

Rabbi Pruzansky's Blog

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Justice?

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Ari Teman grew up in our shul and became a comedian and a tech entrepreneur, but what has happened to him in the eighteen months is no laughing matter. He was convicted several months ago of bank fraud, and is facing a maximum of 30 years in prison when he is sentenced later this month.

What did he do to face a sentence that, in today's America, murderers, robbers, looters, rioters, arsonists and anarchists would not receive even if they were arrested, prosecuted and convicted? The facts are somewhat complicated but boil down to this.

Ari founded a company called GateGuard to provide a sort of virtual doorman to residential buildings across the country. He contracted with several New York City landlords, some with checkered reputations, and knowing of their history, inserted a clause in the contract that allows him to issue "remotely created checks" and debit the bank accounts of landlords who are in arrears. Apparently, it is a similar clause to one that Airbnb uses to protect itself against non-paying customers. It reads: "You give us permission to write and sign checks with your checking and/or savings account information to do a bank draw against your entity (or entities) for the amount it (or they) owe." It seems crystal clear – if it is read.

Each landlord duly signed these clauses (they are all online, and clicking on "acceptance of the terms" is how the contract is formalized and activated). When several invoices went unpaid after services were rendered, Ari warned the companies and then duly exercised this clause in the contract, created the checks, deposited them in his account – and was soon after arrested and charged with bank fraud – the creation of these very checks. At trial, claims made by the landlords and their representatives that the contracts were entered into without being read – and that references to this arrangement were somehow ignored or they simply didn't recall them – were allowed to stand and accorded great weight. And this, despite the reality that their contracts are generally perused by lawyers and representatives. It is a very odd circumstance; most people are well aware that they should never sign something they haven't read.



Exacerbating the situation, a crime of this sort requires "criminal intent" on the part of the perpetrator. Was there criminal intent here? Well, Ari certainly believed, based on the terms of the contract, that what he was doing was legal. A reasonable interpretation of the agreement should be sufficient to negate the presence of criminal intent. And it should not be lost on anyone that in the sometimes sordid world of New York real estate, it is common for some owners to simply refuse to pay their bills in a timely fashion. They just say "sue me!" That is despicable in its own right, but it is also what engendered the institution of "remotely created checks" in the first place.

Add to this witches' brew a post-trial allegation of prosecutorial misconduct for failure to disclose the disreputable history of one of the lead prosecution witnesses and we have the makings of a miscarriage of justice, and one with a potential to ruin a young life.

Are these rogue prosecutors of the sort that have become the bane of the American judicial system? It shouldn't only be the hoax prosecutions of political figures that attract our attention. Indeed, it should be the ones that target the average individual without access to media hoopla because if we ignore them, then anyone can become a target. And the expense and anxiety of defending one's innocence can be debilitating.

Prosecutors exercise discretion all the time as to who they will or won't prosecute. This could have been handled as a civil dispute. As such, it is a clear case of *Pidyon Shvuyim*. If you are moved by Ari's plight, and wish to assist his appeal fund, please contribute to his GoFundMe account at <https://www.gofundme.com/f/justice-matters-ari-teman-legal-defense-fund> .

And, on Ari's behalf, let us all appeal to the G-d of true justice and abundant compassion.

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