

STATE OF OHIO )

) SS:

Case No's. 95-CR-696  
96-CR-599

ASHTABULA COUNTY )

SWORN STATEMENT BY ANTHONY CIOFFI, JR.

I Affiant, Anthony Cioffi, Jr., after being first duly sworn and cautioned concerning the penalty for perjury, does make the following statements:

1) That I contend that the SWORN TESTIMONY given by my ex-attorney, Thomas E. Zena at the EVIDENTIARY HEARING held on January 31, 2002 stated under OATH on direct examination by my appellate counsel Steven Bradley and cross examination by the Trumbull County Prosecutor's Office, such statements are REBUTTED as follows:

TRANSCRIPT OF THE EVIDENTIARY HEARING:

2) Page 24, Lines 2-8, Page 30, Lines 5-10:

3) REBUTTAL: Attorney Zena NEVER shared any pre-trial discovery or shared any information that was shared or discussed between me and the prosecutors office with me at all.

4) Page 32, Lines 14-22, Page 33, Lines 1-8:

5) REBUTTAL: I NEVER arranged any appointment(s) for attorney Zena to talk to the children's mother's of either case, this conversation NEVER took place.

6) Page 33, Lines 11-22 Page 34, Lines 1-4:

7) REBUTTAL: Attorney Zena NEVER shared any exhibits A,B,C, with me at any time or gave me copies of exhibits A,B,C, nor any letter.

8) Page 39, Lines 15-19:

9) REBUTTAL: Once again attorney Zena NEVER discussed or shared any discovery information with me at any time before or after December 3rd, 1996. Specifically any information he learned through discussions he had with the prosecutors office.

10) Page 41, Lines 13-22, Page 42, Lines 1-10:

11) REBUTTAL: Attorney Zena and I NEVER had this conversation nor did he tell me that he was NOT ready or prepared to go to trial on the case on Judge, Shaker's docket, none of this was ever discussed between attorney Zena and me at any time.

12) Page 43, Lines 1-20:

13) REBUTTAL: attorney Zena NEVER GAVE ME copies of anything pertaining to my cases when he was my trial counsel. Including exhibits A,B,C.

14) Page 57, Lines 7-22, Page 58, Lines 1-22, Page 59, Lines 1-22, Page 60, Lines 1-22, Page 61, Lines 1-22, Page 62, Lines 1-22, and Page 63, Lines 1-17:

15) REBUTTAL: Attorney Zena NEVER showed me the Court room. The only time I was in either Court room was when I was scheduled to be there by either Judge, nor did attorney Zena go over what the procedure was going to be over the weekend. I NEVER asked attorney Zena "Are those my jurors?" I NEVER had Maryann or Laurie Brown or the Bailiff go in and interrupt Zena during any conference. I NEVER told attorney Zena I wanted to plea until he told me I would get life if I go to trial on my cases and he stated these are children cases and the prosecutor is offering me a "BLUE LIGHT SPECIAL" I NEVER said the following statements to Zena "I want to get this done, what is the best deal we can do?" "There's no way I can beat all of these." I NEVER said anything bad to attorney Zena about Judge Shaker. I NEVER "No go back and see what you can do or Shaker does not pull the rug out from under me" I NEVER told attorney Zena that I wanted Judge Shaker to write it down before I would do anything. I NEVER told attorney Zena I was immensely relieved that Judge Stuard was handling my cases. Zena NEVER spent 45 minutes to an hour with me on December 3rd, 1996. attorney Zena spent most of his time in the back room away from me and my family. I NEVER told attorney Zena "It is a number game if I hook that case over their, it is a life offense, if I do this and beat this and hook that what have I accomplished?" The only sentence attorney Zena told me was 10 to 25 years, there was NO discussion about any other sentence. Attorney Zena has used EVERY TACTIC on December 3rd, 1996 to COERCE me to plead, so I plead guilty even though I am actually INNOCENT.

