



THE COMMONWEALTH OF MASSACHUSETTS

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TOM REILLY
DISTRICT ATTORNEY

February 15, 1996

The Honorable Francis Duehay
Acting Mayor, City of Cambridge
795 Massachusetts Avenue
Cambridge, MA 02139

Dear Acting Mayor Duehay:

As I'm sure you are aware, in recent weeks there has been some controversy, and a great deal of misinformation, surrounding a case involving Ms. Toni Marie Angeli. I understand that the Cambridge City Council has been asked to consider the matter, and I thought it important that I relate to you and the Council as a whole some information relevant to this issue.

Despite Ms. Angeli's claims and its repeated portrayal by the media, this case has never been about Toni Marie Angeli's first amendment rights. Her rights were never violated. From the beginning, this case was about Ms. Angeli's judgment, or lack thereof, when she became violent toward witnesses and police and caused damage to a place of business. The continuous unfair and inaccurate depiction of the case has done a great disservice to a responsible, well-respected judge, professional police officers, a local business that deserves our thanks and praise, and a fine prosecutor.

Zona Photographic Labs has served the Greater Boston arts community for years and has developed literally thousands of photos involving nude subjects. For this reason, some have openly asked how the lab could have construed anything wrong with Angeli's photos of her nude son. Well, it is precisely because such professionals were disturbed by what they saw that the police were called. The professionals at Zona Labs normally would have no objection to photographs with nude subjects, but they had no idea who took these particular photos or what the context was and acted out of concern for the child.

When Ms. Angeli arrived to pick up the photos, police also went to the lab, not with the intent of arresting anyone, but to make sure that whoever took the photos was not in any way exploiting or abusing a child. Despite whatever personal reservations any individuals may have had with the photographs, when it was learned that the child's mother had taken the photos as part of an art project and that the child was alright, no charges were filed against Angeli. Not only were Angeli's first amendment rights never violated, but they were shown the greatest possible respect.

It was not the actions of the police or Zona Labs that landed Angeli in court, but her own bad actions. Her arrest had absolutely nothing to do with any photographs she took of her son. Angeli was arrested because she instigated a violent melee that trashed the premises and injured an employee. Angeli admitted in open court that she kicked gaping holes in the door of the business. Other witnesses testified that she tore down pictures hanging on the walls. And although Angeli claims to have "knocked over" a lamp rather than thrown it, the resulting harm to a Zona employee was the same.

In addition, contrary to her claims, which have been repeated extensively, police never threatened to take away Ms. Angeli's child, nor did they ever "get rough" with her. Eight witnesses rebutted Angeli's claims of abuse in open court and the jury agreed that responsibility for this whole episode rested squarely on Ms. Angeli's shoulders. In the end, the jury convicted Ms. Angeli of malicious destruction of property and disorderly conduct.

Following her conviction, neither Judge Roanne Sragow nor our office ever had any intention of sending Ms. Angeli to jail. After hearing all of the evidence and circumstances of the case, Judge Sragow sentenced Angeli to 18 months probation and ordered her to perform community service and restitution for the damage she caused.

Once again however, it was Angeli's own actions that put her in jail when she refused to sign a probation contract. In light of her initial refusal to sign the contract, Judge Sragow, acting with great restraint, gave her two hours to consider the consequences of her decision with her attorney. When Angeli refused to comply, Judge Sragow imposed the alternative sentence of 30 days in the House of Corrections. Judge Sragow's decision not to allow Angeli to flaunt the authority of the court was correct and she deserves our praise. The soundness of her decision is further reflected in the recent denials of Ms. Angeli's appeals by a higher court.

Finally, in the midst of all of this, the prosecutor handling the case for this office, Assistant District Attorney Marilee Denelle, has been accused of abusing her authority. This is absolutely false. Marilee Denelle is a fine prosecutor and despite the intense public pressures surrounding this case, she has handled it correctly from the start.

I hope that this information will dispel any concerns other interpretations of the case may have caused.

Sincerely,

A handwritten signature in black ink that reads "Tom Reilly". The signature is written in a cursive, slightly slanted style.

Tom Reilly
Middlesex District Attorney

Consent Communication #14 5-103

Communication was received from Tom Reilly,
Middlesex District Attorney, transmitting
information regarding the Toni Marie Angeli
case.

In City Council February 26, 1996

Placed on file