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In the Matter of the Claim of JESSE FRIEDMAN,  
*Claimant,*

vs.

NOTICE OF CLAIM  
AND NOTICE OF  
INTENTION TO  
COMMENCE AN  
ACTION THEREON

KATHLEEN M. RICE, Nassau County District Attorney,  
JOHN BYRNE, and SHAMS TAREK,

*Defendants*  
-----X

1. The post office address of claimant, Jesse Friedman, is 119 West 23<sup>rd</sup> Street, New York, New York, 10011. The post office address of claimant's attorney is The Law Office of Ronald L. Kuby, 119 West 23rd Street, Suite 900, New York, N.Y. 10011.
2. This claim arises from the acts or omissions of the defendants, and alleges multiple false and defamatory statements that were designed to, and did, harm Jesse Friedman ("Friedman") in his reputation, enjoyment of life, quality of life, and economic interests. These acts and omissions include publishing statements that Friedman was punished while in prison for writing and distributing horrific pornography that described acts similar to those for which Friedman was convicted, and statements alleging that Friedman was a psychopath. These were false and defamatory statements of material fact, and Rice and her agents knew, or it is highly likely that they knew, that these statements were false. The purpose of such statements, as noted by the Hon. Justice F. Dana Winslow, J.S.C., was to portray Friedman publicly as a "bad guy."
3. These actions and omissions constitute the tort of libel. In addition, they were so outrageous in character and extreme in degree as to go beyond all possible bounds of decency, constituting intentional infliction of emotional distress. The details of said acts and omissions are set forth below.

4. On June 24, 2013, Nassau County District Attorney Kathleen Rice (“Rice”) published a report entitled “Conviction Integrity Review: People v. Jesse Friedman,” (hereinafter “Rice Report”) which set forth her conclusions, and the material facts she “found,” upon completing the re-investigation of the 1989 conviction of Friedman on child sexual abuse charges.
5. Rice published the Rice Report on the Nassau County District Attorney’s website together with an Executive Summary accompanied by a press release at <http://www.nassaucountyny.gov/agencies/DA/NewsReleases/2013/062413friedman.html>.
6. In the Executive Summary to the Rice Report, Rice made the following materially false statements about Friedman and his prison disciplinary record:

“He also was punished for writing and distributing ‘fictional’ stories that described violent and disturbing sexual acts, including incest, bestiality, and child rape.” Page iii-iv.

7. In the main body of the Rice Report, Rice made the following materially false statements about Friedman:

“In July 2000, just a few months later, Jesse again faced disciplinary action for writing and distributing three stories depicting lurid, violent, and disturbing sexual acts, including bestiality (forcing a woman to have sex with a dog), child incest, and rape. [footnote citing an Inmate Misbehavior Report dated July 13, 2000, omitted]. All three stories are overlaid with strong overtones of sadism and control, with sexual pleasure secondary to dominance or revenge. In one story, Jesse describes an incestuous relationship between three children—two girls and one boy—that their father discovers, and then gleefully joins [footnote citing an Inmate Misbehavior Report dated July 13, 2000, omitted]. That story ends with a caveat penned by Jesse:

Note: Please DO NOT use this story as a reason to practice incest, or especially incest with minors! It could get you arrested! However, if you have any questions, comments, or suggestions about this entirely fictional story, please write to me [footnote citing an Inmate Misbehavior Report dated July 13, 2000, omitted].” Pages 50-51.

8. On June 24, 2013, in a press release accompanying the release of the Rice Report, Rice made the following materially false statement about Friedman:

“Prison disciplinary records show that Friedman was ... punished for writing allegedly fictional accounts of bestiality, incest and child rape.”

9. These statements were false and defamatory. Rice knew these statements were false, or highly likely to be false at the time she made them for, *inter alia*, the following reasons:
  - a. The text of the document Rice falsely stated that Friedman authored encourages readers to contact the author and provides an email address for this purpose. No inmate at Coxsackie Correctional Facility, including Friedman, had access to email. Rice is well aware that prisoners in State Correctional Facilities did not have internet access.
  - b. The stories allegedly written by Friedman were printed with a high-quality laser printer. Neither Friedman, nor any other inmate at the Coxsackie Correctional Facility, had access to a high-quality laser printer. Friedman had access to a manual typewriter only.
  - c. A simple Google search of any distinctive phrase from the document would have instantly led to the actual online source of the document. Rice did not perform this minimal due diligence even after other elements of the provenance of the document made it highly unlikely that Friedman could have physically authored the document.
  - d. The entire document was printed in the manner described above. Neither Friedman, nor anyone else, “penned” anything.
  - e. Friedman was not charged with “writing and distributing” these materials, and the documents in Rice’s possession make no reference to Friedman “writing and distributing” these documents.
  - f. Friedman was *charged* with possessing unapproved literature and was found *not guilty* at a hearing on these charges.
  - g. During Rice’s conviction review investigation, her review team questioned Friedman about his disciplinary record at the Coxsackie

Correctional Facility. Rice could have questioned Friedman at that time, or indeed at any time because Friedman made himself available throughout Rice's review, about the document she falsely accused Friedman of authoring, but declined to perform that basic act of due diligence.

10. Rice directed her subordinates to supply the text of these materials to, at least, the *New York Times* and the *New York Post*. In response to receipt of these materials, the *New York Post* published a news story under the headline: "Jailbird Perv a Smut Writer." The story provided details of the pornography and stated that Friedman "was disciplined in July 2000 after prison guards found the stomach-churning smut in his cell." Exhibit A. That same day, at least fourteen other publications with the headline "Perv was a 'Horny' Jailbird Smut Writer," published variations of the story, each linking to the *New York Post*. Exhibit B.
11. At a court hearing on June 28, 2013, Friedman's attorneys detailed the brief steps they took to locate the pornography online and find the actual author, noted the document was printed on a device to which Friedman did not have access while in prison, and provided documentation that Friedman had been found "not guilty" of possessing the child-incest and bestiality pornography. Friedman's attorneys further noted that Rice's own documents, which showed the infraction for which Friedman was disciplined, omitted any mention of the incest and bestiality pornography.
12. Notwithstanding this documentation and courtroom presentation, John Byrne, the information officer for the office of the Nassau County District Attorney, published another false and defamatory statement, emailing a reporter for the Great Neck record:

Mr. Kuby provided a nearly illegible document in court today and claims that Friedman was not punished for possessing these stories. While Mr. Schwartz correctly noted that the DA's office did not have this document, even if Kuby's claims are true, Mr. Friedman's possession of these pornographic materials is well-documented in prison records.

13. In fact, the prison records to which Byrne referred documented that Friedman did not possess such materials. Byrne did refrain from repeating the earlier defamation that Friedman wrote, distributed, and penned such stories. But he did not retract the false and defamatory statements.

14. On July 3, 2013, Mr. Kuby wrote a formal letter to John Byrne, demanding a retraction. Mr. Kuby received no response to his letter.
15. On August 22, 2013, Assistant District Attorney Robert A. Schwartz confirmed in open court that Friedman had been found not guilty.
16. Notwithstanding this acknowledgement, Rice continued to refuse to recant or retract the defamatory language despite ADA Schwartz's admission in court that it was not true.
17. Instead, the new information officer for the office of the District Attorney, Shams Tarek, knowingly made additional false and defamatory statements to a reporter with the Great Neck record, stating:

“While Friedman's attorney has recently provided documentation that he was found not guilty in a disciplinary action by the Department of Corrections, Jesse Friedman signed a document in prison acknowledging that the pornographic stories depicting child rape, incest, and bestiality, which were confiscated from him, would not be returned.”

