

**Current:**

**FOGEL LETTER - MY OFFICIAL RESPONSE TO THE JUDGE'S BIAS DECISION**

Regarding - The Police Department's inaction and refusal to investigate the Goldman Sachs Case of prostitution, insider trading and narcotics.

TO: The Honorable Commissioner Lee Brown  
One Police Plaza, Room 1400  
New York, NY 10038

FROM: Respondent  
Police Officer Gary Moskowitz  
Shield # 27783  
73-05 150th Street  
Flushing, NY 11367

CASE:# 63950/89

DATE: January 8, 1991

**THE SIMPLE TRUTH IS THAT MY TRIAL TOOK PLACE BECAUSE IT SERVED THE OUTSIDE PRIVATE INTERESTS OF LE AND GOLDMAN SACHS. THE WHOLE CASE THE POLICE DEPARTMENT BROUGHT AGAINST ME WAS JUST A COLLATERAL CASE.**

"This case reveals another ugly aspect of the behavior of the wealthy and the mighty.

We need to be reminded that great wealth and power are equally corrupting, and that people who possess them unchecked begin to view themselves as masters of all they survey, and believe that all but the equally wealthy and powerful are mere peons and peasant women. Their excesses, whether in sexual or other matters, become increasingly aberrant."

Irving Wolfson VP Gotham Insurance and Risk Management

**LE Lewis Eisenberg**

**GM Gary Moskowitz**

**GS Goldman Sachs**

**Regarding LE false charge of extortion**

LE: I've got my own legal advice, you get yours. That's the best way to do it. I'm not doing anything illegal, I will not threaten her.

GM: I've done nothing illegal also but you've accused me of very serious (unclear)

LE: What I said was that I've, the two of you, I made a mistake, I told her, have you ever said something where the word wasn't what you meant?

GM: Yes, then apologize to her.

LE: And I did apologize. I said I didn't mean it that way, I'm sorry, I apologize, she said, you said it, I said, it was wrong, I didn't mean it that way. I really did not.

Further on, the conversation continued as follows:

GM: Do you honestly believe that I was trying to set up Kathy, encourage Kathy to keep seeing you to extort money from you?

LE: That you'd seen me? No I don't think you wanted her to see me anymore, I think that you wanted me to do was not to see her and set up,

GM: That is what you said, Kathy told me that you said that I encouraged her to keep seeing you so that this way we can, I can go over to her house, set you up, and extort money from you.

LE: I was dealing with, first of all, I didn't say to extort money. I did use the word, I did use the word extort, I apologized, I apologized to you too.

There are other instances, and anyone who will listen to the tapes, will be able to comprehend the situation, which is, LE had to lie under oath to protect only himself, and to destroy anyone who would stand in his way.

This conversation clearly exonerates me of any wrongdoing with regard to the extortion charges. In addition, it clearly implicates Eisenberg of threatening me of aggravated harassment on the telephone where he confirms through his apology to me that he told Kathy that he would accuse me of extortion with the idea of hurting me on my job which would make me lose my job.

It is hear that I note, that on the same day, July 10, 1989, IAD received an anonymous telephone call concerning myself about making illegal bank-drops. Who can possibly believe that these

two events (my telephone conversation with LE and the anonymous telephone call to IAD) are unrelated? It was later confirmed by IAD that there was no substance to the anonymous allegations against me.

CK - Commissioner Koshetz  
GM - Gary Moskowitz  
LE - Lewis Eisenberg  
GS - Goldman Sachs and Company  
KA - Kathy Abraham  
IAD - Internal Affairs Division  
DOA - Dept. of Advocate (police prosecutor)

The trial room in the NYPD has reached a new dimension in blatant subjectivity. The verdict issued in Commissioner Koshetz' 83 page report is nothing short of obscene. The trial room has always had the reputation of being a "Kangaroo Court" among those who were subjected to its disciplinary measures. For a brief period many of us felt that perhaps there was still the possibility of receiving an objective impartial trial. This is obviously not the case at least not with the case at hand. CK has bowed to outside pressure and influence which is clearly reflected in her biased decision in finding GM guilty on all the scurrilous charges regarding minor patrol infractions which were clearly selectively enforced to the more serious charges regarding Lewis Eisenberg the wealthy investment banker who fabricated charges against GM.

In the 83 page report CK states that she finds LE as a credible witness and that GM and KA were not because we both have clear motivations to lie. The other side is that the judge felt LE had no motivation to lie so reasons of jealousy, hatred, vengeance, and most of all, the fact that GM's conviction of guilt will help him immensely in his defending himself against a multi-million dollar law suit, is not that enough motivation to lie? The evidence is clearly overwhelming in the favor of the respondent. And also, there were many basic violations of due process that CK has denied GM from the onset of this case right through the end of the trial. There was virtually no reason for me to have been there because nothing I said was taken into account. It is obvious that the judge did not read the transcripts for she could not have found me guilty having read the evidence.

First, since the initial charges were served on GM, it took over a year to first come to trial. Why? Clearly because it was public knowledge that there was a collateral civil case pending and LE and his attorneys were attempting to delay the trial because initially they felt it may be damaging to them if KA testifies on the behalf of the respondent. LE offered KA a financial settlement if she wouldn't testify. GM insisted on going to trial immediately.

Second, CK mysteriously permitted the additional charge #28 of extortion against GM six months after the accuser first claims this violation occurred. Why suddenly? Was it coincidental that shortly before that NY magazine did a major story about this situation? It was public knowledge that GM was to be a witness in a highly publicized case of sexual harassment and abuse against LE and the billion dollar brokerage firm of Goldman Sachs and Company.

Third CK permitted my attorneys to walk off my case after they had made application to do so. CK was clearly aware through my statements on the record and by my former attorney's letter that we had a dispute as to how to proceed with my defense. The advocate's office offered GM a plea bargain coincidentally that if GM pleads guilty to just harassing LE on 4 counts that almost all the other minor patrol violations (22) would be dismissed and that a deal was made that I would definitely keep my job. GM refused to plea bargain to something he believes he is totally innocent just for the sake of expediency and to keep his job. The reality is which is on the record that GM hired a private attorney in the belief he would be getting better representation and paid over \$10,000- to them for the attorneys to prepare for and to represent GM until after the complete trial is over. It was clearly in the interest of the attorneys to induce GM to plea bargain as oppose to both of them spending almost four weeks every day in the trial room. I vigorously protested CK granting them permission to be excused from my case. In addition, this was done behind my back as I was studying international law overseas. I first became aware of it a few weeks later and I had no chance to rebut my attorney's claim. This left me virtually defenseless and penniless for a full blown trial.

## DENIAL OF DUE PROCESS

## DENIAL OF KEY WITNESSES NEEDED FOR DEFENSE

I was searching frantically for an attorney or law firm who would represent me properly by giving this case the time that it merits and who would do it pro-bono as I had exhausted all my personal funds. I could not find anyone or firm so I painstakingly took the case on myself. From the onset, I was taken advantage of by the trial room because of this handicap which shows clear bias. I immediately requested all the discovery materials from the Department of Advocate and was denied saying that they gave it all to my former attorneys. I made numerous attempts to obtain it from them shortly before the trial and was unsuccessful. I appealed to CK and she would not order the Department of Advocate to personally turn over the discovery material which meant just photocopying materials for a couple of hours. In the interest of justice, this was too much to request. Eventually I received most of the material about a week before the trial. Fair? Later even at the trial the DOA had other materials which I was supposed to have received in my discovery which I did not so I was given actual discovery material at the trial itself which was the evidence revealing why the IAD began their so-called investigation into my professional and personal life. Also, I pleaded several times to the judge that I needed copies of my GO-15 IAD interrogation tapes and was denied until finally during the course of the trial the judge ordered the DOA to duplicate them for me after my initial questioning of one of the interrogators. Why?

Then the next travesty of justice occurred when the judge absolutely refused to allow me to bring several people as witnesses to for defense. Some of these witnesses were civilians in affluent, influential positions and associates of Lewis Eisenberg, my accuser and shockingly, also the other several people were members of our own police department who are supposed to be at our disposal at any time in the interest of justice. Who was CK trying to protect?

The first civilian witness who I requested was a woman named Maureen Somerville, who worked along with Kathy Abraham for many years at Goldman Sachs. Maureen had direct knowledge by July 1989 that LE had been harassing KA and that he had actually fired her. She was the one who told Kathy that LE told several people that KA was leaving the firm because she was getting married to her boyfriend the cop. KA naturally denied it because it wasn't true and Maureen continued telling KA and myself that LE had KA already replaced. This all could have been verified. KA testified to this and yet everything KA or GM said during the course of the trial seemed irrelevant to the judge who already appeared to have made up her mind regarding this case. I personally met with Maureen in KA's home and asked her to watch over KA. She told me that she was worried for KA, that KA was a nervous wreck and was

scared to be around LE, and that she understood now what was going on. She even offered to help as she told me she has a high-ranking close relative in the NYPD. Maureen was an instrumental witness in my defense and CK denied me due process.

The second civilian witness and perhaps the most important to my defense which was denied was Bob Rubin who is on the Management Committee of GS and was then one of LE's supervisors. As of August 15, 1989, Bob Rubin was informed by KA of the sexual harassment KA was suffering by her boss LE. KA also informed Rubin that LE was threatening to bring false charges against GM out of maliciousness. He told KA not to worry and that he would confer with LE. The next day LE was summoned into Rubin's office. LE admitted his persistent sexual relationship with KA even though it was against company policy to sleep with someone you supervise and more importantly, LE admitted to Rubin that he was going to file false charges against GM because I ruined his relationship with both KA and his wife and if his life would be ruined so would mine. This information was told to KA by Bob Rubin which there is ample evidence to support this and yet the judge again felt it wasn't necessary to bring in Mr. Rubin so GM could question him under oath. In addition, Rubin told KA that LE was in plenty of trouble for other reasons and he promised KA that he would keep LE away from her as KA was well respected in the company. Also Rubin was the one who actually allowed KA to receive her promotion so if LE was trying to claim that he was being pressured by GM to give KA a better paying job why would the management then allow it even after they heard LE's side of the story. Surely no company would allow a woman to gain a promotion based on her boss being intimidated by her boyfriend as they claim and yet they still allowed her to receive the promotion. But all this didn't phase the judge.

The third and fourth civilian witnesses I requested was Eugene Mercy and Bob O'Hara, both of whom are also senior partners at GS and were named as a cause of action by KA in her civil suit. LE was trying to continually coerce KA to have sex with these men by both threatening her at times and later by offering money in the form of cash and bonus money in the GS Christmas bonus. In addition, when LE met with me, he brought up their names to me stating that whatever they were doing had nothing to do with him.

I presented to the judge that LE and GS were very scared that KA could reveal a lot of wrong-doing by some of these partners where the company could be civilly and possibly criminally liable. It was imperative that I needed to question them in an attempt to reveal the truth and the credibility of LE. But the judge felt, of course, it was not necessary, like she never heard of the term due process before.

The fifth civilian witness which the judge refused to be subpoenaed was Joel Kirschenbaum, a former partner at Goldman Sachs. He was the other partner implicated by another woman in

promoting prostitution. This woman came to me independently because she claimed to be harassed by Joel Kirschenbaum. She told me then she was in fear because she was aware that Kathy Abraham was in a similar situation with her former boss Lew Eisenberg. This woman told me that Joel and his friend, also a partner at Goldman Sachs, Eugene Mercy, were offering money incentives if this woman would get other women to sleep with them and other senior partners in their firm. Joel, incidentally, was coincidentally one of twelve partners who were forced to retire from Goldman Sachs the year the sexual harassment scandal with Eisenberg broke out. This all came about after the scandal hit the press regarding the Eisenberg affair and the possibility about corporate pimping and prostitution. However the judge ruled against the necessity of bringing in this witness even though he was a key element when I first approached the OCCB (Organized Crime Control Bureau) about the possibility of prostitution occurring at Goldman Sachs. The fact that there were (are) several other married partners at Goldman Sachs who were involved in sexual misconduct who asked and expected female employees to comply with their sexual demands. One of these men was named in a civil action for sexual harassment which was brought against him by his secretary. He was subsequently terminated because the matter became public. He was found liable for his sexual misconduct and an out-of-court settlement was reached.

Goldman Sachs' policy regarding sexual harassment is shameful. One of the partners who was supposedly in charge of fielding complaints from women experiencing sexual harassment was himself involved sexually with his female underlings contrary to the policy of Goldman Sachs. Female employees are often coerced and treated as sexual commodities for the partners and clients of Goldman Sachs. THERE WAS PROBABLE CAUSE AND ENOUGH INFORMATION TO GO ON THAT PROSTITUTION OR AT LEAST THE CORPORATE PROMOTING OF PROSTITUTION DID EXIST WITHIN GOLDMAN SACHS.

The sixth civilian witness I needed was Dr. Lawrence Hatterer who was the therapist of Eisenberg and met with Kathy Abraham a couple of times as well. Kathy expressed her desire to stop seeing Eisenberg personally which goes back over two years before she finally ended the affair in June of 1989. She testified to this as well as that her personal relationship with LE was agonizing her and it hurt her at work, which is the only reason why I got involved in the first place. I needed to question Dr. Hatterer upon how and why he came about to meet with KA. Naturally, the judge denied me this right.

The seventh civilian witness which was denied to me as well was Dr. Alan Greenspan. I requested to testify at the trial to the fact that he treated Eisenberg for a venereal disease. Eisenberg, at first admitted to the Internal Affairs Division of the NYPD in the presence of his attorney, in a memo signed by IAD that he had the disease. At the trial he denied having had the disease.

Eisenberg's contraction of this venereal disease was the reason he first made phone contact with me by his own testimony three years prior under a pseudo-name.

The eighth civilian witness I needed was Richard Beatty, an attorney for Henry Kravis of Kolberg, Kravis and Roberts (KKR) and a personal friend of Eisenberg. Beatty was needed to testify that he came to the offices of Goldman Sachs to offer Kathy a trust fund for her daughter through the instruction of Eisenberg, but Kathy refused to meet with him.

The ninth civilian witness I requested to depose was Monica Podell, a real estate agent who became a personal friend of LE, who sold to LE his Park Avenue apartment. This apartment was meant to be used to sexual parties where Monica Podell and other business associates and clients were to attend. KA was asked to attend these parties as well. Her testimony was essential to verify the fact of these sexual parties and that LE had attended them and requested Kathy to attend them as well.

The tenth civilian witness I requested to testify and was denied was Ed Lefkowitz. He is a personal friend of LE's. LE offered KA sexually to Mr. Lefkowitz after he displayed a keen interest in having Kathy perform sexual favors for himself. Eisenberg arranged a luncheon sexual meeting to be held at Eisenberg's Park Avenue apartment. Kathy refused to attend which infuriated and embarrassed Eisenberg.

The eleventh civilian witness I requested to testify was Jeff Shein. He is a personal friend of Eisenberg who allegedly hosted sexual parties. Eisenberg tried to coerce Kathy to attend these parties and have sex with his business associates and clients simultaneously. Through his position over her at work and by offering her financial benefits to participate this clearly constitutes at least promoting prostitution.

The first member of the service (MOS) of the NYPD which was denied to me was Captain Luckner, the commanding officer of Manhattan South Internal Affairs unit. I found this to be outrageous behavior on the judge's judgement because Captain Luckner himself was one of the officers who personally interrogated me and made statements to me on and off the record. He told me at the time, that all this mess was about me embarrassing the NYPD and we have to protect ourselves, not to have one of our officers involved in a scandal. Also, he admitted himself he did not remember when an officer was placed on modified assignment from these type of charges. There are many things I needed to question him on the stand and offer into evidence, but once again the hearing officer thought it was best to leave him out of it, and that it wasn't necessary for my defense.

The second MOS I requested was bringing in Assistant Chief Walsh



of Manhattan South as he was the commander in chief authorizing me to be placed on modified assignment and later to be suspended. He too was denied. I didn't know then why I was placed on modified assignment legally. I was just told that it was because I owed parking summonses and that I was written up on numerous minor patrol violations. I needed an expert opinion from the police on procedure regarding why and how cops are placed on modified assignments. In addition, there were so many discrepancies on so many of the nonsense charges against me that many were dismissed later but at the time, I needed a ranking officer with authority to testify what is right or wrong regarding patrol considering I was charged with things that are not violations by our own patrol guide. Later, under questioning of the Internal affairs officers, I kept asking them why did you charge me with the following when I was able to show them their mistake in the patrol guide. The judge just said internal affairs was not an expert in department policy and does not know how to answer that. That kind of thinking is abhorrent in any democratic process. They can charge someone with violations which can result in severe disciplinary measures and not have a command of the working knowledge of the day to day routine of the police officer. That is absurd. The least the judge should have done was to permit any NYPD expert to testify, which would be to basically read from the patrol guide.

The third department witness who was crucial for my defense and of course was denied was my administrative supervisor, Sgt. Gorta, who consistently was assigning me to the unauthorized post on 41st guarding the PRIVATE VEHICLES OF THE OFFICERS PERSONAL CARS WHICH WERE PARKED ON THE STREET FOR THE ENTIRE OFFICERS' TOURS. This was authorized by our precinct commander and perhaps by the borough commander but certainly couldn't be authorized from headquarters for it is illegal to misuse police manpower in this regard. Regardless, this was an actual post on roll call known as a fixed post where the precinct regularly supplied a broken down scooter or radio car for the officer to sit in all day or night as it is frequently done on other fixers where there is no shelter and no way to get relief. I needed this supervisor and if need be, the other 20 supervisors, to attest to this as well. This was also considered a punitive assignment as well which I received regularly. The judge felt this wasn't necessary for my defense to the charge of improperly patrolling my post because I was sitting in a broken down radio car. If the judge could reach a ruling against me on this issue where the evidence is so clear cut in my favor, how can I or anyone expect her not to have personal motivations and biases in her other rulings regarding my other charges which were more serious charges and were based strictly on hearsay? This was so amazing that even the attorneys for Eisenberg and Goldman Sachs who sat in on the trial deliberating daily (four of them) were laughing at the police department for charging me with such nonsense.

The fourth witness again denied to me was my own commanding

officer, then Captain McCormick of the Mid-Town North precinct. He himself would have verified everything I was trying to point out above and in addition, he would have mentioned about the precinct's special narcotics' condition where numerous narcotics task force posts were posted on 46th street to patrol inside and outside the buildings. Many cops were assigned to such a small area because the community became so disgusted that they called in the Guardian Angels and it received a lot of press making the police department look bad. I did my job diligently and still was found guilty of ridiculous patrol infractions which were selectively enforced against me. In addition, my captain was in touch with the commanding officer of the Organized Crime Control Bureau, Inspector Biehler who did testify on my behalf regarding the alleged "false report" I made to OCCB and he gave me instructions of what to do and not to do, which I heeded. However the administrative court will never know that because the hearing officer would not allow me to bring in this witness. Additionally this captain recommended me to work in the narcotics detail again and to work in the department's intelligence unit.

The fifth witness denied to me was the integrity control officer (ICO) of the Mid-town North precinct, Lt. Wittig. This is so incredible and disgraceful because I told the hearing officer that I had informed my ICO of what was happening all along that Eisenberg was threatening me all along with bringing false charges against me and threatening to have me taken care of by causing me physical harm by hiring outside assistance. I sought the advice of my ICO and I wanted him to know what was happening. I heeded his advice when he advised me to file a criminal complaint report against Eisenberg for aggravated harassment and harassment and then to obtain an order of protection keeping Eisenberg and or his friends away from my presence whether at work or my home. I received this order of protection with no problem. This of course, the hearing officer didn't feel was necessary for my defense. I didn't realize at the time that she was running my defense for me or I should say for the police department. This was a farce and a show just to placate officials at Goldman Sachs because before high ranking police officials retire they seek employment in the field of security. Unfortunately it is common knowledge that many powerful Wall Street firms have undo influence in the NYPD marring many of its decisions about placement of its own personnel and in other areas of official police business. Goldman Sachs is a prime example of this.

The sixth MOS which was denied to me was Sgt. Jerry Mines from the Early Intervention unit and a personal friend of mine. I contacted him a few times requesting his assistance to see why I was being banished on this far away post on 41st street and 11th ave. almost daily. My point was to show bias and prejudice on the police department's side which he could have illustrated through testimony as he in fact called and spoke to some of my supervisors. This occurred before I even knew there was an active

investigation against me in the department. I usually called him right there from my post when I felt discriminated the most. But, of course the hearing officer felt he was also unnecessary to bring in to testify.

The seventh MOS I requested to show bias and official misuse of his and the department's authority was Lt. Tessler of the Manhattan Court Division where I was later reassigned. I was denied his testimony as well. He was the integrity control officer in that unit. I first met him on or about 9/21/89. I was sent to his office to request a parking permit for my personal vehicle to park in our restricted area. He politely shook my hand and told me he was aware of my problem as it was in the newspapers the other day and if I need something I should call him. We spoke perhaps 4-5 minutes maximum about the job. The very next day I was ordered down to psychological services to be interviewed by the NYPD department psychologist for an evaluation suggesting that I may not be fit for duty. Never in my entire career with all the problems I've endured with anti-Semitism did anyone ever stoop this low. He never even met me before and even if he had, what qualified him to make such a recommendation without any interview of myself, my family, my colleagues or superiors? It was important for me to be able to show clear bias on the NYPD's side as to how this whole investigation was handled or mishandled. Basically, they decided they wanted me off the NYPD because I didn't fit the mold the hierarchy was seeking, to do nothing and shut one's mouth and be intolerant to everyone else. In addition this is a clear indication of the influence Eisenberg and Goldman Sachs could have in our department.

The eighth MOS I requested during the trial was to get Captain Murray of the Organized Crime Control Bureau to testify which I could not. This, of course, was denied in conformity with everything else. Captain Murray was the immediate supervisor of Lt. Walsh who was assigned to meet with me regarding my initial phone call. I was shown a letter at my initial internal affairs interrogations that Lt. Walsh wrote that stated that I wasn't cooperating with him in his investigation of Goldman Sachs and Eisenberg. He admitted writing the letter as he endorsed it however he stated he was instructed to do so from his superior officer Captain Murray. Lt. Walsh testified himself that he never said or felt that I wasn't cooperating with his supposed investigation. I was trying to get to the bottom of who initiated this letter to internal affairs where I was charged and found guilty of a violation which was not committed.

The inference is clear. Someone in the police department informed members at Goldman Sachs of the pending investigation of their company which could ultimately embarrass and tarnish the great Goldman Sachs if the allegations made had truth in them. So instead of the department following their procedures and investigating the allegations, they actually suppressed the

investigation and later charged me with filing a false report. I stand by the report I made then and now with much more information from other people who came forward to me who work in and with Goldman Sachs I am convinced there was serious criminal violations regarding prostitution and narcotics. It seems that Goldman Sachs is immune to any investigation by our police department. They appear to be really above the law. There are basically no rules in this court. It's more of a forum of convenience and expediency for the police department to clean house of cops who rock the boat.

The ninth MOS I needed to question for my defense was Sgt. Gorman of the Department of Advocates' office. (DAO) I was initially served sometime in November of 1989 of 26 charges and specifications. The other two came later, one allegedly naming me as the one sending a joke letter which Eisenberg received in 11/89 and the most horrendous charge came over two and a half months later, based on something that Sgt. Gorman supposedly knew already. I was charged with extortion, to force or compel Eisenberg to give me personal money or else I would reveal his affair to his wife and bosses in his company. Eisenberg already was interviewed and met with the internal affairs division, the district attorney's office (who refused to even consider prosecuting me for extortion) and spent an exorbitant amount of time with the DOA's office back in 9/89. DID NEW EVIDENCE ARISE FROM EISENBERG OR ELSEWHERE THAT HE OR THE POLICE DEPT. FIRST REALIZED HE WAS BEING EXTORTED ONLY FIRST THEN IN 2/90? Is this when the DOA was first able to conceptually understand this deep legal problem and had it deciphered properly? BY DENYING ME THE OPPORTUNITY TO QUESTION HIM, ONLY REENFORCES THE OBVIOUS, THAT THE DOA WAS COOPERATING FOR THE FINANCIAL INTERESTS OF EISENBERG AND GOLDMAN SACHS BY TRYING TO CONVICT ME OF THINGS I NEVER DID IN THIS ADMINISTRATIVE HEARING. This can be illustrated by the following as well.

The tenth MOS was then Sgt. Herer, formerly of the Mid-town North precinct, who informed internal affairs suddenly on 7/20/89 that he heard rumors around the precinct that I was involved in working another job by making bank drop offs while on duty. This was the reason internal affairs (IAD) claimed they began to investigate me. Sgt. Herer couldn't say from which source he heard it from only that the word is going around the precinct. Who's word? This I received in the discovery material but was denied the right to question him in the trial room under oath. It is interesting to note that Sgt. Herer at one time was one of my former supervisors and we had a personal argument a couple years earlier regarding my being an orthodox Jew. Rabbi Alvin Kass, a police chaplain attempted to intervene on my behalf then and Herer told me to now watch my step after that because he thought I tried to get him into trouble as the chaplain carries the rank of a deputy inspector.

The eleventh MOS I tried unsuccessfully to depose and testify was none other than the PROSECUTOR HIMSELF, TOM PRASSO, A MAN WHO WAS JUST DOING HIS JOB. It was to my understanding by police regulations and by the code of ethics that he was not supposed to be permitted the legal assistance and counsel of the civilian attorneys of Goldman Sachs and Eisenberg namely Stanley Arkin and Jeff Kaplan of Sullivan and Cromwell then. Prasso was in touch with these attorneys throughout this ordeal and even during the trial, they were conferring together their strategy. The interests of the police dept. is supposed to be different than the interest of Goldman Sachs and Eisenberg. A blatant example of this collusion is after I finished cross-examining Eisenberg the prosecutor wanted to redirect questions once more to Eisenberg regarding his testimony to my questions. The judge conveniently gave the court a recess where I and another person witnessed Stanley Arkin (Eisenberg's attorney representing him in a multi-million dollar sexual harassment suit) conferring with Prasso the prosecutor. Immediately after the recess, we were to begin and the judge ordered Eisenberg to return on the stand for Prasso, and surprisingly Prasso had a change of heart and had no further questions.

