

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,

AFFIRMATION OF
DAVID KUHN, ESQ.

Indictment Nos.
67104, 67430, 69783

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DAVID KUHN, ESQ., hereby swears, under penalties of perjury, that the following is true and correct:

1. I am an attorney duly admitted to practice law in the state of New York. I was admitted in March 1994 in the First Department. In or about early 2001, I worked as a legal advisor for the documentary film, "Capturing the Friedmans."

2. In or about March 2001, Andrew Jarecki, the director of the film, asked me to interview one of the individuals who had worked as a detective on the Friedman case – Wallene Jones. The interview was to be used in making the film.

3. Mr. Jarecki had located Detective Jones, who now lives in Atlanta, Georgia, and he had spoken to her on the phone. I called her and arranged to visit her in person so I could take down her recollections of her experience in the Friedman case. On March 10, 2001, I met with former detective Jones at her place of business, "Gems of Africa," in Atlanta, Georgia. We spoke for about an hour and a half.

4. I took careful notes when speaking to Ms. Jones. Quotations attributed to Ms. Jones in this affirmation are in her exact words.

5. Ms. Jones told me that she and her partner, William Hatch, were the lead

investigators on the Friedman case and worked from a list of former Friedman computer students provided to her by Fran Galasso. She and her partner conducted numerous interviews. They would arrive in plain clothes at the children's homes. She told me "we assumed all the kids [on the list] were involved." She stated that the detectives knew certain information about what happened, and that it was in their minds when they conducted the interviews.

6. Jones told me that she thought she had taken notes on the interviews with children when possible.

7. In the first home they visited, Jones and Hatch spoke to three brothers – ages eleven, twelve, and thirteen – each of whom had been a student in Arnold Friedman's computer classes. Jones recalled separating the boys from each other and from their parents for questioning. She told me that this had been done because "kids will never admit bad things in front of or to their parents." Further, she said that she thought she took notes on the interview she conducted, but could not be positive. "If I did they'd be in the file," she said. "I did not keep any of that stuff myself."

8. She told me that the boys indicated in general terms that "something bad" had happened to them, but not with much specific detail. She told me that it was common to establish a "very good rapport" with the children, and that this was done with the three boys. However, the parents refused to have their sons sign the statements prepared by the detectives after the interview.

9. Jones described one instance in which it took fifteen visits to a child's home before he declared that he had been abused. In interview sessions that lasted as long as four hours, the boy repeatedly denied being the victim of abuse. The boy "would

let us sit with him in his bedroom for hours, and he'd bring up every topic except sexual abuse. We played games with him, he showed us his computer, he'd do anything to avoid the subject." Jones added, "for a long time he had nothing to say, but we knew." On one occasion the boy jumped up and down, screaming, 'I have nothing to tell you! Nothing happened!' "[B]ut by then we already knew," Jones said, "so we kept coming back after that until he told us."

10. On the fifteenth visit, the detectives spoke with the boy in his room, after his mother promised to stay completely away from the boy's bedroom and not come in at all during the interview. They explained to her that they were going to stay "as long as it takes, that we were not going to leave until he told us. We were prepared to stay all night if need be."

11. The boy finally stated that he had been abused. Asked why it took the child fifteen interviews to make the accusation, Jones told me that this boy had suffered tremendous trauma and had "kept it deep inside." "I drew it out again," she said. She stated that the detectives did not return after that visit.

12. I asked Ms. Jones if there were any physical signs of abuse of the boy. She replied that she could not remember any. She remembered that on one visit, the boy shouted that "I have nothing to tell you" and that "nothing happened," but she and her partner still returned to question the boy, because they "already knew, so we kept coming back after that until he told us."

13. When I asked her about the media in the case, she told me that there had been a frenzy surrounding it, which died down after a while. She said that when another

child sexual abuse case arose, against a school bus driver named Robert Izzo, the intense attention sparked up again, as crazy as it ever was.

14 I affirm as an officer of the court to the truth of the matter asserted herein in the above document.

Dated: Nantucket, MA
January 6, 2004

David Kuhn, Esq.