Exhibit C.

18. In fact, Friedman never acknowledged or admitted that any stories “depicting child rape, incest and bestiality” were confiscated from him, nor that he ever possessed such materials. He denied possession of such materials and was found not guilty of possessing them.
19. Rice also published and quoted from the work of a psychologist, David Pogge, regarding Friedman's personality. Friedman's attorneys had already informed Rice that Pogge had a disqualifying conflict of interest and should not have been examining Friedman in the first place, and that Pogge's evaluation was unreliable and was based on an improper test that he interpreted in an improper manner. With full knowledge that the information contained therein was false, Rice made additional materially false and defamatory statements in said Report and Executive Summary, publicizing the false report of Dr. David Pogge in which he purported to “find” that Friedman was a:

“psychopathic deviant,” “a psychopath,” “self-centered, manipulative, egocentric,” someone who “abused drugs,” “extremely egocentric,”

“capable of breaking the law,” “narcissistic, antisocial, passive-aggressive, badly behaved,” “a very heavy drug user” and “drug dependent,” “pansexual,” someone whose “personality was consistent with someone who was capable of committing the crimes with which he was charged,” “someone who believed he was better than other people,” someone who “lies all the time, and derives gratification from fooling others,” and was, “not a good citizen.”

20. These statements were repeated, in shorter form, in the Press Release, which referred to Friedman as “a narcissist and psychopath who was capable of committing the crimes with which he was charged.”
21. Prior to Rice’s publication of said statements, On March 5, 2013, Mr. Kuby wrote to Madeline Singas, Chief Assistant District Attorney for Nassau County, a key member of Rice’s review team. In the letter, Mr. Kuby informed Singas that he understood the review team had consulted Dr. David Pogge regarding the psychological evaluation Dr. Pogge performed prior to Friedman’s trial. Mr. Kuby informed Singas that at the time Dr. Pogge saw Friedman as a defense consultant, he had a disqualifying, unethical, and undisclosed conflict of interest in that he was also part of the North Shore University Hospital “Crisis Program” assigned to work with Friedman’s alleged victims.
22. Mr. Kuby, in the same March 15, 2013 letter to Singas, informed Rice that he had retained an expert on human sexual behavior, Dr. Richard Bohn Krueger, M.D., to evaluate Dr. Pogge’s assessment of Friedman. Dr. Krueger explained that the test Dr. Pogge administered to Friedman should never have been administered to a person who maintained that he was innocent of sexual abuse charges, and that this was specifically stated in the instructions printed on the test. He further stated that Dr. Pogge’s report was a generic computer-generated report based on faulty input.
23. Despite having been explicitly informed of Dr. Pogge’s conflict of interest and his mishandling of Friedman’s evaluation, Rice used Dr. Pogge’s discredited evaluation as a pretext to defame Friedman, and to inflict emotional pain and suffering upon him.
24. Rice knew that such statements would be widely disseminated given the media interest in her three-year review process, and took all steps necessary to insure her false and defamatory statements received the widest possible dissemination. All of the statements complained of herein were widely reported

in various media. For example, the *New York Times*, reporting that Rice had justified Friedman's conviction, noted that "other evidence damaging to Friedman's case" included "a psychiatric evaluation conducted for his defense that labeled him a 'psychopathic deviant' ...." Exhibit D. A *Daily News* article the same day, under the headline "Jesse Friedman is 100% Guilty of Sexually Abusing Children, Reinvestigation by the Nassau County District Attorney Concludes," reported that Friedman "was labeled a 'psychopathic deviant' by his own shrink..." Exhibit E. The *North Country Gazette*, also on June 24, 2013, reported that Friedman's "psychiatrist" found him to be a "narcissist" and a "psychopath" and "was capable of committing the crimes with which he was charged." Exhibit F.

25. The false and defamatory report, executive summary, and press release remain published on the website of the Office of the District Attorney, Nassau County.
26. These acts emanated from and took place in the Nassau County District Attorney's Office, 262 Old Country Road, Mineola, New York 11501.
27. This claim accrued on the 24th day of June, 2013.
28. Claimant has suffered irreparable damage to his reputation and has suffered extreme emotional distress, pain and suffering, and loss of enjoyment of life as a result of Rice's tortious actions.
29. This Claim is served and filed within 90 days of accrual.

By reason of the foregoing, claimant demands judgment against the Defendant.

By: 

Ronald L. Kuby

Law Office of Ronald L. Kuby  
119 West 23<sup>rd</sup> Street, Suite 900  
New York, New York 10011  
(212) 529-0223  
*Attorney for Claimant*

**EXHIBIT A**



Product	Section	FW Section	Edition	FW Edition	PN	IssueDate
The New York Post	News		NN-01	Metro	014	06/27/2013
<b>Caption:</b>	Jesse Friedman Wrote own porno stories.					

### **Jailbird perv a smut writer**

**[Exclusive]**

By Selim Algar

“Capturing the Friedmans” star Jesse Friedman stashed a sick collection of porn stories he wrote related to underage sex, incest and bestiality during his stint in prison, The Post has learned.

The convicted child molester — who wants his sex-offender status reversed so he can enjoy having kids — was disciplined in July 2000 after prison guards found the stomach-churning smut in his cell, according to an incident report.

Along with his father, Josh, Friedman was convicted of molesting children in their Great Neck, LI, home in the 1980s.

Paroled in 2001, he has waged an exoneration campaign ever since the 2003 release of the Academy Award-nominated documentary.

In a letter to his uncle sent while in prison, Friedman admits to penning his own porn stories behind bars because he was often “horny” and needed to purge his brain.

The three stories found in Friedman’s cell on July 13, 2000, revel in graphic descriptions of unspeakable perversity — including one tale that describes a fictional father’s sexual encounters with his three children, ages 13 to 14.

In that tale, Josh, the father, directs sexual activity among his kids, Lisa, Lucy and Tom, for his own pleasure.

A note at the end of the story warns readers not to practice incest or have sex with minors.

“It could get you arrested!” the note states.

Another story found in Friedman’s possession describes a mother who has children with her son and engages in sexual relations with their dog.

“My son Patrick wants to father another child and I have agreed to let him at the end of this year when our little girl turns 2 years old,” the fictional mother states.

The final tale tells of a man who violently beats a woman after she makes fun of his manhood, and then she’s forced to have sex with a dog.

Friedman’s wife, Elisabeth Walsh, told the Huffington Post this week that her husband’s jailhouse reading list was just mainstream smut on the level of Penthouse magazine.

In campaigning for Friedman’s exoneration, the couple has pushed to have him taken off the sex-offender list, and has announced their intention to have children of their own.

Friedman, now 44 and working as a book dealer in Bridgeport, Conn., claims he gave a false confession to police to avoid a life sentence and that his accusers trumped up the raps against him.

Along with attorney Ron Kuby, Friedman blasted a report released Monday from Nassau County District Attorney Kathleen Rice released Monday that staunchly affirmed Friedman’s conviction.

Friedman will appear in court tomorrow with Kuby in an attempt to access the exact statements made against him by his accusers.

The DA has refused to provide the information citing the accusers' rights to privacy as sex-abuse victims.

