

Appeals Panel Overturns Conviction of Lebovits in Sexual Abuse Case

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Saying that a detective's handwritten notes had not been promptly turned over to defense lawyers before trial, a New York appeals court panel this week overturned the 2010 conviction of a cantor who had already served one year in prison for the repeated sexual assault of a teenager.

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The criminal case against the cantor, Baruch Lebovits, now 61, had been among the high-profile achievements of the sex-crimes unit of the Brooklyn district attorney's office in its campaign to persuade members of the Hasidic community to cooperate more with government authorities in the prosecution of offenders.

Mr. Lebovits, who was represented by Arthur L. Aidala at his trial, was [convicted](#) in 2010 of 8 out of 10 counts of molestating. He was sentenced to 10 1/2 to 32 years in prison.

But his legal team, by then bolstered by the addition of Prof. [Alan M. Dershowitz](#) of Harvard Law School, persuaded the authorities to place him under house arrest in April 2011, pending his appeal.

In its decision, handed down less than three weeks after arguments were heard in the State Supreme Court's appellate division, the four-judge panel said that while there was evidence to prove the defendant's guilt, the prosecution had deprived him of a fair trial by waiting until the middle of the trial to turn over handwritten notes the detective had made about the one witness that the defense had expected to call.

"Here, the untimely disclosure of the interview notes precluded the defense from fully adequately preparing for cross-examination and set a trap for the defendant which already sprung at the time the notes were finally furnished," the panel wrote.

The detective's notes included a claim by the alleged victim that he had been offered a bribe by the defense's witness to drop the case.

In an interview, Mr. Dershowitz called the decision "a total victory."

He said if the case was retried, the defense could "introduce all new evidence we have gathered showing our client was a victim of an extortion plot."

On Wednesday, Jerry Schmetterer, a spokesman for the district attorney's office, said: "We're prepared to retry the case. That's all I can say."

In a twist, the detective, Steve Litwin, is also at the center of another troubled case being handled by the Brooklyn district attorney's office. In that case, a woman's [recantation](#) of a rape accusation in Detective Litwin's notes was not shared with defense lawyers for nearly a year.

Mr. Schmetterer declined to comment on Detective Litwin's involvement in both cases.

Efforts to reach the detective on Wednesday night were unsuccessful.

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