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N.J. Supreme Court hears arguments in Paramus Catholic sex case

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TRENTON – New Jersey’s Supreme Court justices heard arguments Wednesday on whether the state has the power to try two Paramus school workers for engaging in alleged sexual acts while chaperoning students on a trip to a foreign country.

Attorneys for the Paramus Catholic High School defendants, Michael Sumulikowski, who was a substitute teacher and assistant football coach there, and Artur Sopol, who was vice president of operations at the school, appealed to the Supreme Court a motion to dismiss the state’s indictment that their clients engaged in sexual acts with four 17-year-old students while supervising them on a school-sponsored trip in February 2011 to Germany.

Sumulikowski and Sopol, who both were at the hearing Wednesday, are challenging a 25-count indictment that includes multiple charges of sexual assault and child endangerment. An appellate court ruled in June 2013 that the case could proceed in Bergen County, and the defendants’ attorneys appealed to the state’s Supreme Court.

Since the case has not yet gone to trial, little evidence and specific details about the alleged incidents has been presented. Much of the information regarding the acts stems from grand jury testimony given by a detective who worked with the student-victims, the defense attorneys said.

Much of the debate in the Supreme Court chambers Wednesday centered on the state’s definitions of criminal conduct and territorial jurisdiction. The justices questioned both sides on exactly how the two men became chaperones – whether they volunteered or were asked by others – whether forbidden or criminal conduct includes the preceding circumstances in which it occurs, and if there were any lingering results of the conduct in Germany that happened in New Jersey when the students returned. The justices also questioned the state if it knows it has enough evidence to move forward.

The defense attorneys argued that the state does not have the authority to move forward with their charges because the alleged criminal acts started and stopped in Germany, far from New Jersey’s borders.

Meanwhile, attorneys for the state said had the men not agreed to take part in the trip – an action that started in New Jersey – what happened overseas might not have occurred.

Philip DeVencentis, representing Sumulikowski, and Alan Zegas, representing Sopol, further argued that there is no evidence of the employees planning the acts that occurred in Germany while in New Jersey. Simply becoming a chaperone is not enough to charge



In this July 2012 file photo, Artur Sopol, left, and Michael Sumulikowski in court.

their clients, even if acts that would be considered criminal in New Jersey occurred while on the two-week trip in Germany, they said.

“Simply because there’s been an assumption of responsibility doesn’t mean there’s been a crime,” Zegas said.

DeVencentis further argued that should a trial move forward in New Jersey, it could deprive the men of their right to a trial in Germany, should charges ever be filed there.

The attorneys representing the state, Deputy Attorney General Brian Uzdevinis and Assistant Bergen County Prosecutor David A. Malfitano, said the state should be allowed to move forward with its case.

“We are simply looking for the opportunity to present this case to the grand jury,” Malfitano said.

The state also argued that becoming chaperones and assuming responsibility was one step of several that led to the eventual alleged conduct in Germany. And when the children’s parents sent their kids to a foreign country under the defendants’ guidance, they did not expect such conduct to occur, Uzdevinis said.

“That’s an affirmative action that occurred in New Jersey. A conscious decision,” Uzdevinis said.

The prosecutors also said it’s possible a trial could reveal other events leading up to the alleged conduct overseas – like flirting with or grooming the students.

Uzdevinis added that the defense of “what happens in Germany stays in Germany” is “legally indefensible and morally reprehensible.”

“It would create another chapter in sexual predatory history,” he said.

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