[selim.algar@nypost.com](mailto:selim.algar@nypost.com)

**EXHIBIT B**

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Ron Kuby



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**Perv was a 'horny' jailbird smut writer - Topix**

www.topix.com/city/great-neck.../perv-was-a-horny-jailbird-smut-writer  
Jun 26, 2013 - "Capturing the Friedmans" star Jesse Friedman stashed a sick collection of porn stories he wrote related to underage sex, incest and bestiality ...

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**Perv was a 'horny' jailbird smut writer | AllOverNews.net**

www.allovernews.net/news/perv-was-a-horny-jailbird-smut-writer  
Capturing the Friedmans" star Jesse Friedman stashed a sick collection of porn stories he wrote related to underage sex, incest and bestiality during his stint in ...

**Perv was a 'horny' jailbird smut writer | Grouperly | New...**

www.grouperly.com/news/perv-was-a-horny-jailbird-smut-writer  
Capturing the Friedmans" star Jesse Friedman stashed a sick collection of porn stories he wrote related to underage sex, incest and bestiality during his stint in ...

**Perv was a 'horny' jailbird smut writer - News of New Yor...**

us.covertimes.com/...us.../perv-was-horny-jailbird-smut-writer/752506  
Jun 27, 2013 - Today's newspapers from . More than 0 newspapers. Today's edition from the best virtual covers stock on the internet.

**Perv was a 'horny' jailbird smut writer - Worldnews.com**

article.wn.com/view/2013/06/.../Perv\_was\_a\_horny\_jailbird\_smut\_writer...  
Jun 27, 2013 - Capturing the Friedmans" star Jesse Friedman stashed a sick collection of porn stories he wrote related to underage sex, incest and bestiality ...

**Newshour | Perv Was A 'horny' Jailbird Smut Writer**

www.newshour24.com/US/.../Perv-Was-Horny-Jailbird-Smut-Writer.htm  
Jun 27, 2013 - Capturing the Friedmans" star Jesse Friedman stashed a sick collection of porn stories he wrote related to underage sex, incest and bestiality ...

**Long Island Roundup: Perv was a 'horny' jailbird smut wr...**

longislandroundup.blogspot.com/.../perv-was-jailbird-smut-writer.html  
Jun 27, 2013 - of unspeakable perversity. Friedman and his attorney, Ron Kuby, blasted a report released Monday by Nassau County District Attorney ...

**Nassau County Roundup: Perv was a 'horny' jailbird smu...**

nassaucountyroundup.blogspot.com/.../perv-was-jailbird-smut-writer.ht...  
Jun 27, 2013 - of unspeakable perversity. Friedman and his attorney, Ron Kuby, blasted a report released Monday by Nassau County District Attorney ...

**Perv was a 'horny' jailbird smut writer - Got News Wire**

newyork.gotnewswire.com/news/perv-was-a-'horny'-jailbird-smut-writer  
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Published By: POST - Wednesday, 26 June. Latest News; Vote! Perv who broke into NYC jail ...

**Perv was a horny jailbird smut writer - - Perv was a horn...**

www.best.st/news/Perv-was-a-horny-jailbird-smut-writer,935727.html  
Jun 27, 2013 - Perv was a horny jailbird smut writer. News from Arts and Entertainment.

**EXHIBIT C**



## Turn In Friedman Cases

Written by Carol Frank Friday, 30 August 2013 00:00

[cfrank@antonnews.com](mailto:cfrank@antonnews.com) In a dramatic turn of events on Aug. 22, Judge Dana Winslow of the New York Supreme Court, ordered the Nassau County District Attorney's office turn over all documents in the Jesse Friedman case, including grand jury minutes and notes, police reports, even the original stenographers' notes. He also set forth a "no touch" order to prevent the DA from "altering, moving or destroying any of the evidence."

The DA's office will appeal the decision.

The judge, privy to all the un-redacted documents, has obviously been combing through the thousands of pages of evidence, much of which was not made available to the oversight panel that was supposed to insure impartiality to the DA's review of the case and none of which has been available to Friedman as he has fought for over a decade to overturn his child molestation conviction.

Judge Winslow pointed out that there have been two warring sides in the case, the DA's office and Jesse Friedman's team, but "one aspect has been neglected ... the complaining witnesses who now admit they were mistaken or misstated information to police and have been living with that knowledge for the last 25 years."

ADA Robert Schwartz said, "We're not here to be litigating guilt ... we're here because of a Freedom Of Information Law (FOIL) request."

The judge rather sternly said, "Yes, but in this case we have a man whose prison sentence hasn't ended ... his status as a level 3 violent sexual offender severely restricts his life ... Tony Soprano in his ankle cuffs was far freer than Mr. Friedman."

On June 24, District Attorney Kathleen Rice had released a report from the 3-year review of the case of Friedman, who in 1988 at age 19, had pleaded guilty to charges of child molestation and served 13 years in prison. His father, Arnold Friedman, had pled guilty earlier and committed suicide in prison.

The review came about after the U.S. Court of Appeals for the Second Circuit pressed for a reexamination of the case stating, "the quality of the evidence was extraordinarily suspect and never subjected to vigorous cross-examination or the judgment of a properly instructed jury."

The DA's report upheld the 1988 conviction and rejected the recantations of original complainants and the testimonies of other witnesses who stated that nothing out of the ordinary happened in the computer classes they attended. Three original complainants out of 17 came forward and reiterated their charges saying that they are still suffering from their experiences. The DA's report concluded that their investigation had only "increased confidence in the integrity of Jesse Friedman's guilty plea."

After the 155-page report was released, Friedman's attorney Ron Kuby and filmmaker Andrew Jarecki, director of *Capturing the Friedmans* criticized the lack of transparency in the process and the lack of access

the oversight panel actually had to all evidence and witnesses who came forward. Both agreed a careful reading of the DA's report laid bare "the bias" of the office and only reinforced the urgent need for the documents in the case to be made available to Friedman.

At a prior court date on June 28, just days after the DA's report was released, Kuby had charged that the DA's office had leaked salacious, pornographic stories, referenced in their report, to selected media outlets. The DA's report claimed they had been penned by Friedman while in prison. Kuby refuted the charge holding up a document he said proved that Friedman had been found "not guilty." Further, he stated that a quick Google search of the exact wording of the stories had resulted in an attribution of the story to another person. ADA Schwartz had countered with a charge that Kuby might have "forged" the document, but later, recanted his accusation.

At the August continuance, Judge Winslow pointedly asked Schwartz if his office had gotten an official statement from the Department of Corrections regarding the incident. Schwartz admitted that Friedman had been found "not guilty."

Judge Winslow indicated his belief that the false submission was made to further the perception that "Mr. Friedman, he's just a bad guy."

The judge added, "We can't function in the justice system in this fashion. This is a country that has no trust, no feeling of credibility when it comes to our institutions."

Judge Winslow noted two letters sent to him recently. One was from Scott Banks, law clerk for deceased Judge Abbey Bolkan, who is among the few who have had access to crucial documents surrounding the case. Banks, urging a release of the documents, wrote, "While the indictments were legally sufficient, I recall being troubled by the dearth of detail and specificity of the testimony, and complete lack of medical testimony or medical evidence substantiating the allegations of extreme violent sexual abuse."

The other letter which Judge Winslow called "compelling" was from Arline Epstein, mother of Michael Epstein who just last year revealed to his parents that he had never been abused or witnessed any abuse. As a boy, after months of questioning and counseling, he reasoned that the only way to stop the pressure would be to lie about what happened and "regurgitate stories that other boys had told the police."

