



# A Criminal Injustice: A True Crime, a False Confession, and the Fight to Free Marty Tankleff

By Richard Firstman, Jay Salpeter

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When he went to bed on the night of September 6, 1988, seventeen-year-old Marty Tankleff was a typical kid in the upscale Long Island community of Belle Terre. He was looking forward to starting his senior year at Earl L. Vandermeulen High School the next day. But instead, Marty woke in the morning to find his parents brutally bludgeoned, their throats slashed. His mother, Arlene, was dead. His father, Seymour, was barely alive and would die a month later. With remarkable self-possession, Marty called 911 to summon help. And when homicide detective James McCready arrived on the scene an hour later, Marty told him he believed he knew who was responsible: Jerry Steuerman, his father's business partner. Steuerman owed Seymour more than half a million dollars, had recently threatened him, and had been the last to leave a high-stakes poker game at the Tankleffs' home the night before. However, McCready inexplicably dismissed Steuerman as a suspect. Instead, he fastened on Marty as the prime suspect—indeed, his only one.

Before the day was out, the police announced that Marty had confessed to the crimes. But Marty insisted the confession was fabricated by the police. And a week later, Steuerman faked his own death and fled to California under an alias. Yet the police and prosecutors remained fixated on Marty—and two years later, he was convicted on murder charges and sentenced to fifty years in prison.

But Marty's unbelievable odyssey was just beginning. With the support of his family, he set out to prove his innocence and gain his freedom. For ten years, disappointment followed disappointment as appeals to state and federal courts were denied. Still, Marty never gave up. He persuaded Jay Salpeter, a retired NYPD detective turned private eye, to look into his case. At first it was just another job for Salpeter. As he dug into the evidence, though, he began to see signs of gross ineptitude or worse: Leads ignored. Conflicts of interest swept under the rug. A shocking betrayal of public trust by Suffolk County law enforcement that went well beyond a simple miscarriage of justice. After Salpeter's discoveries brought national media attention to the case, Marty's conviction was finally vacated in 2007, and New York's governor appointed a

special prosecutor to reopen the twenty-year-old case. At the same time, the State Investigation Commission announced an inquiry into Suffolk County's handling of what has come to be widely viewed as one of America's most disturbing wrongful conviction cases.

As gripping as a Grisham novel, *A Criminal Injustice* is the story of an innocent man's tenacious fight for freedom, an investigator's dogged search for the truth. It is a searing indictment of justice in America.

*From the Hardcover edition.*

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### Editorial Review

#### About the Author

**Richard Firstman** is an award-winning author and journalist whose books include *The Death of Innocents*, a New York Times Notable Book of the Year and Edgar Award winner co-authored with his wife, Jamie Talan. He has written for numerous publications, and his work as a producer has appeared on *60 Minutes*. He was previously a reporter at large and an editor at *Newsday*.

**Jay Salpeter**, a highly decorated former New York City police detective and hostage negotiator, is one of the country's top private investigators. His work has led to frequent appearances on *Dateline*, *48 Hours*, *MSNBC*, *Fox News*, and *Court TV* (now *truTV*). In 2008, he co-founded the Fortress Innocence Group, the nation's first private investigations firm devoted to overturning wrongful convictions.

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#### Chapter 1

##### Belle Terre, Long Island: September 6, 1988

All along the coastline, a succession of jagged peninsulas gives the northern shore of Long Island its idiosyncratic contours and most desirable real estate. Great Neck . . . Manhasset Neck . . . Lloyd Neck . . . Eatons Neck . . . eight haphazard glacial formations in all, each in its way heaven or hell to centuries of seamen. Fifty miles out from the New York City line, the last of them pushes into Long Island Sound. And then the coastline abruptly straightens, becoming as regular as a riverbank from there to Orient Point.

