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No evidence of perjury in Put Valley sex assault case, DA says

By Art Cusano

The Putnam County District Attorney says that there is insufficient evidence to charge Putnam Valley Middle School Principal Edward Hallisey with perjury in the case of an alleged sexual assault on a student by a former teacher. District Attorney Adam B. Levy said that the inquiry had been launched after a report from the New York State Commission of Investigations found that Hallisey had acted in a manner that was "misleading to the extent that it attempted to convince the court that the teacher's reputation was beyond approach."

The alleged incident took place at the Middle School in February 2001. Then 12-year-old student Laura Bliss alleged that Dennis Tave let her stay after school to take a test, and that after drinking a cup of water given to her by the teacher she started feeling dizzy and passed out. She claims to have seen Tave unbuckling his belt and unzipping his pants before she blacked out.

Bliss said she awoke to find her pants and underwear pulled down to her ankles. She got up and fled to the bathroom where she found she was numb and bleeding in her genital area. She would not tell anyone of the incident until two years later, after receiving extensive therapy. Bliss says that Tave continued to make sexual advances toward her until 2003. Tave was never arrested or charged in the case. The D.A. said that after studying "hundreds of pages" of evidence from the State Commission of Investigations and the State Education Department, his office has decided to close the case.

The commission's report, released in April, found that several instances of inappropriate behavior by Tave toward some of his students had been reported to Hallisey before the incident with Bliss transpired and that Hallisey had failed to mention the incidents to the commission in his affidavit.

"We agree with the New York State Commission's conclusion that Mr. Hallisey's affidavit was misleading and evasive," Levy said in the statement. "However, after reviewing all the evidence, we found insufficient proof to support a perjury charge."

Levy said that Hallisey's affidavit was "quite artfully crafted" and implied that the principal knew nothing about other cases relating to the Bliss incident without acknowledging inappropriate acts by Tave towards other students.

The Bliss family said that they were unaware of the investigation and were thus unable to participate.

"Our family was unaware of the Putnam D.A.'s investigation into Principal Hallisey," said Laura's Father, Peter Bliss, in a written statement. "We were not given the opportunity to participate and possibly provide important information that would have helped them reach their decision."

Bliss pointed out what he felt was a conflict of interest involving the D.A.'s office, which had been criticized for it's handling of the investigation under former D.A. Kevin Wright in the Commission of Investigation's report.

"To have a Putnam D.A. assume responsibility for investigating the case in which they have been found to be lacking in their own handling is suspect, if not a direct conflict of interest," Bliss said.

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Another point of contention for Bliss is the district attorney himself. Levy, who took over as Putnam D.A. in January, was an associate of the law firm Levy, Santoro and Santoro, which represented Tave for over three years. His former partner Stephen Santoro continues to represent Tave.

Levy said the Bliss family was not alerted to the investigation because it was confidential and dealt specifically with the possible perjury of Hallisey. He also said that he had asked the governor to assign a special prosecutor to the Tave case because of the link between himself and Tave, a request that the governor denied.

Bliss claims the school district did not fully cooperate with the investigation and that Hallisey made efforts to stall it and protect Tave, a close friend. He also claims Hallisey instructed teachers and staff to trash Bliss in order to protect Tave. The commission of investigation's study findings supported those claims.

The commission also found the sheriff's department investigator who took charge of the case, Detective Sergeant Donald Killarney, should have referred the case to the Child Sex Crimes Unit and that that Killarney failed to conduct a proper investigation.

The commission found that Killarney made several errors conducting the investigation, such as interviewing Tave with his wife present and not taking any notes during the interview. It found that Killarney "displayed an utter lack of enthusiasm" and "failed to accomplish even the most rudimentary investigative tasks" concerning the case.

"The commission was astounded by investigator Killarney's level of incompetence," the report said.

Killarney, who is now retired, denied any incompetence in the case and said he did the best he could. He said no investigators were available to take the case when it happened and he said Peter Bliss asked him to personally take the case.

Killarney also said he was frustrated that Bliss continues to criticize his investigation when there was little evidence to work with at a two-and-a-half-year-old crime scene.

"I would never have done anything to jeopardize my 40 years of police work," Killarney said. "I couldn't have done more than I did."

Also, the commission found that the D.A.'s office and Sheriff's department failed to refer the alleged victim to the county child advocate center, as required by an agreement between local law enforcement agencies.

Tave was allowed to retire in July 2004 by the district instead of facing a full 3020-A disciplinary hearing for his inappropriate activities after having his teaching license suspended by the state.

The Bliss family is involved with an ongoing \$17 million federal lawsuit against the school district and Tave. Laura Bliss is now attending college away from home after attending a private high school.

Calls to Hallisey and Superintendent Mark Space were not returned by press time. Tave's attorney, Stephen Santoro, said his client had no comment.

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