

GRACE GILL, an intern at The Law Office of Ronald L. Kuby, does hereby declare that,

1. I am an intern at the Law Office of Ronald L. Kuby, attorneys for Jesse Friedman. I submit this Declaration in support of Mr. Friedman's Motion Pursuant to 28 U.S.C. § 2.44 for Authorization to File a Successive Petition for Writ of Habeas Corpus. I am fully familiar with the facts and circumstances set out below based on my personal knowledge, my review of files maintained by my law office, and information provided to me by other knowledgeable individuals.

2. The purpose of this Declaration is to put before the Court a) a summary of the allegations brought against Jesse in the Nassau County Indictments 67104 (December 7, 1987), 67430 (February 1, 1988), 69783 (November 7, 1988); b) the attributions of specific allegations to the complaining "Doe" witnesses; c) a summary of the three investigative phases of the original, 1987-1988 Nassau County Police Department investigations into the Friedmans; and d) an analysis of the allegations in light of the exculpatory statements provided by the 12 non-complaining students from the Friedman classes in which abuse was alleged.

3. The counts charged against Jesse Friedman were all alleged to have occurred at the Friedman home, located at 17 Piccadilly Road, Great Neck, New York.

4. The counts charged against Jesse Friedman were all alleged to have occurred during computer classes which took place in a small room on the ground floor of the Friedman home. Created by Gavin de Becker and Emily Horowitz, in their paper,

“Destruction of Innocence, The Friedman Case: How Coerced Testimony & Confessions Harm Children, Families & Communities for Decades After the Wrongful Convictions Occur”, National Center for Reason and Justice (May 2013), the following representations, true and to scale, are of the small room in which the Friedman computer



classes occurred:

*Exhibit 2 - Computer Classroom in the Friedman Home*



*Exhibit 3 - Exposed view from outside the classroom*

### **THE THREE INDICTMENTS**

5. Jesse was charged with a total of 235 counts in the 1988 Nassau County Indictments 67104, 67430, 69783. There were 14 Complaining “Doe” witnesses who were responsible for the allegations underlying the 235 counts.

#### **Indictment 67104 (“The 1st Indictment”)**

6. Of the 54 charges brought in the first indictment, 10 were brought against Jesse. Four complaining witnesses were named in these 10 counts: William Doe (named in four counts)<sup>1</sup>, Barry Doe (two), and Kenneth Doe (four).

### **Indictment 67430 (“The 2nd Indictment”)**

7. Of the 68 charges brought in the second indictment, 29 were brought against Jesse. Six complaining witnesses were named in these 29 counts: Dennis Doe (four), Stephen Doe (one), Richard Doe (two), Keith Doe (two), Fred Doe (eight), and Edward Doe (10).

### **Indictment 69783 (“The 3rd Indictment”)**

8. Of the 302 charges brought in the third indictment, 198 made allegations against Jesse. Seven complaining witnesses were named in these 198 counts: William Doe (34), Dennis Doe (27), Daniel Doe (54), James Doe (29), Lawrence Doe (10), Patrick Doe (9), and Gregory Doe (35).

