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Colmer Plea Deal Seen Raising Questions

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A Brooklyn sex offender indicted on 37 counts, including sexually molesting two teenage boys in his Brooklyn home, may go free in just a few months under a plea deal announced last week. The deal involving Stefan Colmer, once a member of Midwood’s Orthodox community, is raising questions about the handling of his case and its impact on future victims’ willingness to come forward to law enforcement officials, according to observers.

Colmer, 32, who was arrested in Israel and extradited to Brooklyn in 2007, faced a maximum sentence of close to 50 years in jail. But under the terms of the plea agreement, Colmer pled guilty only to eight counts of criminal sexual act in the second degree.

According to a press release from the Brooklyn District Attorney’s office, he will be sentenced on June 30 to two and one-third to seven years in prison. With credit for time already served, Colmer could be out of jail before the end of the year. The DA had asked the judge to run two counts of criminal sexual act consecutively, which would have meant a sentence for Colmer of four and two-thirds to 16 years in prison.

However, according to an article in the New York Daily News, Brooklyn Supreme Court Justice Martin Murphy rejected the request because “Colmer had no record, was being treated for his sexual problems and the case against him was weak.” Efforts to reach the judge for comment were unsuccessful.

When asked whether Colmer had received any treatment for his problems, his attorney, Robert Gottlieb, told The Jewish Week “What I said [to the judge] is that he accepted responsibility and that he had received treatment. Obviously, while he is incarcerated, it’s not any present, ongoing treatment, but in the past he had seen doctors.”

In fact, as The Jewish Week reported in May, Colmer had received treatment several years before he was arrested, in the now-defunct Ohel Family and Children’s Services Sex Offender Treatment Program. He dropped out of the program of his own volition, however, because, according to those who discussed it with him, he did not feel it was helping him.

Further, the claim that Colmer’s case was weak has also puzzled those close to the

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investigation.

Michael Leshner, an attorney and author who was directly involved in the case and who wrote about it in the newly released book “Tempest in the Temple: Jewish Communities & Child Sex Scandals” (Brandeis University Press), told The Jewish Week, “I’m very surprised that the judge declared the case against Colmer ‘weak.’ Two highly credible children gave grand jury testimony describing in detail their abuse by Colmer. The police detective in charge of the case always told me he considered it a strong one.”

Another source familiar with the facts of the case confirmed Leshner’s impression and further noted that the young victims were highly credible and ready to testify. This source, who asked for anonymity because he is not authorized to speak about the case, also told The Jewish Week that law enforcement knew of approximately 10 more victims, some of whom had been instructed by their rabbis not to come forward.

Indeed, the lead detective on the case told The Jewish Week that within the Orthodox community it is not atypical for victims to be discouraged from coming forward to law enforcement, particularly if there are others who already have done so. While this means fewer victims have to subject themselves to a difficult process, according to the detective, it also spares the molester the prospect of more jail time that could result from additional charges.

There appear to be other inconsistencies in the report of the plea deal. According to the DA’s own press release, “After learning he was under investigation, in February 2007, Colmer fled to Israel.”

This statement seems at odds with those of the lead detective on the case, who told The Jewish Week last month that Colmer was not under investigation until after he arrived in Israel, following a report made by one of his victims to the Brooklyn police. When asked to clarify its statement, a spokesman for the Brooklyn DA said only that “our press release is accurate.”

Further complicating matters is the fact that Colmer was in fact reported to the Brooklyn Special Victims Unit on Jan. 7, 2007 by Marc Stern, a prominent attorney and member of Passaic’s Orthodox community. Colmer had moved to Passaic after his activities had become known to rabbis and others in his Brooklyn neighborhood, none of whom reported him to the police or encouraged his victims to do so.

While Stern gave a detailed report to the Special Victims Unit detective, the case was promptly closed, according to a law enforcement source, for lack of a “complaining witness,” or victim.

In Stern’s view, the fact that the case was not investigated at the time “underscores the unavoidable need – and duty – of those molested to come forward promptly to the authorities as witnesses. Secondhand [information] just does not cut it.”

The fact that the case was apparently closed for this reason, however, raises questions about a new initiative by the Brooklyn DA, dubbed Kol Tzedek, to address sexual abuse in the Orthodox community.

According to the DA, a central aim of the project, which offers, among other services, a confidential hotline for the reporting of the abuse, is to generate more prosecutions of sex offenders. When asked how the new initiative plans to deal with anonymous reports, or reports from those other than victims, a spokesman for the DA’s office offered a vague response, saying that “we take every phone call to our hotline seriously.”

While Leshner clearly acknowledges the need for victims to report these crimes to the police, he and other advocates see something much more troubling in the Colmer case.

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“What we see is that child sex abuse victims in the Orthodox community are still fighting every element of the system to get justice,” said Leshner. “Few rabbis will support them when they come forward; they’re attacked by other Orthodox Jews; the Brooklyn DA is in no rush to prosecute the offenders; an agency like Ohel will look the other way; and the few brave survivors who come forward end up being told the case is ‘weak’ because so many others didn’t make their own reports.

“Right now,” Leshner continued, “the innocent few are still paying the price for the guilty – and their moral accomplices.”

Lonnie Soury, the spokesman for Survivors for Justice, an advocacy group, said, “The case of Stefan Colmer is not about Stefan Colmer – it is about the ongoing failure of the Brooklyn Orthodox community and its institutions to protect its children because they are instead focused on protecting their own reputations and the reputations of the pedophiles.

“The fact that there are at least 10 more victims who seem to have been discouraged from coming forward,” Soury continued, “highlights the severity of this problem.”

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