After Michael's disclosure, Arline Epstein, who habitually takes notes, found a folder full of her notes from the troubling time. She began to immerse herself in the case, studying her notes, speaking with the therapist Michael had seen, and reaching out to the other affected mothers with whom she had shared so much. Ms. Epstein came forward, as did Michael, to present her evidence in person to the DA's review team. She eventually persuaded the DA's office to allow someone from the advisory panel to also hear her testimony, a deviation from the norm.

She writes in her letter: "The DA's Report ignores, discounts and mischaracterizes much of my evidence. In fact, only one-fifth of my notes are included. Many of the missing notes contain information that weakens or undermines the Report's arguments." (In addition to the 155-page report, there were an additional 900 pages of notes in an appendix released by the DA's office.)

Ms. Epstein asserts that some missing notes refer to two occasions when mothers reported to her that their children were interviewed at length, one for five hours, the other for seven hours. The DA's report

categorically states that the boys were not subjected to long interviews.

Notes from a Nov. 23, 1988 meeting between parents and police were missing. Officers informed parents that the first round of questioning 30 students had not resulted in any reports of abuse. The DA's report states that charges were made rapidly.

Ms. Epstein also sent the judge a 16-page document in which she concisely outlines the material points which she believes were discounted and distorted.

Ms. Epstein calls the review team's filtering of evidence and testimony instead of allowing direct access to the advisory panel...a "fatal flaw."

A seven-page affidavit came to the judge from FBI Special Agent Kenneth Lanning, who is referenced in the DA's report as an expert in cases of sexual victimization of children, specifically child sex rings, when children and more than one abuser are involved.

Lanning writes, "As a general principle, valid cases tend to get better and false cases tend to get worse with investigation. I get concerned when as an investigation progresses, the number of alleged offenders keeps growing and the allegations get increasingly more bizarre and atypical. The Report seems to support the fact that such progressions did take place over time in the Friedman case investigations but it sets forth no detailed or plausible explanations of their significance."

Lanning concludes, "Blindly believing everything in spite of a lack of logical evidence or simply ignoring the impossible or improbable and accepting the possible is not good enough." He urged release of all documents.

After the ruling, Jarecki said, "The reason these long-withheld documents are so important is that they reveal fundamental contradictions that undermine the validity of the 26 year-old case ... This victory is strengthened by the judge's indignation at the fraudulent claims that were included in the DA's recent so-called "Conviction Review."

Friedman, so overcome with emotion that he had to pause and fight back tears said, "It is a delight to have a judge show such fairness and impartiality."

The DA's spokesman Shams Tarek issued this statement: "After more than two decades, several guilty pleas, a complete appeal process, and a full and independent re-investigation, the victims in this case deserve closure and privacy. We are disappointed by the decision and will absolutely be appealing and expecting to prevail on behalf of the victims in a higher court."

A written question to the spokesperson regarding the DA's false accusation that Jesse Friedman wrote horrific pornography in prison went unanswered by deadline.

*(Editor's note: The response to a question to the District Attorney's office came after deadline. It is being added to the online version of the article.)*

DA spokesperson Shams Tarek was asked the following question: Will the DA's office issue a clarification re



the misinformation of the claim that Jesse Friedman was found guilty of writing graphic pornography in prison? Here is the response:

“Discussion of the pornography that Jesse Friedman possessed in prison occupies less than two pages of our 155-page report confirming his guilt based on a mountain of evidence, including victims who stand by their stories of horrific abuse. While Friedman's attorney has recently provided documentation that he was found not guilty in a disciplinary action by the Department of Corrections, Jesse Friedman signed a document in prison acknowledging that the pornographic stories depicting child rape, incest, and bestiality, which were confiscated from him, would not be returned. While investigators did not scour the Internet for bestiality pornography to determine authorship, they reasonably believed Jesse wrote the stories because in a letter to his uncle Howard, Jesse Friedman admitted to writing a story in prison that he “can’t share with anyone” because it’s “pornographic, very pornographic.”

Investigators were unable to determine whether prison officials' finding of "not guilty" to the pornography charge was the result of a negotiated plea in exchange for his guilty plea to two other prison disciplinary charges, or whether a hearing was held.”

**EXHIBIT D**



# Teenager's 1988 Sexual-Abuse Conviction Was Justified, Report Says



By PETER APPLEBOME  
Published: June 24, 2013 | 49 Comments

**Jesse Friedman**, the Great Neck, N.Y., teenager whose role in a sexual abuse case a quarter-century ago was portrayed in the Oscar-nominated documentary "Capturing the Friedmans" and came to symbolize an era of sensational, often-suspect accusations of child molesting, was properly convicted and should not have his status as a sexual predator overturned, according to a three-year review that was released on Monday.

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Todd Heister/The New York Times  
Jesse Friedman served 13 years in prison after he and his father, Arnold, were convicted of molesting children at their home in Great Neck, N.Y. His father committed suicide in prison.

In a 155-page report written with very little ambiguity, the Nassau County district attorney, **Kathleen M. Rice**, concluded that none of four issues raised in 2010 in a strongly worded ruling by the United States Court of Appeals for the Second Circuit were substantiated by the evidence.



Instead, it concluded, "By any impartial analysis, the reinvestigation process prompted by Jesse Friedman, his advocates and the Second Circuit, has only increased confidence in the integrity of Jesse Friedman's guilty plea and adjudication as a sex offender."

INTERACTIVE FEATURE: The Conviction Integrity Review of People vs. Jesse Friedman

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The review concludes another chapter in a case that came to national attention after the 2003 release of the film, which portrayed both the breakup of a deeply troubled family and what was characterized as a flawed, biased police investigation and judicial process. The case led to guilty pleas in 1988 by Jesse Friedman, then 18, and his father, Arnold Friedman, who ran a popular computer class at his house on Piccadilly Road in the affluent Long Island community of Great Neck.

The report's conclusion was not entirely unexpected, even by Mr. Friedman and his advocates, given the explosive nature of the charges, the impossibility of a definitive finding on many of the allegations more than 25 years in the

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Todd Heister/The New York Times  
Kathleen M. Rice, Nassau County district attorney.

past and the high bar for prosecutors to overturn convictions, especially those based on confessions.

Still, Mr. Friedman's lawyer, Ron Kuby, and the film's director, Andrew Jarecki, reacted with disappointment and anger, saying the report was a biased whitewash by the office that originally botched the case. Mr. Kuby promised to pursue appeals.

"D.A. Kathleen Rice has made a craven, but not surprising, political decision in failing to admit to the wrongdoing of the Nassau County D.A.'s office and former sex crimes chief Fran Galasso, in the face of overwhelming evidence of Jesse's

innocence," Mr. Jarecki said.

Mr. Kuby said that the district attorney's office had fought Mr. Friedman's efforts at every turn and that this was just more of the same.

"My immediate reaction is that we have spent three long years in a pointless waste of time waiting for D.A. Rice to issue this report," Mr. Kuby said.

"Fortunately, the conclusion of this bogus reinvestigation clears the way for the Friedman team to return to court based upon the new evidence we've collected as well as the increasing likelihood of obtaining the original case documents."

The review led both to evidence supporting the conviction and to evidence suggesting it should be overturned. Perhaps most powerful for the defense was a detailed and chilling statement that it obtained from Ross Goldstein, a high school friend of Jesse Friedman, who was the only person other than the Friedmans convicted in the case. Mr. Goldstein said his confession had been a lie coerced by intimidating police conduct and the threats of a draconian sentence.

