

## New York Daily News - <http://www.nydailynews.com>

**Free, and  
now clear**

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Friday, December 30th, 2005

After 17 years in prison, John Restivo and Dennis Halstead walked out of their jail cells two years ago, thanks to newly discovered DNA evidence.

But they didn't consider themselves totally free until yesterday, when a judge dismissed all charges against them in the 1984 rape and murder of a Lynbrook teenager.

Restivo, Halstead and a third man, John Kogut, were convicted in 1986 of raping and killing 16-year-old Theresa Fusco in Restivo's van.

In 2003, all three were released when investigators discovered that a sperm sample from Fusco's body had come from an unknown male, not any of the three men accused of killing her. That DNA evidence also has not matched anyone in criminal databases.

"The physical evidence does not connect the defendants to the crime and the statements made by the defendants contradict the physical evidence," Judge William Donnino said. "Charges are dismissed."

At that, a great sigh of relief and joy rippled through the center of the courtroom's galley, where Restivo and Halstead's families were seated.

"I'm feeling pretty good. I woke up on the right side of the wall this morning," Restivo said as he left the courtroom. "Now we gotta get to the bottom of this and find out how many more people got framed inside these courthouses."

Halstead said little as he left the courtroom weeping with his daughter at his side.

Last week, Nassau County Supreme Court Justice Victor Ort found Kogut not guilty of all charges against him in a retrial for the rape and murder of Fusco. Ort found that a key piece of evidence - Fusco's hair - had not been found in Restivo's van.

After Donnino's decision, the victim's father, Thomas Fusco, simply shook his head in disappointment. He said he still believed Restivo, Halstead and Kogut had raped and killed his daughter, and pointed to their confessions.

"Guilty people have been let out," he said. "I don't believe there is someone else out there directly connected to the case."

Despite that, he said, he thought some measure of justice had been served by the trio's 17 years in prison.

"It's very difficult, but I have to support my family ... and it would not be right if I didn't show support on my daughter's behalf," he added. "Now we just go home and live."