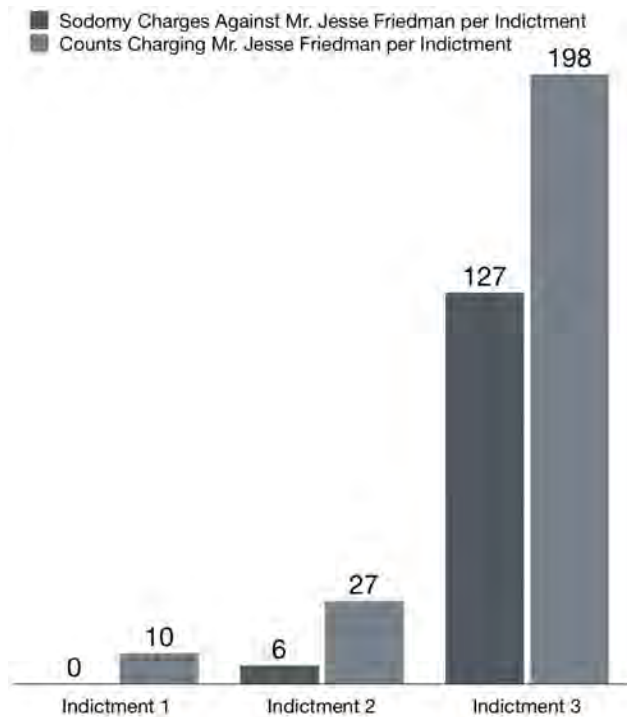
## **TRAJECTORY OF ALLEGATIONS**

9. The proportion of each indictment which charged Jesse increased with each indictment. Jesse is named in 10 counts (18.52%) of the 1st Indictment, 27 counts (39.71%) of the 2nd Indictment, and 198 counts (65.56%) of the 3rd Indictment; a 65.12% increase from Indictment 1 to Indictment 2, and a 254% increase from Indictment 2 to 3. The 1st Indictment charged Jesse with zero counts alleging sodomy; the 2nd Indictment charged him with six counts of sodomy in the first degree (a class B

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<sup>1</sup> In this section, the numeral in parenthetical will refer to the number of counts in which a particular complaining witness was named in an indictment.

felony), and the 3rd Indictment charged him with 127 counts of sodomy in the first degree, a 188.6% increase. The following graph illustrates the enormous increase both in number of counts and in severity of charges from the 1st Indictment to the 3rd Indictment.



### THREE PHASES OF THE INVESTIGATION

10. The Rice Report disclosed previously unknown information about the three phases of the original investigation. The following graphic demonstrates how many times each of the 14 complaining witnesses was visited by detectives, on what date (if known), and whether a formal statement was taken (as noted by the dates highlighted in blue). It is noteworthy that, according to the Rice Report, at least ten interviews were conducted

with children that yielded no formal statement — of course, the 25 formal statements that were taken have never been disclosed to the defense.

**11. The names highlighted in red are the nine complaining witnesses whom the Conviction Review team did *not* interview<sup>2</sup>.** The counts attributed to these nine individuals make up more than 70% of the charges brought against Jesse Friedman; three of the four complaining witnesses to whom the highest number of counts in the indictments were attributed were not interviewed in the Conviction Review process.

Witness	Doe Name	1st Visit	2nd Visit	3rd Visit	4th Visit	5th Visit	Counts
5	Daniel Doe	Unknown	11/30	6/21	10/13		54
7	William Doe	11/17	11/23	11/30	6/3	6/15	38
2	Gregory Doe	Undated	5/19				35
15	Dennis Doe	12/16	6/7	10/25			31
11	James Doe	Unknown	6/14				29
9	Lawrence Doe	Unknown	5/19				10
16	Edward Doe	12/17	5/18				10
8	Patrick Doe	11/12	12/8	6/8			9
17	Fred Doe	11/19	12/3	Unknown	4/29	6/9	8
10	Kenneth Doe	11/23					4
3	Keith Doe	12/10					2
13	Richard Doe	12/2	11/1				2
14	Barry Doe	11/24	11/27				2
1	Stephen Doe	12/9					1

**WILLIAM DOE AND DENNIS DOE**

12. Two of the four complaining witnesses whose testimony yielded the greatest number of indictment counts naming Jesse Friedman were named in multiple indictments — William Doe was named in the first and third; Dennis Doe was named in the second and third. The extreme increase in the severity and number of allegations made by

<sup>2</sup> See Trivedi Decl. at fn. 2. The numbers listed in the ‘Witness’ column are the anonymous identifiers referenced in the Rice Report. An analysis of all available data enabled me to identify who each complaining witness was and what they were anonymously identified as in the Rice Report.

William between the first and third indictments, and Dennis between the second and third indictments, is noteworthy, and described at length *herein*.

13. In the 1st Indictment William Doe set forth allegations underlying 4 counts of Endangering the Welfare of a Minor (which allegedly occurred between October, 1986 - January, 1986). In the 3rd Indictment, that number rose to 34 charges - 11 of which included Sodomy - and allegedly occurred both prior to (March, 1986 - July 1986) and at the same time as (September, 1986 - December, 1986) the charges in Indictment 1. Put another way, William Doe recalled *the most egregious, violent conduct (with multiple allegations naming the presence of additional perpetrators)*, later in his discussions with law enforcement. This pattern, and the specific allegations made by William Doe in each indictment both raise questions about the integrity of his testimony.<sup>3</sup>

