

**Jesse Friedman  
New York, NY**

April 20, 2004

To the Honorable Committee:

### **BACKGROUND**

I am writing to lodge a complaint against Judge Abbey Boklan (recently retired from Nassau County Court) for orchestrating a vindictive campaign to disparage me in the court of public opinion, as a way to influence her former colleagues on the same court and prevent them from seriously considering my properly filed 440 motion.

I was convicted in 1988, on a plea of guilty, for multiple counts of child molestation which never occurred. I chose to plead guilty, largely because of a climate of mass-hysteria, the media uproar, and Judge Boklan having told my lawyer and others that she planned to sentence me to 50 years in prison (consecutive jail terms) after a conviction by jury. In the late 1980's mass sex abuse cases were being widely prosecuted and juries were convicting people based on absurd and outrageous charges. In addition, Judge Boklan made this case the first one in the history of Nassau County in which television cameras were allowed in the courtroom and the media attention was unprecedented. Afraid of being sent to jail for the rest of my life, I pled guilty to crimes I did not commit.

After serving thirteen years of a six to eighteen year sentence, I was released from prison in 2001. Judge Boklan, who had sentenced me on January 24, 1989, presided over my Sex Offender Registration Act hearing in 2001 and at that time categorized me as a Level III sex offender, or a "Sexually Violent Predator." As a Level III sex offender I live under very restrictive parole conditions, some of which are statutorily a lifetime onus.

It is important to note that because I pled guilty to the charges against me, Judge Boklan never actually heard the case against me. She simply accepted my plea and sentenced me. In fact, it was her decision to deny any pre-trial hearing or discovery which assured the only version of events she ever heard was the People's.

Since my release, a film was made about my family and the case, entitled *Capturing the Friedmans*. The film, which was nominated for an Academy Award, includes numerous examples of grossly inappropriate methods used by the police in securing testimony against me, and shows in stark relief the bias and prejudice that Judge Boklan, brought to her handling of this case.

On January 9, 2004, I filed a Crim. Proc. § 440 in Nassau County in an effort to have my conviction vacated on the grounds that *Brady* violations occurred when the prosecution failed to disclose information to the defense about these improper investigative tactics, about prior inconsistent statements of witnesses, and other exculpatory material known to police at the time. Had I known about the existence or substance of the *Brady* material that was being kept from me by the police and prosecution, I would never have taken the life-altering step of pleading guilty to crimes I did not commit.

Nothing can make right Judge Boklan's inappropriate conduct back in 1989. However, her behavior has continued, and even intensified, as more information, and the film that shed light on my case, have raised serious doubts about the fairness of my conviction and her role in it. I hope that the Commission will investigate this matter and aide me in being free from Judge Boklan's continued inappropriate unprofessional behavior.

## COMPLAINT

The basis of my complaint against Judge Boklan is that she has made statements to the press throughout the last year which appear to violate the standards of impartiality which, I believe, apply to all New York State judges. Furthermore, she has revealed information to which she has privileged access, in the media and other public forums, including on national television. I request that your board review these statements and actions because they seem designed to prejudice the public and the court system against my appeal – and they are today having a negative impact on my already difficult attempt to overcome my negative public image in Nassau County. I am not an attorney and my legal understanding of the ethical rules concerning judicial behavior is limited. However, based on my careful review of the rules of judicial conduct on your website and elsewhere, it appears to me that Judge Boklan's conduct has violated many of the basic tenets of judicial behavior.

1. Despite knowing that she would be the Judge to preside over my SORA (Sex Offender Registration Act) hearing when I was released from prison, Judge Boklan agreed to appear in the film *Capturing the Friedmans* and give a multi-hour interview in which she made numerous prejudicial statements about the case and her personal views about my guilt.
  - In the film Judge Boklan, who was a sitting judge at the time she was interviewed, states, **“There was never a doubt in my mind as to [his] guilt.”** Despite knowing that I had yet to appear before her for my sex offender classification hearing, she agreed to this interview and spoke candidly and damagingly about her personal opinions about my case.
  - As documented in the film, my former attorney Peter Panaro has recently affirmed in a court-submitted affidavit that Judge Boklan informed him, via the prosecuting attorney and before any proceedings began, **that she was determined to sentence me to consecutive terms on every count following a conviction after trial.**
  - Repeating her statement in the film that she had prejudged my guilt, on February 23, 2004, Judge Boklan was quoted in the *San Antonio Express-News* to the effect that **“there was never an issue as to whether they were guilty or not.”** This despite the fact that more than a year elapsed between my arrest (when I pled not guilty) and my eventual guilty plea, with three intervening indictments, while I pursued every avenue of exoneration until all my resources were exhausted, details Judge Boklan surely knows.

Each of these instances of conduct on the part of Judge Boklan appears to go strongly against the spirit and letter of **RGJC §100.2(A)**, which states that, **“judges shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary”**.