I felt it was necessary to question the department of Advocate's office and especially Prasso, for this outrageous backdoor-courtroom behavior. The judge once again denied this request. In addition, it appears that there were leaks all over the police dept. regarding confidential hearings and memos about my case that Arkin's office was always aware of. Specifically, a week before I was placed on modified assignment in 9/89, a reporter told me that I was going to have my gun and shield taken from me and place on modified assignment. I told this reporter that it was ridiculous.

The reporter told me Arkin has influence in having the police department decide what to do with me. He told her a decision was reached which he got from reliable sources in the police department who was keeping him informed of everything about this case for the private interests of his client. Sure enough a week later, 10/4/89, I was placed on modified assignment.

THE DEPARTMENT OF ADVOCATE'S OFFICE MADE SO MANY ERRORS IN THEIR INVESTIGATIONS AND IN THEIR PRESENTATION THAT BY DENYING ME THE RIGHT TO QUESTION THEIR MOTIVES, THEREBY CHALLENGING THEIR INTEGRITY WAS A CLEAR VIOLATION OF MY DUE PROCESS. After all it is no secret that officers routinely perjure themselves in court to protect the interests of their supervisors thereby protecting their own personal interest in their career advancement.

A shining example of the DAO at their best was when they allowed the interrogation tapes to be entered as evidence with the full knowledge that there was at least a twenty-five to forty minute gap which they conveniently forgot to mention to the hearing officer. This coincidentally was the part where the internal affairs investigators, which included Captain Luckner, questioned me on my basic religious beliefs and convictions as an orthodox Jew by stating they doubted my sincerity and my authenticity of

being orthodox. They continued to state that I misrepresented myself for years in the police dept. so I can take off every Saturday, not to pray in synagogue, but to work another job. WHERE DO THEY HAVE THE GAUL TO EVEN SUGGEST SOMETHING AS OFFENSIVE AS THIS? SID THEY REFER TO THE PROTOCOLS OF ZION OR TO THE NEO-NAZI PARTY FOR INFORMATION? This wasn't just one question, it was a barrage of questions badgering me about my keeping the Jewish dietary laws of kosher and others. Thank G-d I had a lawyer present then Mr. Carl Varella, who will be more than happy to testify to this, that he in fact objected to this line of questioning.

I requested much of the discovery material I was entitled to before the trial which I never received namely handwritten notes, activity logs, memo book entries, daily reports, or other pertinent information with respect to my case, which were in possession of the following MOS: Sgt. James Cordon/IAD, Det. Depalmer/107pct-pdu, Set. Farrugia/IAD, Sgt. Ferguson/IAD, Sgt. Fogas/IAD, Sgt. Gorman/DOA, Sgt. Jensen/IAD, Sgt. Osorio/IAD, Sgt. Scanlon/107 pct, Lt. Schaller/Health services, PO Sullivan/Communications.

By denying me access to much of this discovery material, I did not have all the information I needed for my defense and additionally, if I did, I would have requested all of the above personnel as well to be in court for me to exercise my constitutional rights of due process afforded to me by the United States Constitution and by the New York State Constitution. I only first received the little discovery material they offered me a week before the trial began and then some more discovery material during the trial itself.

It was made known to the court that I was experiencing anti-Semitism throughout my career and specifically during this entire investigation of me. The police dept. is no stranger to anti-Semitism. In 5/89, I contacted the Equal Opportunity Section of our own dept. before I was made aware of any investigation going on around me and before I even knew who Eisenberg was. Approximately a year later, as a result of the biased investigation and the tone it taking on where I was again being brought up on numerous frivolous command disciplines, and swastikas again being drawn on my police locker, and because other MOS physically attempted to force me to be subjected to a body search because they thought I was wired, (which I wasn't) that only then did I decide to return to the Equal Opportunity section and now document everything. It was just as I suspected. They didn't even bother to seriously entertain any of my complaints. They never interviewed anyone involved. The investigators draw the same salary as I do from the same place and they can be disciplined from the same people. In short, they would never do anything to endanger their jobs and investigate objectively. In fact, they told me I would hear from them in a couple of days. Six months later and I still hadn't heard anything from them.

I filed shortly afterwards, on 10/19/89, a religious discrimination action against the NYPD with the Federal Equal Employment Opportunity (EEOC) which is based on Title VII of the federal government. The hearing officer knew of this and in the interest in protecting the police department, I strongly believe she felt compelled even more so to protect the dept. as well in bending over backwards in finding me guilty out of retaliation. This is not exactly a new concept and that is why it is a federal violation to suspend or fire someone for filing a discrimination suit before the investigation is completed and a decision is reached.

Another discriminatory practice the hearing officer kept ruling on is that all matters and evidence which is from a collateral case referring to Kathy's civil action against Eisenberg and Goldman Sachs will not be permitted. I kept maintaining that his whole trial was strictly a collateral case where Eisenberg sought a forum in a police administrative to get a guilty decision against thereby tainting my testimony against him in Kathy's sexual harassment suit as I was the first person she confided in. Back in 6/90, I WAS OFFERED A DEAL BY THE DOA'S OFFICE TO PLEA BARGAIN TO THE EISENBERG CHARGES THAT I ONLY HARASSED HIM AND IF I COOPERATED ALL THE OTHER FRIVOLOUS PATROL VIOLATIONS WOULD BE DISMISSED AND THAT I WOULD RETURN TO FULL DUTY AND KEEP MY JOB. I resisted this until my former lawyers strongly urged me, even though they believed in my innocence, this is the best deal I could hope for because hardly anyone wins in the police trial room. It's set up only for show and they advised me then that if I lose my job at the trial no one would believe me anyway. Also they told me my money with them had run out and that they would walk off the case if I didn't plea bargain. At this point I gave in under intense pressure from my attorneys whom I later found out had their own agenda. I briefly decided to go along with the plea bargaining motion to the harassment charges which I did not do. The judge saw I was hesitant while taking the plea and asked me if anyone was forcing or coercing me to do this and I said I was promised I would be able to keep my job if I did. She told me no one has the right to make such a deal and she questioned the DAO on it and she told them there is no deal so I decided then to withdraw my plea, and that is when my attorneys unethically walked out on me. They requested this from the judge even though I had an agreement with them that they must represent me until after the trial if there is one. The trial was my right and it was my right to have counsel which the judge took away from me. My former attorneys were paid well for the little work that they did and they did not want to have to show up every day in court for three weeks on my case if they didn't have to. The attorneys cited to the judge in a letter that I refused to cooperate with them for the best interests of my defense. My best interests was in the truth. Not in plea bargains to violations I didn't commit. Immediately after I began the plea bargaining statement, the word leaked out to employees at Goldman Sachs and the press that I

admitted guilt and that Eisenberg was right all along and that now Goldman Sachs and Eisenberg do not have to reach any settlement with Kathy over their lawsuit because they feel they can implicate Kathy to my behavior that she put me up to it.

In addition, there are several examples I wanted to present as evidence to discredit Eisenberg's credibility by showing how he signed a sworn statement in civil papers and changed his statement around when dealing with the police department in making every effort to make himself appear as the victim and myself as the aggressor. However the judge refused to allow me to enter this into evidence.

In Eisenberg's statements to internal affairs, and later during the course of his testimony at my trial, he stated that he and Kathy were discussing making marriage plans and in fact, he testified that at the end of June 1989 he actually asked Kathy to marry him and that he would leave his wife if she said yes. However, in civil papers he filed and signed a sworn statement through his attorney, Stanley Arkin then, in attempting to dismiss Kathy's sexual harassment complaint against himself and his firm he states, "The relationship was just warm, friendly and discrete", "KA perceived the relationship as something more than it was and developed an intense but unrealistic romantic objective, which was never to be." In the late spring of 1989, the inevitability of the relationship, that it was an affair and not a prelude to something more, was realized by Kathy, who became angry and resentful. Together, with a new boyfriend, she embarked on a campaign against Eisenberg which among other objectives, was designed to extort a large sum of money from him". These papers were filed in State Supreme Court before I was charged with extortion in an administrative proceeding. It clearly indicates the intent of Eisenberg's reasons for filing false charges against me as a way to defend himself against the truthful charges he was accused of - Sexual Harassment, abuse and with promoting prostitution. The civil papers continues to mention "Her boyfriend as a NYC police officer who has a series of disciplinary problems with the police department." IT IS CLEAR HERE THAT EISENBERG IS LYING TO ATTEMPT TO DRAW TWO DIFFERENT SCENARIOS FOR TWO DIFFERENT COURTS. BY HIS LYING AND HAVING ME FOUND GUILTY IN THE POLICE TRIAL ROOM, THIS IS HELPING HIM IN HIS CIVIL CASE BY THE STATEMENT THEY MADE ABOVE AS OF LAST 11/89 WHERE MY GUILT HERE WILL IMPLICATE KATHY, SAYING SHE WAS IN ON TRYING TO EXTORT MONEY SO THERE REALLY WAS NO SEXUAL HARASSMENT. THIS IS TOTALLY UNCONSCIONABLE FOR THE POLICE DEPARTMENT TO BE A PARTY SERVING AND CATERING TO PRIVATE INTEREST GROUPS. THIS INFORMATION SHOULD HAVE BEEN ALLOWED BUT WASN'T. SURPRISINGLY, THE HEARING OFFICE FELT THAT EISENBERG WOULD HAVE NO OTHER MOTIVE BUT TO TELL THE TRUTH BECAUSE HE HAS BEEN DAMAGED ALREADY. The judge obviously grew up in a perfect world, free of all bad things and people. I guess she never heard of vengeance, jealousy, vindictiveness, saving face just for starters, as primal motivations for people to lie in



court regarding this case. Eisenberg testified in court that he blamed me for ending his affair with Kathy and that he didn't want it to be over, and he blames me for losing his job and causing pain to his family. The judge obviously didn't recognize the powerful economic factor. It must have slipped her mind when giving her decision. EISENBERG HAD ALREADY OFFERED TO PAY KATHY A FEW HUNDRED THOUSAND DOLLARS JUST ON SETTLE THEIR CASE OUT OF COURT AND TO PREVENT HER FROM TESTIFYING IN MY BEHALF. If A MAN WERE GUILTLESS, WHY WOULD HE OFFER TO PAY SO MUCH MONEY FOR SOMETHING HE IS INNOCENT FOR? The reason being is that if he goes to a full blown trial, he could lose millions of dollars which could be awarded to Kathy as damages. Is saving millions of dollars for you and your company reason enough to lie if all you have to do is dishonor and discredit a police officer who is a key witness in a sexual harassment lawsuit? I guess the judge didn't have this insight even after it was continually brought to her attention. THIS BY THE WAY IS WHAT MY WHOLE TRIAL WAS ABOUT. NOT PATROL VIOLATIONS, BUT ABOUT SAVING EISENBERG AND GOLDMAN SACHS MILLIONS OF DOLLARS WITH A CONSOLATION PRIZE FOR THEM AND THE POLICE DEPARTMENT OF PUTTING THIS COP WHO SPEAKS HIS MIND IN HIS PLACE. The judge seemed to have pity on Eisenberg for losing his job of making between \$7-10 million dollars in annual earnings. He is reported to be worth over \$40-Million dollars with his cash and assets and yet with all this money and the power that goes with it, the judge felt that he was the helpless little poor investment banker totally terrorized by me, a NYC police officer. What a joke. IF HE WAS SO INNOCENT THEN WHY DID HIS COMPANY FORCE HIM TO RESIGN? THEY HAD OTHER SEXUAL HARASSMENT PROBLEMS BEFORE WITHOUT THROWING THE PARTNERS OUT. THE REASON IS THAT THE FIRM KNEW THAT EISENBERG MAY BE IMPLICATED IN OTHER CRIMINAL BEHAVIOR, SPECIFICALLY, PROMOTING PROSTITUTION AND ALL THE TID-BITS THAT COME WITH IT. The last time Goldman Sachs through one its partners out prior to Eisenberg was when one of Eisenberg's best friends and also a former senior partner at Goldman Sachs was arrested and later convicted for insider trading. This man Bob Freeman worked on the same floor and closely with Eisenberg. It seems like a strange coincidence that both men who went to college together and later worked together that later on both got kicked out of Goldman Sachs for criminal and various violations are once again involved in business deals. IT WAS IN THE INTERESTS OF A LOT OF IMPORTANT POLITICIANS AND POLICE OFFICIALS TO BEND OVER BACKWARDS TO PROTECT THIS CREATURE. IT IS A VERY SAD STATE OF AFFAIRS THAT WHEN A POLICE OFFICER UNCOVERS POSSIBLE SERIOUS CORRUPTION IN BOTH AN OUTSIDE FIRM AND IN THE NYPD ITSELF THAT THE DEPARTMENT ATTEMPTS TO COVER IT UP AND HURT THE COP THAT IS REPORTING IT.

In other papers filed in November and December of 1989, Eisenberg signed sworn statements that "when Ms. Abraham did seek a new job in a newly formed division of the firm in June of this year, Eisenberg supported her candidacy and she was successful." There is no mention of Eisenberg being forced to promote her or being

threatened by her boyfriend to promote or to confer on Kathy other material benefits out of Eisenberg being in fear of having this illicit affair exposed as he is claiming to the police department.

Kathy's claim and lawsuit reflect the fact that he held her back at her job and he wouldn't promote her because he wanted her to work close to him. She wanted to be away and she wanted her rightful promotion which was long overdue. So here they are stating in their civil papers that with free will they gave KA her new job and yet LE testified at my trial he was coerced. Which is it? He even admitted at the trial that Kathy deserved the promotion. Why couldn't all this be allowed on the record? Eisenberg is a blatant liar and he is a disgrace and an insult to all human dignity.

The judge should be ashamed of herself. She should have realized that it is axiomatic that an employee who engages in sexual contact with her immediate superior is most vulnerable to an abuse of managerial authority when a continuance of that sexual conduct is now "UNWELCOME". The work environment can become a forum for manipulation and humiliation when a superior has the calculated intention of forcing an employee to accede to sexual demands.

Eisenberg admitted on the stand that Kathy didn't want to and was no longer seeing Eisenberg personally anymore that at the same time Eisenberg was still proposing marriage to Kathy on the phone and in the office. By his own admission he wanted to keep seeing her and he felt I was an obstacle in his obsession to try and possess her and to have her do his bidding. Kathy continued to beg him to leave her alone and that she never entertained the idea of marrying Eisenberg. He continued to sexually harass her daily. THE HUMILIATION DETAILED AT MY HEARING THAT KATHY WENT THROUGH WAS HORRIFYING AND REPULSIVE. IT IS THE PORTRAYAL OF A WOMAN WHOSE SPIRIT WAS BROKEN BY THE DEPRAVATION DEMANDED OF HER BY HER DEVIIOUS EMPLOYER. For Kathy to take this humiliation in the public domain which strained the already emotional trauma involved in her loss of dignity and self-respect was a tremendous feat in standing up to man who has been abusing and humiliating her for years and at the same time setting the record straight as to my involvement with this case. The judge is the most insensitive person I have ever come across as a police officer, teacher, or social worker. To think a woman would come forward and reveal so much smut about something Kathy was so ashamed of without having a higher purpose which was to prove my innocence is nothing short of disgraceful.

I was told that hearsay is admissible in the trial room depending on how the judge feels at the moment. She makes all the decisions as to which hearsay is admissible, how much and from who and at what times. It seems that only the hearsay of Eisenberg was to be taken as evidence of credibility and my introduction and Kathy's introduction of hearsay meant absolutely nothing to the judge.

I tried to bring up the fact that I was the victim of several death threats after this unfortunate incident came out in 9/89

where there is ample evidence because there were messages left on my answering machine which I reported and to the police and had the tapes vouchered. I believed either Eisenberg or someone he hired was doing this and when detectives tried to talk with him, he refused to cooperate. In my initial criminal harassment complaint against Eisenberg I stated that he made threats against my life saying "that even cops can have accidents." I had every reason to believe that this man is crazy enough to try and hurt me because of his worrying over the fact that he would get into criminal and personal trouble over harassing Kathy. Yet the prosecutor objected and the judge sustained it. I couldn't believe such hypocrisy. Here Eisenberg is stating that he was scared of me because I am an armed police officer with a black belt in Karate and I am not allowed to bring up why I had to be worried of what he could and was doing. He already testified that he hired private investigators against me. He tried not to answer the question about his hiring of private investigators to investigate and interfere with my life. When I asked him, he claimed attorney-client privilege, but at least that was overruled.

During the course of the trial, it was Prasso who conducted the entire trial for the Department of Advocate's office until it came to the questioning of Kathy when another prosecutor was mysteriously brought in just to question and badger my key witness. I strongly protested the bringing in of another attorney and especially in the manner he questioned her. It was totally unethical with him badgering her and continually calling her a liar on the stand. I protested this to the judge but as usual, to no avail.

## Judge Koshetz' bias report

The judge's report is disgustingly bias in the way in which the judge consistently tried to justify her feeble attempt to distort the facts and the testimonies of this case by taking information clearly out of context to confuse any reader who is not familiar with this case.

She first talks of Lt. Cassidy of FIAU. He clearly didn't know the basic facts of this investigation - why it began, who the investigators working on this case were, why there were two separate investigations for the same charges for the same individual, and he clearly did not know about his own IAD operational procedures. The judge credits him with a statement he made saying that there is no prescribed time limit for any investigation conducted by his unit.

This is clearly not true, and I even offered evidence substantiated with IAD's own written policies that a case should be closed out within 2 months of commencement if they do not find anything wrong. In my case, the document stating that this investigation, which began January 25, 1989, (by an anonymous caller saying that I was making illegal bank drop offs on and off duty) should have been completed by March 25, 1989 if nothing was found - and even according to IAD documentation, nothing was found, but the case was not closed. This document was signed by chief Walsh and Captain Luckner. Also, the judge made no reference in her report of the obvious date of January 25, 1989 correlating to the same period of time that Lew Eisenberg was calling my home and that Kathy Abraham had an argument with LE as to why GM's two telephone numbers appeared on LE's car phone bill.

The judge also failed to point out that the second investigation began July 11, 1989, and coincidentally again, July 10, 1989 is the date of the conversation I had with LE where he threatened to bring false charges against me. This was brought out in the trial during my testimony as well as during KA's testimony. The judge obviously felt that this was not of importance.

The judge stated that as of July 19, 1989, the investigation had netted negative results, so why was the investigation continued after the two month period expired? Also, why is there no mention of the second investigation that overlapped the first investigation and resulting in two investigations for the same allegations which were both proven to be unfounded? Yet, two different teams from Internal Affairs were harassing me about the same matter, and neither team claimed to know of the other's investigation, especially when both teams were surveilling me at the same time and reported me at different locations during the same time period.

The judge commented on Det. Hardick's 16 attempts of trying to observe me from January 1989 through July 1989 at various locations on and off duty. Det. Hardick had stated under oath

that she did not see me at certain locations where she had her "stakeout"; however, according to official police roll call sheets, either I was assigned to different locations than she was observing or I was not even working on those days. First of all, how is it possible for IAD not to know of my whereabouts when I am on duty especially when they have access to these official, police roll call sheets? Det. Hardick did not bother to re-check any possible change of assignments which were made the mornings of her observations when she realized that I was not at said posts. Every time she claimed that she could not find me, I was either re-assigned to a different post or was not working that day at all. This sloppy investigative manner was praised by the judge who found Det. Hardick to be credible and doing a good job. The judge does not mention the fact that it took Det. Hardick 7 months to find me, and yet when the LE matter began in the summer, 1989, they found me the next day when they sought to observe me.

The judge failed to point out the discrepancies between IAD's two separate investigations. But the judge noted certain facts, such as, on July 19, 1989, one investigator stated that I carried an un-zippered portfolio stuffed with magazines and newspapers, while the other investigator said that I carried a closed, zippered portfolio, but still the judge did not state that these were discrepancies. Another example of her bias against me, was the fact that IAD claimed that GM had one of his cars parked in front of Midtown North Precinct in July 1989. GM questioned Det. Betts-Walker, who filled out a work sheet saying that she witnessed my car parked in front of Midtown North, then lied on the stand about seeing the car there claiming that Det. Hardick saw the car there and that's why Betts-Walker put it in her report. But, under further questioning, Betts-Walker recanted her testimony one more time and claimed that she did actually see the car in question parked in front of Midtown North on that particular day. But, evidence was submitted by me, a copy of a police report dated one month prior to observation date, that the car in question was stolen and could not have been parked at that location. Nevertheless, the judge made no reference to this blatant lie under oath, and she still found these detectives to be meticulous and credible investigators.

Other obvious lies told on the stand by Det. Hardick and Det. Betts-Walker where they both testified that they didn't know of each other's investigation even though they were out there together conversing while supposedly observing me. It doesn't seem logical that they wouldn't mention to each other as to why they were both out there, and if they both knew of their investigations, one of them should have dropped hers. The fact that there were two simultaneous investigations on me shows harassment by NYPD.

In addition, all the investigators at various points, lost sight of me while I was on patrol. This shows incompetency on behalf of

IAD - how can you lose a cop in uniform surrounded by two investigative teams !!

Also, the judge did not point out the discrepancy whereby IAD detectives do not mention the fact that I was carrying a law book in my green portfolio which was observed and testified by two other Midtown North police officers.

The judge credits Hardick's testimony that I had personal reasons for entering the Hartley House which is a community center used for senior citizens and young children recreationally and educationally and in also going into a building across the street. Det. Hardick did not take the time to interview other people who work and live in both locations who would have stated that I was frequently asked to visit these locations because these were drug infested locations. Every day, I visited the Hartley House to say hello to the young children. This was part of a community policing policy which all officers were supposed to be part of as detailed by our own police commissioner. The judge credits Det. Hardick who said I was off post (directly across the street). This is ludicrous that a cop cannot cross the street to render any assistance or to show a police presence when needed.

Also, Det. Hardick testified that Kathy Abraham did not cooperate with her investigation which is not true, as testified by KA.

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Also, Det. Hardick is credited with her questioning me on my GO-15 IAD interrogation. However, there was a mysterious 30-minute gap on the tape recording of that interview, just at the time she was asking hostile questions concerning my behavior as an orthodox Jew. She defended herself by offering that the gap in the tape was inadvertent and that it was not a purposeful attempt to obliterate evidence the department had by asking hostile questions about my religiosity. She claimed that I misrepresented myself as an orthodox Jew just so I can work another job on Saturday, which is outrageous. Det. Hardick also questioned other religious practices, which had nothing to do with this investigation, such as, my eating only kosher meals. She claimed that I didn't eat only kosher meals because she observed me in a non-kosher restaurant drinking diet soda. An uneducated, harmful assumption on her part. Det. Hardick also stated that I was off post because I was in a kosher bonafide restaurant 3 blocks from my post, and according to her this was off post, while the patrol guide states clearly that an officer can eat in any restaurant in the precincts confines without being off post. The judge heard this testimony and still found her to be credible.

The judge acknowledges Det. Hardick's explanation that the investigation went on a LITTLE longer than the two month protracted period because of a new development. However, she doesn't mention that this new development didn't take place until

five months later.

The fact that upon searching my portfolio, after I was accosted by her team on the street, she was suspiciously unable to recall a law text book which was the largest object in the portfolio, and the main reason why I carried it was to protect the book. This by itself shows that she was prepared to lie. There were two other witnesses who observed the law text book and testified to it as well. The IAD investigators were trying to implicate me in something that I wasn't involved with and they were embarrassed when they searched my personal belongings only to discover a law book.

Once again the judge refuses to acknowledge Det. Hardick lying on the stand. She credits Det. Hardick with stating that Kathy first surfaced in her investigation in a newspaper article that appeared on 9/19/89. How is this possible when already Eisenberg's attorneys had already made a complaint against me and in his complaint mentioned the fact that Eisenberg was seeing the same woman as I was and he mentioned Kathy by name a couple of weeks earlier. Also Det. Hardick stated that Kathy didn't cooperate with her which is utter nonsense and Kathy testified to the contrary. The Det. made one inquiry to Kathy at work the day the article appeared and Kathy stated she wanted to have an attorney present just as Eisenberg had when he was interviewed. The next statement the det. makes is that she spoke to Kathy's attorney almost two months later and he refused to allow her to speak with IAD.

First of all, Kathy didn't have any attorney regarding a lawsuit until after she was fired from her firm, Goldman Sachs in Nov. 1989. Det. Hardick felt it was only necessary to try to speak with Kathy only one time even though she was the one who could clarify what was going on.

In the meantime I was placed on modified assignment and det. Hardick allowed charges and specifications be drawn up against me without ever picking up the phone to try and call Kathy again.  
SUSPICIOUS?

The judge points out during my several phone calls I made from a public pay phone that calls made couldn't be as I testified to get relief from my fixer punitive post. I offered to bring in several police officers who would verify I spoke to them about getting relief from this post and for meal periods which every officer is entitled to except for me. I spoke often to the telephone switchboard operator almost hourly, but the judge and the trial room would never know it or would want to know it because she wouldn't allow me to bring in the proper witnesses. All one has to do is physically see where I was placed - 41st street between 11th and 12th Avenues, one block from the Lincoln Tunnel, breathing heavy fumes from all the traffic going into the tunnel and around the corner from the Greyhound bus line where hundreds of busses wind up after their run. It was dangerous for any one person to be assigned there regularly. Any police officer would

call and complain to anyone who would listen to get off this illegal assignment, for the job was to guard the private cars of the police officers who worked in the pct.

