. The article addresses the family relationship between Joseph Todaro, Jr., and Peter Gerace Jr. The article also discusses Co-Defendant Joseph Bongiovanni and his alleged relationships with persons alleged by the government to be members of organized crime.
17. On December 29, 2022, the Buffalo News printed a lengthy feature article – so extensive that the story would be considered a “spread” - that positively and extensively portrayed the federal prosecutor, Joseph Tripi, as a “tough as nails” prosecutor who was protecting the public from evil. Every comment concerning Mr. Tripi was positive, making it seem as though all of his cases were meritorious.
18. On January 7, 2023, the Buffalo News printed an article entitles “Prosecutor Voices Concerns For The Safety Of Witnesses In Buffalo Trial Involving

Organized Crime Allegations". The article states "Gerace, 55, is the nephew of Joseph Todaro, whom prosecutors and federal agents have identified as the leader of Buffalo's Italian Organized Crime." Speaking about Assistant U.S. Attorney Joseph Tripi, the article goes on to say that "he made no allegation that anyone has been threatened but said there are some witnesses who could face danger if local criminals-including those who have nothing to do with Bongiovanni or Gerace-find out they are cooperating with law enforcement. Tripi said that he hopes to keep some of the witnesses names secret from defense lawyers and the public past May 10, the date Sinatra has set for him to submit a witness list to the Court. 'Six weeks is a long time (for someone) to be whispered a name, and be sent on a mission', Tripi said".

19. On May 6, 2023, 4 days before the government's witness list was filed with the Court, the Buffalo News printed an article entitled "Feds Arrest Woman Expected to Testify Against Strip Club Owner In Upcoming Trial". In this article it states that "Two sources familiar with this case said Hunt is a former employee of Peter Gerace, the owner of Pharaoh's Gentlemen's club in Cheektowaga. Both sources said Hunt is expected to testify as a government witness at Gerace's upcoming trial."
20. The extensive coverage favorable to the government is not accidental. The U.S. Attorney's Western District office has a Public Information Office that's mission

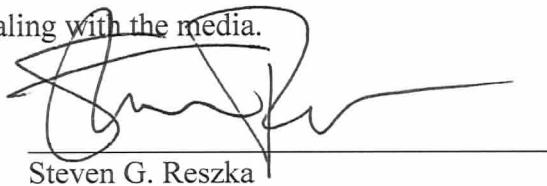
is to disseminate information beneficial to the image of the U.S. Attorney's office.

It is also the contact point for all media seeking information.

21. This Public Information Office has on the website for the U.S. Attorney's Western District "Ground Rules for Interviewing Department Officials" (<https://www.justice.gov/opa/information-journalists>). This includes a section titled On Deep Background. It states that "officials cannot be quoted or identified in any manner, not even as 'an unnamed source.' The information is usually couched in such phrases as 'it is understood that' or 'it has been learned.'" The Public Information Office goes on to say that "The information may be used in the reporting to help present or gain a better understanding of the subject, but the knowledge is that of the reporter not the source." This is a commonly used and legitimate tactic to advance a story without revealing a source.
22. The Public Information Office includes the highly talented Barbara Burns who, prior to joining the U.S. Attorney's office, was an award-winning broadcast journalist in the Western New York media market. She was hired, in part, because of her relationships with media members throughout the area. Ms. Burns effectively and prolifically disseminates stories beneficial to the U.S. Attorney's office in news release form that is disseminated to media and posted on their website. She also recommends stories to various reporters in conversations, who print/air the stories as if "the knowledge is that of the reporter, not the source."
23. During the course of my career, and specifically in this case, I have observed Assistant U.S. Attorney Joseph Tripi, who appears quite adept and likely well-coached in dealing with the media. Mr. Tripi consistently and deliberately uses

inflammatory language in court documents and in the courtroom describing the defendant, knowing that the news media will pick up on this language and quote him in their stories.

24. It is my professional opinion that the media reports regarding this case have been one-sided and overwhelmingly beneficial to the government and highly prejudicial to the Defendants, due to Mr. Tripi's tactics described herein, with the support of the Public Information Office of the US Attorney for the Western District of New York.
25. The comparatively insignificant coverage of this case from Defendants' perspective suggests that counsel for the defense, and Mr. Cohen in particular, have exercised great restraint in dealing with the media.



Steven G. Reszka

Dated: July 14, 2023
Amherst, New York