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August 18, 2013

Hon. F. Dana Winslow
Justice of the Supreme Court
Nassau County Supreme Court
100 Supreme Court Drive
Mineola, New York 11501

**Re: In the Matter of Jesse Friedman v. Kathleen Rice in her
official capacity as District Attorney of Nassau County
Index No. 13-004015**

Honorable Sir:

I submit this letter in support of Petitioner, Jesse Friedman's, application for release of the original case materials, including witness statements, police reports and Grand Jury testimony, maintained by the Nassau County District Attorney's Office in connection with Mr. Friedman's prosecution twenty-five years ago. I was intimately involved in the Friedman case, serving as Law Secretary to the Honorable Abbey L. Boklan, who presided over the prosecution of Jesse Friedman and his father, Arnold Friedman. While I have repeatedly maintained Judge Boklan presided over the Friedman matter fairly, evidence uncovered during the past twenty-five years (never provided to the Court), including, but not limited to, recantation of purported "victims", suggestive police practices, and apparent failure of the prosecutor to turn over essential exculpatory evidence to Jesse Friedman's counsel, cause me to seriously question the fairness and viability of the Friedman prosecution, and Jesse Friedman's culpability for the sexual abuse charges contained in the three Indictments.

As Judge Boklan's Law Secretary, I, with the Court, reviewed the Grand Jury minutes to determine the sufficiency of the Friedman Indictments. While the testimony elicited in the Grand Jury met the legal standards of sufficiency pursuant to CPL Section 210.20, I recall my concerns the testimony of the child witnesses lacked specificity regarding the dates and times of alleged offenses, and failed to note the presence of other witnesses (including other children in the Friedman computer class) who allegedly witnessed the offenses at the Friedman home. The Grand Jury testimony of child witnesses, largely elicited with leading questions by the prosecutor, demanding "yes or no" responses, provided absolutely no detail from the children concerning the specific acts alleged against Mr. Friedman.

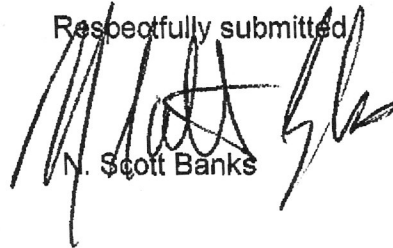
While the Indictments were legally sufficient, I recall being troubled by the dearth of detail and specificity of the testimony, and complete lack of medical testimony or medical evidence substantiating the allegations of extreme violent sexual abuse. I presumed witness statements and police investigative reports, provided to defense counsel during pretrial proceedings enabled Jesse Friedman's counsel to determine the strength, or lack thereof, of

the prosecution's case against Mr. Friedman. I have since learned that is not the case, as the prosecution did not disclose witness statements, statements of children who denied being abused by Jesse Friedman, that children were subjected to "counseling" arranged by law enforcement or the District Attorney's Office during the investigation of Friedman case, and some children may actually have been pressured by police investigators to give statements against Mr. Friedman. These questionable actions and tactics, never presented to the Court by the District Attorney's Office, are troubling to me, as they were to the Second Circuit, and raise substantial questions regarding the fairness of the proceedings resulting in Jesse Friedman's conviction.

While I recognize the legitimate concerns regarding secrecy of Grand Jury proceedings, such concerns are not operative here, since given the passage of time, the release of Grand Jury testimony now (which would have been provided the defense at trial in any event), will neither prejudice the alleged victims (whose identities were revealed years ago), nor impair investigations by law enforcement or prosecutors of related offenses. It is my understanding Jesse Friedman's counsel is seeking access to Grand Jury testimony and original witness statements, purportedly drafted by police. Certainly, the testimony and statements of child witnesses would be most informative to the process which should be designed to seek the truth of the events leading to the prosecution of Mr. Friedman.

I respectfully urge the Court to grant Mr. Friedman's application, and direct the District Attorney to disclose this probative and extremely relevant evidence to his attorneys, and provide a level of transparency very much needed in this matter. Indeed, fairness and the interests of justice requires such result.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "N. Scott Banks", written over the typed name.

N. Scott Banks

cc: Hon. Kathleen Rice
Ronald L. Kuby, Esq.