



State of New York
Executive Chamber

State of New York

JAN 14 2008

Department of State
Secretary of State

No. 21

E X E C U T I V E O R D E R

PROVIDING FOR INVESTIGATION INTO THE DEATHS OF ARLENE TANKLEFF AND SEYMOUR TANKLEFF AND PROSECUTION OF OFFENSES IN CONNECTION THEREWITH

TO: THE HONORABLE ANDREW M. CUOMO
THE ATTORNEY GENERAL OF THE STATE OF NEW YORK
STATE CAPITOL
ALBANY, NEW YORK 12224

WHEREAS, Martin Tankleff was convicted in 1990 of murdering his parents, Seymour and Arlene Tankleff; and

WHEREAS, on December 18, 2007, the Appellate Division of the Supreme Court, Second Department, granted Martin Tankleff's motion to vacate the judgments against him, and the sentences imposed thereon, and remitted the matter for a new trial, holding that newly discovered evidence was "of such character as to create a probability that had such evidence been received at the trial the verdict would have been more favorable to the defendant"; and

WHEREAS, the District Attorney of the County of Suffolk, and others, have requested that I exercise my powers under the law to allow a new and independent investigation and prosecution in this matter;

NOW, THEREFORE, I, ELIOT SPITZER, Governor of the State of New York, by virtue of the authority vested in me by article IV, section three of the Constitution of the State of New York, the provisions of subdivisions two and three of section 63 of the Executive Law, and the statutes and law in such case made and provided, do hereby: (a) request that you, the Attorney General of this State, investigate the alleged commission of any indictable offense or offenses in violation of the law relating to the death of Arlene Tankleff in September 1988, or relating to the death of Seymour Tankleff in October 1988, and to prosecute the person or persons believed to have committed the same and any crime or offense arising out of such investigation or both, including but not limited to appearing before and presenting all such matters to a grand jury; and (b) require that you, the Attorney General of this State, attend in person, or by one or more of your assistants or deputies, a term or terms of the Supreme Court to be held in and for the County of Suffolk, for the purpose of managing and conducting in said court the criminal actions entitled:

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Secretary of State*People v. Martin Tankleff*, Indictment No. 1290-88,*People v. Martin Tankleff*, Indictment No. 1535-88,

and any and all inquiries, examinations, and proceedings which may be had or taken by or before any grand jury or grand juries of said court concerning or relating to any and all alleged unlawful acts or omissions by any person arising out of, relating to or in any way connected with the subject matter of such criminal actions, and such other proper actions and proceedings relating thereto as may come before a court, and that you conduct, manage, prosecute and handle all trials at said court of any and all indictments which may be found and which may hereafter be tried, pursuant to or in connection with this requirement, and in the event of any appeals or other proceedings connected therewith, that you manage, prosecute, conduct and handle the same; and that in person or by your assistants or deputies you, as of the date hereof, supersede and in the place and stead of the District Attorney of the County of Suffolk exercise all the powers and perform all the duties conferred upon you by the statutes and law in such case made and provided and this requirement made hereunder. In such proceedings and actions the District Attorney of the County of Suffolk shall exercise only such powers and perform such duties as are required of him by you or your assistants or deputies so attending. All expenses incurred by the Attorney General pursuant to subdivision two of section 63 of the Executive Law in relation to the investigation and prosecution of the proceedings enumerated herein, including the salary or other compensation of all deputies and assistants employed, shall be a charge upon the County of Suffolk.

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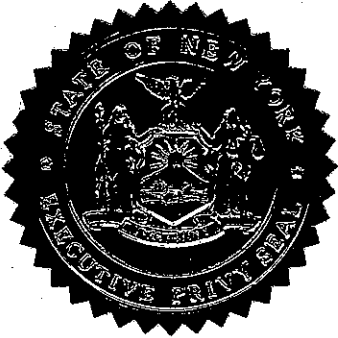
Privy Seal of the State

in the City of Albany

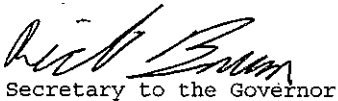
this eleventh day of

January in the year two ,

thousand eight.

BY THE GOVERNOR



Secretary to the Governor