

# Commack man found not guilty of abusing boys

October 16, 2009 by KATHLEEN KERR / kathleen.kerr@newsday.com



A jury verdict clearing a Commack man of charges he sexually abused two boys stunned a Suffolk County courtroom Friday - the defendant's whole body trembled as he doubled over in relief while the children's mother sobbed.

The mother of the boys, ages 5 and 7 at the time of the alleged abuse in 2007, ran from the Riverhead courtroom shouting, "Oh my God" in disbelief.

The jury found Marc Pipitone, 33, guilty of two misdemeanor charges of aggravated harassment related to e-mails he sent threatening the boys' family after their mother fired him from his

job caring for the brothers in their home.

But the jury found Pipitone not guilty of six counts of first-degree sexual abuse and also cleared him on two counts of endangering the welfare of a child and one count of second-degree harassment. Pipitone's mother sat stoically for the verdict and had no comment afterward.

Pipitone had provided special services for the 5-year-old, who was autistic, and later minded both brothers on weekends when their mother was at work. Newsday has not identified the family because of the nature of the case.

Assistant District Attorney Dana Brown - in tears over the verdict - said at trial Pipitone



played wrestling games with the boys while they wore only underwear and rubbed against them in a sexual manner. The 7-year-old testified that Pipitone partially exposed himself to him.

In response to questioning at trial by Pipitone's attorney, Kevin Kearon, of [Amityville](#), the boy admitted he sometimes fibbed and took things that weren't his like crayons and a friend's wallet.

"All I can think of is my son and how brave he was to get up there and tell the truth," said the boys' mother after the County Court verdict. "The jury just told my kid he lied - the bravest kid in the world."

Outside the courtroom, Brown, the prosecutor, said, "The defendant confessed to what he did and apologized." Brown said she might pursue other evidence about Pipitone unrelated to this case but did not elaborate.

Pipitone had signed a written confession to all the charges. But Kearon said he never confessed and felt coerced to sign a statement prepared by a detective.

"This case illustrates the dangers facing special education teachers who agree to teach these children in their homes and the only thing worse than the sex abuse of an innocent child is the false accusation of the sex abuse of an innocent child," Kearon said Friday.

At trial, Kearon said the boys' mother fired Pipitone after they argued over several issues. Pipitone, in anger, then sent threatening e-mails. Kearon suggested the mother, upset about the e-mails, influenced the boys to say Pipitone had abused them.

Pipitone has been jailed on the charges since his arrest on April 10, 2008, because he could not make \$75,000 cash bail or \$150,000 bond. He faced 42 years in prison but now faces a maximum of 1 year at sentencing on Dec. 11; he has already served that time awaiting trial. County Court Judge Barbara Kahn reduced Pipitone's bail Friday to \$1,000. With John Valenti

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