In its 2010 decision, the Second Circuit reluctantly upheld the verdict on technical grounds but harshly criticized the trial judge, prosecutors and detectives in the case. The court said there was a "reasonable likelihood" that Jesse Friedman, who served 13 years in prison before being released in 2001, was wrongfully convicted and suggested that Ms. Rice reinvestigate the case. Arnold Friedman died, apparently a suicide, in prison in 1995.

Yet Ms. Rice's report, in all instances, found that the preponderance of evidence pointed toward upholding the conviction. And her report comes with a limited, but potentially powerful, seal of approval in a case that is also being played out in the court of public opinion.

When she began her review, Ms. Rice, a Democrat first elected in 2005, appointed a four-member independent advisory panel to guide and oversee the work. It included Barry Scheck, a founder of the Innocence Project and one of the country's leading advocates for overturning wrongful convictions.

The report was prefaced by a four-page statement by the panel. It said its job was about process more than findings. It did not reinvestigate the case itself,

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and it was not given access to key documents like grand jury records and interview reports.

Still, it commended the investigation, and said that if the evidence had pointed toward exoneration, “we have no doubt the Review Team was prepared to recommend without reservation that Friedman’s conviction be overturned.”

The statement, signed by all four members, said it was not the role of the panel to make an ultimate judgment about Jesse Friedman’s guilt, but added: “We do have an obligation to express a view as to whether we believe the conclusions expressed in the Review Team’s report are reasonable and supported by the evidence it cites. We think they are.”

The report centered on four points raised in the film and by the appeals court: that the case may have been tainted by repeated police interviews that pushed children toward confessions; that children may have been hypnotized to recover memories not based on fact; that the case was distorted by a “moral panic” that created false accusations and a predisposition toward conviction; and that Jesse Friedman’s guilty plea may have been unlawfully coerced by the police, prosecutors and a hostile judge.

The review rejected them all. It said that though some interviews late in the case may have been flawed, the rapid pace and early flow of accusations from children in the classes indicated that the allegations arose from spontaneous accounts, not from investigators pushing children toward accusations. It said the first child interviewed reported improper behavior, 12 children leveled accusations of illegal sexual behavior at Arnold Friedman in the investigation’s first two weeks and, five weeks into the investigation, 13 boys described criminal behavior by Jesse Friedman.

It said, that despite one student’s account in “Capturing the Friedmans” of making allegations after being hypnotized, any use of group therapy or hypnosis came after all the indictments were filed. It disputed the one account of hypnosis in the film.

The review said the Friedman case was “in no way similar” to other notorious cases of its time, like the McMartin preschool case, which produced allegations of satanic ritual abuse of children but ended with no convictions. The review said that the children in this case were twice as old as in that one and that many victims complained of abuse early rather than through months of questioning.

And it said Jesse Friedman had competent legal representation, weighed his options intelligently and pleaded guilty after determining it was “the optimal strategy” in light of the available choices.

It cited other evidence damaging to Mr. Friedman’s case — students and parents who stuck by their accounts and added fuller details, a psychiatric evaluation conducted for his defense that labeled him “a psychopathic deviant” and a telephone interview with Arnold Friedman’s brother, Howard Friedman, in which, according to the report, he said: “Jesse is guilty and you’re going to ask me how I know. Because Arnold told me.” He said Arnold Friedman had confessed that both he and his son had “misbehaved” with

children in the class, but it is not clear from his statements what that misbehavior might have entailed.

Still, the panel and the review team cited the enormous difficulty in getting to the truth because of the passage of time, incomplete and shoddy record keeping and faded memories. Participation was entirely voluntary, so only some of those involved in the case took part in the investigation. Only three original accusers repeated their accounts to the review team. And many of the figures in the case gave different accounts at different times, making evaluation difficult, the investigators said.

Most glaring of the conflicting accounts was the one given by Mr. Goldstein, who said that "every single thing" in his grand jury testimony had been a lie and that he had been "coached, rehearsed and directed" by a prosecutor and a detective to tell the story they wanted, which was devastating for Jesse Friedman's defense. The review said his recantation was unreliable.

Ms. Rice said in a statement that "instances of wrongful conviction are real and exist in far greater numbers than any of us would like to admit." But she added: "The case against Jesse Friedman is not one of them."

A version of this article appears in print on June 25, 2013, on page A21 of the New York edition with the headline: Friedman's Sexual Abuse Conviction in 1988 Was Justified, a Report Says.

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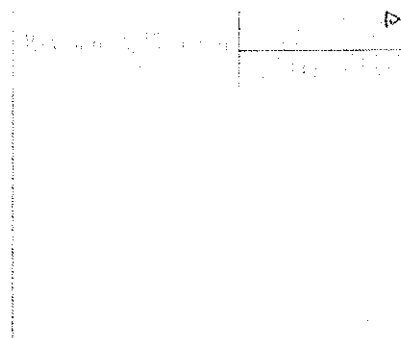
LOCAL

# Jesse Friedman is 100% guilty of sexually abusing children, reinvestigation by Nassau County district attorney concludes

The subject of the documentary 'Capturing the Friedmans' is in fact a 'psychopathic deviant' who molested 17 children in his parents' Long Island home, a 172-page report finds.

BY DAREH GREGORIAN / NEW YORK DAILY NEWS

PUBLISHED: MONDAY, JUNE 24, 2013, 11:23 AM  
UPDATED: TUESDAY, JUNE 25, 2013, 12:10 AM



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FRANK FRANKLIN /AP

In 2004, Jesse, a level three violent sex offender, started fighting in court to get his conviction vacated.

He's guilty as sin.

That's the conclusion reached by the Nassau County District Attorney's three-year reinvestigation into the case of Jesse Friedman, the subject of the documentary "Capturing the Friedmans."

Friedman, his supporters and the makers of the Academy Award-nominated documentary have long maintained he was railroaded into pleading guilty to charges he molested 13 kids in the late 1980s, and were expecting the report to exonerate him.

It did the opposite.

Friedman, they found, was labeled a "psychopathic deviant" by his own shrink, and had actually sexually abused a total of 17 children.

"The District Attorney concludes that Jesse Friedman was not wrongfully convicted," the blistering 172-page report says.

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"In fact, by any impartial analysis, the investigation process prompted by Jesse Friedman . . . has only increased confidence in the integrity of Jesse Friedman's guilty plea adjudication as a sex offender."

The panel said it interviewed three of Friedman's now-adult victims. "Each confirmed that he was sexually abused by Jesse Friedman. Each told their separate story, marked by pain and recovery," and "recounted years of shame and humiliation," the report said.

One of the victims said Friedman had threatened to "kill his dog" if he ever told anyone about the abuse.

his dog" if he ever told anyone about the abuse.

At a Monday afternoon press conference, Friedman said, "It's painful when people lie about you and it's really painful when the district attorney lies about you."

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HANDOUT

'Capturing the Friedmans': Arnold Friedman (father), Elaine Friedman (mother) and their three boys, Jesse (left), David (middle) and Seth (right) at David Friedman's bar mitzvah.

"I believe that there were nothing but lies in the report that was released today," he said, his wife Elisabeth by his side.

"I'm standing strong and I have more fight in me than I've ever had before. So, game on."

The exhaustive report also took aim at the makers of "Capturing the Friedmans," director Andrew Jarecki and producer Marc Smerling. It accused them of using misleading, out-of-context snippets of interviews to further their campaign to exonerate Friedman, 44.

