



# Our Towns; Penniless Man Wins Allies And Acquittal

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SOMETIMES, amid its florid theatrics and Dickensian arcana, the legal system dispenses justice. Sometimes it dispenses something else. And sometimes it does both to the same person.

Consider what happened to Alfredo Vargas.

As recounted here in June 2004, Mr. Vargas was a Nicaraguan immigrant who seemed destined to disappear down life's rathole. A poor, utterly reliable, almost indispensable caretaker for an aging synagogue and a rabbi, Moshe Felsman, who became his friend, he was accused in 2000 of a hideous crime: repeated sexual abuse of a congregant's 4-year-old daughter.

He was arrested and before long convicted in a trial whose outcome seemed as preordained as it was dubious. There was very little solid evidence, but there was impressively credentialed testimony against him from the Child Sexual Abuse Clinic at Yale-New Haven Hospital, a favorite of prosecutors seeking expertise. He was represented by a beleaguered public defender.

Out of the little girl's conflicting and open-ended accusations, clinic experts discerned a clear case of sexual abuse. Based largely on that narrative, Mr. Vargas was convicted in April 2002. When it was found that he entered the country legally back in 1969 but had not maintained legal status, he added a few more nails to his coffin.

But between the trial and the rathole something else happened. Stuart Rosenberg, a congregant who admired Mr. Vargas, reviewed the court documents and was stunned. None of it made any sense. Not the girl's conflicting accounts. Not her failure to identify Mr. Vargas in court without substantial help. Not her accusation that Mr. Vargas had also sexually abused her parents and grandparents. Not the fact that the parents took eight days to report the crime to the police. Not how it could have played out at the tiny synagogue, with almost no privacy, which Mr. Vargas had built as an add-on to the rabbi's rambling home.

A local doctor, Abraham Yaari, was stunned when he heard about the case, too. As he would later testify in court, the girl's parents, both lawyers whom he knew, seemed obsessed with sexual abuse, alleging multiple cases with more than one of their children, most of them happening at synagogues, so that the topic was a fixture in family conversations.

Mr. Rosenberg and his business partner, William McCarthy, and Dr. Yaari began rounding up legal help, paying for it out of their pockets. In December 2003, the verdict was overturned. Since then Mr. Vargas has been given repeated offers to terminate the case with time served if he would plead guilty. He refused.

Last week, more than five years after Mr. Vargas was accused, he got his second turn in court. Many details of the girl's story were different from her account in the first trial: where the assaults took place, whether her clothes were removed, whether anyone had witnessed the attacks. Asked to identify who had molested her, she pointed to two male

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jurors. Could that reflect the prosecution's high hurdle in depending on the testimony of a frightened child? Sure.

But, in the end, the case for destroying a man's life forever wasn't much different from the first trial's. On Thursday, a Superior Court jury took less than two hours to find him not guilty on both counts.

From jail, speaking with his lawyer, Robert Berke, Mr. Vargas thanked the people who had nothing to gain by supporting him but did so anyway. And asked if he had ever considered accepting a plea, he said: "Never. They took everything from me, but the gray hair I have left on my head. But I was going to make sure that everyone knows the truth. This is my life. If I didn't clear my name I would die like a piece of garbage. And I thank God that people can know the truth."

But vindication in court will go only so far. Mr. Vargas, who is around 70, must now face immigration charges and possible deportation to a country where he has not lived since 1969.

And on another legal track, the lawyers who alleged the abuse soon sued the rabbi, who also owned real estate, and the synagogue. The suit alleged "repeated and continuous acts of sexual assault, abuse and exploitation." He has since died, and his widow told Mr. Rosenberg she settled the case two weeks ago. She told him she had paid out \$15,000 and handed over the deed to the house, where the synagogue was located, rather than face the stress and uncertainty of a civil trial. Mr. Rosenberg estimated that the property was worth at least \$500,000.

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