#### **FIRST INDICTMENT**

The Defendant touched Arnold Friedman's penis in front of the victim (45);

The Defendant touched his penis to the anus of Arnold Friedman in front of the victim (46);

The Defendant did touch the penis of a child under the age of sixteen years of age in the victim's presence (49);

The Defendant did the following: 1 - the Defendant did touch the penis of Arnold Friedman in front of the victim; 2 - the Defendant did touch his penis to the anus of Arnold Friedman in front of the victim; 3 - the Defendant did touch the

#### **THIRD INDICTMENT**

Friedman touched his penis to the anus of William Doe while Ross Goldstein held William down (1);

Friedman engaged in "deviate sexual intercourse" with William Doe by "forcible compulsion (2);

Goldstein engaged in "deviate sexual intercourse" with William Doe while Jesse held him down (3);

Jesse and Goldstein engaged in deviate sexual intercourse with William Doe by forcible compulsion (4);

The Defendant did place his mouth on the victim's penis (35);

Defendant engaged in deviate sexual intercourse by forcible compulsion (36);

The Defendant did contact the victim's anus with the Defendant's penis (37);

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<sup>3</sup> The numbers that appear in parentheses reflect the count number of the Indictment.

penis of a child under the age of sixteen years of age in the victim's presence (53).

The Defendant did photograph the victim engaged in a game entitled "Simon Says" wherein acts of sexual abuse were committed (191);

The Defendant did photograph the victim engaged in a game entitled "Leap Frog" wherein acts of sexual abuse were committed (192);

The Defendant did photograph the victim engaged in a game entitled "Super Hero" wherein acts of sexual abuse were committed (193);

The Defendant did rub his penis on the victim's back (207);

The victim observed children engaged in sexual acts at the direction of the Defendant during a game entitled "Leap Frog" (222);

The victim observed children engaged in sexual acts at the direction of the Defendant during a game entitled "Leap Frog" (223);

The victim observed children engaged in sexual acts at the direction of the Defendant during a game entitled "Leap Frog" (224);

The victim observed children engaged in sexual acts at the direction of the Defendant during a game entitled "Simon Says" (225);

The victim observed children engaged in sexual acts at the direction of the Defendant during a game entitled "Simon Says" (226);

The victim observed children engaged in sexual acts at the direction of the Defendant during a game entitled "Simon Says" (227);

The victim observed children engaged in sexual acts at the direction of the Defendant during a game entitled "Simon Says" (228);

The victim observed children engaged in sexual acts at the direction of the Defendant during a game entitled "Simon Says" (229);

The victim observed children engaged in sexual acts at the direction of the Defendant during a game entitled "Super Hero" (230);

The victim observed children engaged in sexual acts at the direction of the Defendant during a game entitled "Super Hero"(231);

The victim observed the Defendant's exposed penis (232);

The victim observed the Defendant masturbating into a cup (233);

The victim observed the Defendant touch the penis of Ross Goldstein (234);

The victim observed the Defendant touch the penis of Ross Goldstein (235);

The victim observed the Defendant touch the penis of Ross Goldstein (236);

The victim observed the Defendant touch the penis of Ross Goldstein (237);

The victim observed the Defendant touch the penis of Ross Goldstein (238);

The victim observed children engaged in sexual acts at the direction of the Defendant during a game entitled "Hora bora Alice" (239).

The Defendant did contact the victim's anus with the Defendant Friedman's penis while Defendant Goldstein was holding the victim (5);

The Defendant engaged in deviant sexual intercourse with William Doe by forcible compulsion (6);

The Defendant Goldstein did contact the victim's anus with the Defendant Goldstein's penis while the Defendant Friedman held the victim (7);

The Defendants engaged in deviant sexual intercourse with William Doe by forcible compulsion (8);

The victim observed the Defendant licking m&m's from a child's underpants (254).

14. In the 2nd Indictment Dennis Doe is named in four charges against Jesse (2 allegedly occurred between January, 1986 - March, 1986 and the remaining two, between April, 1986 - June 1986). In the 3rd Indictment, Mr. Friedman was named in 25 charges by Dennis Doe, 16 of which charge Jesse with Sodomy.



## SECOND INDICTMENT

The Defendant did contact the victim's anus with the Defendant's penis (7);

The Defendant did touch the victim's penis (31).

