

COUNTY COURT OF THE STATE OF NEW YORK
COUNTY OF NASSAU

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THE PEOPLE OF THE STATE OF NEW YORK,

-- against --

JESSE FRIEDMAN,

Defendant,

AFFIDAVIT OF
ANDREW JARECKI

Indictment Nos.
67104, 67430, 69783

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ANDREW JARECKI hereby swears, under penalties of perjury, that the following is true and correct:

1. I am a documentary filmmaker living in New York City.
2. In fall 2000, I had decided to make a film about children's birthday party entertainers in New York City. One possible subject of the film was David Friedman, an older brother of Jesse Friedman, the defendant in the above-captioned case, who had become one of the most popular of these performers.
3. While doing research, I became aware that David's father and brother had been the defendants in a notorious child sex abuse case on Long Island. Over time as I became more and more interested in that story, my film evolved into an examination of the Friedman case.
4. During a three-year investigation, I sought to interview as many of the children involved in the case as possible, including the alleged child victims. I was able to obtain verbal or filmed interviews with approximately twenty-five of the students, now in their mid to late twenties, who had attended the computer classes. These included approximately five who had become complainants in the indictments, and about twenty

non-complainants, many of whom had attended classes alongside those who had claimed to have been violently abused. I also spoke to prosecutors and law enforcement personnel connected to the case, as well as attorneys, relatives, and others.¹

5. Jesse Friedman sat for two interviews with me for “Capturing the Friedmans”. In accordance with my desire to make an objective and impartial film, I did not share with him the evidence we discovered in making the film. He was not part of the film making team, and he did not see any of the footage from the film until he viewed the film in full in January 2003. He was not compensated in any way for his participation, nor were any other members of the Friedman family.

6. During work on the film, I learned that Ann Meyers, the mother of one of the computer students, had made a secret tape of the police interview with her son (using a video camera, though only the audio portion was recorded), conducted by Detectives Hatch and Jones, because they would not allow her to be present when they were questioning her son. I was informed of this by Peter Panaro, Jesse’s attorney, who told me that while Anne Meyers did not provide him with a copy of the tape, she allowed him to view and listen to it, and he transcribed the interview verbatim. Panaro allowed me to type his handwritten transcription, which I did. The typed version is an exhibit to this motion.

¹ Most of the statements cited in the memorandum of law in support of Jesse Friedman’s motion to vacate his conviction are contained wither in the transcript of the film itself, or transcripts of several of the full interviews conducted in making the film. These transcripts are included as exhibits to the motion. Several of the other statements cited, not included in film, were part of the full length interview tapes made for the movie, and have neither been transcribed nor, because they are voluminous, provided to the court. Cites to these statements in this affidavit include their location on these tapes. These tapes will be made available at the court’s request. Still other statements were made at filmed public forums regarding the film that have not been transcribed, in which police officers, former students in the Friedmans’ computer classes, and others involved in the case participated. These statements appear in the videotape – “Capturing the Friedmans: DVD Extra Material” (“CTF-Extra”) – that was submitted to the court with defendant’s motion. The location of statements that appear on this tape is indicated parenthetically in this affidavit. In addition, this affidavit sets forth a telephone message left on the Friedman’s answering machine in 1988.

7. In making the film, I interviewed Judge Abbey Boklan, who presided over the case. At one point, Judge Boklan described the nature of Brady material to me:

Brady material, I don't know if you're familiar with that. That's material that would be favorable to the defense. For example, [i]f there was a young child, hypothetically, who said oh no, none of this occurred That would have to be handed over immediately, immediately upon reaching the hands of the district attorney's office. (Tape 51 at 33 minutes.)