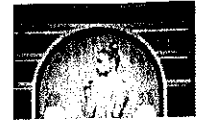
"Capturing the Friedmans' was a provocative and entertaining movie, but it was not an exhaustive account of the entire case against Jesse Friedman. The Review Team had to go behind the excerpts and sound bites that the producers used in the film and other 'reels' and exhibits the producers have produced over the course of this re-investigation," the report said.

They "were not forthcoming with evidence under their control. Though both told witnesses and the public that they possessed swaths of evidence capable of 'proving' Jesse Friedman's innocence, this material was not shared with the review team or the advisory panel until 2012.

"Even then, the information that they chose to share was partial" and unconvincing, as were the "recantations" of victims they'd offered up, the report said.

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One said he was "tricked" into the statement by Jarecki's "manipulative" questioning, the report said.

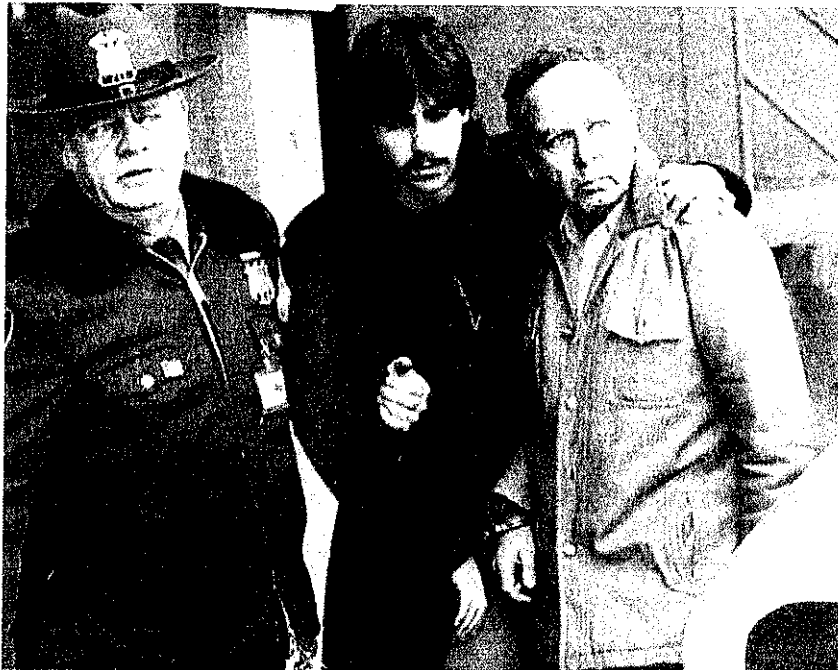
The director also suppressed a statement from Friedman's uncle - who'd said in the movie that he thought Jesse was innocent - that his nephew was indeed a molester and "cannot tell right from wrong," the report said.

"Instances of wrongful conviction are real and exist in far greater numbers than any of us would like to admit. Wrongful convictions undermine public safety, and they pose the greatest threat there is to the integrity required of our justice system. But the case against Jesse Friedman is not one of them," Nassau County DA Kathleen Rice said.

"I came to this case without an agenda or any personal stake in its outcome, and without any interest outside of searching for the truth. We were fully prepared to exonerate Mr. Friedman if that's where the facts led us. But the facts," Rice said, "led to a substantially different conclusion."

Lawyer Ron Kuby, who's represented Friedman pro bono for almost a decade, maintained the report ignored the facts.

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Arnold and Jesse Friedman, seen in 1989, both pleaded guilty.

HANDOUT

"DA Rice spent three years whitewashing the prosecutorial and police misconduct in this case," and her team's report "contains numerous outright falsehoods belied by the documentary evidence," he said.

Kuby said he plans to be in court Friday to get access to original police reports and information from the 25-year-old grand jury proceedings.

"We will continue the fight to exonerate Jesse," he said.

Jarecki, meanwhile, was unimpressed with the report's film criticism, and said he had reviewed the case far more thoroughly than the DA's office did during their three-year "superficial" "boondoggle."

"We knew it was unlikely this case would be reversed by the same prosecuting office famously made a mess of the investigation in the first place," he said.

Rice ordered the review in 2010, after a federal appeals panel said their review of the case showed there was a "reasonable likelihood" that Friedman had been wrongly convicted.

Mercy, mercy me, doesn't Jesse L. Martin look the



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He was busted back in 1987, after the feds discovered his father, Arnold Friedman, had a stash of kiddie porn in his Great Neck, L.I., home - and that the retired teacher taught computer classes to young kids there.

Police started questioning the students, and within weeks, both Arnold and Jesse, who'd helped his dad with the classes, were arrested on sexual abuse charges.

Arnold Friedman pleaded guilty four months later.

With the charges against him piling up - he was hit with over 100 counts of sodomy - Jesse, then 19, eventually copped a plea as well.

Arnold was sentenced to 10-30 years in prison, and died behind bars of a heart attack in 1995. Jesse was sentenced to 6-18 years behind bars, and was released after serving 13 years.

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Jesse Friedman — a level three sex offender — served 13 years in prison for his crimes.

The circumstances of his conviction were called into question by "Capturing the Friedmans" in 2003, and "Jesse Friedman came to see the film as a vehicle by which he could assert his innocence," the report said.

Within a year, Jesse, a level three violent sex offender, started fighting in court to get his conviction vacated.

He was helped by the moviemakers, who became convinced of his innocence.

The federal appeals court ruling adopted several of the film's arguments - that police asked the kids in his father's class leading questions, and were "aggressive" in their questioning, refusing "to accept denials of abuse."

None of the 8-10 year-olds in the class, it was contended, showed any signs of abuse before Arnold Friedman was arrested for the child porn.

In one instance, "detectives interviewed a child 15 times" before getting the boy to "admit" to the abuse.

Another child only "remembered" being abused after being hypnotized, the court said.

The hysteria was compounded by Arnold Friedman's admission as part of his plea deal that he'd molested all 81 kids who'd taken his class, while prosecutors didn't question "outlandish" tales of "sex games" in his classroom.

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Jesse, meanwhile, only pleaded guilty because he'd been forced to by the judge, who'd threatened to lock him up for life he didn't.

The review found none of that was true: police generally didn't ask leading questions, and there's no record of any child being visited 15 times. The victim who said he'd been hypnotized was unreliable and likely wasn't.

The children had shown signs of abuse, but they weren't immediately recognized as such, the report said. Some were scared of attending the class, one developed a stutter and another started losing his hair.

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**A therapist called Jesse Friedman 'a psychopathic deviant' who was 'self-centered, manipulative, egocentric and capable of breaking the law.'**

Arnold Friedman admitted molesting "only" 41 children, and specifically denied molesting a dozen others. Three separate students gave similar accounts of sexualized versions of Leap Frog and Simon Says being played in class, the report said.

And the review found that the judge who presided over the case, Abbey Boklan, didn't threaten Jesse, she just properly warned him about of how much time he was facing.

He "pled guilty because his own calculations showed it to be the optimal strategy in light of the choices available to him, not because someone else forced him to do so," the report said.

The report also paints a highly disturbing picture of Friedman, who's now married and living in Bridgeport, CT.

A shrink who was hired by Jesse's lawyer to help with the original criminal case, Dr. David Pogge, found he was "a psychopathic deviant" who was "self-centered, manipulative, egocentric and capable of breaking the law."

"Jesse lies all the time and derives gratification from fooling others," the doctor was quoted as saying.

