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November 14, 2013

The Honorable Mark Dwyer  
Supreme Court of the State of New York  
County of Kings  
320 Jay Street  
Brooklyn, NY 11201

Re: People v. Baruch Lebovits  
Ind. No. 11393-2008

Dear Justice Dwyer:

We the undersigned friends of the Court, victims of child sexual abuse, friends and relatives of victims, clergy, professionals, advocates and concerned citizens respectfully submit as follows.

We are united in our determination to reverse the mounting toll of abuse within the Orthodox Jewish community and elsewhere, which includes: suicides, substance abuse, family disruption, marital discord, and other damage to the spiritual, physical, intellectual and mental health of both the victims, those close to them and society as a whole.

Our aim is to encourage victims to seek justice within the criminal justice system. Considerable progress has been made in spite of widespread attempts by some to deter reporting of these crimes to the authorities through threats, harm to the livelihood of victims and their families, expulsions of children from schools and families from synagogues, and other extreme forms of ostracism and shunning.

We believe a just outcome in the case against Rabbi Baruch Lebovits is crucial to signal to victims and their families that the heavy sacrifices they endure when they report abuse are not in vain, but will rather lead to diligent and committed prosecution of their cases.

We are deeply concerned by the troubling irregularities in the prosecution of Lebovits by the Office of the Kings County District Attorney (KCDA).

It is now over five and a half years since the father of a victim of Rabbi Lebovits reported his son's abuse to the KCDA, in early 2008.<sup>1</sup> Criminal charges followed in relation to this complainant, Complainant #1, and also led to other victims coming forward including Complainant #2 and Complainant #3.

Lebovits is a notorious serial molester whose misdeeds have been widely known for decades. Prominent rabbis supported the decision of victims to report their abuse by Lebovits to the authorities.<sup>2</sup>

The impact Lebovits has had on his victims and the community cannot be exaggerated. Some other examples: Meir Dascalowitz, who pleaded guilty to being a child rapist, told law enforcement investigators that Lebovits sexually abused him when he was a teenager. Motty Borger jumped to his death the night after his wedding, after tearfully telling his bride that he couldn't go near her because he was molested.<sup>3</sup> Borger had earlier disclosed that Lebovits had molested him. Police and the KCDA are aware of additional time barred victims of Lebovits.

In 2008, Lebovits was charged with multiple felonies related to his abuse of complainants #2 and #3. Complainant #2 was alleged to have been subjected to horrific abuse by Lebovits, including numerous acts of anal rape. His case was on the verge of trial in late 2009, when attorney John A. Lonuzzi informed the DA's office that his client, Complainant #2, was no longer cooperating with the prosecution. Despite evidence that this victim had been intimidated

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<sup>1</sup> See: <http://www.thejewishweek.com/news/new-york-news/abuse-whistleblower-battling-both-haredi-community-da>

<sup>2</sup> See: [http://www.nytimes.com/2013/06/18/nyregion/after-sexual-abuse-case-a-hasidic-accuser-is-shunned-then-indicted.html?\\_r=0](http://www.nytimes.com/2013/06/18/nyregion/after-sexual-abuse-case-a-hasidic-accuser-is-shunned-then-indicted.html?_r=0)

<sup>3</sup> See: <http://nypost.com/2009/11/15/suicide-groom-twist>

and bribed into withdrawing his cooperation, the KCDA failed to investigate and simply abandoned Complainant #2's case.<sup>4</sup>

The KCDA proceeded with Complainant #3's case.

Detective Steve Litwin arranged a supervised police recording of a conversation between Complainant #3 and Lebovits in which Lebovits makes incriminating statements. While the tape was not introduced at trial, it was also not turned over to the defense, a violation of discovery rules. There is now strong reason to believe that the tape has gone missing.

Lebovits was convicted after trial on eight counts of Criminal Sexual Act in the Third Degree, a Class-E Felony. On April 12, 2010, he was sentenced to the maximum sentence on each count, one-and-a-third to four years, to run consecutively, for a total of 10-and-two-thirds to 32 years. Subsequently, the misdemeanor charges related to Complainant #1 were dropped.

In April 2012, the Second Department reversed the conviction of Lebovits based on a Rosario violation by the KCDA. The violation involved notes concerning the sole defense witness, Rabbi Berel Ashkenazi. The notes detail witness statements by Complainant #3 that Rabbi Ashkenazi offered him money not to testify at trial. The indictment stood and the appellate court ordered a new trial.

In September 2012, Attorney Michael Ross met personally with District Attorney Charles Hynes and delivered a letter on behalf of Complainant #3 indicating he had reached a financial settlement with Lebovits but was still willing to testify against Lebovits at a criminal trial.