9. Judge Boklan described the atmosphere surrounding the case as a "media frenzy", and she also told me that the Friedman case was the first case in the history of Nassau County in which, with her permission, cameras were allowed in the courtroom. She described her decision to allow cameras in the courtroom:

Well, I listened to the defense attorneys, who were opposed as I recall. The district attorney was not opposed. And of course it's his job to protect the children. It was something the community was very interested in, the media was very interested in, and I believe in open courtrooms and as long as the names of the children and the children could be protected I saw no harm in it. I wasn't that concerned about protecting the defendants. Their pictures their names were all over the newspapers, so their reputation at that point was not too good. (Tape 47 at 10 minutes).

10. I also interviewed Joseph Onorato, the assistant district attorney in charge of the Friedman case. He told me during his interview that no photographs or videotapes of Jesse Friedman or Arnold molesting the children were found, during the federal search of at any other time: "In the best case scenario you would like to find videotapes of Mr. Friedman actually abusing the children or at the very least some photographs of some of the children in some sort of compromising sexual positions. We didn't find any of that." (CTF-Extra "The Investigation"). Detective Galasso also told me that the Friedmans had made pornography using the

computer students, but that “nothing ever materialized.” (CTF-Extra “The Investigation”)

11. I also spoke to “John Roe”, one of the two teenagers who was arrested in the case but never charged. John Roe described to me the night he was arrested:

I was stopped by an unmarked police car and told to get in the vehicle and wasn't ever told why, where I was going or what I had done wrong. Every time that I inquired, all I was told is, “you'll see when we get there.” And they took me to, right near Old Country Road in Mineola, where there was a police station. And in Mineola I was placed into an interrogation room. I believe what they did was illegal in that I was there for quite some time. It was hours upon hours, I would estimate ten hours without being able to call anybody, like my parents. I figured my next best shot was to call an attorney and they did not allow me to contact anybody. They basically tried to use intimidation to scare me and threatened into some sort of admission. Some of the things they said were, “We know you were there! We know you had something to do with this, so if you want to make this easier on yourself, you'd better just admit it now.” You're gonna be indicted, you're gonna go to jail for this.” They had me believing that I would be locked up in jail for to something I never did. (CTF-Extra “Additional Suspects”)

12. John Roe told me that Ross Goldstein had implicated him in the case, and that Goldstein had later admitted that he had lied.

I was wondering how I was pulled into this situation. At one point, the detectives alluded to the fact that Ross Goldstein decided to implicate me. I can't quite imagine what was going through his mind except for intense pressure from the police to come up with anything that seemed like cooperation, however, he implicated two of his friends that he knew had nothing to do with this. He admitted that on another occasion. He was driving around in his car, alone, as he sometimes did. We noticed his car and decided to follow him and ask him whether or not he was aware that he lied flat out about us. And he had no answer as to why, but he did admit that he lied. (CTF-Extra “Additional Suspects”)

13. Detective Lloyd Doppman attended a public screening of “Capturing the Friedmans.” During a question and answering period following the screening, Detective

Dopplman got up to speak. Among other comments, he described the attitude of police when they went to interview alleged child victims in their homes: “We knew going in certain things had happened. We knew that.” (CTF-Extra “An Altercation at the New York Premiere”)

14. During the investigation of the Friedmans, the family received numerous threatening phone calls, some of which were recorded on their home answering machine. During the making of “Capturing the Friedmans,” Jesse Friedman shared some of these tapes with me. In one of the calls, not included in the film, the caller stated, “You better get out of that house ‘cause we’re burnin’ it down tonight.”

15. The police constructed a bogus photograph at the “crime scene,” combining a number of items that included several cameras, photographs removed from heterosexual magazines such as “Playboy,” a number of computer floppy disks, and a hypodermic needle. Earlier photographs in the same series show that these innocuous items were each found separately in various places in the Friedman house, and that the police officers who combined them into one sinister-looking photograph, did so to create the impression that they were found together and somehow related; For example, to give the impression that the photographs from the magazine had been taken by the Friedman cameras, or that the computer disks were in some way related to the pornography.

These photographs are shown in the attached in CTF-Extra “The Investigation”.

ANDREW JARECKI

Dated: January 7, 2004

Sworn before this 7th
Day of January, 2004