After his guilty plea, he wrote a letter to one of his two brothers calling the experience "exhilarating." "I want a big article tomorrow!" he wrote, adding that he dreamed of being a "star."

Friedman also went on Geraldo, against his lawyer's advice, and said then that he'd been sexually abused by his father, and forced "to pose in hundreds of photos for my father in all sorts of sexual positions (with) the kids."

He "reveled in public discussions of his guilt," the report says.

He's since denied he was ever abused by his father, or that his father abused any of his students, but the panel found those claims "not credible."

In prison, the report said, Friedman was disciplined twice - once for possessing a torn photograph of two prepubescent girls, one of whom was naked, that he'd ripped out of a magazine, and the second time for "writing and distributing 'fictional' stories that described violent and disturbing sexual acts, including incest, bestiality and child rape."

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ANDREW THEODORAKIS/NEW YORK DAILY NEWS

**Frances Galasso served as the lead investigator in the sex abuse case against Jesse Friedman.**

The panel said it interviewed Jesse's uncle, Howard Friedman, who told them, "Jesse is guilty, and you're going to ask me how I know. Because Arnold told me."

He said his brother had tearfully confessed to him after his arrest that he and Jesse had "misbehaved with children," but swore him to secrecy "until he was dead and Jesse was out of prison."

He told the panel he'd lied about Jesse's innocence when he was interviewed for "Friedmans," and said he felt like "a huge rock had been lifted from my chest" after he made the admission, the report said.

It also said he'd come clean before - he told Jarecki what his brother had told him a couple of years ago, but the director had never mentioned the startling admission to the review team.

The report acknowledges there were some problems with the initial investigation, and the re-investigation: The panel did not have access to the victims' grand jury statements, which Friedman's supporters say show the case was flimsy. Investigators were inconsistent with their note taking and keeping, making it hard to recreate the investigation.

The review panel didn't get to talk to several of the victims, including one who recanted to Jarecki, because they ignored requests to talk.

"In hindsight, the investigation was not ideal, but it was a product of its time," the report said. "Today an investigation against the Friedmans would start and proceed differently. But it has not been shown that the result of the investigation would be any different."

Friedman told the Daily News in an interview last week that he expected the report to clear him, and was hoping for an apology from the DA's office.

"I know if that hasn't happened, we haven't reached the end yet," he said.

\*\*\*

It was a documentary loaded with fiction.

The Nassau County DA's office blasted the 2003 film "Capturing the Friedmans" as misleading, and accused the moviemakers of interfering with the probe they were responsible for reopening. The report said the filmmakers misrepresented comments from an investigator and the judge presiding over the case, and took at face value comments by one victim that he was "hypnotized," when there's no evidence of such.

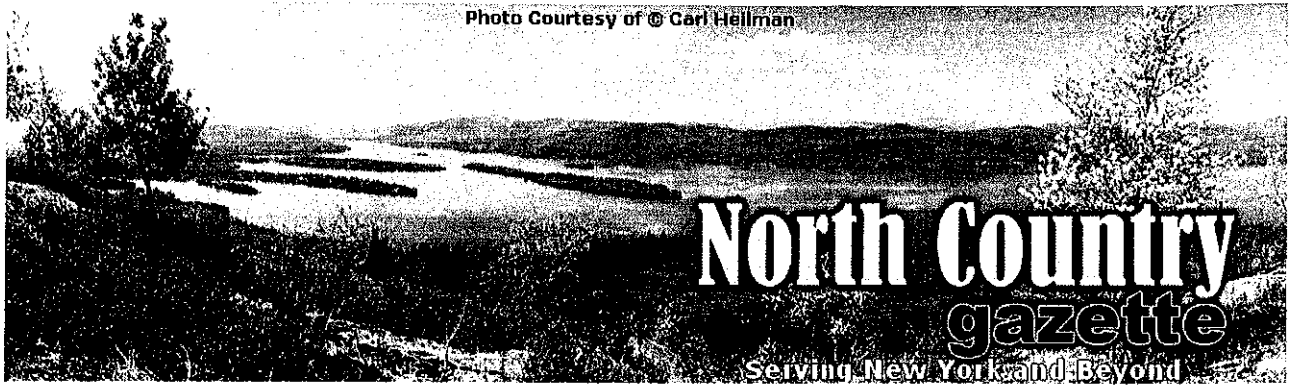
The report also claimed filmmakers Andrew Jarecki and Marc Smerling would not hand over some of the evidence under their control, and refused to hand over the unedited versions of interviews with Jesse Friedman, his family members and another co-defendant in the case.

Jarecki told the Daily News his investigation was far more thorough than the DA's "superficial" probe. He said they provided investigators with more than 1,700 pages of exonerating evidence, and "they never even asked us a single question about it."

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### Report Affirms 1988 Friedman Sexual Abuse Conviction

by NORTH COUNTRY GAZETTE on JUNE 24, 2013 · LEAVE A COMMENT

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NASSAU COUNTY—Not surprisingly, a 155-page report released Monday by Nassau County District Attorney Kathleen Rice, affirms the 1988 child sexual abuse conviction of Jesse Friedman.

The Review Team tasked with conducting the conviction integrity investigation wrote that "...by any impartial analysis, the re-investigation process...has only increased confidence in the integrity of Jesse Friedman's guilty plea and adjudication as a sex offender."

An independent advisory panel appointed to guide the process found the Review Team's conclusion to be "reasonable and supported by the evidence."

Friedman, now 46, was 18 years old when police and prosecutors charged him and his father with sexually abusing more than a dozen local children enrolled in a computer class taught at the Friedmans' Great Neck home. The pair pleaded guilty and each was sentenced to a lengthy prison term.

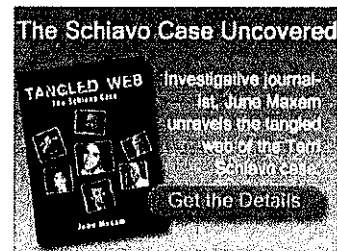
Jesse Friedman served 13 years in prison and was paroled in 2001 without ever appealing his conviction. Upon his release from prison, Friedman was adjudicated a Level Three sex offender, a status he maintains today.

In 2004, Jesse Friedman chose for the first time in the 16 years since he pleaded guilty to try and overturn his conviction. His claims were based exclusively on what he believed was "newly discovered evidence" depicted



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in the 2003 film *Capturing the Friedmans*. The film attempts to cast the Friedmans as possible victims of police misconduct, community hysteria, and judicial bias.

While Friedman's efforts were met by a string of legal defeats, included in the last of Friedman's denied federal court motions was a 2010 recommendation that the Nassau DA's Office re-examine the case. In August of that year, Rice announced that she would re-open the case and for the first time in state history select an independent panel of experts to guide a conviction integrity investigation.

### Key Findings

The nearly three-year investigation that analyzed existing information and unearthed significant new evidence affirmed the conviction of Jesse Friedman, according to Rice. The investigation also added critical context, and in some cases supplied refuting evidence, to the central theories advanced by Jesse Friedman and his advocates.

- Three victims affirmed their prior accounts to the Review Team, and at least three others maintained their accusations at various points within the last decade.
- None of the five individuals who Friedman advocates suggest "recanted" have, in fact, recanted to any degree of legal certainty. Three have not recanted at all. Reviews of transcripts concerning these individuals reveal that abuse occurred. Another who spoke to the Review Team stood by his account, in contrast to the statement he gave to filmmakers. The subject of the most recent purported recantation has refused to speak to the Review Team or even confirm he wrote the letter outlining the claim, which was provided to the Review Team by Jesse Friedman's lawyer.
- Thirteen children accused Jesse Friedman of criminal misconduct within the first five weeks of the investigation.