Det. Betts-Walker, (BW) as stated in the judge's report, was the second IAD investigator who was assigned to investigate me once again. Each investigator represents a team. So technically at a few given times there were several investigators working on this big case. Det. BW picked up this case on July 11, 1989 a day after I had a conversation with Eisenberg where he threatened he was going to file false charges against me.

Det. BW and her team were on a campaign of total harassment against me which I believe was initiated from a higher source in the police department which originated from a source at Goldman Sachs, namely Eisenberg. Det. BW said she surveilled my residence after I called in sick. Why? I was never on the chronic sick list. There was no reason for her to be harassing me at my home while I was out sick and according to her own testimony, I didn't violate any police procedures while out on sick report. This same investigator whom the judge found credible (the same one who lied before on the stand) testified that she had only learned about the initial investigation of det Hardick by "INADVERTENTLY" glancing at det. Hardick's desk and saw some paperwork on me at the end of July 1989. Even the judge is not that naive to believe such nonsense. It took det. Hardick seven months to find me when she knew she was working on a possible case of corruption of a police officer. Suspiciously enough when the Eisenberg affair broke out during the summer and IAD got another anonymous tip that I was involved in illegal bank dropoffs, she was able to find me in one day to document patrol violations.

Surprisingly, det. Betts-Walker (BW) and now det. Hardick were able to amazingly use their super-duper investigative abilities and find me. I guess the judge believed that det. BW took an additional "find a cop course" that det. Hardick never got trained in. Our super sleuth det. BW also stated, as pointed out by the judge, that she didn't know the precise source of the allegation she was investigating and never made any efforts to find out. How is this possible for an investigator not to make these basic inquiries? For if she had, she would have known that Det. Hardick was already working on this case and found nothing so det. BW should have just by regulations closed out the case or the call should have been given no credibility. It is standard procedure of IAD and other investigative units in the NYPD who must inspect other cops for a variety of reasons that the first thing they check is if to see if there is any current investigation into that particular officer with IAD. If there is they must find out why.

Also det. BW is the one who lied about seeing me get into my car when she was following me. She proceeded to give the plate number of the vehicle that she claimed I was in. I proved her to be a blatant liar as that car was not in my possession any more as it was stolen one month prior to that and I submitted the stolen



vehicle report as evidence. What she as other IAD investigators do when they are either lazy or just want to get the cop in trouble they just plug in the cop's name into the central computer and observe which registration plate he has. Then the det. just enters the cop as going to his car without actually observing him and they assume no one will know the difference. Wrong. Det. BW additionally testified that she interviewed somebody who worked in the Hartly House where a person told her I came there to see this girl Dolly, yet the investigator never attempted to interview Dolly herself, or the fact that I visited this center daily and not see a Dolly. She never even tried to talk to the janitor and director who asked me to stop by daily because there are many drug dealers and junkies who congregated daily by the building. THERE ARE MANY OTHER LIES AND INCONSISTENCIES BUT THEY ARE BEING RECORDED IN MY ARTICLE 78 APPEAL WHICH IS IN THE NYS STATE SUPREME COURT.

How is it possible the judge was at this point not disgusted with their testimony unless she was used to IAD lying on a regular basis, and it just doesn't bother the judge. IAD even ran checks themselves and substantiated the fact that the buildings and the area I was patrolling was a narcotics condition and needed special attention. There was an intelligence report stating and reiterating what I had been saying and any cop or supervisor of the mid-town North pct. would have verified it as well, but of course, the judge would not let these officers testify to this effect.

The judge points out that Lt. Sachs stated that I never took police action when I entered the Hartley House which again, is a youth and senior center. Just walking in and showing myself in uniform is police action as later testified by the Lt. and the judge? We went through a long discussion on this on the record and the judge again conveniently fails to mention this. She only brings out the statement which puts me in a bad light to justify her inept ruling.

She also conveniently forgets to mention in her report or thought it to be unimportant to bring up as a discrepancy the fact that I heavily questioned the Lt. as to why he didn't search the envelopes he found in my bag. He testified that he was surveilling me to see if I was making any bank drop-offs and he was searching me to see if he would find any bank receipts, cash or any jewelry. So again, after he found several envelopes and personal papers of mine, he recalled me saying to him in front of witnesses that he could search everything that I have nothing to hide. He replied then that it wasn't necessary and he didn't search anymore. This is preposterous for that defeated the whole reason he claimed he was supposedly following me to begin with, unless it comes out there was another motivation for this investigation. The judge, I guess felt again this to be unimportant. The fact that the Lt. himself admitted on the record that he should have continued the search but failed to. Also, the

fact that the Lt. tried to physically search me on the street of my personal possessions which were in my pocket, while I was in full uniform came out as well and this is clearly in violation of my civil rights.

Lt. Walsh of the Organize Crime Control Bureau (OCCB) was the one I spoke with regarding the prostitution charges after being referred to him through his commanding officer.

Most of the testimony of Lt. Walsh was disputed and the judge again failed to bring this out in her report. First, he admitted that I never said a prostitution ring was operating from the company, Goldman Sachs, but on cross examination, he stated as I originally reported that I suspected based on probable cause of the statements made to me by Kathy that she was offered money incentives to have sex with other partners and clients from Goldman Sachs, that as a result of this, I believed that Eisenberg was promoting prostitution at his company. I never at any time told the Lt. that Kathy was taking expensive gifts or going out to fancy restaurants or anything of the sort; only that Eisenberg was offering Kathy extra money to have sex with a few other partners at the company. The Lt. didn't recall me telling him the perpetrator of this crime was Eisenberg and the company was Goldman Sachs, but the Inspector (his commanding officer) had no trouble in remembering and was able to recall the company being Goldman Sachs. This contradicted the Lt's testimony.

In the beginning, the Lt. seemed very interested in this case until he learned of the company and the man implicated was Eisenberg. He claimed he needed to meet with me but as the judge stated in her report, we "missed each other." Now, the judge knows we went through this in great detail at the trial and she failed to bring this discrepancy up in this report that I am and was always at the behest of the police department. Anytime they wanted to speak or meet with me, all they have to do is give me a post change any time of my tour or change my tour to adjust to the schedule of the Lt.'s or just plain order me to talk to the Lt. on my own time wherever. This never happened at all. The Lt. was only too happy to suppress this investigation because of the ramifications it had in implicating some very big names on Wall Street and because I am a NYC police officer who would be the one to reveal this information which didn't sit well with the police administration. The Lt. testified as stated in the judge's report that the Inspector and Captain Murray told him to send a report to the IAD because they believed that I was falsely reporting an incident. The judge conspicuously failed to bring out that the Inspector testified himself that he never told the Lt. to write such a letter to IAD and furthermore, the letter was such as to say that I refused to cooperate with their investigation. Any commanding officer would have first contacted my commanding officer and had me ordered to cooperate if they felt that I wasn't cooperating with their investigation. This letter sent to IAD from the Lt. of OCCB was a real joke because they seem to have

forgotten that I was the one who initiated the supposed investigation to begin with. I wholeheartedly expected them to investigate these charges while I assured them that I would be available at all times to assist them. The truth as it appears is that the Lt. ceased to try to do any investigation into this allegation and he just closed it out suspiciously a week after I served Eisenberg with a criminal harassment summons of which again I was advised to do by my integrity control officer, Lt. Wittig, at the time.

In addition, the Lt. denied telling me not to file a police report because he was taking care of it. The judge remembered this in her report but forgot to mention the discrepancy that the Inspector specifically told me not to file a police or an intelligence report verifying as to my testimony and contradicting the Lt's testimony. The Lt himself admitted that he never had any intention to notifying IAD because he didn't believe I did anything wrong only that I may have been mistaken. However, he was ordered by Captain Murray to write this letter and the Captain had never spoken to me by phone or in person but yet felt compelled to tell the Lt. to write such a vindictive letter a couple of days before Eisenberg marched into the IAD office with his alleged complaints against me. The judge knew all this information but decided to try and conceal this from coming out. In fact, I continued stating that I was worried to the Lt. at the time, if I didn't report it. I thought I would be in trouble for failing to report a police incident and he himself told me that I was "covered" by calling him.

The judge in her protection of Eisenberg failed to highlight many inconsistencies in this testimony. First, he testified that no one knew of his relationship with Kathy and yet on cross examination he admitted his brother knew of the relationship. He kept saying the relationship was mutual the whole time and denied that Kathy was seeing him under duress, then why did the relationship end on June 2, 1989 just the time she related to me several details of her seeing some guy under duress? If things were good between them, why did she end it now? He testified it was a mutual breakup. Then why was he continuously calling her at her home and asking her to marry him which he testified to as well? The judge gives here a totally distorted picture of Eisenberg's testimony and portrays him in the light of the poor victim being victimized by myself a NYC police officer. The truth is that he always knew I was a police officer as he himself testified for over the last four years he knew Kathy was involved with myself and he knew very well if I found out he was hurting her, which he was I would do everything within the framework of the law to prevent it, which I did. The judge has no problem recanting Eisenberg's testimony in the light where he must be telling the truth without any reservation where he could be lying. Eisenberg admitted he initiated the meeting that took place on 6/28/89. I did not want to even see this man. He insisted on

it. Why? For what purpose? The judge didn't seem to mind him not answering this most important question. At first she admits in her report herself that he initiated this meeting and later she used terminology that I "Instructed Eisenberg to meet at such a place and time," inferring that he was under some orders to meet me and he was terrified. The judge finds reason to quote Eisenberg of falsely accusing me of statements he claimed I made, such as, "You know you owe her and from now on, you'll do what I tell you to do, and I can have you picked up and even if it doesn't stick, you'll be embarrassed, and there is an investigation and that I can make you eat dirt", and a host of other nonsense that was strictly hearsay on LE's part. These were carefully tailored statements that were fabricated about me as a police officer to infer that I abused my authority.

The judge mentions in her report that Eisenberg stated I had a manila envelope with information on him and yet she doesn't bring up the discrepancy where a witness to the meeting, Joseph Raymond, testified that I didn't have any folder. Why does the judge feel this to be unimportant?

It is interesting to note regarding IAD that they couldn't find the restaurant where Eisenberg and I met until the trial itself began over a year later. So much for their investigative ability and sincerity. So as a result, they went around my neighborhood and showed photos of myself around to store owners and neighbors telling them that they are investigating me - again, besmirching my good name in my own community.

The whole scenario here seems like a comedy with the judge as the head comedian. How can she explain that there is a man, Eisenberg, who claims he loves Kathy, and was her direct supervisor and chief of his whole department at Goldman Sachs and that he is claiming that he couldn't move her to a different assignment away from him or grant her a position where she could grow and learn new skills. Does the judge actually believe this incredible story? It is so obvious that Eisenberg was holding Kathy back on her job and sexually harassing that it reeks from disgust. Why, all of a sudden, was Kathy given a new opportunity along with other women after years of lingering on in the same position? Eisenberg wanted to make it look as if I was forcing him to promote Kathy. THE TRUTH IS AS I STATED TIME AND TIME AGAIN, THAT I ONLY WANTED WHAT KATHY WANTED FOR HERSELF WHICH WAS FOR KATHY NOT TO COME INTO PHYSICAL CONTACT WITH EISENBERG DURING THE COURSE OF HER WORKDAY SO HE WOULDN'T HAVE THE CHANCE TO GRAB, TOUCH, AND FONDLE HER SEXUALLY AS HE HAD BEEN ACCUSTOMED AGAINST HER WILL.

I tried to keep this quiet for KA's sake. If I just went and informed his superiors immediately they themselves would have seen to it that KA would not be in contact with LE and that she would have the opportunity that was rightfully hers to advance in the company.

The judge recants LE's testimony that I initiated the discussion about setting up KA in a private business. Nothing is further from the truth and under cross-examination LE admitted to it as well when I brought up the tapes which will be discussed later.

This is the furthest thing from the truth. LE demanded this meeting under the threat that he would and could make life very difficult for KA and her daughter if I didn't meet him. His purpose of meeting me was to sternly tell me off and warn to say away from KA that she belongs to him. LE mentions that after this meeting, he returned to his office and that KA was not there that is because he told her not to come to work for awhile and this is the time when he actually tried to fire her by announcing in his office that KA left the firm because she is getting married. Naturally, he did this without permission and of course she had no intention of marrying me or anyone else at the time. However, the judge once again did not think this to be relevant enough to allow the proper witnesses to come to testify to this.

The entire picture and statements that LE made are totally false and inaccurate and the judge has the audacity to try and support LE's outlandish statements whenever possible. Every statement LE made was made with the intention of defending his position of where he was sexually abusing and harassing KA involving him as a defendant in a multi million dollar lawsuit again where I am a witness against him. The judge seems to bring out statements where LE would look good when he seeks to use these records as evidence in his defense in a collateral civil case. The judge mentioned in her report that LE states that he had learned of the opening by chance and that KA had received no special consideration in the process of applying for this new job which she received. He insisted that the timing of the promotion was fortuitous and that he would have recommended KA for the position regardless of my actions. This is utter nonsense. The fact that in 14 years he refused to promote KA and now for the first time coincidentally, an opportunity all of a sudden came up. Could the judge really believe such nonsense? Again, the company GS knew as of August 15, 1989 of what was going on. If they thought LE was being pressured into giving KA this job, they wouldn't have allowed her to take on her new assignment.

The judge once again fails to bring out the significance about the time when LE brought his complaint to the attention of IAD of my alleged misconduct which is clearly on the record. He kept stating he was worried that this whole thing would be exposed and hurt personally and in his business, that is why he didn't come to the police sooner. However, this again is nonsense, for by 8/15/89 he was served by KA with a criminal harassment summons which is a public record and within a couple of days, he was talking to the press about this when they contacted him. And yet, he didn't feel the necessity to file a complaint against me until almost 3 weeks later. Why? And why didn't the judge see fit to

bring this out. There are so many discrepancies and failures by the judge to try this case properly that I AM REQUESTING FROM YOU, COMMISSIONER, THAT YOU TAKE THE TIME AND READ THE ENTIRE TRANSCRIPT AND THEN I AM REQUESTING FROM YOU THE OPPORTUNITY TO HAVE A RE-TRIAL WHERE I AM REPRESENTED WITH COUNSEL. I feel that I made a bad decision under stress not to have counsel represent me and that they judge took clear advantage of my not having counsel with her verdict and her statements in her report. I don't believe she would have taken such a brazen chance if she knew there was someone else watching over her preside over me who was of counsel.

The judge mentions that LE left his job in November 1989 but the truth is that he was fired and was asked to leave because of his wanton behavior in his sexually abusive manner toward KA and because of his illegal practices of what he was doing when he was running his department. LE, under cross-examination, even admitted to this as well when I tried to offer into evidence an article written in the Wall Street Letter saying that he got kicked out. IF LE was such the innocent terrified investment banker the judge seems so painstakingly trying to make him out to be, then why did his own company fire him after he worked there for over 23 years without the opportunity to be a limited partner? Almost every partner who leaves or who is forced out reserves the right to still be affiliated with the company in being a limited partner but not LE. Only LE and Bob Freeman, the convicted partner of insider trading, lost this privilege. Why? The judge knew all this and yet she still portrayed LE as the victim. This is sick.

This injustice continues when she exclusively refers to LE's denial of his harassing both KA and myself, of his surveillance of both of us, of his attempted rape of KA, and in forcing KA to continue their sexual relationship. The judge felt that although KA testified that all this was going on it couldn't be true. She doesn't credit any of KA's testimony stating that it is absurd that KA would feel trapped in such a relationship for over two years. WHAT CENURY IS THE JUDGE LIVING IN ANYWAY? Then why is there a need for sexual harassment laws at the work place if these things never occur? They occur more frequently than most of us would want to believe and we only take notice when it happens to someone we are close to or if it happens to a celebrity. LE even mentions that he told KA that she would have to make a choice between the two men she was involved with because, as he stated, he felt she was cheating on him and that it was not tenable for him. WHAT CHUTZPA! Here is a married man telling his secretary that he is involved with, who is single, that she must choose between seeing myself who is single and himself who is married. What audacity. How is it possible that just by this outrageous statement and request only, that the judge couldn't see the incredible pressure LE was putting on KA as her supervisor to keep her and to make sure she only continues seeing him. The man is

married and had no intentions of leaving his wife and he still felt he had the right to demand that KA should still see him. Only a man who knew that a woman was in dire fright of him could even make such a request which is like a request with a gun to her head which is the fear of losing her job, being blacklisted in the business and fear in making her believe he could have her daughter taken away from her if she would complain and this became public.

Incidentally, all three threats came to fruition which LE carried out against KA.

The judge again failed to bring out the inconsistency where LE first admitted in statement he made to IAD that he contracted venereal disease. He then changed his testimony that he never had it but went for a test anyway because he felt he could have had it because KA was involved with me as well. LE himself mentioned he wanted to speak with me at the time. The truth is that he did, he called me in front of KA. He identified himself as Rich and that he demanded I go for a test and I meet with him. I told him never to call or bother me again. This is all reflected in the testimony where this incident occurred in Sept. of 1987. The fact is that LE had an infectious case of venereal disease.

Here again, LE is changing his story. First, he says that he never endangered KA's position and then in the judge's own report, he acknowledged that after I entered the picture he told KA that it might be better for her to work elsewhere in the company and that he offered to arrange interviews for her. Yet he is telling the court in the same breath that I was trying to force him to promote her. By his own statement, he was clearly trying to get rid of her for fear that KA would talk and reveal his little secret not that I would. He was scared of what KA would say and do now that she feels that I am watching out for her welfare and assuring her that she didn't have to be scared of him anymore. All of a sudden he felt she had to be moved away. He testified he knew she was involved with me 4 years prior. Why didn't he feel the necessity to move her then? He only felt it now because he knew that KA would be willing to come forward now and make a legitimate complaint against him for sexually abusing and harassing her. She wasn't going to take it anymore and he was scared of this that he would rightly be punished for his behavior. He himself testified that dating a secretary violated a company policy that forbade such social contact for obvious reasons because it leads itself to a supervisor supervising his lover which often leads to job harassment when things do not go well with their personal relationship as with what happened here. If he really wanted the best for KA and wanted to see her, he would have transferred her away years ago and not violated company policy but he didn't care about company policy, only having his secretary available to him sexually upon demand.

The judge also cites his testimony by saying that KA wanted him to set up suddenly a trust fund for her daughter and at the last

minute she changed her mind because I advised her not to. I don't understand this. If LE is claiming that I was trying to get money from him for myself and for KA, then why would I try and stop him from giving money to KA in a trust fund? He admits himself that I told KA not to take it. The truth is that he offered it to KA to try to get her to take cash from him in front of a witness and she herself turned it down telling him all these years he never offered her any money, why all of a sudden now, and furthermore, she told him she didn't want his money, she just wanted for him to leave her alone. Another winning statement the judge took seriously, is the statement where LE said that I only asked to get money for myself once on the day we both met together on 6/28/89.

Who in their right mind could believe such utter nonsense? Here is a man claiming that I was trying to shake him down for a half-million dollars by blackmailing him and by his own statement, I only developed this idea once at the end of our conversation as he testified, and I never again brought up the topic again. If I or anyone were trying to take money from this creep, is it reasonable to assume I would only ask for money just one time and then forget about it?

Also, by the testimony of Inspector Biehler and of the evidence in record, I notified OCCB of the possibility of Goldman Sachs being involved with promoting prostitution which was on 6/27/89, and he told me that an investigator would be assigned to this case and would contact me. At that point I knew there would be an investigation into both GS/LE and myself so why would I then, having this knowledge, try and extort money the very next day from my meeting with LE? All this is in the record.

LE denied he was continuously threatening to get me into trouble on my job where I would lose my job. KA testified as I did that LE threatened me many times and that he has the power through his political contacts to have me fired if this became public or if KA would stop seeing him personally. He claims he never called me before and yet my phone number is all over his car phone bill going back 6 months before I ever knew who he was. He even testified that he had my number written on a piece of paper he found in his car and that he may have called. How could he possibly forget something like this? He denied it at first until he found out about the car phone bill. This piece was inaccurately mentioned in the judge's report. Also, the judge has no problem pointing out that I falsely said that I wasn't recording one of our conversations but she fails to bring out that LE stated to me in that same conversation that he was recording our conversation and then later at the trial he denied ever making any recordings. So which is it? The judge easily attributes this to the fact that he was nervous and was saying anything. So anything to exculpate me of any wrong doing using his statements is ineffective because he just said it because he was scared, but anything I said has to be interpreted as threatening.

The fact that he felt threatened was not because of me but because



of the situation he put himself into. He knew the horrible crimes he committed against KA and of the other illegalities he was doing at GS. He felt threatened that if he cannot control himself anymore with KA that either she or I would call in the police. I didn't call the police until I was told and believed an actual act was committed which at that point I was obligated to take action by notifying my superiors which I did. Even according to the judge's report, she quotes him of denying telling IAD that amounts demanded by myself included \$250,000, yet in the investigative report of IAD which Det. Hardick said he mentioned a half a million dollars. It gets even better. Later when his attorney came to IAD to file a complaint against me, he only stated I wanted \$50,000, then dropped the demand to \$5,000. So which is it? I submitted all of this on the record with paper work filed by IAD and the judge knew about all this. It seems throughout this whole investigation LE kept changing his story around for the time that it suited him because he wasn't sure of what I had on tape at which point and thank G-d, he still doesn't know because there will be more information revealed at the collateral trial which I could not release at my trial and again, he and this department will look very suspicious and stupid, but there is already overwhelming evidence to support all what I am saying.

LE testified and is included in the judge's report that he first contacted counsel after he was served with a criminal summons by KA. However, he said to me on a recording made on July 10, 1989, which he acknowledges as his voice, that he already had counsel. In addition, he testified that he brought in an attorney to meet with KA to try and set up a trust for her daughter; so, again, he admitted he had counsel to this situation. He lied continuously and the judge knew this all along and yet she still finds him credible. There is one logical explanation for this behavior of the judge which seems obvious. LE suspiciously doesn't remember if I approached him as a private citizen or as a police officer. Did the judge graduate law school? Do you have to be a genius to figure this one out? I met him off-duty, out of uniform, away from where I work. Is there more that must be said? He knew of my profession going back three years before I even knew of his existence which he himself acknowledges. So, what am I supposed to do, change my profession before I try to handle a personal matter so I won't be accused of misusing my authority? Also, only an idiot could deduce that I was misusing my authority because LE was in the powerful position of having hundreds of people work for him, and he socialized and did business with very powerful people and business institutions. Nobody could ever believe that this man, who has earnings annually of over \$5 million, could be intimidated or feel threatened by me unless he was doing something really wrong. LE points out that I have a black belt in karate and that I am an armed police officer thereby causing him to be in fear. Nonsense. If he was in fear, why all of a sudden was it now, and not 3 years prior. I had the same black belt then and I was also armed as a police officer?

My record speaks for itself. I never had one complaint of brutality and I never abused anyone in my life physically or personally. On the contrary. I spent my whole life as a cop and in my private life, defending the downtrodden and people who cannot stand up for themselves.

The judge then misreads the record by stating that LE doesn't hold me responsible for him breaking up with KA, losing his job and causing his family problems. He only blamed all his problems on me and he even called up KA's sister and blamed me for causing their "beautiful affair" to end. He did this over KA's strenuous objections that he should never call KA's sister because she knew nothing of their affair and KA didn't want her to know. Then LE blatantly lied on the stand that he had no specific knowledge of an offer made by attorneys to settle the lawsuit against him which involved hundreds of thousands of dollars. I wanted to offer into evidence that this wasn't so. That he personally made an offer through his attorneys going back to December 1989 which was in writing which I have, but all I'm told was that it is a collateral matter. This whole trial is just a collateral matter. If he was so guiltless, then why would they offer so much money just to settle this case? Lastly, the judge gives credence to the fact that LE told the court that KA told him that she and I were to be married. This was never the case and was not either of our intentions. He told this to people because, as I stated earlier, he announced it publicly and he is recorded on the tape as stating it as well, that he told this to people to justify KA's mysterious disappearance all of a sudden, going back to June 1989 when he first told her not to come in the office for awhile and then when he fired her. Additionally, he later accused her of being in collusion with me take his money. This whole thing is utterly, disgustingly false.

The next testimony the judge refers to would be comical if it wasn't real. Here is Del Zelesky who testified that she replaced KA as LE's secretary and she personally received a letter, sometime in November and when SHE OPENED THE LETTER she found a condom and a note. So what does she testify under oath... that she did not throw it in the garbage. No, did not call LE about it. No, did not show it to anyone else in the company including security of Goldman Sachs. But, yes, the obvious, sarcastically speaking, she first notified LE's attorney whom she never heard of or met before. This is something the court is expected to believe? In addition, she totally discredits Jeff Kaplan, the attorney for LE, where she testified that he (Kaplan) personally opened the envelope after advising Zelesky to send the letter to his office immediately. Once again the judge conveniently forgot to mention this discrepancy. Again, on cross examination, when asked, Zelesky stated that she thought right away that I must have sent the letter because she knew that there was some trouble between LE any myself. Yet she testified earlier that LE did not discuss any of his personal business regarding me to her. Also,

why would she right away think it was me who sent the letter unless she was instructed to say this? It could have been anyone considering LE was used to receiving this type of mail as KA testified that LE had all this type of obvious sexual material sent to his office where KA screened it because he couldn't have it sent to his home.

