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For Immediate Release

**DESPITE RECANTATIONS BY ACCUSERS, MISCONDUCT BY POLICE AND PROSECUTORS, AND FEDERAL COURT DECLARING WRONGFUL CONVICTION, NASSAU COUNTY DA KATHLEEN RICE CLINGS TO DISCREDITED FRIEDMAN PROSECUTION**

Friedman Lawyers and Filmmakers of Academy Award Nominated Documentary *Capturing The Friedmans* Provided D.A. With Over 1700 Pages of Interview Transcripts and Evidence, Including Over 25 Eyewitnesses Stating No Abuse Occurred

Friedman to Proceed to New York State Supreme Court with Mountain of New Evidence

(Mineola, New York) -- Despite a 2010 decision by the Second Circuit Court of Appeals proclaiming it was "likely Jesse Friedman was wrongfully convicted," that the "evidence in the case was extraordinarily suspect," and that the original prosecution in 1988 was so rife with flaws and bias that the Court demanded the case be reopened, Nassau County DA Kathleen Rice today failed to overturn Jesse Friedman's wrongful conviction. The decision was made in the face of dozens of witnesses stating no abuse occurred, including five complainants (now adults) saying authorities had coerced testimony from them as children.

Among the reams of evidence demonstrating Friedman's innocence were over *twenty-five statements from eyewitnesses to the computer classes stating that no abuse occurred – despite prosecution claims that children were raped in "plain view."* These included recantations by five now adult students whom police stated were sexually abused and appeared before a grand jury, who now attest they were coerced by investigators into alleging sexual abuse that never occurred. The new evidence also includes a complete recantation by the prosecution's only adult witness, Ross Goldstein, who admitted having been "coached" by prosecutors and police to provide false testimony, as well as dozens of students and parents who have come forward to testify that nothing happened in after-school computer classes in the Friedman home in 1988.

In a previously unreported development, the law secretary for the now-deceased judge has also come forward to reveal substantial doubts about the case due to lack of specificity of the charges and the absence of any medical evidence of allegedly violent crimes.

"We knew it was unlikely this case would be reversed by the same prosecuting office that famously made a mess of the investigation in the first place -- and then only initiated a review after being excoriated by the U.S. Court of Appeals," said Academy Award-nominated filmmaker and activist **Andrew Jarecki**, whose landmark documentary, *Capturing the Friedmans*, shone a bright light on the mass hysteria that led to Jesse's wrongful conviction. Getting the District Attorney's 3-year boondoggle behind us clears the way for the Courts to resolve the case, starting with our upcoming hearing June 28th."

He continued: "D.A. Kathleen Rice has made a craven, but not surprising, political decision in failing to admit to the wrongdoing of the Nassau County DA's office and former Sex Crimes chief Fran Galasso, in the face of overwhelming evidence of Jesse's innocence. We are, however, disappointed

that Barry Scheck allowed his name to be used to rubber stamp a specious investigation by a hostile DA. With over twenty five direct witnesses to the Friedman computer classes coming forward -- including many of the original complainants -- all stating these events never happened, and the full recantation of the government's only adult witness, no one who has looked at this case seriously questions what really happened."

According to Friedman's lawyer **Ronald L. Kuby**, "Our expectations were low, and DA Rice met them. Since she took office, DA Rice has used every technicality possible to prevent Jesse Friedman from having his day in court and to prevent anyone outside her office from seeing the evidence used to coerce a guilty plea. This three-year phony re-investigation has delayed, but will not prevent, us from going back into court starting with our June 28<sup>th</sup> hearing, with the new evidence we have uncovered. It is deeply troubling that the supposedly independent review panel was never given access to the grand jury materials or the police reports, was not permitted to make findings of fact, and offers no views on credibility."

**Gavin de Becker**, bestselling author and expert on child predation who studied the Friedman case stated: "The case against Jesse Friedman included no physical evidence, no medical evidence, and relied entirely upon statements coerced from 8-year olds, using now-discredited interview strategies. Yet when the same 8-year olds grow up and say nothing happened, the District Attorney ignores them."

He continued: "Starting in the mid-1980's, prosecutors all over the country convicted groups of men who supposedly simultaneously raped small children, in the same place at the same time, in open view, in ritualistic, satanic, and sadistic ways that shocked the public and were hard to believe. Indeed, we now know why they were hard to believe: it is because they did not happen. We now know that Child sexual predators do not act in the ways those hysterical prosecutions described, and virtually all those cases have been overturned."

