

## Judge orders release of Jesse Friedman files

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A judge ordered Nassau County prosecutors Thursday to turn over virtually every scrap of paper on the Jesse Friedman case to the former defendant, who claims he was wrongly coerced into pleading guilty in 1988 to sexually molesting children.

Justice F. Dana Winslow said in State Supreme Court in Mineola that he was granting Friedman's request for the records under the Freedom of Information Law in part because of the public's need to have confidence in how prosecutors and other public officials carry out their duties.

Asked by prosecutors to specify what information was covered by his ruling, he replied that, with the exception of the victims' names: "Every piece of paper you have generated for People against Friedman."

The judge refused to grant a permanent stay of his ruling and gave prosecutors until Tuesday to seek a stay from the Appellate Division. District Attorney Kathleen Rice's office said there will be an appeal.

## **'It's been 26 long years'**

Friedman, formerly of Great Neck, hugged his wife, Lisabeth, and his attorney, Ronald Kuby, in the hall after the 90-minute hearing.

"It's been 26 long years of struggling to obtain the evidence that we know exists that demonstrated that Jesse Friedman did not commit these crimes," Kuby said. "In fact, no crimes have ever been connected."

Friedman has argued that prosecutors went after him and his father, Arnold, amid a public hysteria about child abuse in the 1980s. He said investigators coerced kids into falsely claiming they were molested and failed to disclose exculpatory information.

"It's a delight to have a fair and impartial judge. I'm excited to have the case move forward," Friedman said after Winslow's ruling. His long campaign to clear his name got a boost with the release in 2003 of the documentary, "Capturing the Friedmans," which got an Academy Award nomination.

Two months ago, Rice released an extensive report finding that Friedman was justifiably convicted in the 1988 case. Rice had agreed to review Friedman's conviction after the Second U.S. Circuit Court of Appeals issued a decision three years ago that denied Friedman's bid to withdraw his plea, but criticized the handling of the case.

However, part of that report said Friedman had been found with pornography while in prison. Prosecutors conceded for the first time Thursday that Friedman had been acquitted of that charge.

Winslow did not issue a written ruling but talked of the need for confidence in government.

"We can't function in the justice system in this fashion," he said at one point. "This is a country that has no feeling of credibility when it comes to our institutions."

He ordered prosecutors to stay away from their files on the case pending further court action. "I want to be sure there is preservation," he said.

He also said he had begun a search for the original stenographic notes that were taken when Friedman entered his plea. Those notes were never transcribed because Friedman, as part of the plea deal, agreed not to appeal his convictions.

The case came to Winslow as a legal appeal of Rice's refusal to turn over information to Friedman under the Freedom of Information Law.

## **Paroled in 2001**

Friedman and his father pleaded guilty to sexually abusing more than a dozen young boys who took computer classes in their Great Neck home. Arnold Friedman was 64 when he killed himself in prison in 1995. Jesse Friedman served 13 years and was paroled in 2001.

N. Scott Banks of West Hempstead, who was law secretary to the judge who presided over the original criminal case, Abbey Boklan, said in a letter to Winslow this week that while the grand jury testimony was strong enough to support an indictment, "I recall my concerns [that] the testimony of the child witnesses lacked specificity regarding the dates and time of alleged offenses, and failed to note the presence of other witnesses at the Friedman home."

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