Again, the judge tries to conceal important evidence in her report. During Det. Carolan's testimony where he states he found a partial print of my left pinky he also stated that the judge left out that he found it strange and unusual that the partial print of the pinky was found and not that of the index or thumb finger because that is how someone would write it and that it was found in an unusual place on the letter. He testified that prints can be transferred from paper or from on inanimate object to another. He also testified that it never occurred to him to even check if this was done. I did not send that letter and I don't believe that was my print. However, if it was, I maintain it was transferred there or it was on a piece of paper I once had possession of and since threw out which was picked up. The witness testified that he himself was unable to tell from looking at the fingerprint here as to how long it had been on the piece of paper. Furthermore, it could have been there for years. LE testified that investigators were hired and that they went through my personal things from the outside. He also had access to many of my personal things including picture frames and many sheets of paper that KA kept of mine in her desk which were mysteriously reported missing and later found at the security desk of Goldman Sachs back in August 1989. There is even a case of law where, when others had access to somebody else's property and they took property, or in this case, paper where the original person had his prints on it, and then someone else sent this piece of paper to harass a third party with the print of the original party. This is not so unusual if someone is willing to pay for this to happen, and LE has spent hundreds of thousands of dollars in his vendetta against me.

Again, the judge here misstated the witness. At the trial when I asked Det. Carolan if elimination prints were taken, he said no. He further stated upon cross-examination that it is standard procedure to do so, so he could know if there was any other foul play - meaning he needed elimination prints to test the people who had legitimate access to the letter against the other people who didn't. Once the elimination prints would be taken, which entails taking the finger prints of all the legitimate people who had access such as in this case, Ms. Zelesky and Jeff Kaplan, then other prints would be legitimate suspects. There were over 14 different various prints on both the letter and the envelope suggesting there were at least that many people who had access to this letter. At the trial, it was stated by both Zelesky and Jeff Kaplan that LE nor anybody else touched the letter; however, I believed LE may have sent it himself or hired some private

investigator to do it, and so they naturally should have been  
finger printed and checked. This wasn't done... why? As  
testified by the witness, he attempted to but the people at  
Goldman Sachs, LE, and his people, refused to cooperate. This  
must have slipped the judge's mind, as well, in her report.

## Regarding Tape Recorded Conversations between GM & LE

The judge, once again, misrepresented the evidence regarding the tapes. First of all, she mentions in her report that there are two conversations in evidence of June 29 and July 10, 1989. This is incorrect, there is a third conversation, July 11, 1989, which LE initiated. The judge claims I surreptitiously made these tapes; however, LE also made tapes as well, as he stated during the recordings, where he clearly said that he was taping these conversations. The reason why I taped these conversations was because I was informed by KA that he made it a practice of "surreptitiously" recording his phone conversations and I didn't want to be accused of saying things which weren't so. He would have turned in his own tapes if he thought the tapes would have help him and not implicate him. However, he testified at the trial that he did not make these recordings - this is a clear inconsistency and a lie by LE. Then, the judge referred before that I falsely stated that I was tape recording this conversation. This is not true. Immediately after my quote from the above, LE said to me, "You have a tape recorder, tape it." I said immediately following that statement, "Listen, I don't need to tape it, Lew."

It seems every time there is an inconsistency on the part of LE that vindicates myself, the judge attributes it to the fact that he was scared and she ignores the evidence at hand. In these conversations, which lasted over three hours, the judge saw fit to quote only 4 or 5 statements made by myself which she twisted around to try to implicate me in wrong doing. I plead with your office to listen to the entire tape recordings and understand that naturally I was angry and upset after KA told me about the abuses she suffered by him. In addition, the judge is referring to the fact that LE felt threatened and this implicates me in a crime. There is no legality to this assumption. LE had every reason to feel threatened, not by any actions that I was taking but by the fact of his own personal knowledge that he knew that the abuses that he did to KA and the things that were going on in his office may come to light, not by myself but by KA herself as she was reaching out for help at that time. I was the first person she told because I was the only person she trusted who can help her as a personal friend and as a police officer. The judge notes in her report that I stated that one section of the conversations might be missing but did not identify the material allegedly missing. There is nothing further from the truth. The record clearly reflects the fact that I asked to listen to the tapes to make sure they were the same tapes and the reason being because the department of advocate made transcripts of these tapes where 90% of the conversation, I was left out, and the other 10% I was misquoted by the transcriber. They tried to enter this as evidence and I protested. I was given the opportunity to listen to the tapes that the Department of Advocate made copies of, and the next time in court I informed the judge that the last 5

minutes or so of the first conversation were missing and I would gladly submit a copy of the original tape with this missing piece. She said it wasn't necessary.

The first quote that the judge refers to is on the June 29th tape in the beginning of the conversation, where she quotes me as saying the following:

No, you listen, you hear me out for a second, okay? I thought that for a second I thought maybe you had a fucking little sense of remorsefulness in you, but apparently you don't... you know how I feel about you. I think you're still a piece of shit. The point of the fact of the matter is that gotta keep away from her. You gotta stop bothering her and you got to treat her as a professional, okay?... You think I am blackmailing you? You have the balls to say something like that? I'm just trying to get you to stop seeing her. I don't have to blackmail you. I'm not blackmailing you.

The judge clearly left out the following statement that I made in the same breadth that:

I wouldn't want anything from you, Lew. I just want you to stay away from her.

Why did the judge leave this out? In addition, when you listen to the tapes, the judge conspicuously leaves out the fact that there must be over 75 references to the fact that I am insisting that LE stays away from KA. Anyone, with the simplest IQ, can recognize my intentions during the course of the conversations. I have played these tapes for several attorneys and law enforcement personnel and each one of them supported my position that my intentions were clear where my only point in dealing with LE was trying to get him to leave KA alone without blowing this out of proportion.

The judge, next, discusses certified letters that I threatened to send to LE, inferring that this is illegal. This is absurd. I told LE, when I met with him on June 28th, that I would put it in writing through a signed affidavit that I met with him for the purpose of trying to get him to keep away from KA. When the judge refers to the letter that I stated I would send, she clearly neglected to continue my conversation - the next two sentences that followed - which stated that I would go to law enforcement agencies that he is harassing her and that, "stay away from Kathy, I'm not going to make it any clearer to you. Leave her be. Do you understand what I'm saying?"

I told him clearly that if he wouldn't do it, that I would use every legal means at my disposal to enforce this. I stated clearly that I would first go to his supervisors to let them know about the harassment; second, I would go to his wife for the purpose of having his wife put pressure on him to stay away from

KA; and lastly, if both these measures would not work, a police report would be filed for criminal harassment. There is nothing illegal with any of these statements, in fact, it shows strong reservations on my part, and compassion, that I did not want to blow this out of proportion. I used every possible discretion to try to ameliorate this problem. LE just couldn't keep away from KA personally when he insisted on her continuing his sexual relationship with her through threat of losing her job. He also continued threatening me by hurting me on my job, which is clearly reflected on the tapes.

There is nothing wrong with me reporting wrong doing to the police department, on the contrary, I am obligated to do it. The judge points out in her report that I falsely replied during the conversation with LE that I was not recording the conversation; but she fails to point out, as stated previously, that he said himself that he was recording these conversations, which he denied at the trial. Then the judge quotes another statement from me after she states that LE said that he would not bother KA. She quotes the following:

No, you listen to me... I think you're just too afraid. Lew, I'm not gonna hurt you. I'm not going after you. You have to understand that. If I wanted to hurt you, I could have blew you out of the fucking water a long time ago.

...I have a lot of shit on you, your partners and everybody else and I don't, I'm not interested. I just want you to let Kathy grow professionally. At least we agreed that we're gonna help her out. That's it. I have no other interest in you or your company. I could give a shit if Goldman Sachs blew up tomorrow.

Once again, the judge did not finish the complete paragraph of this quote, where I continued to state:

You understand what I'm saying. I have absolutely no interest, I have a lot of other shit that I'm involved with. I don't want to be involved with your friends. You understand what I'm saying? Just leave Kathy alone. You understand what I'm saying?

Then LE responds:

I understand what you're saying.

I then reiterated:

No, you don't understand because you are bothering her, you're calling her and you're telling her you love her, and all this other bullshit. That's not true. We went through this already, all right. You just about admitted everything to me about all your compulsions, all these fucking things. I don't want to keep redoing this again. Just leave the girl

be. You're hurting her, you're tearing her apart inside, okay. Stay away from her. Let her be.

My intentions are very clear. The judge is putting me in a bad light by quoting me where I am angry and using a couple of curse words.

In these statements, I clearly state that:

Lew, I'm not gonna hurt you, I'm not going after you.

Throughout the conversations, I continued to reassure LE that my only intention is for him to stay away from KA and I have no intention of hurting him. There must be over 25 references to this effect. These statements clearly reflect that if I wanted to, I could have gotten LE into trouble legally, by contacting his superiors at work but I tried to use discretion and by hoping that this would calm down. It came to my attention that there were many things happening which could be considered as violations of the law and I clearly stated my intention was not to get personally involved with these matters. In fact, I told him in the later part of the conversation, that if I believed there are other wrong doings, I would be obligated to come forward to the police department with this information which I did. I think this is what frightened him - he knew that he was involved in illegal matters and he knew that KA would eventually tell me.

The judge misleads the reader, once again, where she quotes me insisting that LE transfer KA where she can receive a little more money and promotion which she deserves. By the context of the tapes, my intentions are clear where my motivations for transferring KA were so she physically would not come into daily contact with LE as she worked as his personal secretary before. She was totally frightened and intimidated by him and the few times that she continued working for him after this, he sexually made advances on her again by touching her against her will in his office. I insisted that she be transferred anywhere so she should not be in contact with him and where she wouldn't be demoted. He clearly stated to me several times that he must promote her because after so many years of working, she can't just get a lateral position change.

The judge states that I was unpersuaded when LE said that he doesn't have the power to transfer her. How could I be when he was the head of the department and could make any kind of managerial decisions whereby KA could have been assigned to work in a location away from him. Again, the judge takes me out of context. The judge quotes LE as saying:

What are you going to do if I can't (transfer her)?

And she quotes me right afterwards as saying:



I believe you can. I got faith in you, Lew.

The judge defines this as a threat where she goes into novelistic English (Page 79 of her report): "I do not believe that anyone hearing that statement would fail to feel icy fingers at the back of his neck." I think the judge is watching too many "Godfather" movies.

It should be noted that this entire conversation came at a time, as I stated before, that LE actually fired KA by announcing publicly in his office to various employees that she was leaving her job to get married and had her replaced. She wasn't at work at his behest because of the trauma that was transpiring where he didn't want her around and he told her to stay home until he could figure out what he could do. He told her he would count her days out as sick leave because she was way under with sick day absences from work. This could have been confirmed, as I stated earlier, if the judge would have allowed me to subpoena witnesses who are employees at Goldman Sachs, but the judge refused me this right. I had every reason to be concerned with KA losing her job and in trying to protect KA from being sexually harassed. KA was totally frightened to approach the Management Committee of Goldman Sachs who are the only people superior to LE because a few of them are involved in similar situations. I felt, at the time, the need to make it clear to LE that he cannot just fire her or demote because she will not maintain a personal relationship with him anymore. So I discussed the possibilities with him of giving her a position where she can grow professionally and nowhere or time did I mention or threaten him that if he didn't comply I would hurt him or try to take any money. This was not the case and never happened. He himself admitted on the tapes that he found it difficult to maintain a work relationship with her around and that he suggested as well that KA should not be working around him because he inferred he cannot control himself around her. I continued to maintain that he must transfer her anywhere where she is away from him and to a place where she won't get fired or be demoted and if he persisted in sexually harassing KA regardless then I would go to his superiors.

THIS WHOLE THING SHOULD BE CRYSTAL CLEAR. THE JUDGE KEEPS SAYING THAT I DID EVERYTHING I DID TO TRY AND FRIGHTEN LE IN GAINING A BENEFIT FOR KA. SINCE WHEN IS TRYING TO GET A BOSS TO STOP SEXUALLY HARASSING HIS SECRETARY A BENEFIT? MORE IMPORTANTLY, THE JUDGE CLAIMS AFTER HEARING THE EVIDENCE THAT I TRIED TO PRESSURE LE IN CONFERRING A BENEFIT BY GETTING KA A BETTER JOB. THIS IS TOTALLY LUDICROUS TO ASSUME THIS AS ANYONE WITH NORMAL INTELLIGENCE WOULD HAVE REALIZED THAT IF I WENT IMMEDIATELY TO LE'S SUPERIORS, HIS SUPERIORS WOULD HAVE IMMEDIATELY TRANSFERRED HER OUT OF HIS SECTION FORTHWITH BECAUSE THEY KNEW LE WAS VIOLATING COMPANY POLICY AND ENDANGERING THEIR COMPANY BY OPENING THEM UP TO CRIMINAL AND CIVIL ACTIONS. IT IS CLEAR THAT I DIDN'T GO TO HIS SUPERIORS BECAUSE I WAS HOPING THAT IT WOULDN'T BE NECESSARY, FOR THEN IT WOULD BECOME PUBLIC AND HARM KA PERSONALLY FOR SHE WANTED TO KEEP THIS AFFAIR QUIET JUST AS MUCH AS LE WANTED TO AND IT IS CLEAR I CONTINUOUSLY HAD KA'S INTEREST IN MIND THE

WHOLE TIME - THAT IS WHY I GOT INVOLVED IN THIS TO BEGIN WITH. ANYONE COULD DEDUCE FROM THIS THAT IT WAS AGAINST MY INTERESTS IF THIS BECAME PUBLIC AS WELL.

The judge then makes reference that we both discussed putting this matter behind us and getting on with our lives. She immediately quotes me as saying:

Just go back to your fucking wife and start developing something or find another toy.

The judge writes: (Page 42): "In the same vein, he opined that a liaison with a prostitute might distract Eisenberg from Abraham. 'Want me to recommend some hookers for you?' he asked. 'I know some hookers who will do this for you, okay? For the same fucking little toys, for the same fucking little aggravation.. the same way you degraded... I know girls, I'll tell you, I'll make referrals if you want. Just as long as you stay away from Kathy.'" "

The judge is vicious and shows clear personal vindictiveness against myself in her attempt to misinterpret my statements and my intentions. To put things in its proper prospective, the judge fails to point out the entire thought that was reflected in the series of replies that went back and forth and misquoted me by deleting words which clearly changes the thought of each and every quote. Another example, using the above quote, the actual words said were:

Why don't you go back to your fucking wife and start developing something with her or find another toy. One or the two. I think you'll find another girl to play around with then you'll be able to leave her (KA) alone.

The comments the judge quoted (see above) about my finding hookers for LE, was clearly a sarcastic statement reflecting my sincere desire for LE to stay away from KA by informing him that I was aware of his deviant sexual demands by liberal standards.

The conversation continued where I again reassured LE that I am not threatening him and furthermore I suggested that he tries to improve his relationship with his wife where LE states right after to me that "You are a good man". The conversation that the judge felt was unimportant in her report went as follows regarding the above statements the judge quoted me on.

GM: I know, Kathy and I know you, and I know what's going on. Okay, and let me tell you something, I'm not looking to threaten you, I just want you to stay away. I'm looking to

LE: I'll stay away.

GM: You only can stay away if you have some replacement for her. Right? In your little sack or else if for some reason you get closer with your wife again. That's the only way.

LE: I'm going...I will attempt to... I've agreed with my wife...

GM: Take out your wife for dinner. Do something nice for the girl, okay.

LE: You're a good man. Let me tell you what I'm going. I will take my wife out for dinner tonight.

GM: That's very nice.

LE: I'm going to try, I'm going, We have agreed that we'll separate in September, we can't make it go very soon.

GM: Why?

LE: I'm going to make every effort to make a go of it.

GM: I just hope it's true even though I think you're bullshitting me, okay. But you know something, Lew, you may discover something new about your wife. Why don't you introduce her to a couple of little toys or something like that, maybe she'll help you and maybe you can have something going with her. Just try it for a second, you know. Look, I can't be your counselor, I'm just worried about Kathy, okay. Just

LE: I will stay away from Kathy. I will try to help her.

GM: You do that and

LE: I can't guarantee

GM: There can't be any harassment on the job by you, all right, in any sense of the word. I'm talking about all the little things that can go on at work, the little things that go on in the office to make life difficult for her or with anybody else, or with any other partners or anything like that, okay.

LE: I will be as nice as I can but I can't, I will not do anything consciously.

This is the context of those statements. During the course of the entire three conversations I have had with him, at no time, did LE state or say he felt that I was out to get money from him for myself or for KA during the course of approximately 4 hours of total telephone conversation. Doesn't it stand to reason that as he claimed during the trial that I asked him for money for myself on June 28th when we met, and yet, the very next day, there is no mention of money demands for myself or for KA and there are no threats where, if any money demands aren't carried out, that he would be exposed. The judge admits in her report (Page 42) "The Respondent repeated exhorted Eisenberg to stay away from Abraham, saying that that was his only demand" by the tapes. She continues with, "Eisenberg, however, repeatedly told the Respondent that he was frightened and felt threatened by the Respondent's actions." It is not illegal, on my part, if he felt threatened. He felt threatened because he was involved in illegal activities which may come to light. He was afraid that KA would now have the strength to come forward and this terrified him. If a police officer confronts a suspected criminal and demands he cease his criminal behavior, and the suspected criminal states that he felt threatened by the officer's remarks, this does not constitute a

legal threat by the officer. Quite the contrary, the officer is obligated to warn and caution suspected criminals. A threat by the penal law is defined as stating or doing something to annoy or harass for no legitimate purpose. Eisenberg keeps stating he felt threatened, that's his problem. If he felt threatened by legal statements I had made, that does not constitute harassment on my part by his interpretation of what a threat is. Criminals on the street feel threatened also when they feel they are about to be caught - does that mean the officer can be charged with harassment or intimidation if the suspected criminal feels threatened?

The judge continues (on Page 42) in her biased report, stating that LE and I discussed career plans for KA and "it was clear that the Respondent would not be mollified unless Abraham was promoted." She gets this preposterous notion from a statement she quotes me saying to Lew,

Unless you fuck up, that's the only way things'll get out of proportion. You have the key to everything. Do you understand what I'm saying?"

These couple of statements were totally taken out of context once again and must have been deliberately and deceitfully done by the judge to misstate my intentions which were quite clear if one listened to the whole statement. She only quoted 3 sentences out of 10, within the same continuous paragraph. The immediate statement by LE preceding this paragraph was the following:

Have you discussed with her the possibility of developing your own business?

This clearly shows that LE brought up the idea of starting a business for KA, which confirms my testimony that he initiated the idea of a business for KA in order for her to leave the company. My immediate response, which the judge purposely neglected to mention, was the following:

I didn't have a chance to talk to her about that. Lew, Listen, you can walk away from this scott free, if you chose to. Nothing has to be, no one has to get hurt any more than has been done, everything can, everything is up to you. That's all you have to understand. Kathy will not hurt you, I will not hurt you, no one is looking to hurt you, and unless you fuck up, that's the only way that things gonna blow out of proportion. You have the key for everything, you understand what I'm saying? Just let her be, let her develop, leave everything be. No one is going to hurt you in any sense of the word. You understand what I'm saying? I don't think you understand it.

Any moron would clearly understand what this meant. In fact, the part where the judge quotes me stating, "Unless you fuck up,

that's the only way that things will get out of proportion". This clearly refers to the fact that the only way he can fuck up is if continues to harass KA, then I would have to go to the appropriate authorities, at his company and/or the police department.

The judge continues with her report (page 42): "At the end of the conversation, Eisenberg tried to achieve a resolution, referring to the previous day's conversation:

Eisenberg: You mentioned two things. You mentioned a camp.

Respondent: Yeah

Eisenberg: as one, and uh real estate (unintelligible)"

She continued with: "Eisenberg asked the Respondent whether Abraham knew anything about camping, to which the Respondent replied that she knew about it through the Respondent. He suggested that Eisenberg discuss any business plans for Abraham directly with her."

Putting things in perspective, the judge could not possible make such an assumption on another person's thought, especially when he didn't even allude to it in his testimony, and I am referring to the comment "Eisenberg tried to achieve a resolution." How can she consistently and repeatedly believe every comment made by Eisenberg and to even "think" on behalf of Eisenberg on what he meant to get across to me during the conversations?

As I testified, LE suggested several times during our conversation that he wanted to create a job for KA outside of Goldman Sachs and the only possible way was to put KA in business so she can leave the company in order for him to be more comfortable with this situation. I was not opposed to this, at first, because I wanted KA away from him as well and I felt that she should not have to lose her job and her financial position because she stopped her personal relationship with him. It is not illegal for me to support this position, and if LE felt pressured at any time that he must comply by finding a position/business for KA, he never indicated it in any of the 3 taped conversations. The fact is, that LE brought several ideas up to me, and he kept bringing up the notion of the camp because he knew about this through reading my material which KA typed for me, as she testified. Let it be mentioned now, that KA testified, that her personal belongings and papers were confiscated by the Goldman Sachs security department and were not returned to her for several weeks. Personal reports that KA had typed for me at the office, including my ideas for opening a camp, and various other proposals for a few non-profit charitable organizations, were among the papers that were confiscated. In fact, I insisted that if KA would accept any offer to go into business, LE would have to be part of it, so it would also be a business opportunity for LE, but especially, I did not want KA to feel degraded any further by taking any money from LE without him getting any benefits from it. The tape recordings reflect clearly, which the judge refuses to put in her report that a few sentences before her quote about the camp, LE brought up the

subject of building a company. I kept insisting that I didn't want any part of it - only that I would help KA in anything she wanted to do, but I did not want to be a party in anything between the two of them. LE brought up the idea of the camp 3 times during the course of the conversation of June 29th, and he even asked me, "What does it cost to put a camp together?" and "Can you put something together for me to see?" To put things in context, the conversation went as follows:

LE: Did you talk to her about working with you to build a company where (unclear)

GM: We haven't had time to talk about that. I will speak about that tonight with her. And that's up to you. And you know something, that's one thing that you're going to have to talk to her about. You're going to have to talk to her about it.

LE: Yeah, but she won't do it without your encouragement.

GM: You're right. That's right. And she will. And your name is going to have to be on it. You'll have to be a part. She won't take anything unless you perceive it to be strictly business. You understand?

LE: I said I would that.

GM: All right, fine.

LE: And I told you. Let me just give you a suggestion. You mentioned two things. You mentioned a camp, is one, and a real estate (unclear)

GM: It has to be strictly whatever she feels comfortable with. You know, Lew, something.

LE: Does she know anything about camping?

GM: A little bit. She actually knows it through me. But the point is, but you have to do it, you know her in this capacity. You discuss with her a little bit. You give her, give her a couple of other ideas perhaps. She can give you some ideas. I can't be there to help.

LE: I don't think she'll talk to me about those things. I think you're going to have to develop her.

GM: Maybe. But I, I can't be in a position to be responsible like this, okay. My relationship with her is on one side. She has to be totally independent on her own without me as well. You understand? She has to be in a position that she can do this, that you can do this, and set this up for her and also for you. It's something that you will make money on

as well. You don't have to go into it thinking that way. Or else it won't work. You understand.

LE: You think she would do it without your help?

GM: She can. I'll help her. I'm not going to walk away from her. I'm not going to say I'm not going to help her. I will work on it, I will develop it with her, I will give her some expertise if I can, if that's my field which it may not be. I'm not a real estate giant.

LE: I don't think real estate is where she... A camp, where you have knowledge, she has interest.

GM: That what I know about, okay.

LE: What does it cost to put a camp together?

GM: You're talking about a half a mil, for something like that, to buy it. You're talking about ... I did this

LE: Do you know where it is?

GM: I have all the information. I developed this two years ago. We bought property, a friend of mine, we bought property (unclear)

LE: Can you put something together for me to see?

GM: I can put it writing for you to see. But you know something, Lew

LE: What?

GM: My feel that if you feel that I am blackmailing you in any sense of the word, I will not be involved in any of this mess because believe you me, if you make any accusations

LE: I am blackmailing you?

GM: Exactly. If I feel that you feel that I'm trying to shake you down for ... this has nothing to do with it. That's why I want nothing to do with this at all, do you understand what I'm saying?

LE: Well, don't do that, do something else.

GM: I will help her, I don't want my name involved, or get involved in any sense of the word with any of this.

It is clear as to what my intentions were and what LE's intentions



were.. It was LE who kept baiting me by bringing the camp idea over and over again, and questioning me about it. And if he felt he was being extorted at any point, he could have made his feelings known at the time I brought up the issue when I said I didn't want to be involved with this because he may suggest that I am trying to take money from him. He never mentioned anything of the sort, only asking me questions about the ideas of the camp and the nature of its costs.

LE testified that I demanded a half a million dollars from him when we met on June 28th, 1989. He continued that I only made the demand once at the end of the conversation, outside, walking back towards his limo. It would stand to reason if he truly felt he was being extorted then, then why didn't it surface during the above conversation as it was a prime opportunity for him to either protest this alleged "extortion" or attempt to cooperate. Naturally the threat (exposure of his affair) should have come up also. However there was never any extortion or attempted extortion. Never in any of our conversations in person or on the phone did I demand, imply, insinuate, or expect and money from LE.

At this point, the judge refuses to acknowledge any other part of the June 29th tape and yet, she only referred to a few moments of conversation. In fact, her last comment about the camp was only about one third into the conversation, whereby, she neglected the rest of the conversation which is a conversation between two adults which turned amicable for the purpose of resolving a personal situation that concerned both of us.

The judge continues in her report (page 43) referring to the conversation of July 10, 1989, that it was similar in tone. She specifies a "frightened Eisenberg anxiously attempted to find a solution to this dilemma, offering a bonus and an interest-free loan to Abraham and attempting to explain that he could not move a secretary to a trader's position that required a master's degree in business administration."

First of all, I would like to put on the record that for the first 3/4 of the conversation, the judge did not find anything relevant to mention but she starts towards the end of the tape to quote the above. I believe she was looking for this comment or any comment which would tend to incriminate me in some wrong doing to support her decision in finding me guilty. She clearly must have an outside interest.