According to **Emily Horowitz**, director of the National Center for Reason and Justice, and professor of sociology and criminal justice at St. Francis College, "The prosecution of Jesse Friedman was a classic recipe for wrongful conviction: While untrained detectives questioned 8 year-old children using coercive methods now widely known to cause false testimony, and prosecutors illegally withheld reams of evidence of Jesse's innocence, a judge threatened Jesse Friedman with a life sentence if he did not agree to take a plea."

**Jesse Friedman** stated, "For twenty five years, 13 of those behind prison walls, I have maintained my innocence. With the help of an incredible group of people led by filmmaker Andrew Jarecki and my attorney Ron Kuby, the case against me has all but fallen apart," Jesse Friedman said. "The DA's insistence on taking this case review on herself, under cover of secrecy identical to the methods used in 1988, has been a frustrating distraction. But now, with my incredible wife, Elisabeth by my side, we can proceed to court confident that I will soon be fully exonerated."

## ***BACKGROUND***

In 1988, in the midst of national hysteria regarding false child sex abuse allegations epitomized by the now-overturned McMartin Preschool case, police alleged that Jesse Friedman, his father Arnold, and three other teenage attackers, had violently abused hundreds of children attending after-school computer classes at the Friedmans' Great Neck home.

The charges were suspect from the beginning, since no physical or forensic evidence was ever found, no pediatrician or parent ever noted any sign of abuse, and in five years of classes, no child ever complained, with most actually re-enrolling for more advanced classes. However, Judge Abbey Boklan publicly declared, "There was never a doubt in my mind as to their guilt," despite never having seen a single piece of evidence at trial. As the U.S. Court of Appeals stated, Judge Boklan's threat to sentence Jesse Friedman to a term of 50 years to life is well established to have been "impermissibly coercive."

Unable to risk a life sentence, and with documents showing his innocence improperly withheld by the Nassau County District Attorney's office, Jesse Friedman made a false confession (which he soon recanted) and spent 13 years in prison before being paroled. Since completing his sentence with good behavior, Friedman has been fighting for his exoneration, as he is still classified as a "Level 3, Violent Sexual Predator," barred from many basic activities. He and his wife Elisabeth have despite model behavior been denied access to four religious congregations, have been evicted from multiple apartments when landlords learned of his legal status, and are for practical purposes prevented from having a child of their own due to the restrictions of Megan's Law.

Friedman's battle would likely have remained unknown, if not for the 2003 release of the Academy Award nominated documentary *Capturing the Friedmans*, produced by Jarecki and Marc Smerling. In the film, alleged victims recant the bizarre allegations attributed to them by police, and some admit to having had no idea what charges were attributed to them, including bizarre charges like games of "sodomy leapfrog" in which multiple children were allegedly sodomized by a group of adults "leaping" from one naked child to the next, in "plain view" of the entire class. Also in the film, detectives and prosecutors who worked on the case admit to harassing and coercing children in an effort to substantiate charges for which there was zero physical or medical evidence.

Since the film, a mountain of new evidence has come to light revealing misconduct by police, prosecutors, and the biased judge. This material has been provided to Rice's office -- obliterating any case against Friedman.

## ***NEW EVIDENCE***

### **Recantations by complainants and statements by 25 eyewitnesses**

More than 25 complainants and computer students (now adults), parents who daily picked their children up at computer class, and other eyewitnesses, state unequivocally that nothing happened in the classes (despite the fact that police stated the crimes occurred in plain view of the entire class). Of the original fourteen complainants in the case, five have already given detailed recantations of their accusations, stating that they were bullied by police into admitting acts that never took place. Seven more complainants have been unable or unwilling to substantiate their charges. In the words of one student who provided an affidavit:

***“During the time that I was present in computer classes, I did not observe Arnold or Jesse Friedman engage in anything even remotely akin to sexual conduct, and I have no reason to believe such events occurred. I recall clearly that police investigators came to my home repeatedly to question me about what had happened in the computer classes. The police repeatedly told me that they knew something had happened, and they would not leave until I told them. As a result, I guess I just folded so they would leave me alone.”***

In the words of another student:

***“As God is my witness and on the lives of my children I was never sodomized or molested, and I never saw anyone else sodomized or molested. And if I said so at the time it was not because it happened, but because someone else put those words in my mouth.”***

Over a dozen additional students who attended computer classes alongside the fourteen alleged victims have stated in written affidavits or recordings that they witnessed no abuse, although the crimes were said to have taken place “in plain view” of all the other students. In sum, Jarecki’s team has interviewed more than twenty-five direct witnesses to the Friedman computer classes since the movie’s release. The only one of these people who says he believes these crimes took place admits he had no such memory until after being subjected to intensive hypnosis and other now-discredited so-called “memory recovery” therapy.