The Defendant did contact the victim's anus with the Defendant's penis (8);

The Defendant did touch the victim's penis (32).

## THIRD INDICTMENT

Defendant Goldstein did contact the victim's anus with the Defendant's penis while the Defendant Goldstein held the victim (9);

Defendant did contact the victim's anus with the Defendant's penis (10);

Defendant Friedman did contact the victim's anus with the Defendant Friedman's penis while the Defendant Goldstein held the victim (11);

The Defendant engaged in deviate sexual intercourse with the victim by forcible compulsion (12);

The Defendant Goldstein did contact the victim's anus with the Defendant Goldstein's penis while the Defendant Friedman held the victim (13);

The Defendant engaged in deviate sexual intercourse with Dennis doe by Forcible compulsion (14);

The Defendant did place his mouth on the victim's penis while John Roe held the victim (15);

The Defendant engaged in deviate sexual intercourse with Dennis Doe by forcible compulsion (16);

The Defendant did place his mouth on the victim's penis while Wayne Roe held the victim (17);

The Defendant engaged in deviate sexual intercourse with Dennis doe by forcible compulsion (18);

The Defendant did photograph the victim while he was being sexually abused by others (201);

The Defendant did photograph the victim while he was being sexually abused by others (202);

The Defendant did photograph the victim while he was being sexually abused by others (203);

The Defendant did photograph the victim while he was being sexually abused by others (204);

The Defendant did touch his penis (210);

The Defendant did touch his penis (211);

The Defendant did touch his penis (212);

The Defendant did contact the victim's anus with the Defendant's penis while Wayne Roe held the victim (19);

Defendant engaged in deviate sexual intercourse with Dennis Doe by forcible compulsion (20);

Defendant did contact the victim's anus with the Defendant's penis while Arnold Friedman held the victim (21);

Defendant engaged in deviate sexual intercourse with Dennis Doe, by forcible compulsion (22);

The Defendant did contact the victim's anus with the Defendant's penis while Arnold Friedman held the victim (23);

Defendant engaged in deviate sexual intercourse with Dennis Doe by forcible compulsion (24);

The Defendant did touch the victim's penis (215);

The Defendant did touch the victim's penis (216).

### **“VICTIM OBSERVED”**

15. Dozens of counts involve a witness testifying at the grand jury that they “observed” Jesse Friedman engage in inappropriate and abusive acts **involving either other victims, or physical evidence**. By definition, these acts can be corroborated. And yet, many of them are either not corroborated, or utterly refuted. The Rice Report does not engage in this analysis, or acknowledge which counts have been refuted; as such, the defense has taken it upon itself to summarize these troubling results here.

11 counts charging Jesse allege that the victim “observed the defendant touch the penis of Ross Goldstein.” And yet, Ross Goldstein denies, categorically, that any such thing took place.

7 counts charging Jesse allege that the victim “observed the defendant compelling children to expose their penises while the defendant measured them” and yet, not a single child, claims that the defendant measured their penis.

3 counts charging Jesse allege that the victim “observed the defendant hit **several** boys” and yet not one (let alone several) boys allege being hit by Jesse.

11 counts charging Jesse allege that the victim “observed the defendant” photograph inappropriate conduct, and yet **not a single photograph was ever recovered.**

## **RECONSTRUCTED CLASS ROSTERS**

16. Since Arnold and Jesse’s arrest, law enforcement has possessed each and every class roster that documents the identities of the computer class students as well as the classes which they attended. In 1987 Arnold and Jesse thus devoted tremendous time and energy to reconstructing class rosters in order to identify the specific classes in which abuse was being alleged (Arnold and Jesse had run dozens of classes over the course of several years with potentially hundreds of students) and potential exculpatory witnesses. What follows is an analysis based upon those reconstructions — because the indictments made out allegations attributed to specific complaining witnesses in specific time periods, and because the identities of the fourteen complaining witnesses has been in the defense’s possession since 1988, much can be known about each class in which abuse was alleged. Of Arnold and Jesse’s hundreds of students, this analysis only accounts for responsive witnesses - students from whom the Conviction Review and defense team have obtained statements.

17. The following chart indicates who, of the 14 complaining “Doe” witnesses, was in class with who, and which class(es) they were enrolled in.