She keeps conveying the fact that Eisenberg was frightened. What about me? Here I was put up against a rich and powerful individual. I, myself, was frightened of this man's ability to harm me personally and professionally, which he has, but she makes not one mention of this. She only finds him to be the "victim" in this dilemma. She, again, assumes a fact not in evidence in any written or oral testimony that Eisenberg anxiously attempted to

find a solution to this dilemma by offering a bonus or interest free loan.

Again, to put things into prospective, the conversation went as follows:

GM: Is there any way, other way, (unclear) to leave the company (unclear).

LE: Nobody does, let me put it that way. I mean, lots of people leave all the time, nobody gets any special remuneration. I mean, it would be such a unique case that I don't know how I would even start to build it. But there would be nothing wrong and nobody could look askance, once again, she's been my secretary for 14 years, assuming that we're leaving to the outside world on good terms and friends, she's just looking for an upward tick and a new career. There's no reason why I couldn't give her a very nice present. There's just no reason, and I said we could do it if you needed a legal, if you want a, tell her to get a lawyer.

GM: She wouldn't want it.

LE: Well, how could I? I mean, I would do it in such a way, like I say, Well, I don't know. You and I would have to try anything. I don't want to hurt her and I want to be economically whole. I'd like her to be in her own life and I'd like to live mine and I'd like you to live yours. I do not want to hurt her economically. The only way I can think of doing it, because the only thing I control is by somehow I could do it, one of the ways I could suggest to do it and would just be a legal note, you could have your own lawyer draw it up, that it was that I am giving a zero interest loan of x-amount for 20 years, non-callable, to be paid back if and when any investments that said party made proved to be profitable, period.

GM: The problem with that is that it also looks bad, it's like,

LE: It may. I'm just thinking out loud. All you know is I would try anything.

GM: You talked to me about that she should have some type of venture, to open some type of business, you'd set up all these things for her, okay. Even that looked bad, okay, In fact, unless you have a business interest in this as well. Not as a loan, but as a business interest.

He continued, shortly afterwards:

LE: But no, no, just a second, just a second. It could be exactly as I phrased it. It could be a 20-year non-

recallable loan, and a loan, LOAN, written up that way, and that if the proceeds of that loan were ever to be invested, but never on the stock market, you'd have to make sure of that, was ever to be invested and she earned an adequate return to pay me back, she would pay me back.

GM: I understand that, but also this is very shaky.

LE: Yeah, it is, I don't know how to do it either, I mean, I'm not a lawyer.

GM: It looks shaky, it looks like she's holding you up.

LE: I agree, I agree, I agree, I agree.

GM: You can't kick back in anybody's face like that, okay.

LE: I agree.

It is clear from this conversation that LE kept trying to infuse money into KA for his own personal motivations of trying to set her up. Suddenly he is offering her money, when in all the years he knew her, he never offered her money. He even offers her money under the table, which is in the recordings, and I said she wouldn't take it, and I also mentioned that it looks bad and it looks shaky, and he agreed with it. This clearly vindicates me because if I was trying to take any money for KA or for myself, this would have been a good opportunity to support the idea of accepting money which he suggested and I am the one who turned him down.

Further, it is not necessary to have a master's degree to become a trader, as LE told me and as the judge picked up this sentence. A trader need only get registered by taking the Series 7 exam which has to be sponsored by a financial firm, which has to be supported by a supervisor, which in this case would be LE. The judge portrayed the trader statement as something LE could not do on his own, which is totally false. And that's why this was discussed as a possibility for KA to leave his immediate vicinity and to develop herself in another location of the company.

The judge has the audacity to make mention in only one sentence in her whole report that "although Eisenberg apologized on both tapes for accusing the Respondent of extortion, he insisted that he continued to feel very threatened by the Respondent's behavior". HOW DARE THE JUDGE NOT DISCUSS THIS FURTHER WHEN THIS IS A CLEAR VINDICATION OF EVERYTHING I HAVE BEEN STATING ALL ALONG.

Lew Eisenberg clearly apologized to me and to KA several times on the recordings when I mentioned that I felt threatened that he was accusing me of blackmail and extortion and furthermore, I

mentioned I would not sit still for it and I myself, referred him to go to IAD to sort this thing out on the record, if he believed this to be true.

In addition, LE testified that he had no legal advice until after he was served with summonses after August 15th. This is a clear inconsistency and lie, whereas, at the same point he apologized to me, he mentioned the fact that he had legal advice. He contradicted his own testimony where he mentioned that he had legal counsel regarding setting up the trust fund for KA with regard to this situation as early as July, 1989. One of the conversations regarding legal advice and his apology to me for using the word extortion, went as follows:

LE: I've got my own legal advice, you get yours. That's the best way to do it. I'm not doing anything illegal, I will not threaten her.

GM: I've done nothing illegal also but you've accused me of very serious (unclear)

LE: What I said was that I've, the two of you, I made a mistake, I told her, have you ever said something where the word wasn't what you meant?

GM: Yes, then apologize to her.

LE: And I did apologize. I said I didn't mean it that way, I'm sorry, I apologize, she said, you said it, I said, it was wrong, I didn't mean it that way. I really did not.

Further on, the conversation continued as follows:

GM: Do you honestly believe that I was trying to set up Kathy, encourage Kathy to keep seeing you to extort money from you?

LE: That you'd seen me? No I don't think you wanted her to see me anymore, I think that you wanted me to do was not to see her and set up,

GM: That is what you said, Kathy told me that you said that I encouraged her to keep seeing you so that this way we can, I can go over to her house, set you up, and extort money from you.

LE: I was dealing with, first of all, I didn't say to extort money. I did use the word, I did use the word extort, I apologized, I apologized to you too.

There are other instances, and anyone who will listen to the tapes, will be able to comprehend the situation, which is, LE had to lie under oath to protect only himself, and to destroy anyone

who would stand in his way.

This conversation clearly exonerates me of any wrongdoing with regard to the extortion charges. In addition, it clearly implicates Eisenberg of threatening me of aggravated harassment on the telephone where he confirms through his apology to me that he told Kathy that he would accuse me of extortion with the idea of hurting me on my job which would make me lose my job. It is hear that I note, that on the same day, July 10, 1989, IAD received an anonymous telephone call concerning myself about making illegal bank-drops. Who can possibly believe that these two events (my telephone conversation with LE and the anonymous telephone call to IAD) are unrelated. It was later confirmed by IAD that there was no substance to the anonymous allegations against me.

The last statement the judge made regarding the tapes, was that "While he (LE) voiced relief that this incident was forcing him to end a destructive relationship, he stated that he disagreed with the Respondent's methods and continued to fear devastating disclosures." In this puny comment, is the judge trying to show that she is being fair to me? Didn't the judge recall or read LE's testimony of what a loving relationship he had with KA, including the fact that he wanted to marry her, and didn't the judge recall or read the Department of Advocate's cross examination of KA, whereby they questioned her of this so-called loving relationship? How can the judge take it upon herself to believe LE's claim of a "destructive relationship", but when KA and I claimed the same thing, that it was a destructive relationship where KA was being hurt severely, we (KA and I) are both accused of being deceitful and that we had other motivations. This clearly shows that throughout the trial, the judge was being more than partial and showed favoritism towards LE.

On the same point, the recordings indicate that LE thanked me for discussing this situation with him and that it forced him to end this relationship. Lastly, the judge states, that: "he (LE) disagreed with the Respondent's methods and continued to fear devastating disclosures". Again, the judge found it necessary to point out that he was in fear of his secret being known. Did the judge pay any attention to KA's testimony at all where she was in fear for years of this disclosure just as well, where she had every reason to be afraid and in fear of these same disclosures which would hurt her personally and professionally which it has? The fact that LE left Goldman Sachs with \$30 million and KA left Goldman Sachs with nothing and to this day, cannot find steady work because she is black listed in the work force. This is one of the threats that LE made towards her and it is being carried out. And this confirms my sincerity and reason why I was concerned with her position of security.

## Respondent's Case

Joseph Raymond - clearly testified that I approached Joe on June 28, 1989 for the purpose of observing a meeting which I thought might get out of hand, where I asked him to call 911 for help if need be, and at the same time, I asked him to observe everything I did and everything LE did, so I wouldn't be accused of doing any impropriety. It is obvious to understand that this is the only reason why I would want someone to observe me. The judge fails to point this fact out. Also, Joe testified that I had no folder in my hand, which LE claimed that I had.

Kathy Abraham's testimony - Judge writes in her report that KA said that LE raped her at one point. KA testified that LE tried to rape her with the purpose of inflicting venereal disease on her because LE believed he got VD from GM via KA. The judge does not mention that fact when she mentioned the attempted rape when she summed up KA's testimony. In addition, in the same sentence, the judge saw fit to summarize two major incidents that happened to KA regarding LE which are the attempted rape and having sex with other Goldman Sachs partners in return for unspecified benefits. This is very unprofessional and biased, and obviously, the judge did not read KA's testimony because the judge misstated what KA said. Also, these two points were the major reasons why GM got involved and reported to OCCB. KA clearly testified, which the judge does not have in her report, that LE offered her extra money in her Christmas bonus to have sex with other partners or clients.

Instead, the judge writes, "unspecified professional benefits" and that is her entire reference to the incident of the crime of promoting prostitution which GM reported. Clearly, it is inconceivable that the judge could find me guilty of falsely reporting an incident to OCCB, when KA clearly and distinctly testified of this crime occurring. When someone reports what they believe to be a crime to a police officer, and the police officer makes a report, written or oral, it is impossible for him to be held responsible for the accuracy of the report. In this case, I believe this crime was going on for a period of time and I acted in total good faith in reporting it to the NYPD. The fact that this will damage the reputation of LE and hurt him professionally and personally, that's his problem because he committed the crime.

The judge points out that I did it solely for harassing LE. Regardless, if the crime is being committed or someone reports the crime, I, as a police officer, do not have to have in-fact knowledge that this was occurring.

The judge obviously refused to pay attention to anything that KA was saying because she feels KA made up this whole story because KA was scared that I found out about her relationship with LE on 6/2/89 so the judge viciously states that KA had to come up with some story to tell me insinuating that KA had to placate me and calm me down for "catching her in the act with another man". The judge made her decision on my guilt before KA or I testified

because KA verified everything that I said happened and the judge either ignored her testimony or stated she refused to believe it.

KA testified that she was being sexually harassed by LE at the office, she was being harassed by him at her home where he surveilled her at home often and he had me surveilled at my home as well. She testified that LE made numerous threats against me especially to the fact that he could easily get me into trouble on my police job anytime he wanted. KA testified that LE was very jealous of her relationship with me at various points and he would do anything for her or to her to terminate it. She testified that LE was furious with me when I refused to speak with him when he contradicted venereal disease in sept. 1987. It is at that time when LE attempted to rape KA to inflict this disease on her to punish her. After that, KA continued that she was terrified of LE her boss who she believed to be crazy and dangerous.

The judge either attempts to use asinine logic or she deliberately distorted the facts as KA and I both testified. The judge states that the Dept. of advocate's position that I was the enraged lover and that KA was the lover caught red-handed and had to come with a quick story about her relationship with LE so she concocted up the story that she was seeing LE out of duress so she can satisfy my disappointment and anger with her. The judge must have been sleeping maybe also when KA and I both testified about our relationship with each other at the time. I had a relationship with another woman at the time and I knew KA was involve occasionally with another man (who I didn't know, like KA didn't know the identity of the woman I was involved with because we didn't discuss it.) After KA and I stopped seeing each other regularly in March of 1987 we basically maintained just a friendly relationship. Occasionally KA and I got together romantically but very rarely until the end of June or beginning of July of 1989. I had no reason to be jealous of KA if she was involved with another man at the time of 6/2/89 when I discovered KA had invited another man over. I was angry at the fact that she hadn't told me before that she was being sexually harassed by her boss for I would have gotten involved much earlier and helped her as I did in 6/89. The judge states in her report that KA "merely asked me to leave her home on 6/2/89" but neglects to mention that KA stated that she was frightened for herself and for me later.

The judge in her report only states that KA states that I was "furious" when LE told KA that she and I were in collusion together to take money from LE and that he prepared a signed affidavit stating as such. The judge only mentions that I called LE immediately but doesn't say why as KA indicated that I was being threatened with being falsely accused and with defamation of character and I was the one - being threaten by LE. She continued to report that KA stated "that LE even threatened to fabricate a story to implicate me" as if this was a minor point. This was the most relevant point in the trial where I am being accused of extortion by LE and the judge makes a menial reference to it as if



to cover herself in case someone outside the police dept. looks at her report she could feebly attempt to justify her one-sidedness on this case. The judge also didn't think it was noteworthy when KA stated that LE was scared because he thought that I knew of his illegal improprieties that he was violating at his company. Then aside from the promoting prostitution I wasn't aware of anything substantial then and if I was I would have immediately reported it to the proper law enforcement agency as I did when I made my report to OCCB about the promoting of prostitution then. However I long since learned what political connections can do and if I would attempt thereafter to report what I believe to be a crime based on what KA or someone else tells me then I would be risking being accused of falsely reporting an incident again.

The judge states that I should have known that KA was not telling me the truth". First of all I believed her then and I definitely believe her that much more now with more evidence I heard over the year by other people who contacted me from the company Goldman Sachs who told of similar stories but were terrified to come forward which shouldn't be surprising. How was I suppose decide right then and there if KA or anybody else was not telling me the truth. I followed proper police guideline but NOT INVESTIGATING THE INCIDENT MYSELF because first it is not my job to do it but that of the OCCB and second it would have been unprofessional and could have opened me up to charges of being subjective because I was involved personally. So how can the judge possibly find me guilty of falsely reported a crime to OCCB? Her legal reference is that I shouldn't have believed KA. That is preposterous and has no sound legal basis in the CPL or in the penal law.

The judge finds LE's testimony credible when he says he wanted to promote KA anyway that she deserved it. How can the judge be as naive as KA hadn't received a promotion in the 14 years that she had worked for him? Is he trying to say which he testified that "it was fortuitous" a new job opened up coincidentally for the first time in the summer of 1989 where he had the first opportunity to promote KA as her boss and chief supervisor in his whole division?

The judge continues to misstate, distort, or omit parts of KA's testimony when she reports that KA said 1) she heard KA say that KA heard me call the OCCB and tell them the partners at Goldman Sachs were paying for sex. This is inaccurate as KA testified that she witness my phone call to OCCB and that she knew I was calling based on information she and another woman gave me regarding the promoting prostitution however she or I never said that partners at GS were paying for sex only that LE was offering her (as anonymous) money if she would sleep with LE and the possibility exists that it may be happening with other partners as well but I did not have in fact knowledge then. The judge continues in her report that KA admitted to taking a trip with LE which is just not so.

The judge continues to present KA's testimony regarding the incident where LE offered to set up a trust fund for her daughter that she refused because LE had accused her of extortion. This is the judge's interpretation of KA's testimony and is not reflected by her testimony as she states that it is in her report. The fact is even by LE's own testimony he never offered her before a trust fund for her daughter when things were amicable years earlier and KA never requested one so why now would KA want one regardless. The judge insinuates that KA would have taken it if she didn't think she could have gotten into trouble.

The judge also admitted KA's testimony of the fact that when she reported the sexual harassment finally to Bob Rubin who was LE's superior that Bob Rubin admitted to her that LE acknowledge that he was going to at the time file false charges against me in the police department to try and hurt me thinking it would help him with his troubles and that Rubin reassured her not to worry that LE is in enough trouble already with the company aside from this incident and that LE would keep away from KA and that LE wouldn't be foolish enough now to try and hurt her or me.

The judge horribly omitted much information in her report that KA didn't sign any police report against LE prior regarding his attempted rape of her. The judge only quotes KA as saying "that she felt I had to do something before he gets me" which is clearly out of context. KA testified at length of what happened and how she was frightened to report what had happened. It is inconceivable that this judge being of all things a police judge could not be aware of how often women do not report incidents of sexual abuse and rape especially when it occurs by someone they know and was once involved with. And yet the judge takes the position that KA must be fabricating this story because she continued seeing him shortly after this crime. It is common knowledge that women caught up in abusive relationships with their spouses or boyfriends who are victimized once or several times continue to still contend with these abuses out of an emotional and a physical fear where in this case KA had every reason to be in fear of her boss regarding his position over her financially and when he displayed his physical aggressiveness to her when he physically beat her in her home. Even if the judge was not aware of this factor up until the trial Inspector Bieler who was the commanding officer then of the OCCB public moral division and who is considered an expert in this field particularly in the pedophilia and other sexual abuses that go on between people, testified to this at the trial.

The judge also states that KA states "I found the strength to say no to him" referring to after 6/2/89. KA clearly testified she found the strength now because now I (GM) knew what was going on and she felt better that I would help her and if need be, offer her protection from Eisenberg whom she described as being crazy and dangerous to me as well.

## Testimony of Police Officers James Heaphy and Marvin Wolfthal

First of all, the judge is not right in her report about the discrepancy that IAD testified that they sent for the PBA delegates. These two police officers who are the PBA delegates of the Midtown North precinct, testified contrary that they were asked to assist me by other officers in Midtown North precinct who heard that I was being interrogated by IAD. The judge does not bring up the major discrepancy, as well, of the fact that in the portfolio I was carrying, the major item was a law book. IAD testified that I was carrying everything but the law book. They were able to recall through their notes that they found envelopes, a magazine, and a phone retriever, yet they suspiciously couldn't recall a textbook of over 1400 pages. It was common knowledge that I carried this book routinely to and from work so I can read it on my meal period for my law classes. IAD was thoroughly embarrassed when they searched my portfolio and found the law book, instead of jewelry, bank receipts, and cash which they claim was their main reason of investigating me. Instead of telling the truth and saying that the principal item I had was a law book with the clear intention of reading during my break, not making bank drop offs, they intentionally, left off in their report the law book because it exonerates me from any wrong doing and made them look quite foolish. Both PBA delegates had no problem recalling the text book and yet IAD, who took notes at the time, didn't write this in their notes and didn't recall it. In addition, I was claiming bias and prejudice on the case of the police department as they were punishing me during the course of this investigation by giving me punitive posts which were illegal by every police and city regulation. I am referring to the post at 41st Street and 11th Avenue where my assignment was to guard the private automobiles of police officers. This was considered a "fixer" post where face to face relief was necessary and every police officer who was assigned to this post felt tormented for clearly it was a punishment of some sort because there was no activity (no arrests, no summonses, and especially no police action is necessary).

The two officers testified that this was a punitive post as well, and they testified that this post was just to guard the private cars of the officers of Midtown North because they were not able to park in front of the precinct.

The two officers also verified my testimony that the broken down radio-car left on the post was specifically there for the officer assigned to the post to sit in all day if necessary and the fact that if the officer is in the radio car he is still on post. In fact this is routinely done for most fixers in the whole division.

The judge still found me guilty of not patrolling my post properly because I was sitting in the radio car. This is a disgrace when the evidence and testimony is so clear where the other officers told her openly on the procedure there. If there was any doubt the judge had the responsibility to bring in the

commanding officer who permitted this and to have him testify as I repeatedly requested. In fact as I testified the broken down radio car was assigned on the roll call to being there on that post and if there was no broken down car they put any available working car or scooter there which is again reflected on the roll call sheets which the judge refused to take into consideration thereby violating my rights of due process. They also testified that often meal relief was not given to the officer which put the officer in trouble because without face to face relief he wasn't able to leave to return to the precinct and there was no immediate place on the post to go to buy something to eat. This is the reason why I was on the phone constantly in trying to get meal reliefs and also relief at the end of the tour which never came when they were supposed to. All the judge had to do is to verify this and look at my memo book entries as I suggested and see all the times I often had this post and to see the very few times I was granted a meal period which by contract we are to supposed to get unless there is an emergency and there were never emergencies at the time. I was clearly discriminated against by receiving this assignment time and time again and the judge didn't want to take this into account. I had no choice but to request from civilian friends to deliver food to me while I was on my post because I couldn't get any police personnel to relief me or bring food to me. So one time when Kathy Abraham delivered food to me during the middle of August when it was brutally hot outside with the fumes from the Lincoln tunnel permeating around us I told her to sit in the "Broken down RMP" while I ate lunch inside the air-conditioned car. I was not then and still not now aware of any violation I was committing because the patrol guide refers to a female in a radio-car in a working radio car and specifies regarding transporting a female. This car could not move or go anywhere. In addition regarding the judge stating I was improperly patrolling my post then why according to my memo book entries did my sgt. sign my memo book while he observed me in the radio-car and not write anything to the sort that I was off-post? This is reflected in my memo-book time and time again and the judge knew this and yet she still finds me guilty of sitting in the car. This is pathetic. If anything the sgt. on patrol on those days should be brought up on charges for failure to supervise then as well. Was he? Obviously not. The judge in her report states that the officers testified as I did that 46th st was a pct. narcotics condition on the street and in the tenements and on the rooftops and the judge still refused to believe me when I testified I had to routinely go into some of these buildings to clear out the vestibules and hallways. In fact the officers also pointed out that it was not practical that every time an officer clears out a narcotics condition in a building he makes a memo book entry or fills out a police complaint report. Narcotics complaints come to the officer on that post every twenty five minutes by the people on the block and they occasionally expect the police to do something about it or it least give the appearance that we are doing something about it.

TESTIMONY OF INSPECTOR FRANK BIEHLER

The judge in her report gives only a few lines to the testimony of the Inspector who clearly was able to exonerate me in a few matters regarding the charges. First, the judge does not specify in her report that when I called OCCB, the date was June 27, a day before my meeting with LE which was crucial to my testimony when I stated it would be professional suicide on my part for me to ask LE for any benefits when I had at the time, in fact knowledge a day before that there would be an investigation where I would have to be questioned as well. The judge refuses to bring this out and several other points when it regards vindicating me of any wrongdoing. The judge also refuses to put into her report that while IAD testified that I should have filled out an intelligence report, Inspector Biehler ordered me not to fill out any other report. She also refused to point out that Inspector Biehler does recall the fact that I mentioned the name of the company, Goldman Sachs, whose partners may be perpetrating the crime of prostitution, and I may have mentioned Lew Eisenberg, but he didn't recall. Lt. Walsh testified that I did not mention the name of the company or the name of Lew Eisenberg to him, which is not true. The judge states in her own report that Inspector Biehler didn't recall receiving a complaint from Lt. Walsh about me not cooperating and yet, Lt. Walsh first testified that the Inspector is the one who told him to write a letter to IAD stating that I wasn't cooperating. There is a clear inconsistency here. Both of them are denying that I wasn't cooperating yet a letter was written to IAD where charges were brought against me because of this and as a result, I was placed on modified assignment. The judge also mentioned, when I brought up the fact that the case was not closed out until the end of August, and the last time that Lt. Walsh spoke to me in the middle of July. He testified that any delay in closing about an investigation could have been because of summer vacations. However on cross-examination Lt. Walsh testified that he was working during this period.

The judge felt it was totally unnecessary to put into her report the fact Inspector Biehler testified at length about women who are sexually abused in their relationships and who refuse to report this abuse out of fear. It is not uncommon that women would first report an abuse after it has been happening for years. Inspector Biehler is considered an expert in this field. The judge refused to acknowledge this testimony, as in her report, she feels and states that it's impossible for KA to be in such an abusive relationship for a few years. This clearly contradicts with Inspector Biehler's testimony, who has worked many years in this field with women who have been sexually abused by their husbands and their boyfriends.

## Gary Moskowitz Testimony

RE: Charge #12:

I made a clear statement that I was in the building because of many complaints of a narcotics condition. The judge refuses to believe this, which is contradictory to the testimony of other officers who worked in the area. In fact, I even submitted as evidence, a report that IAD ran an intelligence check on the building in question and verified the fact that they had received narcotic complaints. I also testified that I was not in the apartment in question at any time, and no one said that I was there.

RE: Charge #13:

I am accused of being at the Galaxy Cafe from 14:25 to 15:25 without police necessity. To show how ridiculous this charge is and how the judge appears foolish for even trying to rule on such nonsense, all one has to do is look at the time I finished for the day. My tour ended at 15:30 hours, which means realistically I am able to physically start walking back to the precinct at 15:00 hours and arrive at the precinct at 15:15 hours, just like the other officers do. If I need to take a personal, all I have to do is put myself in the precinct log putting myself out of service, which is no problem. Any officer who has a choice of sitting in a restaurant or going back to the command where he is able to go home, would certainly choose to go back to the command than stay on his own time in a restaurant. The judge mentions in her report that I was ill with an ulcer and had to go to the bathroom, and that's it. She neglects to say that I testified and offered to show evidence that I was taken off patrol the day before and taken to the hospital because of my sickness. There is adequate medical documentation which the judge didn't deem necessary to look at. The judge feels because there was a 15 minute break between my back to back personal, this justifies that I was wrong for being in the restaurant for one hour. As I stated, I was sick, I was in the bathroom, and I felt I couldn't leave, so instead of writing in my memo book I was sitting down for 40 straight minutes, I entered the first 20 minute break, then went out for a few minutes, and then went into the restaurant for another 20 minute break, which equaled a total of 50 minutes, which brought me to 15:20 hours.

It is interesting to note that IAD would only document such a frivolous infraction if it was repeated time and time again. However with me, they wrote it up for just one occurrence.

RE: Charge #14:

The judge mentions that I went to the roof, 412 W. 46th Street, looking for loiterers. However, I testified that there were complaints from people in the area and from the building that

there were people loitering on the roof for purposes of narcotic dealings. The judge acknowledges my testimony that I went to the Hartley House, which is a center for senior citizens and children, similar to the YMCA. The judge fails to point out what the Hartley House is. In fact, it is common knowledge as it is in the newspapers almost daily that our own commissioner insists on our police officers to make appearances at centers where our children are spending a lot of their time for safety reasons and for community affairs - setting example for our children.

RE: Charges #15 and #16: Alleging that I carried a package in uniform - my lawbook.