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<sup>4</sup> See: <http://www.thejewishweek.com/news/new-york-news/kellner-lawyers-call-independent-investigation-chasidic-whistleblower-case>

However, multiple sources have reported that the settlement is being held in escrow in Israel subject to Complainant #3 not testifying at trial. There is no indication that the KCDA has investigated the possibility that this settlement constitutes witness tampering.

A full year and half after DA Hynes publically stated that the KCDA was prepared to retry this case, it has not been brought to trial. Worse still, it seems possible that after this Court imposed the maximum sentence, the KCDA--whose mistake caused the reversal of the conviction--is now prepared to set Lebovits free. We would respectfully ask Your Honor to compel the KCDA to justify its decision to go from recommending the maximum sentence, to now offering little or no jail time to a dangerous repeat offender who has shown no remorse for his crimes and will likely continue harming children.

We also respectfully urge Your Honor to seek the truth about what steps have been taken by the KCDA's office to ensure that any agreement by Complainant #3 to a plea bargain is not the result of coercion, intimidation or witness tampering. We also respectfully ask Your Honor to seek the truth about the missing recording of Lebovits making incriminating statements.

Respectfully, we submit that Your Honor's scrutiny is essential to the interests of justice in this case. More than that, this case is important to the overall struggle against child sex abuse in the Orthodox Jewish Community.

Indeed, Lebovits is just one of many child molesters roaming free within the Orthodox Jewish community and the outcome of this case will shape communal attitudes about whether reporting abuse is worth enduring the intimidation and ostracism that follows.

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We are on the cusp of great change in the Orthodox Jewish community's response to child sex abuse. The outcome of this case will heavily impact the aspirations for justice of victims and their families.

Respectfully submitted,

Israel T. Appel J.D. Candidate  
Brooklyn, NY

Rabbi Joseph S. Bloch  
Maale Adumim Israel

Mrs. Elisheva Avital  
Fair Lawn, NJ  
Family Member was sexually abused  
Friend was sexually abused

Judy Braun  
author of Hush (novel about child sexual molestation in the Orthodox Jewish community)  
Brooklyn, NY

Mrs. Rachel Bass B. Sc.  
Manchester, Lancashire, UK  
Survivor of Sexual Abuse  
Friend was sexually abused

Michael Brecher  
Jessup, MD  
Survivor of Sexual Abuse

Doctor Peter Baum DDS  
University Heights, OH  
Survivor of Sexual Abuse

Gneshe Bron  
Spring Valley, NY

Cherie Benjoseph LCSW  
Executive Director, Cofounder  
KidSafe Foundation  
Coral Springs FL

Mrs. Y Bruck  
Monsey, NY

William Bennison PhD  
NYS Licensed Psychologist  
Port Jefferson, NY

Mr. Avi Burstein  
Footsteps  
South Fallsburg, NY  
Family Member was sexually abused  
Friend was sexually abused

Sally Berenzweig MEd MA  
Cofounder, KidSafe Foundation  
Coral Springs FL

David Clohessy  
Executive Director  
Survivors Network of those Abused by Priests  
St. Louis MO

Rabbi Yosef Blau  
Senior Spiritual Advisor  
Rabbi Issac Elchanan Theological Seminary  
New York, NY

Kathleen Conti  
Stockton, CA

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Mr. Hershy Deutsch  
Brooklyn, NY  
Survivor of Sexual Abuse  
Family Member was sexually abused  
Friend was sexually abused

Ms. Rivky Deutsch  
Victim of Nechamya Weberman  
Brooklyn, NY

Rabbi Mark Dratch  
Founder, Jsafe  
<http://www.jsafe.org>

Haim Dweck  
Victims' Advocate  
Brooklyn, NY

Rivka A. Edery MSW, LCSW

Dr. Joel Ehrenfeld PT, DPT  
Brooklyn, NY  
Family Member was sexually abused  
Friend was sexually abused

Joel Engelman  
Brooklyn, NY  
Survivor of sexual abuse

Rev. Anthony Evans  
President  
National Black Church Initiative  
Washington DC

Mrs. Ety Feder  
Suffern, NY  
Friend was sexually abused

Rabbi Benyomin Forer JD  
Supporter and Advisor to Jewish  
Community Watch, Brooklyn NY  
Los Angeles CA

Heshy Fried  
Proprietor of FrumSatire.net  
San Jose, CA

Mrs. Chana Friedman - Katz  
Zaakah  
Suffern, NY  
Friend was sexually abused

Ilanit Gluckowsky

Mrs. Bracha Goetz MA  
Baltimore, MD

Rabbi Laurence Goetz  
Baltimore, MD  
Family member was sexually abused

Yehudis Goldsobel BSc  
Chief Executive of Migdal Eemunah  
Edware United Kingdom