#### ***The only adult witness in the case has given a full recantation***

Ross Goldstein, the only “adult” witness in the case (who had implicated Jesse Friedman, and falsely confessed himself to numerous charges of sexual abuse to avoid a long prison sentence) broke a 25-year silence to tell the D.A. that his earlier testimony had been false and coerced – and that no abuse of children had ever occurred. A 17 year old friend of Friedman at the time who for months maintained his innocence, Goldstein was arrested on the day of his high school graduation, and threatened by the same judge with a life sentence, for allegedly aiding the abuse. He was then subjected to a massive police intimidation effort which succeeded in “breaking” him into providing false evidence against Jesse Friedman, much like the children used as witnesses in the case. Goldstein now says he felt he had no alternative but to falsely admit guilt and implicate Jesse Friedman.

In a game-changing development that occurred in recent weeks, Goldstein came forward for the first time and testified before the Nassau County DA and the advisory panel reviewing the Friedman case. He said that every single thing found in his original testimony before the grand jury in 1989 was untrue and said at the time to avoid a trial. He stated that he never saw Jesse Friedman abuse any children, and never abused any children himself. He further describes being “coached” by police and prosecutors in order to be able to provide false testimony.

***Judge Boklan's law secretary came forward to express doubts about the case***

Scott Banks, Judge Boklan's legal secretary during the case and one of the few people to review the minutes of the grand jury testimony, came forward to express grave concerns with the case. He stated in his interview that the case had "always bothered me" in part due to the "lack of time and date specificity in the indictments," and because "no medical evidence was presented in the grand jury." He continues: "I later learned that there was no medical evidence at all in the case."

Based in part upon Banks' observations, attorneys question what exactly happened regarding the grand jury proceedings.

***Contemporaneous notes taken by the mother of one of the Friedman computer students reveal police misconduct, witness coercion, and that evidence of Friedman's innocence was withheld by prosecutors***

When filmmakers reached out to Arline Epstein, mother of computer student Michael Epstein -- who recently recanted his allegations of sexual abuse -- she provided a trove of documents she had kept in her files that reveal misconduct, lies, and evidence of innocence improperly withheld by police detectives and the district attorney's office at the time. Ms. Epstein had for years believed her son had been abused by the Friedmans before he revealed to her that he had lied about instances of violent abuse to end the incessant questioning by police and therapists. Now she is fighting for Jesse's conviction to be overturned, having recently found statements made by the lead detective in the case revealing that *the first 30 alleged victims interviewed had stated they were not sexually abused*, a crucial exculpatory fact that was never revealed to Jesse Friedman's attorney. Those documents have also been turned over to the DA during the new case review. She and her son also have revealed that he made false admissions under pressure for his therapist at North Shore Hospital, in order to get them to stop harassing him. According to Mrs. Epstein:

*"It is a great relief to me to discover that my son was not abused. I believe there are many other families from Great Neck who could benefit from knowing the truth—that their children too were not molested. Indeed, there were many victims of the Friedman case, but not victims in the way we were led to believe. Not victims of sexual abuse, but victims of manipulation, overzealousness, exaggeration, misinformation, and hysteria. And there were the victims who went to prison. It is beyond disturbing that Nassau County District Attorney Kathleen Rice refused to do the right thing and overturn the wrongful conviction of Jesse Friedman."*

***A CLOSED AND SECRETIVE 3-YEAR REVIEW (2010-2013) OF A CASE THAT WAS PROSECUTED IN SECRET IN 1988***

For years, the Nassau County DA office resisted efforts to review this case. After the Second Circuit court pressured her to do so (in the middle of a heated 2010 political campaign for Attorney General), Rice reluctantly gave in, and impaneled a group of four experts to assist in the review, including Innocence Project founder Barry Scheck, appellate attorney Mark Pomerantz, criminal justice professor and victims' rights advocate, Susan Herman, and former police chief Patrick Harnett. However Rice did not empower the experts to review key evidence such as grand jury testimony or witness statements, or to cast votes in the verdict, retaining sole authority for its outcome.

Further, at the time her review process was announced (under pressure by the Second Circuit court), Rice's office issued a press release promising a full and "transparent" review process. Since that time, the DA has provided not one single piece of paper to Jesse Friedman's defense. *Capturing the Friedmans* filmmaker Andrew Jarecki and Friedman's attorneys voluntarily turned over six large file boxes containing over 1700 pages of transcripts and evidence, and hours of filmed interviews obtained over the preceding ten years.

This trove of new, exculpatory evidence, while largely ignored by the D.A. in her review, will be utilized in Friedman's upcoming court proceedings, and will now be made available to the public at [justiceforjesse.com](http://justiceforjesse.com) and [freejesse.net](http://freejesse.net).

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