Judge neglects in her report to bring out that I felt that this was selective enforcement of patrol violations as police officers everyday in every precinct carry newspapers, books, or other reading material, without being harassed by IAD, or their precinct supervisors, since the supervisors do the same. It is only when the IAD or other supervisors are looking to hurt the police officer that they look into the patrol guide and vigorously enforce every minute infraction just to hurt the officer. The judge must have clearly recognized this as this was the immediate reason why IAD physically stopped me in the street as they testified. If they wanted to question me about what they were investigating, they could have called me over at the precinct quietly, but they chose to make an issue of the most obvious charge which they felt would stick, let alone to embarrass me, of carrying a law book in uniform.

IAD, if anything, embarrassed our entire police department, because at the time, this was the most serious charge I was facing, carrying a book in uniform. This is obviously meant to harass me as confirmed by many people who called in after they had read about this incident in the newspapers. It is impossible to believe that the police department was not biased and prejudicial toward me in this charge. Who bothers a cop for carrying a book in uniform when almost daily we read about so many more serious allegations police are charged with from civilians and other police officials and yet our dept. saw fit to bring me up on this petty violation. Its insulting for our dept. to actually want to have this on paper as it would thoroughly embarrass our dept. for taking such actions against one of its officers for clearly doing his job and being outspoken on social issues.

Re: Charge #17 taking my meal period in an office building

I initially took my meal period in a bonafide restaurant and afterward for approx. 20 minutes I met another worker in that building to discuss volunteer work that I've been doing for over 10 years in helping the elderly by obtaining benefits for them like getting them free meals and other essentials. This could be easily verified if the judge wanted to which she didn't and yet she still found me guilty of this. What the judge must have

intentionally left out is where I testified quoting the testimony of Det. Hardick of IAD where she developed this charge from my own memo book and she herself admitted that she or any other member of IAD did not observe me there at all. Why did IAD go through my memo book only for a couple of months beginning with June 1989 as I brought out? They had my memo book dating back over a year prior and yet they refused to question regarding my other meal practices. This charge came up in conjunction with regards to the first 11 charges which I was served, and which were all dismissed a day before the trial. Why? Because IAD and the Dept. of advocate made total fools of themselves when they charged me for being off post based on my own memo book entries. When I legitimately took my meal at the one or two locations I usually go to which were kosher restaurants in the vicinity at my designated meal time and they still had the audacity of charging me with being off post because

1) They were not aware of when my meal period was on one particular day because they didn't check the roll call as to when my meal was. All they did (IAD) was go to my post and when they didn't see me around they figured it out that I was just off post. It never occurred to our super sleuths to attempt to see if I had a meal period at a different time.

2) They came to this outlandish conclusion somehow by probably reading some police manual from another third world country that an officer must take his meal only on his post. They certainly didn't get it from ours because our patrol guide states that an officer should take his meal in a bonafide restaurant in the confines of his precinct, in his radio car or in the precinct. I took these meals 3 blocks away from my post and IAD suggested I must have taken my meal off my post for illegal reasons because I want to meet other Jewish people who deal in the diamond/jewelry business so I could make more business contacts.

This is disgraceful and insulting as an officer and as a member of the Jewish faith for suggesting that I am trying to make extra money by going to my own kind to get business on job time. How dare they even suggest something as outrageous as this and not only does the judge not chastise them but she is still able to find them as credible witnesses? If IAD would have been efficient enough to check my memo book they would have realized that as long as I worked in the MTN pct. I ate at these same restaurants because they were kosher and this goes back well before they stated their investigation of me and well before I had my work permit to run a security company.

Re: Charge #18 which alleges I wrongfully conducted personal business while on duty.

There is no incriminating testimony against me. The judge is taking a statement I made that I may have given out a personal card with my home phone number on it. I stated I didn't recall but it was unlikely however what the difference is if I handed out a business card or just wrote down my phone # about getting into



contact with someone I met on patrol. Additionally almost every cop I know has a personal and or business card that he/she gives out regularly for professional and personal reasons. Also it seems inconceivable that even if I did on that occasion hand one card to someone; that I can actually be brought up on charges and specifications as opposed to a command discipline which is handled by the local command being that it is such a micro-infraction which is never enforced except for occasions like this one. I never heard of any cop being brought up on this type of charge. It is again clearly selectively enforced. Regardless the judge is finding me guilty based on information that I don't recall and that in of itself is a violation of due process while the person who allegedly received this card did not testify as to corroborate if I gave her the card or not.

Re: Charge #19 which accuses me of improperly sitting in a disabled dept vehicle.

This was discussed before with the inclusion of the fact that I had the blessing of my commanding officer who authorize this and the judge knew this and still found me guilty.

Re: Charge #20 which alleges that I allowed "non-uniformed personnel" to sit in the aforementioned disabled car.

This was also discussed before and that it only happened on one occasion and there is no corresponding violation for this in the patrol guide.

Re: Charge #21 and #22 which alleges I was talking on a public telephone on two different occasions.

There is absolutely nothing in the patrol guide that states or directs an officer not to use a public pay phone. On the times in question that I was on the phone and also including the times I was sitting in the broken down radio car there were no calls for police assistance and I was not summoned by any supervisor for any police response as I was attentively listening to my radio and within the full peripheral purview of the phone that I was speaking on at the time as it was outside in the public and not in some building. On one particular phone the judge makes a reference because it was in a 3 walled booth with no door she infers because I testified it was raining that day that clearly implicates me with being off post and trying to stay inside to keep out of the rain. This is ludicrous and the judge must have said this with malice to suggest something like this. If any cop doesn't want to be outside there are many ways he knows that he can find a way to return to the precinct to stay "out of the rain". I can list at least a dozen or so techniques. They even teach us this in the academy and we learn two dozen more once you hit the streets. AS THE SAYING IS TAUGHT IN THE ACADEMY "A GOOD COP NEVER GETS WET, COLD, OR HUNGRY".

I was sick physically as I stated before and I was going through a personal crisis regarding this whole situation where I was in fear LE would try to even physically harm me or KA. He only exhibited

irrational behavior and it was not rational on his part to make up this whole story of extortion to try and save his job at his firm and to try and convince his wife he was the victim in this situation.

Re; Charge #23 and 24 they involved the issue of me receiving parking summonses which IAD maintained that I had not paid and that was the immediate reason I was informed at the time that I was placed on modified assignment. This charge was mysteriously dropped and dismissed. Why? Because they knew that the summonses were already paid weeks before I was even stopped by IAD and I told them this at my interrogation. Capt. Luckner said he will check it out and if not I will be suspended. I wasn't suspended because I had paid it entirely as I showed him a copy of the receipt which it took the dept. of advocate until the time of the trial a year later to first realize and finally drop the charge.

Re: The false charges stemming from LE.

The judge in her report in trying to restate my testimony inaccurately reflects much of my testimony. The judge states on pg. 58 that "during the course of this conversation (where LE initially spoke to me with his alter ego known to me then as just "Rich") KA connected the respondent by phone with a male voice asking me to meet with him". KA didn't connect me willingly as she knew I wasn't interested in talking with LE. Then I testified that when KA and I were talking suddenly some man seized her phone and insisted on talking with me raising his voice saying that I had better meet with him.

The judge continues to misstate what I said when she discusses on pg. 60 regarding the incident when I came over to KA's home on June 2 1989 that "I knocked on the door even though I saw an unfamiliar car in the driveway". This is not true, is misleading, and not what I said. I said that KA must have been home because her car was in the driveway and furthermore LE didn't take his car to KA's home as he had his limousine driver waiting for him a couple of blocks away because he couldn't have his limo parked in KA's driveway because it would obviously have announced his secret appearance. Secondly he had a dinner date with his wife at 9PM that evening which can be confirmed and the fact that not only do I know which car service and which driver he used that evening, but I have a copy of the limo service bill.

The judge once again in her report redefines what I stated. On pg. 61 she states that "KA finally told him that her lover was LE after the respondent threatened to go to Goldman Sachs' management committee and demand an investigation". I never use those words "demand an investigation". The judge is distorting my point and what I was saying. I testified that if KA was too scared to come forward and make a complaint to LE's superiors then I would inform them that she was terrified to make a complaint of someone in the company and thereby they would straighten out the situation. This

would have meant that they would have taken appropriate action to help KA and keep LE away from her.

The judge in her report, on page 62, states that "at that point the Respondent threatened to call his supervisor, his wife, and the Police Department as well as having criminal charges filed against him." This is in regard to when LE first returned my initial phone call to him. The judge uses the word "threatened" which implies criminal behavior. I made a clear, legal statement which the judge conveniently left out of her report that if LE didn't cease harassing KA, I would inform his management committee, and if that didn't work, his wife, and if that didn't work, I would have a police report filed charging LE with harassment. This cannot be considered threatening, just because the perpetrator involved, perceives it as such.

The judge, on page 63, again misstates what I said, when she states in her report my meeting with LE on June 28th that "Eisenberg began the conversation by telling the Respondent to stay away from Abraham because they were getting married." I didn't say this. LE told me that KA belongs to him - he never mentioned that KA and he had definite marriage plans. How could anybody believe this as he was married for over 20 years and living at home with his wife?

The judge continues to misstate me as she states that I threatened to report LE to the Securities and Exchange Commission after LE voiced considerable concern about what KA might have told me about his activities at work. I never testified that I told him that I was going to contact the Securities and Exchange Commission.

I also testified that I was speaking to LE as a private citizen and LE himself, in his testimony, doesn't recall if I said this or not. The fact is I met him on my off-duty time, away from work, concerning a personal matter in relation to myself, so how can he, or anybody, believe I met him in an official police capacity which he is claiming. Furthermore, he states that I misused my police authority because of this.

I continued testifying, which the judge reports, is that LE told me that the only way he could stay away from KA was if KA worked elsewhere, out of the company. This is confirmed by LE admitting this on the tape recordings which the judge didn't see fit to mention. This confirms also that it was LE who initiated setting KA up in business without any pressure from myself.

She continues to misstate my position when she states on pg. 64 that LE said that the only alternative position available in the company would entail a cut in pay and a demotion that would adversely affect his reputation in the company. I never said this or implied this. What I stated continuously is that LE at first told me the only place he could transfer KA if she insists on

staying in the company is to a position where she would be demoted where she would be making less money as that was the only position available at that time. I protested that KA should not have to lose her financial benefits and her job security at the company because she doesn't want to maintain a personal relationship with him anymore. Then LE told me later that if he demoted KA it would attract too much attention and may publicize this as no one after 14 years of working with someone takes a demotion. I only told LE that he as her supervisor has the responsibility that he should give her every opportunity to learn new things at her job and give her the opportunity to grow.

The judge again not only misstates what I said but has the entire time frame wrong of over half the page on pg. 65. Please refer to pg. 65. I never said or testified that at the meeting on June 28, 1989 that I told LE "If he felt threatened he should call IAD or CCRB" This statement came from me over 2 weeks later after LE was talking to KA of falsely accusing me of extortion and this statement was tape recorded then. 2) Where the judge talks about how LE offered me up to a quarter of a million dollars not to tell anyone she says we spoke about this in a diner and then was asked to leave. However I testified that this came as we were already walking on the street and LE testified to this conversation as well as taking place outside.

The judge continues on pg. 67 to discuss the incident where I had made plans to meet KA on July 23, 1989 and she claims in her report I testified that LE had me removed from the premises. I never said this as it was not so. LE did threaten me once again in person saying I didn't belong there however I countered that I came up to meet KA after I called ahead and went right by with the security desk seeing me and permitting me to continue. I left on my own accord after I had found KA and we left together with LE telling me he was going to have me hurt.

#### FINDINGS AND ANALYSIS

The judge found me guilty of charge #12 because she claims I was off post by just crossing the street. Is she for real? She bases this nonsense that because I admitted being in the building which is not on my post (but across the street) regardless of the fact that the building was drug-prone, She states, " the respondent was assigned elsewhere and did not have permission to leave his post". The judge is obviously not familiar with the patrol guide or common practice on the street for patrol cops. If a police officer is standing on his post and someone reports a possible crime in progress or any sort of personal trouble the officer not only must investigate it but if he doesn't he or can be brought up on charges for failure to do his duty. Additionally there was no other cop assigned to the adjoining post and it is not practical or proper, for a foot cop to call the local sector car and bring them cross town to check out something which the cop can do within a few minutes.

I am totally innocent of this charge. This is the reason cops are often hesitant to get involved because every two minutes they are in fear of being accused of doing anything but their job. The dept. is sending a clear message to patrol cops that you should do as little as possible out there because the more you do the more chances you take of getting into trouble and embarrassing us.

The judge trying to justify her guilty verdict of charge #13 states that she "credits the detailed and businesslike testimony of Detectives Bettswalker and Hardick" regarding the incident where I took the back to back personals. The judge should absolutely be ashamed of herself after I proved in the trial room that both detectives were lying regarding the car they stated they saw me going to and because of the obvious bias and prejudice which was brought out where det. **Hardick freely admitted that she questioned me on my personal religious beliefs which had nothing to do with this investigations.**

In addition it is on the record that it was Hardick's "Error" that over 25 minutes of the GO-15 police interrogation tapes of myself which was entered in as evidence is missing. She must have watched too many news clippings on the Watergate scandal thinking she could get away with this without even pointing it out to the court. Also each of them testified that they lost me on various times out in the street and when I was in my precinct. With all this the judge had the "Chutzpa" to find these detectives credible.

The judge continues to infer that I was lying on my testimony regarding the back to back testimony where she states "Not only did that testimony sound tailored to the problem at hand, but also his activity log notation for that day stated ("heavy rain all day") appears to provide a motive to take shelter from bad weather. This is astounding that the judge did not even entertain the notion that I could be telling the truth as I stated previously I was in the hospital the day before with an ulcer condition and that I had the opportunity to take a legitimate personal for 20 minutes and then because it was the end of my tour I could have just returned backed to my command. In addition nowhere does the patrol guide state that a personal has to be for only twenty minutes. If an officer puts himself out and he needs to be out more than 20 minutes it is no problem as long as it is legitimate which mine was. Regarding the taking shelter from the rain I discussed earlier that I or any cop doesn't have to sit in a restaurant to provide shelter. In addition if the judge believes IAD so much why did they testified that it wasn't raining out that day? So which is it? Does the judge believe IAD only when it is convenient for her to find me guilty?

In addition the judge says that my memo book reflects in the personal breaks I took a discrepancy of 15 minutes. By my own testimony which apparently means nothing to the judge and by IAD's testimony they too testified that I did go outside briefly for a little bit and then take another personal. The discrepancy is for

about maybe 5-10 minutes. For this the judge finds me guilty? No outside impartial court would believe there is no ulterior motive on the police judge's part.

The judge actually restates her position that I was off-post again by going literally across the street into the Hartly house to say hello to the children and into 412 W. 46th st which is directly across the street. She states in her report that "I do not credit has claim that he regularly left his post to roust drug traffickers from the two locations." The judge relies strictly on the IAD investigators that my business there was personal and not professional. This is insane because the judge denied me the right to bring in or get signed statements from at least a dozen people who worked at the Hartly house who saw me there regularly and especially of the super who requested of me I make a daily police presence. All the court needed to do as I testified was to speak to the community affairs officer and to several other officers who worked that post as well, and they would have been told the same thing as I testified. Our own commissioner keeps telling us we have to be community minded and pay attention to the community needs. In fact because of this he is establishing the CPOP (Community Patrol Officer on Patrol) program to be the backbone of patrol of which is how I conducted my patrolling on that post. I regularly chased suspected drug traffickers and I could get at least a dozen kids from the guardian angels who patrolled that block as well who witnessed me on numerous occasions "roust" suspected drug dealers. In fact there came a time when I got reliable information from someone on that block who informed of a major drug operation and I intern notified Manhattan South Narcotics where I used to work and they came down and interviewed this man and he proved to have reliable information and many arrests were made for drugs and weapons.

This judge is obviously not impressed with this information. The judge continues her silly notion where she states "That his conclusion is buttressed by the absence of activity log entries memorializing his presence there. I therefore find him guilty of that charge". It is hard to believe that she is actually a real police judge. She must know as everyone else in police work that every detail which is insignificant is not recorded as I stated earlier. The fact that every day I worked on that post I said hello to the kids and workers in the Hartly house and the fact I stopped in the stores on eighth ave to say hello and to tell them I am working here today so call me if you need me does not require a memo book entry.

The judge finds me guilty of charges #15 and 16 which is where I carried my law book in uniform. Under the technical ruling it is here I plead guilty because I did carry my book to post in the morning and then leave it in the diner so I can read it during my meal period or on my personal. However I was guilty of this since the day I began patrol because I was always somehow connected to

school either by studying for my graduate or law degree or teaching at a local college so I always brought one of my books to work with me and read them on my personal time which did not conflict with any of my duties as an officer. It is interesting to note that the police dept. bends over backwards to publicly express that they encourage their police officers to get a higher education and yet I am found guilty of this charge. Also it is interesting to note that in all my years on patrol no supervisors has ever chastise me orally or in writing for this violation which is commonly done on any given day in any given precinct. I was only found guilty in relation to the LE investigation. What a surprise. Your office must realize the clear bias and prejudice of these charges.

The judge finds me guilty of charge #17 which alleges I took my meal period in an unauthorized location on July 20 1989. I discussed this one before. It is interesting to note that here and maybe regarding one other charge the judge uses the patrol guide in support of her decisions otherwise she uses what she believes is an assumption of what was going on in my thinking.

The judge also found me guilty on charge #18 where I conducted personal business at 412 W. 46th st. Claiming my intention was to socialize. This was not true as it was not my intention. However it should be noted in the course of the police work day if the officer is doing police work and he or she meets an individual which he/she would want to socialize with and the officer makes a social offer to take the individual out whom he met at work is the officer guilty of conducting personal business on post? If the answer is yes, which by this judge's decision it is then many members of our police dept are guilty of this and that many should be brought up on these charges and later for eventually getting married to these individuals.

This job is no different than in other jobs in regard to meeting people socially during the course of your work day. Regardless I was working in an official capacity as a police officer at the time as I testified.

The judge finds me guilty of charges #19 and 20 where KA sat in the disabled radio car and that I improperly patrolled my post by what the judge states as "the length of his occupancy contradicts his claim that he was properly patrolling his post." Where in the world does the judge even come to justify this reasoning when it is clearly wrong as confirmed by every patrol supervisor in Manhattan South? To this day one can see clearly many radio-cars assigned all night just for police officers to sit in when they are on a fixer post to either keep out of the cold or keep out of the heat. The judge again could have simply found this out by a phone call to the chief of patrol's office or if she hadn't denied me due process she would have allowed me to bring in my commanding officer or my other supervisors who would have confirmed this. The judge then either has a case of very bad memory or she

intentionally lied when she stated in her report that on PG 72 "While the respondent claimed that he sat there with the blessing of his commanding officer, I heard no other evidence to that effect." (Regarding my claim to sitting in the disabled radio car on a fixer.) Again if the judge would have contacted my commanding officer and allowed me to bring into the court she would have heard this evidence which she really didn't want to hear because this would have again embarrassed IAD because before they wrote up this ridiculous charge they should have first checked with the patrol guide and secondly they should have checked with my pct. administrator or the commanding officer directly or they should have mindlessly checked or noticed that the rmp (police car) was stationed on that post for a reason and that the officer assigned to this post was given the keys to the car by his patrol supervisor or the desk Lt. for a reason. Officers do not get radio car keys to a vehicle unless they are assigned to them.

Additionally clearly the testimony reflects the other two officers who confirmed my testimony of why the radio car was out there just for the expressed purpose for the officer to have the option to sit in the vehicle. These officers were brought in for other testimony and I had to argue just to direct these questions to them.

The judge then continues to state regarding KA's presence in the car. "Even if his claim of lack of a lunch break were true, that does not justify the presence of a woman in a car". First it is clear that the judge did not even take the time to see if my meals were denied to me on those days where I was the only in the precinct who had his meals denied on those days. Also if the judge would have checked this information and confirmed what I had testified to she would have realized that I had good reason to be consistently calling and requesting meal reliefs. I shouldn't have to as an officer contact a civilian to have the luxury of eating during the course of my work day. In addition the judge does not mention in her analysis that the car was disabled and could not move anywhere and that the patrol guide states the presence of a female is prohibited regarding transporting her to a given destination and further states that if an officer does transport her he should make a notification to central communications of this over the radio.

The judge of course found me guilty on charges 21 and 22 alleging that I improperly patrolled my post in that I was taking on the telephone. Again she bases this guilt on det. Hardick's meticulous testimony that she witnessed a 15 minute call once and that det. Bettswalker wasn't lying this time when she claimed she witnessed me on the phone a few times during the day when I had the assignment of guarding the private police cars. The judge tries to justify this guilty verdict by saying it didn't matter that I had reason to be on the phone or the fact that the phone was outside where I had a clear view of all the fog and the bus company across the street and also by the fact I needed to be



relieved of this onerous assignment. She then states that my argument of the fact that the patrol makes no objection of this "strains common sense". Continuing she states "an officer talking on the phone is not patrolling his post." I guess she was worried that maybe a pigeon would land on the rooftop of one of the private automobiles of the officers of the midtown north pct.

Absolutely no outside court of the police dept. would find me guilty of these frivolous and conspired charges. It is clear that these are all minor patrol violations at best and would normally be adjudicated at the pct. level through command disciplines. It is important to note that IAD claims to have started this investigation on me in Jan of 1989 and it is only in June and July of 1989 that IAD SUSPICIOUSLY WAS ABLE TO FIND ALL THESE FRIVOLOUS CHARGES JUST COINCIDENTALLY WHEN THE LE AFFAIR BEGAN. You don't have to be a professor in college or go to detective school to make this bright correlation.

Charges relating to LE

The judge must have an obvious ulterior motive if she can possibly find me guilty of these charges where she states, "After considering all of the relevant testimony and the tapes in evidence, I find that the respondent intentionally instilled in LE a fear that devastating disclosures would be made unless LE gave KA a promotion or money to start her own business." It is inconceivable that the judge could come up with such a belief and a statement as such based on the evidence. I plead with the review committee to read the transcripts of the case diligently and listen to the tapes. Nowhere at all is it mentioned that I told LE to do this or that or I'll reveal or disclose information to harm him. The judge took it upon herself to infer this for her own reasons. I never intentionally instilled fear in LE at any time. If he felt threatened that is because he was terrorizing KA and I made it clear to him that I would take every legal step necessary to stop him from harassing her and myself.

In fact, it was I who initiated charges against LE with my serving on him a criminal harassment summons. If I wanted to threaten him for the purposes of taking any benefits from him for myself or KA, then I would have defeated my purpose by going and taking out a criminal summons against him. The judge's decision alludes all logic.

The judge further states, "I further find that the respondent knowingly used his status as a NYC police officer to add muscle to these threats." Again, the judge must deeply be obsessed with police novels to possibly believe such nonsense. Nowhere in any of the testimony is this reflected. The judge constantly told me in court not to make any assumptions and yet she is only making assumptions. How is it possible that I used my position as police officer? How? LE knew I was a police officer for over 4 years.

I met him off-duty, away from work, in civilian attire, and I told him we are meeting in my personal capacity as a private citizen and even he didn't say at the trial that I met him in any official police capacity. He was never threatened with arrest or with any misuse of any authority I might have as a police officer. It doesn't stand to reason that a man like LE would be even remotely intimidated by me as a police officer. He has at his disposal, all the political and economic connections he needs which he is using now if he feels it necessary to use them. If LE felt threatened by me as a police officer, he would have surely reported it but he couldn't because he was involved in other criminal activities.

The judge continues, "Enraged by hatred of a competitor for Abraham's affection and by a belief that Abraham had been degraded by Eisenberg, the respondent appointed himself to defend her honor and to win compensation from what he believed were wrongs committed against her by Eisenberg." This is absolutely unadulterated nonsense. The judge is overwhelmed by speculation and drama and not by reason, logic and the law which she is obligated to be. How is it possible that she could she deduce that I was enraged by a competitor for KA's affection at the time?

If I was so enraged, as she claims on the evening of June 2, 1989, I would have just entered KA's home and confronted this unidentified person right then and there. The judge is trying to show the court that I had motivation to hurt LE because of hatred for him. It is clearly the other way around. LE's testimony stated that he thought I was the cause of his breakup with KA and the cause of his marital and professional problems. It was he who was insanely jealous of the fact that KA had over a period of time maintained a relationship with me and he even discussed it. He claimed at times, he didn't know KA was involved with me in any capacity and on 6/2/89 he claimed he didn't know KA had any contact with me at all and that he was very upset that KA was still in touch with me.

The judge seems to forget the recurring fact that it was LE who was married and still trying desperately to maintain an adulterous affair with his secretary against her will. If the judge didn't believe KA that she wanted out, then why, after June 2, 1989, did KA never see LE again personally after he continually badgered her to see him and to marry him? (Especially after he stated this was such a perfect love affair). And what of his wife. **The man clearly made a fool out of his wife and children by continually lying and cheating on them by his affairs. LE's character clearly is portrayed by this fact alone of what he did to his family, insulting them in such a grave manner. If a man can lie to his wife and family so easily where they are supposed to be the people he loves and cares for the most, so why is it so hard for the judge to believe that he lied to the administrative court at my trial?** He had every motivation to lie. The judge talks about that I wanted to defend KA's honor. How about her physical person

and her job which were threatened as the record speaks for itself. Who can possible not believe the fact that when a chief supervisor such as LE, who was in a very powerful position to hire and fire and make millions of dollars each year, who then starts an affair with his secretary, that the fact that he is her direct supervisor and chief of the department where she works, that LE over the years did not manipulate his authority over her to keep her where he wanted for his personal use.