2. The film *Capturing the Friedmans* has garnered a great deal of media attention and has given Judge Boklan a prominent platform from which to denigrate me personally and belittle my currently pending motion to vacate my conviction.
  - She has been quoted opining on my case in eight original newspaper stories to date that I know of, not including Associate Press wire service reports that appeared in dozens of major papers around the country.
  - Judge Boklan recently went on a tour of national television shows to discuss my case, repeatedly volunteering her opinion that I was guilty. Her appearances include: *The Today Show* (Dec. 3, 2003); *Dateline* NBC (January 27, 2004); CNN -- *Now with Paula Zahn* (Feb. 18, 2004); and *Nitebeat*, hosted by Barry Nolan (Feb. 26, 2004).
  - On *Now with Paula Zahn*, Judge Boklan cited at some length psychiatric reports on me dating to when I was child. She stated, **“When he was in ninth grade, he was incorrigible. He had rages that were uncontrolled and he was placed in a special school. In that special school, he started on drugs. He was stoned every day on marijuana and LSD during the years that this abuse took place.”**

I believe that these last allegations came from the pre-sentence report, pre-sentence memoranda, or other documents. **New York Criminal Procedure Law § 390.50 provides that, “any pre-sentence report or memorandum submitted to the court...may not be made available to any person or public or private agency except where specifically required or permitted by statute or upon specific authorization of the court.”**

Judge Boklan had access to these materials only because of her position as the judge in my case. In making these allegations public, she violated § 390.50 as well as other ethical obligations of a judge. These records are not remotely pertinent to my current appeal, and even if they were, it cannot be appropriate behavior for a judge to comment to the press about a pending legal matter? **The RGJC §100.3(8) states, “a judge is not supposed to make any public comment about a pending proceeding in any court”**. Furthermore, these allegations about my youth are untrue (they were part of reports created specifically in an effort to ask for her sympathy in light of the harsh promise she had already made to give me the maximum sentence). She is attempting to hinder my case by repeating these statements today.

3. Judge Boklan has very recently made personal calls and other efforts to generate publicity for two anonymous letters attesting to my guilt.
- In January 2004, two anonymous letters from complainants were posted on a website for the activist group “The Leadership Council” ([www.leadershipcouncil.org](http://www.leadershipcouncil.org)), and a statement from Judge Boklan is included with the letters that states:

**The following E-mail was received by me in January of 2004 from one of the thirteen victims of Jesse Friedman. Although there were more victims, these thirteen were acknowledged by Jessie Friedman in his guilty plea of December 20, 1988. The victim had been working on the E-mail for weeks before he sent it to me. I have his permission to distribute it as I see fit to anyone or any organization including the media as long as his identity is kept confidential and the statement is distributed in its entirety.**

- In addition, Boklan spoke to print media (January 11, 2004, *Newsday*; January 28, 2004, *Newsday*; February 26, 2004, *Los Angeles Times*; February 29, 2004, *The Journal News*; February 29, 2004, *Newsday*), among others, and affirmed that these letters were from actual complainants in my criminal case.

It does not surprise me that children who gave statements incriminating me in 1987, after having been subjected to hypnosis and interrogation methods that have been proven to cause false memories, would today repeat the same anonymous allegations. What does surprise me is that a Judge would solicit these statements, personally endorse them, and participate in their public distribution.

It seems totally inappropriate to me that judges would be allowed to present themselves as victim advocates in cases that they have adjudicated; and particularly when a case is currently under appeal? Furthermore, the **RGJC §100.2(C) says that, “a judge shall not lend the prestige of judicial office to advance the private interests of the judge or others, nor shall a judge testify voluntarily as a character witness”.**

- After a screening of *Capturing the Friedmans* in Great Neck, New York on (May 30, 2003) Judge Boklan stood up from the audience to address attendees and television and print reporters and state that she **“does not want this [film] to become a crusade to free Jesse Friedman.”** This was well before I had decided to pursue the opening of my case and indicates that Judge Boklan has become personally preoccupied with rallying the community to deny me the opportunity to have my case heard.

To make matters worse, Judge Boklan has pursued this campaign in collaboration with her close friend Fran Galasso (retired head of sex crimes unit, Nassau County Police) with whom she attended the premiere of *Capturing the Friedmans* in New York City. Detective Galasso has herself been repeatedly quoted in the press making inappropriate statements affirming her belief in my guilt. As former head of the Sex Crimes Unit of the Nassau County Police Department, Detective Galasso was the chief investigator in my case, and her behavior is one of the central issues in my appeal. The 440 motion points out that Galasso and her detectives used high-pressure tactics and a plethora of other inappropriate methods to extract allegations from alleged victims in my case. Detective Galasso has worked with Judge Boklan to defame me in Nassau County and beyond.

By far the most remarkable thing about Judge Boklan's collaboration with Fran Galasso in this matter is that **detective Galasso is the wife of a sitting judge on the court where my motion is being heard (Judge Jack Galasso).**

## CONCLUSION

Judge Boklan has engaged in a shocking and damaging pattern of disparaging me in public and in the press, in an effort to influence her former fellow judges on the Nassau County bench to deny my 440 motion. She has made repeated statements to the media affirming my guilt and taking a blatantly partisan view. She has presented herself as a "screen" or representative for anonymous accusations against me and she has promoted these statements repeatedly in the press. She has admitted on film that she was convinced of my guilt from the very start, before ever seeing a single piece of trial evidence.

As a recently-retired former judge, Judge Boklan has unique access to and influence over her former fellow judges. When you combine this with the fact that she is coordinating her efforts with those of Detective Galasso, who is the wife of a sitting judge on the same court, you see the powerful position she is in to influence my pending motion before the court.

I am not undertaking this complaint lightly. I waited before contacting you, in the hope that my lawyer would succeed with a subsequently filed motion to remove the case from Nassau County. When this motion was denied, in part I believe because of the success of the Judge in influencing her former colleagues, I felt I had no recourse but to pursue this complaint, in the hope that it will eliminate her efforts to harm my chances further.

I appreciate most sincerely the time you have taken in reviewing this complaint.

Yours truly,

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Jesse Friedman