It is a hilly cape, this last one, smaller than the others, shaped something like a crabeater seal. The peninsula's tree-lined western edge shelters Port Jefferson Harbor, whose wharf docks the ferries that rumble by on their way to Connecticut and back. On the sound side of the neck, a line of low cliffs overlooks a stretch of rocky shoreline. There was a time, before the first land speculators came along in the early 1900s and gave it a more agreeable name, that the peninsula was known for the misfortune it brought ship captains who didn't see it in the night. Mount Misery Neck was what they called it, before they called it Belle Terre.

Now, late in the century, the cape remains serene and secluded, home to a small community of suburbanites who live in upscale homes on significant properties. Apart from a lavish estate at the end of Cliff Road, where a manor known as the Pink Mansion is inhabited by a woman known as the Contessa, the most enviable addresses are on a sleepy, L-shaped lane that runs toward the sound for a few hundred feet before turning sharply to the right to hug the coastline. It's precisely at this bend, hard by what locals know as the Cliffs, that the first waterfront home comes into view. A roadside mailbox displays the address: 33 Seaside Drive.

The residence is a sprawling, ranch-style house nestled beneath a canopy of leafy trees—if five thousand square feet of living space can be said to nestle—and shrouded in a small forest of shrubbery. In the ground out back is a gunite swimming pool surrounded by a deck of mountain laurel stone. And then, over the cliffs, an endless midnight-blue panorama. On sun-splashed afternoons, Long Island Sound sparkles, sailboats bob in the breeze, and the occasional powerboat leaves a V-shaped wake of foam. Distant on the horizon is the Connecticut shoreline—New Haven straight ahead, Bridgeport slightly to the left. Late in the day, the sun casts an orange glow across the western sky, and at nightfall the blue sea dissolves into a vista of blackness,

the southern New England coast twinkling faintly in the distance.

Such is the view on this nearly moonless night in the late summer of 1988. It is the day after Labor Day, and the venerable After Dinner Club is gathered for its floating Tuesday night poker game at the house that Seymour Tankleff built sixteen years ago as his personal affirmation of the American Dream. It's the old story, give or take: Son of immigrants grows up in Depression-era New York, thinks big, makes some good moves, has a little luck and a ton of chutzpah—next thing you know he's living on a cliff on Long Island. At sixty-two, Seymour has the world whipped. At least that's what Seymour wants the world to think.

The After Dinner Club goes back thirty years, and the stakes have risen as the players have grown older and more prosperous. It's not for amateurs or the budget-conscious. The opening ante is a hundred dollars a player, and thousands can change hands by the last one. But the game is friendly and oddly wholesome: Drinking and smoking are prohibited (though swearing is permitted) and 20 percent of the weekly buy-in goes into a kitty for charities, or to send flowers when someone of local prominence dies.

Peter Capobianco—“Cappy” to all—is one of the originals and the current member of longest standing, but at seventy-seven he's not even close to being the oldest. That would be Al Raskin, who's ninety-five, which makes him a full sixty years older than Joe Cecere, who picks him up each week from his room at the Elks Hotel. Except for Frank Oliveto, who's an orthopedic surgeon, and John Ceparano, a lawyer, the players are local businessmen of one sort or another. Cappy owns Cappy's Carpets. Joe has a Goodyear Tire franchise and builds high-end homes on speculation. Leo Sternlicht is a Ford dealer, Bob Montefusco's a contractor, and Al Raskin used to have his own shoe company. There's Vinnie Bove, who owns one of the biggest wholesale nurseries in Suffolk County, and there's Jerry Steuerman, who has half a dozen bagel stores. By his own proclamation, he's the Bagel King of Long Island.