This man did horrible things to KA over the years and the fact that his own company got rid of him and the fact that the company and LE himself offered her a huge cash settlement so she would settle her sexual harassment case out of court, proves the fact that he was abusing her professionally and personally. Again, the only "compensation" I wanted for KA was for LE to cease bothering her personally and professionally and to have KA physically working away from LE for I knew he would constantly keep bothering her otherwise. This seems very reasonable. LE thought, because he as once involved with her, that he had the right to physically touch her privately any time he wanted to. He continually threatened her that he could have her removed from her position in the company if she didn't continue their sexual relationship.

The judge continues her rhetoric by saying, "Beginning with ominous telephone calls to the Eisenberg residence, the respondent terrified the married investment banker by threatening to send inflammatory information to his wife and to report him to the police, his business partners and the SEC unless he gave KA a better position or seed money for a private enterprise." For this statement alone in the judge's report she should be removed from the administrative bench. Absolutely nowhere was this said or inferred. LE testified that he wanted to promote KA himself. If we are to believe this then why would he have to feel pressured at all to help KA in any way? Regarding the telephone call which was discussed prior, LE admits himself that he was called only three times (and not at home all the times) and he called me all the other times. Also, I never threatened to send any information to his wife or family. I stated a fact, that if he doesn't leave KA along, my only recourse was to approach his supervisors and inform them of his harassment of his behavior and by his own company policy alone, they would have seen to it that KA would not work under LE anymore. If I truly wanted to hurt him at work, I could have done that initially and not be bogged down with this mess now. I didn't do it because I thought it may have repercussions against KA and at the time, I thought the whole thing would just blow over.

In retrospect, I'm sorry I did not approach them as soon as I found out about it. Also, I did state that I would go to the police which is the law and proper thing to do if a person feels criminally harassed. The fact that I am employed by the police department does not mean I am exempted from these laws as well.

The judge continues on pg. 74 to assume the following by stating in her report, "Although Eisenberg desperately tried to assuage the respondent with offers of career initiatives and money, the respondent's demeanor was persistently suspicious and bullying". Here the judge is contradicting everything she was saying before.

She is admitting that LE was making offers of career initiatives and money for KA but she is putting it in the context that LE was doing it to pacify me. Where does she get the nerve to assume such things? It was not in the evidence or in the testimony. Whenever LE says something that implicates himself in wrongdoing and exonerates me, she attributes it to a reason for what she believes LE meant. LE is a highly educated man who chose his words accordingly.

LE clearly initiated all offers of financial benefits to KA which is reflected on the tapes and here by the judge as well. I should not be convicted based on what the judge feels of what was going on in LE's mind because he contradicted his own testimony against what the tapes reveal about his motives then. The judge also states that my demeanor was suspicious and bullying. What does this mean besides blatant slander? What does anyone expect of me or anyone who would have been in my situation then? I believe I used a level of tolerance regarding the situation then. On the tapes it was only natural that I would be angry at LE considering what I had learned previously by KA of all the abuse she suffered from him. I had every reason and right to be angry and upset with LE. For most of the tapes, we were two men trying to resolve this delicate situation. He was trying to protect his secret of his affair and his misdoings at the company and I was just trying to protect KA from him which is clear from the tapes and by KA's testimony. If anyone felt being bullied it was I because he was threatening me to level false charges against me if he was exposed. He knew that the only reason he would be exposed if he would continue to harass KA at work and at home and he knew he just couldn't keep away and also the fact that he was extremely jealous of the idea KA would even think of being with as he said "a puny cop".

The judge embarks on more assumptions when she states "Desperately hoping to satisfy the respondent's demands and keep his secrets, LE negotiated with the respondent until he was served with summonses". There is nothing further from the truth and this point continues to show the judge's bias and incompetency. When LE discusses job opportunities for KA with me at his initiation it is "negotiating with me" but when I in turn responded back to LE's statements it is "pressure and extortion". No sane individual would believe this travesty the judge is trying to perpetrate on myself and the courts. The judge continues in the same sentence that "no appeasement would end his (LE) nightmare." My intention throughout is clear that I wanted KA to be kept away from physical reach of LE at work and where he wouldn't have the opportunity to harm her financially at the company as he was one of the owners of the company. What did he have to appease me about? The only request and demand I made was to have KA kept away from him. The fact that he didn't do it for almost the whole summer shows that he wasn't scared at all. If he wanted to have transferred her

away from himself, any reasonable person would realize he, being the senior partner of the firm, has all the authority to do it, or as he once did to her during the summer, create a new position for her if he chose to. The fact is that he did not and the fact is that I did not talk to his supervisors, or his wife at all about this because I gave the situation every chance to work itself out without anyone getting damaged. The simple truth is that LE just couldn't keep away from KA and eventually developed an intense hatred towards me out of jealousy as he testified to the fact that he still wanted KA and that he did not want his affair to have ended when it did on 6/2/89. It was KA who finally told him she never wants to see him socially again. LE was the one enraged making life hell for KA.

The judge continues that LE retained an attorney after he was served with summons and went to the police. "His last communication from the respondent was a lewd and derisive letter enclosing a condom." The evidence clearly states something else where LE states that he already had legal counsel who was advising him what to do. This was discussed prior. This is a clear inconsistency on the part of the judge. It is interesting to note that why would LE need an attorney to file charges of extortion? Up until the middle of September, it appears he didn't realize he was being extorted for property or money and then weeks after he was served with summonses he now realized that he was being extorted. Who could possibly believe such a wild story? The only people who would want to believe such a wild story are the same people who were discriminating against me for a long while because I am a high profile orthodox Jew and this is something many of the hierarchy in the NYPD cannot stomach especially when many articles were written about me doing all sorts of community service work. The articles reflected the idea that other cops should be like myself - caring, sensitive and disciplined.

The subject of the letter was discussed prior. It should be noted that upon the time IAD's and the dept. of advocate's had the belief that I sent this letter, they should have questioned me first. Instead they suspended me immediately without even giving me the opportunity to refute this accusation. They didn't even attempt to interrogate me (GO-15). Why did this happen? This a clear violation of due process and a clear act of bias and discrimination on the part of IAD and the police dept.

The judge continues to find me guilty with regards to falsely filing a report to OCCB regarding prostitution at Goldman Sachs. This is obscene on her part, and it appears to be some attempt of a cover-up on her part to protect the police department from not following up on a report that I initiated based on a victim who was the reporter and had in fact knowledge. The judge states that "I believe that the complaint was part of an obsessive campaign to discredit LE and that no reasonable person could conclude from the facts available to the respondent that there was prostitution at Goldman Sachs." The judge here must use a different penal law

book than the rest of the state uses. Prostitution is sex for money or financial benefits. Promoting prostitution is anyone who offers or coerces another to perform sexual acts for money or financial benefits, regardless if they perform it or not. KA clearly told me, and testified in court as well, that LE was pressuring her to have sex with other partners at the firm and with business clients. After she refused this, he repeatedly made her offers of being paid extra cash which he would pay personally and for her to receive extra money in her annual Christmas bonus which would come from the company. This, by any liberal or conservative definition, is minimally promoting prostitution by every law and guideline. I, as a police officer, was obligated to report this or else I could be facing disciplinary charges for not reporting a possible crime which was occurring.

The judge again takes it upon herself to state that KA "had a motive to falsify" this claim of prostitution, because as she continues to state: "When he (Respondent) confronted her (KA) later, Abraham had to come up with a satisfactory explanation (for seeing another man, who was unidentified at that point). This is preposterous for the judge, who supposedly is highly educated, that she could actually make this assumption, that because KA was "caught" with another man by myself that she would feel compelled to come up with such an outrageous story of prostitution and seeing a man under duress. First of all, she wasn't caught, she was trapped in the relationship that she desperately wanted to terminate. Just as I went away on the same night, if KA would have told me that she was seriously involved with another man, I would have respected her wishes. She was free to do whatever she wanted. There was absolute no motivation for KA to lie about any of this. The choice of words the judge uses is clearly biased when she says: "when he (respondent) confronted her later". I didn't confront KA. KA asked me to come back and told me she would explain everything later - all she said at that time was that she was in trouble. This was testified to by KA.

The judge continues: "It is very possible that she was afraid to admit that she was ambivalent about Eisenberg and that she solved the dilemma by telling the Respondent that she was seeing another man under duress." Here the judge is assuming a fact not in evidence, and the judge is referring to the workings inside KA's mind at the time. I was very aware of the fact that KA was involved with another man prior to June 1989. As KA also testified, KA could have easily just told me that this is the man she is involved with and that would have been that. The judge is saying that KA made up this whole story so that I wouldn't hold her responsible for seeing another man. This is ludicrous and is pure speculation on the judge's part, with no evidence to back this up.

The judge continues saying: "The Respondent claimed that he took her word for every bit of this, and called Public Morals with a serious criminal allegation before he checked the facts". She just shows her naiveté of the workings of the Police Department.

In addition who else am I supposed to believe, aside from KA? As far as I was concerned then, and now, she had no motivation to lie that she was seeing this man out of duress. Regarding the police department, the judge should realize that it would be against every guide line that for me as a police officer, to investigate the facts, as she claims I should have, because this was not my function in the police department and because I was personally involved. The judge is implying here that I should have questioned partners at GS if there was prostitution going on. She must be kidding!

The judge continues in moralistic diatribe that "He (respondent) should have rejected Abraham's preposterous claim that she had been having sexual relations with Eisenberg against her will for two years. I guess the judge was sleeping when Inspector Biehler testified contrary to this thinking which was discussed prior. I guess the judge never heard of the notion that there are woman out there who are trapped in relationships and would love to leave if they didn't feel there would be any retaliation or retribution against them or their loved ones. Again the judge continues to state that "I should have taken the sound advice of Lt. Walsh, who appeared to have no motive to hurt him that treating a mistress to luxurious meals and accommodations does not constitute promoting prostitution." This was Lt. Walsh's testimony and not mine. I never told this to Lt. Walsh. In fact quite contrary I didn't tell Lt. Walsh anything regarding KA receiving any presents or receiving luxurious meals as he testified I did. The facts speak for themselves. Both LE and KA in their testimonies clearly both agree that they needed to keep their personal relationship a secret and thereby they couldn't be seen in public together outside their office. Also I have been a police officer for nine years and I am a law student as well and I am quite familiar with the penal law and what constitutes prostitution. What KA described to me is promoting prostitution.

Also the judge is wrong in the fact that Lt. Walsh did have reason to misstate what I had said and to misconstrue the facts and if need be hurt me in the process. He was irresponsible and negligent in his refusal to follow up with meeting me in person before he decided to close out this report. He just advised me to forget the case because I as a police officer could get hurt professionally by opening up myself to false allegations because that would be the immediate thing LE would have to do to try and defend his criminal behavior and he told me it wouldn't be worth it to me even if all KA told was true. Later Lt. Walsh knew KA's identity especially when the incident became public and still he never attempted to reopen the case. Why? It was in his interest and the department's as well that I be found guilty otherwise he himself could be open to several charges for not investigating this incident properly and because he suppressed this investigation by closing it out too soon and by not reopening it when he should have. The inference is frightening of the

**connection between Goldman Sach and the NYPD. Who was Lt. Walsh or his supervisors REALLY working for?**

The judge again assumes facts that are just not there when she states "The respondent's and Abraham's trial testimony appeared to embellish the original complaint with information that Goldman Sachs' partners were willing to confer benefits upon women to cavort with them and/or others, and so I do not credit those allegations". This is a lie. There was no embellishment at all.

The entire story, which hours of testimony is recorded on the part of myself and KA. KA and LE's statements couldn't possibly be reflected on the original complaint reports. The purpose of a trial is to release all the information. When other information came out the judge right away assumes it is embellishment on the part of KA and myself. However when LE gave all sorts of inconsistent new information on the situation the judge doesn't feel that there was at least any embellishment on his side if not outright lying. Also according to my original report to OCCB there was another woman as well who was suffering from a similar problem where she was being offered financial benefits to perform sex with partners at Goldman Sachs. This is in the original report and was not embellished as the judge suggest. She should have done her homework much better.

The judge continues on pg. 76 of her report to psychoanalyze LE's intentions by saying that "Furthermore, Eisenberg's alleged requests that Abraham have sex with others in his presence is inconsistent with her portrayal of him as a jealous and possessive lover. I wondered when I read statements like this if the judge ever reads the daily newspaper or any current events regarding human relations. **LE was extremely possessive of KA and he acted as a corporate pimp with her. He wanted and made demands on her to have sex with other men so he could derive sexual pleasure out of this in his deviant and kinky ways and to financially better himself by offering his secretary to the powers that be in his company who would then be able to offer him the financial pluses and benefits he needed from them namely their vote in being nominated and later being elected to the prestigious management committee of the entire firm of Goldman Sachs which would be next to the ultimate in his career aspirations. LE had great aspirations to run his company and one must be on the management committee first before being considered to be elected as chairman or president of the firm which in turn reap benefits of millions of dollars more than his present earnings.** LE only wanted to make sure KA would always keep serving him. He wanted to be able to tell her who to sleep with at his will and for his financial benefit. It is not inconsistent with the testimony or his behavior. LE became extremely possessive when it came to me because KA was emotionally involved with me and he felt this to be a threat to his control over her. He felt that one day KA may tell me what was really going on and this caused him great anxiety because he knew I was also a police officer and he felt a



complaint could be made against him for his behavior.

The judge continues her ridiculous assumptions again by stating "In addition, his participation in such activities would have risked the very exposure he so feared." Is the judge so naive to think this? Every week he continued seeing KA risked his being exposed. The very fact that he continued having KA work for him so openly posed a great risk that sooner or later he would have been found out. The fact that one day KA or even he may look to extricate themselves where the other would not want to would expose himself to great risk which it did.

I wanted to submit further evidence which the judge denied me the right thereby again violating my due process right where I wanted to enter into evidence newspaper clippings of the Wall St. Journal and the New York Times where they mention how partners in Goldman Sachs were abusing their authority over their underlings professionally and personally and they make mention of LE as an example. Also there were other married partners at the firm and LE who attended wild parties where the men dressed up as women and where LE himself attended orgies. So how can anyone take the judge seriously when she says LE would have exposed himself to more risk? He was never worried about the risk because he had no regard for anyone. He never thought anyone would or could challenge him personally. He knew KA was absolutely terrified of him and the other men who would know and who did know of his adulterous relationships were involved in similar situations as well so he need not of had to worry about them. In fact it is almost comical on the judge's part to say that this would expose LE to more risk as his wife already knew about his extramarital liaisons because it had happen several times before LE was involved with KA and he was caught. The simple fact is that he just couldn't control himself and he was willing quite often to risk his precious reputation and his family life all for a steady quick fix of sexual deviancy.

It is basically men like LE who give Wall Street the bad name that it has. These men think that the whole world exists as their playground and everybody in it are pawns for them to satiate their desires. They feel this tremendous need to control other human beings and they are able to do this for many reasons because of their manipulation of their great wealth. It is only occasionally when someone like myself who is not intimidated by this pseudo-power, that frightens them and men like LE cringe when someone flashes a light on them and exposes him to be the liar and cheat that he is like roaches fleeing back into the wall. He tries to say that he had a loving relationship with her. Who can possibly believe this when he was married and he only met KA outside the office maybe once a week for the strict purpose of having sexual encounters. What woman would continue this over a period of years if she didn't feel compelled for reasonable or illogical reasons?

It is inconceivable that the judge could have reached her conclusions about KA and her testimony where the judge states "KA

impressed me as a dependent personality whose participation in the campaign against LE may have begun with mixed feelings about the relationship but escalated to rage under the respondent's influence." I wonder whose influence the judge is under to draw such a conclusion. How dare she state that "KA participated in a campaign against LE". Since when is reporting abuse or sexual harassment considered a campaign against anyone? KA was finally exercising her right as a human being and her right under the United States Constitution which affords her protection from abuses from people like her boss LE specifically referring to the Title VII Act of 1964. Every time KA stated she was in fear of LE and claimed harassment from him the judge defines this as a campaign against him. How could the judge possibly be so naive or biased not to believe that LE wasn't harassing KA? Where does the judge get her information from to make another assumption that KA had mixed feelings about the relationship but then under my influence it turned to rage? This is irresponsible behavior for a judge to be making such statement and I can only deduce that she feels that it is to her benefit to state these outrageous statements on the record knowingly that LE and Goldman Sachs will use it against KA in their civil action which they are defending against.

The judge has the audacity to state in her report the myth that "I found her claim that she continued the relationship against her will for years to be ridiculous, as even she admitted that no physical force was threatened." This is an insult for every woman who was ever a victim of a sexual assault or sexual harassment and who didn't physically resist. According to our learned judge if a woman doesn't physically resist that means she invited the abuse or the relationship. What world is the judge living in? This was the thinking 20 years ago in our society which we now know was wrong. In addition the judge must have lost KA's testimony or slept through the part where she went into vivid details where she described how LE physically abused her by trying to rape her in her own home during the time LE contracted venereal disease.

The judge continues to misrepresent KA's testimony by inferring that KA's testimony was inconsistent because KA testified initially that LE was a stingy man and later the judge claims she contradicted her testimony by saying she refused to accept gifts.

What gifts? Because a man like LE offered KA simple gifts, which are things that KA could certainly afford to buy herself does not dispel KA's statement that he was stingy. The judge in her report does not refer to KA's testimony that when KA states only one time she asked LE for money which was many years ago and it was for \$800-to send her daughter to camp and he said no. After that KA never asked him for any money. The judge also conspicuously forgets in her report that KA testified that the offer of gifts came when KA would refuse to see him during the few periods she broke away from him.

It's amazing how the judge can selectively take out of the testimony what she wants and try and make it fit any way which best suits her personal interest and not that of the justice and

the judicial system.

The judge then continues to state that "KA's pending lawsuit against LE provided a powerful motive to testify that she had been abused by Eisenberg." This is totally unprofessional for the judge to even make such an assumption. The judge was well aware of the fact that this problem was going on long before KA even thought of bringing a civil action against LE or the company. In fact the civil suit did not exist until KA was fired from Goldman Sachs in Oct. 31, 1989. She did not initiate her lawsuit until the following month in November. KA had already filed a criminal harassment summons on LE back on August 15, 1989 as it is in the record. So where does the judge have the audacity to bring this in as a motivation on KA's part to lie on the stand. This was going on well before a suit was pending and KA had already come forward to the management committee of Goldman Sachs back in Aug. of 1989. The facts reflect just the opposite that LE had serious motivation to lie as he is now defending himself of serious allegations of sexual misconduct and while he might of had the criminal charges dropped (which isn't exactly a great feat on his attorney's part as most cases in the DA's office get dropped or get plea bargained down to nothing) the civil charges are very much pending and weren't dismissed by the judge and it will be going to trial and LE and his former company stand to lose a huge amount of money if they lose their case. In addition they are fearful if they lose their case against KA then many other women will come forward and press similar complaints as well. This has already happened and Goldman Sachs has already settled this year a few other sexual harassment cases.

The judge now makes the statement that "In any event, the focus of this case is not the quality of the Eisenberg/Abraham affair, but rather the propriety of the respondent's conduct toward Eisenberg." The judge spent pages in her report on this relationship alone. Why did she feel she had to?

**THE SIMPLE TRUTH IS THAT MY TRIAL TOOK PLACE BECAUSE IT SERVED THE OUTSIDE PRIVATE INTERESTS OF LE AND GOLDMAN SACHS. THE WHOLE CASE THE POLICE DEPARTMENT BROUGHT AGAINST ME WAS JUST A COLLATERAL CASE.**

It is clear that the only reason I got involved in this mess is because I believed wholeheartedly that KA was being abused and was very much in trouble as I was the one listening to her cries for help and I was the one who listened daily then of how frightened she was of this LE.

It was not out of character for me to have helped KA the way I did. My whole life is geared to helping people in every way possible as my personal record of my working as a social worker with the elderly and children for years, working as a NYC high school history teacher in a depressed area in the south Bronx and of course with my strictly volunteer work with a poverty program I founded to assist the elderly living in horrendous conditions by training thousands of volunteers to assist our clients and by our

organization serving as an advocate for the rights of the poor and the elderly. These concepts and activities are diametrically opposed to LE's activities as he devotes his career in the pursuit of the dollar and making many people miserable in the process. It is inconceivable for the judge knowing this about my life not to be able to understand why I did what I did and when I did it. It is inconceivable for her to believe that when I met LE on the 28th of June of 1989 that all of a sudden during this intense conversation that I decided to change my basic character of who I am and what I was doing representing over the last 12 or so years of my life just to quickly decide to demand money from LE just this one time. No sane individual could believe such a thing.

The judge concludes that "because I do not find a good faith basis for the respondent's complaint to the Public Morals Division,(OCCB)...his lodging of this spurious claim suffices to make him guilty of the instant specification."

The judge herself even admits that "Although I do not credit the department's allegation that he failed to cooperate with investigators because no one ever called him in and demanded information".

According to the judge's decision if this ever was adopted as official police policy then anytime anyone who the officer knows or doesn't know reports a crime to him he must take it upon himself to thoroughly investigate the facts to decide if the victim/reporter is telling the truth before the officer makes an official report. This is asinine and not police procedure.

On pg. 77 the judge states that charges #26 and 28 relate to the same conduct. Charge 26 is where she claims that I harassed LE by attempting to obtain a benefit for KA which she in fact received.

According to LE's testimony he later promoted because she in fact deserved the promotion and was not because I threatened him in any way to do it. The other charge #28 says that I tried to compel LE to deliver property to myself or KA by making him fear that the respondent would harm him. This is outrageous as I stated before the harm that I'm being accused of doing was revealing the relationship to LE's bosses and his wife. The same harm that LE would suffer, surely the judge must have realized by now that it would be just as devastating to KA and that I only had her wellbeing in mind. Also where does the dept. of advocate even have the nerve to write the word "to deliver property to myself" There is no evidence of this even by LE. What did they think I asked him to give me?

The judge bases her guilty verdict on the despicable statement "I credit the testimony of LE, which is corroborated by the tape recorded conversations in evidence." As I stated before there is absolutely no corroboration of any kind implicating me to any extortion. In fact the opposite is true and that is why I turned in the tapes myself as evidence to show that LE was harassing me by threatening, for one, to bring false charges against me. If

the police administrative hearing, at this last and highest level of authority in the NYPD is not able to distinguish the false claim of extortion even after the LE apologized to me loud and clear for even using the word then I'm positive any outside agency or real court of law will be able to distinguish and assess the truth here and see how I was mistreated and how justice was sleeping or corrupted when I was tried in the police administrative court.

The judge continues in her report an obvious contradiction which I cannot understand how she is not even embarrassed to put such statements in writing. She states that "I found Eisenberg's account of his dealings with the respondent to be credible. By the time of the instant trial, he had lost his relationship with Abraham and his partnership at Goldman Sachs. He had been sued and served with summonses. His extra-marital affair had been exposed to his wife and children. Therefore, while he was obviously angry with the respondent for derailing his life, he appeared to have no appearances to preserve by this point." How can the judge think she can get away with a statement like this without anyone realizing of how biased she is in this case. I guess by this she feels sorry for LE as by the time of trial his life was falling apart. He lost his relationship with KA so the reader of this report is suppose feel saddened for LE. Then he lost his partnership at his company so the reader is to feel bad he is now unemployed. Then troubles seem to creep up around him as he was served with summonses. Then his wife and children found out about his affair. So for all these reasons the judge concludes that LE has no motivation for lying in court and trying to hurt me. I can only conclude from this statement that the judge's mind was altered somehow for her not to be able to see what I stated all along that THESE ARE CLEAR MOTIVATIONS FOR ANY INDIVIDUAL TO LIE. He had hatred, vindictiveness in him and he was defending a suit where he could lose a huge amount of money. The judge is trying to portray LE as an innocent victim here. She has the audacity to infer that he lost his relationship with KA as a reason for us to feel sorry for him. It never occurred to the judge that it was precisely his behavior of continued deceit of cheating on his wife and in his abuse of KA that this led to his downfall. His company threw him out because of this and more. He was sued because the law allows for this remedy. Sexual harassment is a serious problem in our country that is why it is a tort recognized by the courts more now than ever before. He was sued because KA was eventually fired as a result of her refusal to continue having a sexual relationship with him which is illegal by law. The judge wants the reader to feel sorry about the exposure of his affair to his wife and children. It was not I who exposed his affair as the judge would like the reader to believe and it is not my fault he was committing adultery and involved with marital problems. He was the one committing adultery. Not I. If he was so in fear with it being exposed he should have just stopped seeing KA and the other women.

The judge has the nerve to say that it was I who derailed LE's life. WHAT ABOUT MY LIFE? How about the fact that because of LE I will be out of a job and disgraced for something I didn't do. How about the fact that because of these accusations people who are not familiar with the story will always suspect me of wrong doing.

For the judge to actually base my guilt on the fact that she finds LE's testimony credible because "he (LE) appeared to have no appearances to preserve by this point" is totally unconscionable.

The judge further abhorrently comments "He (LE) was remarkably charitable in his references to Abraham, who at the very least had done him no good at all, and in fact gave testimony helpful to the respondent when he (LE) swore that Abraham would have gotten a promotion regardless of the respondent's threats". The judge should not be allowed to sit on any bench for making comments like these. It is not her duty or place to say that LE was "remarkably charitable to KA". What does the judge think she is trying to do by even suggesting such a disgraceful comment? There is no purpose of law by saying that, and it shows utter contempt for KA and for women like her. The judge talks about how KA had done LE no good how about the fact of what LE was doing to her. OOPS. I forgot the judge didn't believe a word KA or I said.

Who does the judge think she is to comment on KA's civil case so heavily where she continues to state that she doesn't believe KA was harassed at all thereby taking my motivational claim of having any contact at all with LE which was for him to keep away from KA.