Shimra Greenes  
Denver, CO

Miriam Grunhaus  
Boca Raton, FL  
Friend of survivor of abuse

Professor Marci A. Hamilton JD  
Paul R. Verkuil Chair in Public Law  
Benjamin N. Cardozo Law School, Yeshiva  
University  
New York, NY

Rabbi Eli Hammerman  
Brooklyn, NY

Ben Hirsch  
Co-founder, Survivors for Justice  
New York, NY 10001  
[www.sfnj.org](http://www.sfnj.org)

Robert M. Hoatson Ph.D.  
Co-founder and President  
Road to Recovery, Inc.  
Livingston, NJ

Rabbi Joshua Yehoshua Kaganoff  
Passaic, NJ

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Ms. Luciena Kardonsky  
Brooklyn, NY

Dorron Katzin  
Chicago, IL

Rabbi Maury Kelman  
Member of NY Bar  
New York, NY

Rivkie Kitay  
Lakewood, NJ  
Survivor of sexual abuse

Leah Kleim  
Brooklyn, NY

Mrs. Chaya Rochel Kushner  
Cleveland Heights, OH

Chana Landau  
Monsey, NY  
Friend was sexually abused

Mrs. Batsheva Layman  
Pomona, NY

Mr. Berl Lichtenstadter  
Brooklyn, NY  
Friend was sexually abused

Ms. Matty Lichtenstein  
Brooklyn, NY

Asher Lipner Ph.D.  
Licensed Clinical Psychologist  
Brooklyn NY  
Survivor of Rabbinic Sexual Abuse

Marvin Littman  
Professor of Mathematics,  
Westchester Community College, Valhalla,  
NY  
Spring Valley, NY  
Friend was sexually abused

Rabbi Asher Lopatin  
President  
Yeshivat Chovevei Torah  
Riverdale, NY

Yerachmiel Lopin  
blogger/anti-abuse activist (nom de plume)  
Proprietor Frum Follies blog  
c/o Y. Blau New York, NY  
Survivor of sexual abuse

Asher Lovy  
Brooklyn, NY

Malkie Lundner  
Brooklyn, NY

Shoshana Lutwak  
Englewood, NJ

Ms. Davii Mandel  
Zaakah  
Spring Valley, NY  
Friend was abused

Mr. Eli Mandel  
Zaakah  
Spring Valley, NY  
Friend was sexually abused

Shay Maor  
Chicago, IL  
Survivor of Sexual Abuse

Rabbi Harry Maryles  
Chicago, IL

Terence McKiernan  
President  
BishopAccountability.org  
Waltham, MA

Ms. Annette Nestler  
SNAP  
Bridgeton, NJ  
Survivor of Sexual Abuse  
Friend was abused

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Ms. Brochie Neugarten  
Family member was abused

John K. O'Hara Esq.  
Brooklyn, NY

Elliot B. Pasik Esq.  
President, Jewish Board of Advocates for  
Children, Inc.

Mark Pelta  
Atlanta, GA

David Pittman  
Executive Director, Together We Heal  
Support Group Leader, South FL Area,  
SNAP

Vicki Polin M.A., LCPC  
Founder/Director of The Awareness Center  
(International Jewish Coalition Against  
Sexual Assault)  
Skokie, IL

Jennifer Ray MSW  
Forest Hills, NY  
Survivor of Sexual Abuse

Mr. Adam Rosenberg  
Miami, FL

Ms. Miriam Rivka Rosenberg  
New York, NY  
Survivor of Sexual Abuse  
Friend was Sexually Abused

Rabbi Nathan [Nuchem] Rosenberg  
Proprietor of  
<http://nochemrosenberg.blogspot.com> for  
protection of children from sexual abuse  
Brooklyn, NY

Michael J. Salamon PhD FICPP  
Senior Psychologist/Director  
ADC Psychological Services, PLLC  
Hewlett, NY

Mr. Mordechai Schleider  
Passaic, NJ

Mr. Meyer Seewald  
Jewish Community Watch  
Brooklyn, NY  
Survivor of Sexual Abuse  
Friend was abused  
Relative was abused

Mrs. Sharon Shapiro  
Chicago, IL  
Friend was sexually abused

Vivian Skolnick PhD  
Chicago, IL

Lonnie Soury  
Soury Communications, Inc.  
New York, NY

Rabbi Gil Student  
Brooklyn, NY

Abraham Walzer  
Advocate for sexually abused children  
Author of Beis Frida, Yiddish translation of  
the Pentateuch and commentary  
Brooklyn, NY

Malky Wigder  
Brooklyn, NY  
Relative of survivor

Mark Weiss  
Executive Committee, Jewish Board of  
Advocates for Children  
Highland Park NJ  
Survivor of Avrohom Mondrowitz

Ben Weisz  
Staten Island, NY