

Mahopac sex offender's suit against deputies tossed

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(Photo: Submitted/The Journal News)

CARMEL – An appellate court dismissed a Mahopac sex offender's lawsuit accusing Putnam County sheriff's deputies of leaking confidential law enforcement information to help one of his victims in her civil suit against him.

Mario Caruso, a 64-year-old pharmacist who made headlines after a judge let him move [back next door](http://story/news/local/westchester/2014/02/08/carmel-teen-sues-man-who-molested-her-then-moved-back-next-door/5327601/) to that victim, sued Chief Gerald Schramek, Capt. William McNamara and county probation officer Debra Giordonello, who has died.

Adam Kleinberg, a lawyer for the county, argued in court papers that the 2012 lawsuit should be tossed because Caruso's testimony revealed he "has absolutely no clue" why he filed it. Kleinberg also claimed Caruso was "apparently put up to it by his attorneys, who simply provided Caruso a complaint to sign for purposes unbeknownst to him."

Caruso alleged in his lawsuit that officials leaked information to the Sayegh law firm, claiming that William Sayegh had access to it through his position as a confidential adviser to Sheriff Donald Smith. The firm denied wrongdoing, but agreed to stop representing the girl.

"This was a frivolous case," Kleinberg said. "We knew it from the start and we're glad it is now over. It is a shame that the county was forced to use its resources to defend such a meritless action. The members of the sheriff's department were unfairly sued and I'm glad that they have been vindicated."

Lawyers Bill Spain and Bonnie Feinzig, who represented Caruso, could not be reached for comment.

Caruso, who sexually assaulted his eight-year-old neighbor and her nine-year-old friend in the summer of 2003, is being sued by both victims. In 2011, Judge Albert Lorenzo permitted him to move back next door to the younger victim months after being released from the county jail, where he served about 16 months after pleading guilty to two counts of first-degree sexual abuse.

Caruso had asked that an order of protection be modified by the court and he be allowed to move back into his house because he was having a tough time finding a stable place to live. Putnam County Assistant District Attorney Chana Krauss, who has since been promoted, did not oppose Caruso moving back next door, saying it was easier to supervise him at a fixed address.

An article The Journal News/lohud.com published in February on the case prompted state Sen. Greg Ball to [pass legislation](http://story/news/local/westchester/2014/06/10/sex-offender-ban-next-door-victim-mario-caruso/10296671/) in the Senate to toughen residency restrictions on sex offenders. The victim's father said Friday that prosecutors put the ease of supervising Caruso ahead of his daughter's well-being.

"To allow this person to live next door just amazes me," he said. The Journal News is not identifying him to protect his daughter, who is a victim of sexual assault.

In a court filing, Caruso [blamed the girl](http://story/news/local/westchester/2014/02/13/molester-who-moved-back-next-door-blames-victim-for-her-injuries/5469841/), writing that her injuries, if any, were the result of "culpable conduct" by her and her family members. The girl's father said she was "crushed" when she learned of those claims.

"I could not believe he could stoop that low," he said.

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