The investigation also revealed additional statements alleging abuse by Jesse Friedman, obtained during the original investigation from three children who did not testify against Jesse Friedman in any grand jury and were therefore not known to anyone outside law enforcement until this Review. One additional student originally disclosed abuse against Arnold Friedman only, but has since told the Review Team that he was also abused by Jesse Friedman.

Incomplete and insufficient police paperwork at times hampered the Review Team's ability to reconstruct portions of the police department investigation and decision-making process.

Friedman codefendant Ross Goldstein privately confessed to a childhood friend in 1989.

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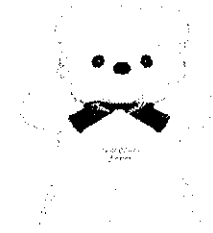
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- Unedited film transcripts of Judge Abbey Boklan and Detective Anthony Squeglia show that each was the subject of selectively edited and misleading film portrayals in *Capturing the Friedmans*.
- The “Meyers Tape” – one of only two pieces of direct evidence of heavy-handed police interviewing techniques cited by Friedman, his advocates and the Court – is, in fact, no tape at all. All that remains of a tape that hasn’t existed for more than two decades are notes taken during its screening by a Jesse Friedman attorney. Those notes, presumably limited to information the attorney found helpful to his client’s case, were then reduced and curated by filmmakers, and read dramatically by Friedman’s attorney in *Capturing the Friedmans*.
- A sworn affidavit from the therapist who treated former student “Computer Student One,” stated that she never performed hypnosis on the child. A portion of an unedited transcript of the film’s interview with “Computer Student One” contradicted his claim of pre-outcry hypnosis and had been edited out. “Computer Student One” claimed in a 2004 media report that *Capturing the Friedmans* “twisted” his account. The filmed allegations of “Computer Student One” remain the only direct evidence offered by Friedman or his advocates suggesting that hypnosis was used to induce victims to make accusations in this case.
- An analysis of unrelated wrongful child abuse accusations across the country during the time period in question identified several material distinctions with the Friedman case, including: the comparatively older ages of the complainants, the plausibility of the allegations, and the criminal backgrounds of those involved (namely, Arnold Friedman’s inarguable and admitted pedophilia).
- While maintaining his innocence prior to his eventual guilty plea, Friedman commissioned and failed at least two lie-detector tests.
- Notes from Friedman’s attorney reveal that a psychiatrist hired by Friedman prior to his guilty plea, found Friedman to be a “narcissist” and “psychopath” who was capable of committing the crimes with which he was charged. The notes also reveal the existence of a second Friedman-hired doctor. Friedman’s lawyer eventually instructed both doctors not to issue formal reports “due to the extreme negative result”.
- Prison disciplinary records show that Friedman was caught possessing a magazine photograph depicting two nude children, and was punished for writing allegedly fictional accounts of bestiality, incest and child rape.
- Howard Friedman, brother of Arnold and uncle of Jesse, admitted to the Review Team that Arnold had privately confessed to him shortly after his arrest, and that Arnold admitted to him that Jesse was also involved in the abuse that occurred in the Friedman house, and that Arnold admitted molesting Jesse.
- In a post-conviction interview by law-enforcement personnel, Arnold Friedman admitted to abusing 41 children and denied abusing 12 others.



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- Prior to his guilty plea, Friedman went to visit his father in an out-of-state prison in an effort to locate photographs of the abuse that Friedman once agreed may exist. Case files also reference a hidden closet near the computer room that was not searched by federal agents during the surprise search warrant and was later discovered empty during the execution of a state search warrant in the weeks following the Friedmans' arrests.
- Jesse Friedman's willingness to tell the truth has been inconsistent, especially as it pertained to his many descriptions of his father's guilt, his own possible victimhood, and his prior relationship with his former friend and codefendant, Ross Goldstein.

**Report Conclusions**

Of Friedman's conviction, the Review Team wrote,

"...The District Attorney concludes that Jesse Friedman was not wrongfully convicted. The four principal concerns raised by the Second Circuit are not substantiated by the evidence. Further arguments for exoneration offered by advocates for Jesse lack the merit or weight required to overturn this conviction. In fact, by any impartial analysis, the re-investigation process prompted by Jesse Friedman, his advocates, and the Second Circuit, has only increased confidence in the integrity of Jesse Friedman's guilty plea and adjudication as a sex offender." (p. ii)

In a separate letter written by the Advisory Panel following the conclusion of the investigation, the independent experts involved in the case wrote that the DA's Review Team

"...approached their work with no preconceived notions about Jesse Friedman's guilt, and no agenda to preserve his conviction...the Review Team was prepared to recommend without reservation that Friedman's conviction be overturned. But that was not how the facts played out..." (p. ii)

"While it was not the role of the Advisory Panel to make an ultimate judgment about Jesse Friedman's culpability or make factual findings, we do have an obligation to express a view as to whether we believe the conclusions expressed in the Review Team's Report are reasonable and supported by the evidence it cites. We think they are." (p. iii)

**Statement from District Attorney Kathleen Rice**

"Instances of wrongful conviction are real and exist in far greater numbers than any of us would like to admit. Wrongful convictions undermine public safety, and they pose the greatest threat there is to the integrity required of our justice system. But the case against Jesse Friedman is not one of them", Rice said.



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“I came to this case without an agenda or any personal stake in its outcome, and without any interest outside of searching for the truth. We were fully prepared to exonerate Mr. Friedman if that’s where the facts led us. But the facts, under any objective analysis, led to a substantially different conclusion. This exhaustive and impartial process has only strengthened the justice system’s confidence that Jesse Friedman was involved in the sexual abuse of children.”

“While some memories have faded, many others remain strong. While some evidence has been rightly questioned, other pieces remain highly incriminating. I don’t believe anyone outside of those involved in these crimes will ever know the absolute truth to every aspect and allegation of this case. What I do know is that this investigation has given our community a clearer and more comprehensive affirmation of Jesse Friedman’s involvement in the sexual abuse of children than it has ever had before.

“It is my hope that this investigation will do two things: provide some certainty and comfort to the victims of this case, many of whom have faced a decade of relentless attacks on their credibility. And, at the same time, I hope that the historic and unprecedented nature of this process will encourage others to come forward and advocate for people who they believe have been wrongfully accused. Prosecutors must be as vigilant in preventing and investigating wrongful convictions as they are representing victims of crime. Our office’s door will remain open and we will remain aggressive in seeking the truth both before and after convictions have taken place.”

The report and a 917-page appendix are available for download.

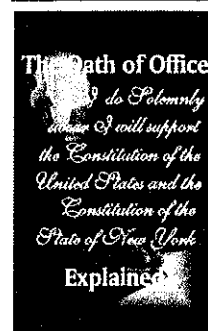
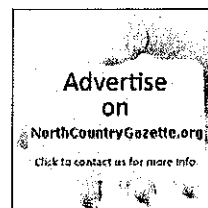
- Conviction Integrity Review – People v Jesse Friedman
- Friedman Advisory Panel Statement
- Friedman Appendix – Part 1 of 4
- Friedman Appendix – Part 2 of 4
- Friedman Appendix – Part 3 of 4
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6-24-13

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