And then there's Seymour. Describing Seymour Tankleff as a businessman is a little like calling a shark a tropical fish. He made his first million in insurance, then sold the business and fashioned his voracious appetite for wheeling and dealing into a second career as everybody's partner. Friend, relative, neighbor, perfect stranger—Seymour wants to be in business with you. Don't have the cash? You can pay me back! The terms? Never mind about the terms. Seymour the deal maker. Seymour the conquerer. Seymour the big macher with the snow-white hair and the shit-eating grin. He's in deals with just about everybody in the card game, if only because he can be a son of a bitch to say no to. Ask Joe Cecere. He said yes just to get Seymour off his back; then he read the contract he came up with. The balls on this guy, Joe thought. Of course, this stuff with the poker pals is nothing compared with what Seymour's got going with Jerry the Bagel King.

Leo Sternlicht was due to host the game this week, but Leo and his wife went upstate for a long Labor Day weekend. The game rotates alphabetically, so Seymour's up next. The men start arriving at 33 Seaside around seven, packing the red gravel driveway with late-model Cadillacs and Lincolns and one Mercedes that's brand-new. They troop in, pockets full of twenties and fifties. Frank Oliveto, the orthopedic surgeon, comes straight from the operating room, his shoes caked in blood. He stops to say hello to Seymour's wife, Arlene, who's in a recliner in the den, reading the paper and half watching the TV. Frank gives her a kiss and asks what's new—how's Marty doing? The swelling's down, Arlene says. And he got his license last week, so he's all excited about that. Jenny too, Frank says.

The card table is set up as usual in a spacious room, at the far right corner of the house, that serves as Seymour's office and doubles as a home gym. The décor is mostly sports kitsch and exercise equipment. The rear wall has sliding glass doors opening onto a deck that looks out onto the pool and the sea beyond. The early arrivals play a couple of warm-up hands. By eight there's a full house. The night officially starts in the

kitchen, around the center island where the men help themselves to the turkey Arlene cooked the way her husband likes it, in champagne. There are bagels—of course there are bagels. And watermelon. Seymour brought home a good one—nice and red, the new seedless kind.

The game's in full swing when Vinnie Bove pulls into the driveway in his nurseryman's Ford station wagon. He's a beefy man with thick white hair combed straight back. Besides selling shrubs and evergreens by the truckload, Bove—it's pronounced Bo-vay—serves as the mayor of Belle Terre, population 829. He's also the vice chairman of the board of John T. Mather Memorial Hospital and president of the Port Jefferson Volunteer Ambulance Corps. So he's always got some meeting to go to and rarely gets to the card game in time for dinner, even when he's the host.

“Vinnie!” Seymour says when Bove appears in the card room. “Go get something to eat. We've got the champagne turkey.” Vinnie says no—he's on one of his periodic diets—and takes his seat at the card table. “I got something for you,” Seymour tells him. He sits out a hand and brings Vinnie a bag of microwave popcorn, along with a generous slice of watermelon. Hey, no seeds, says the nurseryman—what'll they come up with next?

The bets are flying, and so is Bob Montefusco. Monte looks to be headed for a very good night. The game's not going quite so well for Seymour. Maybe he'll have better luck with the horses this weekend. Between hands he goes off to make a phone call. “He's in the race,” he tells Jerry the Bagel King upon his return. “We need a check.” They're just about the only words between them all night. Whatever's going on between them, Seymour's not doing much better with Arlene these days. “We're at each other's throats,” he tells Vinnie. “I'm getting in her hair.” Vinnie has an idea: “Why don't you do some vacuuming or something for her? Make yourself useful around the house instead of bothering her.” Seymour has a better idea: “Why don't you and me go down to A.C.? Get outta here for a few days.” If they do, maybe Seymour will tell Vinnie what he and Arlene have really been fighting about.

Marty gets home a little past nine and stops in on the card game, carrying a bag from Pants Plus and another from Radio Shack. He's a wisp of a kid, his thick brown hair freshly cut and styled for the first day of school.

“Marty, let me see you,” Vinnie says.

“Oh, he told you,” Marty says with a sheepish smile, nodding toward his father. He's still wearing the tinted glasses he's been using to hide the aftereffects of the nose job his parents gave him for his seventeenth birthday. “They bre...

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