And then the judge had the gall to comment that KA gave testimony helpful to me. What did she expect KA to lie on the stand and say LE never bothered her at all. It appeared that the judge was very angry at KA for her testimony which was the truth. The problem the judge had was it was more difficult to find me guilty when KA was confirming what I had saying all along so now she infers that we planned this together. The judge with her repulsive statement suggested that KA was ungrateful because LE "swore" that she would have gotten a promotion regardless of my threats. This of course the judge expects the reader of this report to believe that KA should have believed based on the fact that she never got a promotion in 14 years that she worked for LE, but now he swore it was about to happen. The judge implies that KA should be thankful to LE for being so kind to her in his remarks about her on the stand.

I cannot see how the judge ever got out of law school. She knows clearly that LE was being represented every day at my trial by at least 3 attorneys who came each day regardless of when LE was there or not. The judge was fully cognizant of the fact of his vast legal representation, and the judge was fully aware that he was being prepped by his attorneys for months of what to say at my trial and what not say, as a record of this could be used against LE at a later civil trial where he is defending himself. LE didn't say anything his attorneys or the dept. of advocate's attorney didn't advise him of. He was just parroting what all his

attorneys told him to say. This is evidence of how hard his attorney Jeff Kaplan fought to sit in at my trial but couldn't because he was already a witness who testified and yet the dept. of advocate argued vehemently to allow him to sit in because Jeff Kaplan and Stanley Arkin were his two principle attorneys in his civil case. When Jeff Kaplan wasn't allowed to sit in and listen to LE's testimony and when Stanley Arkin wasn't sure he could appear on the dates where LE was supposed to testify LE at one point LE decided not to come in and give testimony and even the judged discussed with the dept. of advocate the fact that she might have to have him subpoenaed. It is only when Stanley Arkin was able to arrive is when LE agreed to testify. I find the judge's comments on this to be totally offensive and judging from her comments I think she expected KA to drop her suit against LE and thank him for being a great boss and a wonderful person to her in her personal life.

The judge continues to misstate my position of what I testified to on pg. 78. The judge starts out by having to admit that "Although Eisenberg stated that Abraham would have gotten the promotion she eventually received regardless of the respondent's threats and he ADMITTED THAT HE APOLOGIZED FOR ACCUSING THE RESPONDENT AND ABRAHAM OF EXTORTION, he unwaveringly maintained that he was terrified by the respondent's threats to expose his affair to his wife and to report sexual harassment and rape--both of which Eisenberg denied-- to law enforcement authorities." First of all LE never testified that he was in fear of thinking that I was going to report him for rape. I don't know where the judge got that statement from. Maybe from the same novel as her other inconsistencies. Anyway the judge herself didn't feel obliged to say anything further on the fact that LE himself admitted in his testimony (only because he knew there was taped evidence of this) that he apologized to both myself and KA.

Why doesn't she say anything further when this clearly vindicates me of any extortion charges or wrong doing regarding LE.

The reason is because there was never any extortion going on and LE knew it. If he felt I was trying to extort money from him he would have stated clearly during our phone conversation by asking me what my demands are etc. He never did this but did just the opposite, he apologized. It was only when a couple of months later when this incident became public because as the initial record speaks for itself when LE commented through his attorney in the Wall St. Letter on the case, that is when and how it became public. In fact I tried to submit this as evidence to the judge and naturally she denied my right to do so. The judge kept saying that she believed that I was trying to embarrass LE by all my actions towards him and yet it is here where I had plenty of opportunity to do this publicly and I did not. How does she explain that? The truth is not only does she not try to explain this but she doesn't even refer to it. This first article states

clearly that KA and I had no comment. Only LE had things to say.

It is during the week this article was being prepared (the first week of Sept.) this is when LE first brought charges of extortion against me in anticipation that he may be sued by KA for sexual harassment. Once a criminal harassment complaint was filed against him it was reasonable for him to assume that a civil lawsuit could be just around the corner. Consequently it was in his interest to falsify this whole story of extortion because then he could try to implicate KA to me thereby using this as leverage in his civil proceedings by saying all KA wanted out of LE was money and LE can prove it by pointing out KA's friend (myself) being found guilty of extortion and harassment in a police court.

Additionally LE needed to destroy my credibility as I stated before because I was the first witness KA told of her sexual abuse and harassment by LE. Being found guilty in this hearing would add weight to their claim Of KA's suit was not justified.

LE and his attorneys also were aware that the standard of evidence is almost non-existence in the police hearing. It is much easier for to LE and company to air out what they knew would beneficial to them in this court proceeding. They understood cross-examination of LE would be extremely limited in scope limiting my questions to his "other" activities. Also they knew about the chances of myself or any cop beating most of the charges are nil to slim. The reputation of the trial room as a "Kangaroo Court" goes beyond the police department.

The judge continues by supporting her theory that after she listened to the phone conversation of June 29, (which I have serious reservation if she listened to the entire conversation as she found fit to site only a brief few quotes against me) 1989 she was absolutely convinced that "no sane individual in Eisenberg's position would have felt anything less than sheer terror at the respondent's threatening, derisive, intransigent, demanding conversation. Eisenberg was full aware that he was speaking to an armed police officer, who already had threatened to disclose the results of an "investigation" to law enforcement authorities. Moreover, he testified (LE) at trial that he felt physically threatened because the respondent held a black belt in karate."

The judge here has a unique flavor for distorting the truth. If LE really felt terror as the judge described all he had to do as far I stated to him was to stay away from KA and transfer her away so she wouldn't be in physical proximity of him during the work day. This point comes through the phone conversation loud and clear. The fact that LE didn't make any effort at all to do this demonstrates that he wasn't scared at all. He knew that it wasn't in my interest either to go to his supervisor or his wife or the police dept. because then it would hurt KA as well. This was only to be a last resort which finally it had to happen because LE just couldn't control himself.

It shouldn't be so hard for the judge or anyone to figure out that



after so many years LE was involved with KA his secretary LE was not just about to let her walk away because she wanted to. Especially when he believed she was involved with a cop who he believed to be his competitor. This man is used to getting everything he demands and now things weren't working out the way he wanted them too. KA refused to be his mistress and he couldn't deal with this and that is the whole story. The rest is just retribution on his part as a result.

It's amazing that the judge only heard threatening gestures by myself and not by LE. The whole conversation was about how he was annoying and bothering KA and then he was saying to me that he will not bother her anymore. The judge really mischaracterizes me when she decided to add and bolster LE's testimony when she points out that he was talking to an armed police officer who has a black belt in karate. First of all, all police officers are armed and he knew this for years about me and when he met me. Furthermore the judge fails to point out on cross-examination of the fact that LE testified that he only felt threatened but in no way did I threaten him physically at all. Yet the judge likes to also include the idea that I have a black belt in karate inferring that LE had even more of a reason to be frightened.

LE knew about me for years and if he was so scared of me like he claims, why would he even want to be involved with an armed police officer's girlfriend who has a black belt in karate?  
Surely he must have realized that one day I might have learned of what was going on and he must have realized that I would have gotten involved. Yet this didn't stop him at all from harassing and abusing KA anyway. The simple truth is that LE was never scared of me he was worried that KA may come forward and report him. In fact on the phone recording I must have stated over 20 times that my intention was not to hurt him but just to protect KA. I kept reassuring him over and over again of this and yet the judge failed to bring this out.

The judge then sites that I threatened LE to disclose the results of an "investigation" to law enforcement authorities. What investigation is she talking about? The only thing involving law enforcement I told to LE at the time was that if he persists on harassing KA then a police report would be filed and if this is what the judge means when she refers to LE being in fear of an "investigation" with him then shame on her.

**The judge, foolishly, uses as an example to show how LE was in terror that when LE asked me what I would do if LE could not transfer KA to a better job, I replied, "I got faith in you, Lew".**

**Because of this statement, "I got faith in you, Lew," the judge is able to deduce that: "I do not believe that anyone hearing that statement would fail to feel icy fingers at the back of his neck."**

**(This was discussed earlier in this report). This is the judge's interpretation of terror.**

The fact that the judge believes that the substance of the conversation was regarding the prospect of a better job or a private business for KA, does not make it so. Even if it was so, it is clear that LE brought up the subject of setting up KA in business for the purpose of having her leave the company so she wouldn't have to work there where he felt concerned about his own position there. There is nothing illegal or wrong with me discussing this matter with him. LE and the judge are trying to implicate me in wrongdoing by claiming that I was trying to instill fear for the purpose of gaining benefits for KA. Nowhere in the evidence of the tapes is this to be found. Again, I firmly believe that the judge did not listen to the tapes in full and I believe she purposely distorted the conversation I had with LE by taking statements out of contexts to put me in a bad light.

The judge continues: "Even though the Respondent may have believed that he was encouraging Eisenberg to give Abraham her due, it is clear that the Respondent interest was to secure a benefit." What does the judge mean by that statement? Does she mean if LE agrees not to touch KA's body at work that would be giving KA her due? The judge insists that my interest was to secure benefit. The only benefit that I wanted, again, was to keep LE away from KA.

The judge has no problem in taking LE's testimony at face value even though there is no other evidence to support what he says. The judge continues her revolting statement, where she says, "Furthermore, even if self-interest was not his primary motivation, Eisenberg's testimony that the Respondent was concerned about splitting proceeds if the pair did not marry shows, at the very least, that the Respondent was not adverse to financial gain." The judge has the audacity again to use this as an example to show that because she believed LE's statement, I was not adverse to financial gain, that this is the reason I should be convicted of extortion. There is no evidence that I discussed this issue with LE aside from his personal statement. In fact, the tapes support my position where LE brings up the idea of KA marrying me and I told him there were no marriage plans involved and KA has to learn how to be independent and learn how to do everything on her own regarding any business. There is no evidence that I requested at any time, or especially demanded, that LE should give me any money or personal benefit for any reason whatsoever because it didn't happen. The judge fails to bring out in her report that it was LE who kept bringing up the topic of a business for KA especially in regard to a camping venture. The judge fails to bring out, again, that it was LE who asked me about the camp, how much it would cost, and for any paper work on it. As anyone can tell from my voice, I was quite hesitant on giving him full information and my purpose was just to placate him to calm the situation down (which was getting that way as one could tell by listening to the tape as there was no arguing anymore at this point). In addition, the judge fails to bring out that the following statement I made, was that I cautioned LE that

if he tries to insinuate that I am extorting anything from him, I will not even discuss this and I will go to internal affairs myself. If LE felt, at any point here, that if he was being extorted, he would have stated that he was being extorted, and not to come up with the idea two months later. No reasonably person could possibly believe that I was extorting anything.

The judge foolishly states in her report the "the respondent's testimony that he reported alleged prostitution at Goldman Sachs because it was his official duty to report crimes is totally discredited by his offer to find "hookers" for Eisenberg." Even the judge could not believe here what she is saying and trying to convince the reader of this report of this statement. This was discussed previously in my report. However the so called offer of hookers for LE was referring sarcastically to his sexual fetishes for him to stay away from KA as the rest of the sentence reveals which the judge refuses to quote.

The judge again continues to distort my intention for the purposes of justifying her guilty decision. The evidence is overwhelming in reaffirming my intention during this entire episode that my sole motivation was to keep him away from KA. The judge tries to bring up her own theory that "In fact the respondent cast into doubt the very theory of his defense--that his sole motive was to separate Abraham from Eisenberg--when he testified that he told Eisenberg that Eisenberg would have to be involved in any business he helped finance. If the respondent's efforts were directed solely at permanently releasing Abraham from Eisenberg's clutches, I doubt that he would have recommended further involvement of any kind."

The judge here reaches an all-time low and a new dimension for unfairness on the bench. She knew clearly what I meant by this as she took this quote from the recording but she failed once again to bring out the rest of the conversation that I was concerned that if KA would accept any money to start up a business from LE that if LE wasn't involved in any way where LE would benefit as well that it would look bad on KA's part and could open her up to allegations of wrongdoing. The judge also forgets to mention that it was also mentioned on the recordings after discussing these ideas with LE that I told him that I thought the whole idea of him giving KA monies for anything wasn't a good idea and that KA feels the same way and LE agreed with this. This piece is conspicuously missing from the judge's report, but then again it has to be.

She continues to state that "In sum, although I cannot find as a matter of fact that the respondent was motivated solely by greed, there is no doubt in my mind that the respondent induced in LE a reasonable fear that a police officer would expose his secrets unless he conferred benefits upon KA". I therefore find him guilty of charges #26 and 28. Again why does the judge state that a "police officer would expose" referring first to my professional work which has nothing to do with this case as opposed to

referring to myself as an individual. It is clear the judge was seeking a way to implicate me of misusing my authority. This is preposterous. First of all the judge never even gave any evidence that I told LE that I would reveal his secrets if he didn't confer on KA a benefit. The tapes speak for themselves where I stated repeatedly that I will only tell LE's supervisor if LE doesn't keep away from KA. This is clear. Even in the judge's last statement she is only stating herself that "unless he conferred certain benefits upon KA". So how does this make me guilty of charge #28 where I am charged with extortion where she is saying on one hand that I'm guilty of it and yet on the other hand in her statement she is only agreeing that I threatened to reveal LE's secrets only for KA's sake? They are two different charges and yet the judge is having a good time trying to link them together. They are both wrong on the judge's part and no outside court will agree. Also the judge refers that I as a police officer would expose LE's secrets. Where does she have the gall to even infer this as a police officer? There is absolutely no foundation for this statement. Does this mean that any time I do anything that it will always be precipitated by the statement "I as a police officer went shopping?" By this line of reasoning I should point out that LE as a rich investment banker which infers that he met and threatened to hurt me because he can do it because he knows important influential people who can get to the judge and... Maybe the judge did have a point. The fact is I explained this in detail before.

She continues her ludicrous reasoning that I had a motive and the opportunity to send LE a non-threatening letter stating that he should stop spreading venereal diseases which was enclosed with a condom. The judge is obviously not familiar with the time frames here. I first found about LE in 6/89 and I called him up to stay away from KA. He makes threatening statement to me that he will bring me up on false charges if his affair with KA is revealed. The whole matter comes out in when KA and I served him with summonses of harassment and later it was reported in the media. LE in turn goes to IAD in 9/89 as well. Everything is out in the open and everyone is upset. The judge is trying to make the reader believe that I wanted to get LE back out of revenge for what he was doing to me or what he did to KA so the judge is convinced that the only thing that I was able to think of to "show" LE that I am angry and I mean business is to first mail a jr. high school prank type letter with a condom in it to LE. This is absolutely comical on the judge's part especially when LE claims to have received the letter in Nov. of 1989. So I guess the judge thought it took me a few months to figure out how I can get LE back and really hurt him with this prank. The judge also says that I had the opportunity to do this. If I recall from the trial it was testified that the letter was simply put in an enveloped and mailed. I guess that narrows it down to me according to the judge. Is she for real. There are millions of people living here in this city who have access to the US postal

mail boxes in this city where there must hundreds of people who despise LE for so many reasons.

In addition the judge feels that my testimony suggesting that LE could have sent it to himself was not credible because he wouldn't want such material sent to his office because it would be an embarrassment to him. I suggested that LE tried to frame me. The fact is which can be proven that he often had explicit sexual material mailed to his office because KA was the one who looked through his mail and he couldn't receive it at home. In fact he also ordered several sexual aid devices to his office. KA has the receipts.

The judge refuses to mention here and elsewhere in her report that LE under cross-examination had to admit that he hired a few private investigators to investigate me at my home, my job and at school. I know this of course because many people came back to me and told that there were investigators who were saying that I was in a lot of trouble with the police and they misrepresented themselves as law enforcement officials. In addition neighbors told me not only did they ask questions about me but they were looking around in the back of my building where we dumped our garbage searching for things. This the judge again conspicuously left out.

Furthermore LE's attorneys had to admit this because they also hired investigators to harass KA as well at her home and they admitted this after they were sued for invasion of privacy in their civil papers.

I discussed this charge #27 about the letter prior. In addition the judge states "and that it is UNLIKELY that a print can be transferred from one paper surface to another". This so called expert couldn't answer about half the questions put to him on cross-examination. I further told the judge that I wanted to bring in my own fingerprint expert and she never ruled on it. I spoke to a couple of other experts who told me prints can be transferred from one sheet of paper to another and that it would take a skilled person to do it and a lot of money to pay them for this service but it has been done. And yet this police department expert could only say that it is unlikely, not that it can't be done.

The judge further illegitimately states "In the absence of evidence that anyone else would write that "it was time for Eisenberg to get himself a new doll that didn't spread diseases," I find ample evidence that the respondent sent that letter. He is therefore guilty as charged." How in the world does the judge know that no one else would send such a letter to LE? Does she know him personally? Is she familiar with whom he socializes with and sleeps with? Does she know his business clients and problems

that may exist which would cause them to send this letter? Did she know he was a regular at the sex shop in Greenwich village? Did she know that his being a defendant in a sexual harassment complaint was widely publicized in the NY Post, Wall Street Journal, The Institutional Investor, NY Daily News, NY magazine (8 page story) and a few other publications? Where does she get off to make such a statement especially with regards to "in the absence of evidence". Of course in the absence of evidence. We couldn't subpoena everyone he knows in his lifetime to come to court to question their motivations. There are many things which are "in the absence of evidence" because the judge refused to allow much of my evidence in which makes this entire trial a farce and reinforces the old idea that the police dept. trial is still just a kangaroo court.

The judge concludes with these few last theories that "The respondent's conduct toward LE demonstrated, at the very least, abysmal judgment and a failure to recognize that using his position as a police officer to further personal goals, however virtuous he may think they are, is a dangerous course to follow." Later "Intentionally using fear in order to induce another person to bestow a benefit upon someone else may be criminal behavior". I guess the judge didn't listen to the testimony when she learned that LE tried to press charges with the DA's office after they heard the tapes and they thought it was just two men arguing over a personal matter.

Once again I never used my position as a police officer to force any one to confer any benefit and further more I never forced anyone to do anything against their will.

Furthermore regarding the tapes the dept. of advocate gave me a copy of his supposed transcripts of the tapes which I believe the judge must be using to come up with this insane reasoning based on the recordings. It should be noted that their transcribed copy of the tapes left my voice out of the conversation approx. 90% of the time and even on a number of occasions skipped several pages several times leaving out total sections where I was vindicated many times over.

I have the proper copy of the transcripts. I believe that the judge listened to only part of the recordings and that as she stated in her report my voice was difficult to hear so she must have chosen to ignore the parts that she found difficult to hear.

I find this to be a poor, unprofessional, and unjust excuse as the police lab themselves enhanced the tapes and when my voice played on a stereo recorder is understandable.

The judge continues to state that I was not totally truthful because "I did not acknowledge a single lapse of judgment, and

held to the righteousness of his actions throughout the trial". The judge is trying to say that because I didn't regret what I did and state it during the trial and because I insisted to believe then as well as now that I believed that I did the right thing that this is how she figures out that I am not truthful. Who hired her?

I believe that every action I took throughout this episode was morally and ethically correct at the time I did it. Naturally with hindsight I would have done things differently regarding letting my compassion get in the way. The day I found out about what was going on and seeing how petrified KA was of this man I should have went straight to his superiors and then to the police department. It should be noted that it didn't come out in the trial that in July of 1989 I did call IAD's action desk anonymously and got a control number and I know they taped the conversation as it is standard procedure. The dept. can prove that it was my voice talking informing them that I was worried that some lunatic who has a vendetta and hatred towards me over a women is threatening to file extortion charges against me. Again every action I took was legal and in some cases was obligatory on my part.

The judge continues that "his lament that a police officer appeared to have fewer routes of redress than civilians was troubling, as was his final comment, "If I can't protect the people close to me, I don't want to be a cop." The judge does it again. In the several hours I testified she could only find a few quotes from me and this is one of them which she quotes twice. How strange. She also basically states that she didn't believe a word I said at the trial because she believed LE's testimony. So she gives the impression that I don't want to be a cop anymore. Nothing is further from the truth. The judge refuses to acknowledge in her report the next statement that I made how I want to continue working for the police department and I would hope that she restores me back to full duty where I could work in the street where I belong helping people and not inside some office somewhere hiding out away from the day to day problems of the city. Also why does she find troubling that I feel that officers have fewer routes of redress than civilians? She doesn't state why. Every cop knows that this is true. In fact they teach this to us in the police academy that we have to be more careful than the average citizen because we are more vulnerable of being accused of everything if someone from work or in our personal lives want to hurt us. It is a common saying among cops that "We are second class citizens".

I obviously don't feel this way as I didn't decide to waiver my constitutional rights when I joined the police department while at the same time enforcing and protecting our country's constitutional rights for others.

The judge continues on the last page of her report that "the fact that the victim reasonably linked the respondent's threats with the conferring of benefits of KA gravely and adversely affect the respondent's suitability for the force." What is this supposed to mean. Because LE "FEELS THREATENED" and because he LINKS these supposed threats with benefits to KA that makes it illegal and improper? Where does the judge get her legal or rational reasoning from? This is absurd, that bases her law and her decision based on what LE believed. With this in mind if a suspected criminal after being arrested for an alleged crime claims he felt threatened by the arresting officer and yet there are no physical marks or other indications that he was threatened but only that the suspect felt threatened, so then should the officer be brought up on charges for placing this suspect in fear? LE had every reason to be in fear but not from me.

The judge finishes her last statement where she states "in light of his lack of judgement and his unwillingness to conform to the department's standards of conduct, I recommend that the respondent be dismissed from the NYCPD." **The part about my unwillingness to conform to the department's standards of conduct obviously related to other minor patrol infractions which shows me to be a "bad" police officer because I carried a law book in uniform, took an extra 20 minutes in a restaurant, spoke on the telephone from an outside public pay phone, went inside a "Y" type building to say hello children every day, ate my lunch in my friends office for the last part of my meal period a couple of times, received a complaint for not shaving, coming to work with a dirty tie, reading a law book while at central booking while it was quiet and concurrently while the other cops were watching television from the eight televisions there, and of course for eating in kosher restaurants during my meal time as the real motivations were to meet Jewish people in the diamond district so I can make extra money on the side), not showing up to work on Saturday (the Sabbath), and a host of other winners.**

It's comical that I was brought up on these nonsensical charges because these truly are everyday occurrences on the part of most patrol cops. We all know that when IAD or any one high up in the police dept. wants to hurt an officer all you have to do is follow him around for a while and catch him on these minor patrol violations which are selectively enforced.

**In summation I only can conclude with the evidence overwhelmingly in my favor the fact that the judge found me guilty questions her integrity. I am aware that the judge is attempting to get appointed to a real judgeship in the criminal court system.**

It is important to note that throughout this period since LE brought false charges against me that almost everything that was happening to me which was supposed to be confidential was not.



There are leaks all over the police department. When I had my interrogations from IAD, Stanley Arkin, LE's attorney knew all the details and further revealed this information to members of the press who intern told me. This happened on several occasions where LE's attorneys were continuously kept abreast of every decision which was to happen to me by our department. I will be substantiating all this at a later date if I have to. I am fearful if I put this in my report they will know about it as well again.

**I AM REQUESTING FROM YOU HONORABLE COMMISSIONER BROWN IN LIGHT OF ALL I HAVE STATED WHERE MY RIGHTS OF DUE PROCESS WERE CLEARLY VIOLATED THAT I BE GRANTED A NEW TRIAL WHERE ALL THE EVIDENCE CAN BE BROUGHT OUT AND WHERE I WILL BE NOW BE ABLE TO HAVE ADEQUATE LEGAL COUNSEL REPRESENTING ME. IF I CAN NOT BE GRANTED A NEW TRIAL, I FEEL FOR JUSTICE TO BE SERVED YOU MUST VACATE AND OVERTURN THESE WRONGFUL DECISIONS THAT JUDGE KOSHETZ MADE. ADDITIONALLY I WOULD HOPE THAT YOU WOULD NOT BE INTIMIDATED OR WOULD CATER TO SPECIAL INTEREST GROUPS AS I BELIEVE JUDGE KOSHETZ WAS AND DID.**

I also must protest the way in which I received the decision. I was off on a personal vacation day because I was in the midst of my law school finals when my Lt. and a PO delivered all the transcripts to my home and they told me that I was suspended and that I have 10 days to write this fogel letter which meant going through all my notes and transcripts which is a huge undertaking for any one person. Besides my needing time off to study for final examinations I now have a real financial worry as I have no way to pay my rent and my other expenses especially because I couldn't work even if a job was offered to me because I needed to work on this letter which is a temporary full time job. The judge did her 83 page report in a few weeks where she worked on it at her full time job. I have the same task of doing this on my own time and worrying about how I am supposed to be paying my bills. In addition I was in the process of attaining an attorney now through the PBA which I did and he was not available to me for a while because he was involved in another case and due to his illness. He couldn't reasonably discuss this case and this letter with me without having any time to review at least some of the material which is a vast amount. I requested two extensions each for a week each which were granted and I don't feel I should in any way be penalized for this.

It does not seem like a surprise that I was suspended literally 2 hours before I was to receive my \$1000- uniform allowance check. This is unconscionable as I worked during the whole year and I am entitled to it.

I typed this letter myself and with the final deadline for getting this in on time there was no possible way for me to review this

adequately cleaning up some of the grammar and typos so I ask your indulgence and if you would like I can go through it again and clean up the English to make it more readable but I need a few more days.

The following is a brief statement of my background with a few letters of recommendations and articles on my work enclosed. This will hopefully demonstrate to you sir that all the charges regarding LE are totally out of character to who I am and what I live my life by. It is impossible for me to have done what I was accused of.

I urge you please read the transcripts thoroughly even though there are many mistakes in them. I call your special attention to the last day of the trial where I gave my summation. Please read it carefully.

I feel that I was placed on modified assignment unjustly and that I was suspended both times unjustly. I am requesting that I be placed back to full duty with no other factors involving any other punitive measures and that I be reimbursed back pay for the times I was suspended. I feel that I should not be placed on probation if I am restored to full-duty.