1986 Winter Basic 1	1986 Spring Game Maker	1986 Spring Basic 1	1986 Spring Basic 2	1986 Fall Basic 2	1986 Fall Music	1987 Winter Basic 1	1987 Spring Basic 2	1987 Fall Basic 4
Dennis Doe	William Doe	Daniel Doe	Dennis Doe	Stephen Doe	William Doe	Barry Doe	Gregory Doe	Richard Doe
	James Doe	Fred Doe		Richard Doe	James Doe	Lawrence Doe	Edward Doe	Dennis Doe
		Edward Doe		Keith Doe		Patrick Doe	Kenneth Doe	William Doe
		Keith Doe		Fred Doe		Gregory Doe	Barry Doe	Kenneth Doe
		Stephen Doe		Edward Doe		Keith Doe		
				William Doe		Kenneth Doe		
				Dennis Doe				
				Daniel Doe				

18. Five original complaining witnesses - Dennis Doe, Keith Doe, Stephen Doe, Barry Doe, and Kenneth Doe - have all repudiated their allegations against Jesse. A sixth - James Doe - recanted every allegation made involving Ross Goldstein. Allegations involving Ross Goldstein constituted 60% of the original counts returned as a result of James Doe's testimony.

19. 12 former computer students - Dan Aibel, ADA Jesse Aviram, Chris Blaha, Michael Epstein, James Forest, Ron Georgalis, Michael Kanefsky, Rafe Lieber, Shahar Lushe, Gary Meyers, Jeff Meyers (who, today, goes by Jeff Leff), and David Zarrin - all of whom attended at least one of each of the classes in which abuse was alleged by the original complaining witnesses, have clearly and unequivocally asserted that no sexual abuse took place.

20. The following visual demonstrates the manner in which the allegations attributed to William, Daniel, Edward, Fred, Lawrence, and Patrick Doe have been impeached by the recantations of the five complaining witnesses and the exculpations of the 12 former students. Because the prosecution has questioned the credibility of both Richard and Gregory, and taking into account the recantations and exculpations of complaining and non-complaining witnesses, there is not a single complaining witness who remains unimpeached.

1986 Winter Basic 1	1986 Spring Game Maker Class	1986 Spring Basic 1	1986 Spring Basic 2	1986 Fall Basic 2	1986 Fall Music Class	1987 Winter Basic 1	1987 Spring Basic 2	1987 Fall Basic 4
Dennis Doe	William Doe	Daniel Doe	Dennis Doe	Daniel Doe	William Doe	Lawrence Doe	Edward Doe	William Doe
ADA Aviram	James Doe	Fred Doe	ADA Aviram	William Doe	James Doe	Patrick Doe	Gregory Doe	Richard Doe
	Rafe Lieberman	Stephen Doe		Edward Doe	Rafe Lieberman	Gregory Doe	Kenneth Doe	Michael Epstein
	Gary Meyers	Keith Doe		Fred Doe	Gary Meyers	Keith Doe	Barry Doe	Dennis Doe
		David Zarrin		Richard Doe		Kenneth Doe	Michael Epstein	Kenneth Doe
				Stephen Doe		Michael Epstein		
				Keith Doe		Michael Kanefsky		
				Dennis Doe		Barry Doe		
				David Zarrin				
				Chris Blaha				

Strike though = witnesses who have been discredited by the prosecution; Green = witnesses who have either recanted or deny that any abuse ever took place; Grey = witnesses whose credibility is brought into question by witnesses who have either recanted or deny that abuse ever took place.

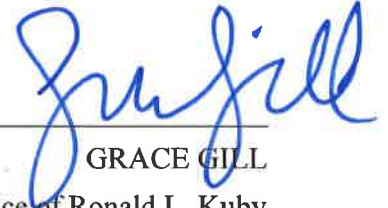
21. Taken together - the partial and full recantations by the 14 complaining witnesses, the impeachment by the unambiguous testimony of their classmates and peers, and the 2013 recantation by Mr. Goldstein - there does not appear to be a single complaining witness who remains unimpeached or uncontradicted.

Dated: New York, NY  
November 5, 2020

SWORN BEFORE ME  
THIS 6<sup>th</sup> of November, 2020.

RHIDAYA S. TRIVEDI  
Notary Public, State of New York  
No. 021R6370720  
Qualified in New York County  
Commission Expires 2/5/2022

Respectfully submitted,



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