16) Page 68, Lines 6-15:

17) REBUTTAL: attorney Zena NEVER stated I'm not saying these kids aren't lying. Tony, but they are going to be allowed to testify what they testify to. They are going to be allowed to bring in the evidence. It will be up to the jury. I NEVER talked about any prior sexual offenses in Trumbull County, Ohio.

18) Page 71, Lines 1-22, Page 72, Lines 1-22:

19) REBUTTAL: I NEVER talked to attorney Zena about my indictments. I NEVER told attorney Zena that I have a film here that will get me found not guilty. The couple in the video NEVER said Tony could have never done this because he's a good guy. These couple knew my ex-wife. They were the babysitters of my two sons and my ex-wife filed charges on Annie Boylen in 1994 for child endangerment and my ex-wife told them about my case.

20) Page 79, Lines 16-22, Page 80, Lines 1-6:

21) REBUTTAL: I NEVER told attorney Zena I wanted to package everything.

22) Page 85, Lines 11-17:

23) REBUTTAL: I NEVER knew how my cases were going to be handled when I entered my plea's.

24) Page 98, Lines 16-22:

25) REBUTTAL: Attorney Zena advised me NOT to take the polygraph exam because he didn't believe in them.

26) Page 99, Lines 4-22, Page 100, Lines 1-9:

27) REBUTTAL: Attorney Zena NEVER discussed the first or the second case with me. I did NOT know attorney Zena was trying to stop the second case from proceeding forward. All I wanted is to go to trial on BOTH of my cases until attorney Zena COERCED me into a plea bargain to which I entered even though I knew I am INNOCENT of the FALSE ALLEGATIONS against me.

28) Page 102, Lines 3-22, Page 103, Lines 1-3:

29) REBUTTAL: Attorney Zena NEVER got specific about what would happen at my trials. Attorney Zena WAS very vague throughout this whole process with me pertaining to BOTH of my cases.

30) Page 104, Line 22, Page 105, Lines 1-3:

31) REBUTTAL: Attorney Zena NEVER told me not to enter into my pleas. Attorney Zena NEVER said do not enter this plea if you are afraid of Shaker's case. I'll do whatever it takes to not go forward that day. I was NOT afraid of Judge Shaker because I am an INNOCENT man.

32) Page 105, Lines 9-15:

33) REBUTTAL: I NEVER said the comment "It absolutely worked when Shaker said I'll give the case to Judge Stuard to attorney Zena"

34) Page 110, Lines 10-18:

35) REBUTTAL: attorney Zena NEVER went through or over the PLEA AGREEMENTS with me, he just handed them to me and told me to sign them. Attorney Zena NEVER explained my RIGHTS to me nor did he discuss in terms of what a hung jury would mean. Attorney Zena WAS VERY, VERY VAGUE throughout this WHOLE PROCESS with me. All I'm trying to do is state EXACTLY what happened on December 3rd, 1996, so the records WILL reflect the TRUTH, for I truly believe that the TRUTH will set me free once its brought to the light and the PUBLIC'S VIEW.

36) The transcript of 1-31-2002, are in the CUSTODY of the Trumbull County Prosecutors Office, which can be reviewed at their convenience.

I declare that the STATEMENTS made in paragraphs 1 through 36 are true and correct to the best of my knowledge and belief.

PROOF OF SERVICE, BY MAIL.

Sworn to and submitted in my presence, before me, a NOTARY PUBLIC, on this 27th day of October, 2005, in the County of Ashtabula, State of Ohio.

/s/ Anthony Cioffi, Jr.  
Affiant Herein  
Anthony Cioffi, Jr.

/s/ Heather Ward  
NOTARY PUBLIC  
HEATHER S. WARD, Notary Public  
Recorded in Ashtabula County Ohio  
My Commission Expires Aug. 1, 2008

A copy of this SWORN STATEMENT was sent to the following person, Clerk Of Courts, In The Court Of Common Pleas, 160 High St. N.W., Warren, Ohio 44481, by mail on this 27th day of 2005.