

Prosecutor, defense argue points in Teaneck rabbi's pre-trial hearing on child sex-assault charges

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One of the two teenage boys who accused a Teaneck rabbi of molesting him at his home had made false accusations of sexual abuse against his own father, the rabbi's attorney told a judge in Hackensack on Tuesday.

Bergen County prosecutors, meanwhile, disclosed that Rabbi Uzi Rivlin, who is set for trial next month on child sexual-assault charges, was accused years ago of another sexual assault in New York and later pleaded guilty to public lewdness.

The hearing in state Superior Court offered a glimpse into the complexities of Rivlin's upcoming trial, in which he is accused of molesting two 13-year-old Israeli boys at his home in 2009 and 2010. Rivlin has maintained his innocence, telling authorities that his accusers were troubled teens and that he did nothing to them.

The alleged victims, who were staying at Rivlin's home for the summer as part of a scholarship fund run by Rivlin, made the accusations separately to Israeli authorities after they returned to their country, Bergen County prosecutors said.

The two boys will be among five witnesses who will be flown in from Israel to testify at the trial in Hackensack.

Rivlin's attorney, Howard Simmons, said at the hearing Tuesday that he intends to call witnesses and present documents to show one of the alleged victims told police that his father sexually abused him.

"But those allegations turned out to be unfounded," Simmons said.

Rivlin, 65, who was released on bail shortly after his arrest, attended the hearing, using a Hebrew interpreter.

Simmons also told Judge Patrick Roma that a teenage girl who stayed at Rivlin's home for a summer has made statements to authorities that the boy who is now making accusations against Rivlin had himself tried to sexually assault her at Rivlin's home.

How much of those statements will be admitted as evidence at Rivlin's trial is a question to be determined in pretrial hearings, said Demetra Agriantonis Maurice, an assistant Bergen County prosecutor.

Maurice also told Roma that in a separate case, Rivlin was arrested in 2000 in New York City and charged with sexual assault, child endangerment and public lewdness. He later pleaded guilty to public lewdness, a misdemeanor charge equivalent to New Jersey's disorderly-persons offense.

Simmons also asked Roma to have Rivlin's indictment dismissed, arguing that prosecutors did not present sufficient evidence to the grand jury. All that was presented to the grand jury was the testimony of a detective who answered "yes" or "yes, that's correct" to a series of leading questions, Simmons said.

Roma denied Simmons' request, saying the evidence presented to the grand jury was sufficient for prosecutors to proceed with the case.

Prosecutors need to present only enough evidence to a grand jury to show a prima facie — "on its face" — case. That evidence is not subject to cross-examination during grand jury presentation and does not need to pass the high evidentiary bar that is set for criminal trials. Hearsay evidence, for instance, is not admissible in a criminal trial, but can be presented to a grand jury to obtain an indictment, leading to trial.

Rivlin, 65, was a teacher at the Temple Beth Abraham in Tarrytown, N.Y., and also ran a scholarship fund for more than 10 years for orphans and disadvantaged children in Israel. Participants of the program would come to the United States for a few months to stay with a host family and attend summer camp. Rivlin's accusers were staying at his home during two summers, in 2009 and 2010, authorities said.

Israeli authorities conducted an investigation after receiving the complaints and notified the FBI, which then contacted local authorities, Bergen County prosecutors said at the time. Rivlin was arrested in August 2011 after being interviewed by detectives for nearly five hours.

A grand jury in Bergen County indicted him early last year on charges of child endangerment,

aggravated sexual contact and criminal sexual contact. The most serious of those charges carries up to 10 years in prison upon conviction, followed by lifelong parole.

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chris pedota / staff photographer

Rabbi Uzi Rivlin in court Tuesday.