

September 24, 2010

<http://detnews.com/article/20100924/METRO/9240353>

Man who claims innocence gets new trial

Retired engineer, 73, refuses to admit guilt in sex assault case

MIKE MARTINDALE

The Detroit News

Pontiac – A 73-year-old man convicted five years ago of sexually assaulting a juvenile relative was granted a new trial Thursday in Oakland Circuit Court.

Judge Daniel O'Brien made the ruling after determining the man was provided ineffective counsel by his court-appointed attorney.

Jacob Trakhtenberg, a retired Chrysler engineer, was sentenced in 2005 to five to 15 years in prison for second-degree criminal sexual conduct involving the girl, now in her teens.

Trakhtenberg was eligible for parole consideration in January, but he will not admit responsibility for wrongdoing even though it could lead to early release, his attorney says.

"I can't wait to tell him today," said James O. Elliott, one of the attorneys handling an appeal and civil lawsuit for Trakhtenberg, a former Oakland Township resident. "He would be out already if he would admit he did something wrong. But he's tough, has a lot of character, and won't admit doing something he didn't do. I expect he would do the entire 15 years before making such a false admission."

Elliott noted the new trial comes after five years of appeals, two civil cases and a rare hearing, ordered by the state Supreme Court.

Elliott said Trakhtenberg, who immigrated to the United States from Russia in 1974 with \$15 in his pocket, became a successful engineer with Chrysler and once owned a \$1.5 million home and lakefront properties in Oakland County.

Trakhtenberg's second wife, Liliya, filed a criminal complaint against him in 2005, alleging he had molested the girl at his home. Trakhtenberg has repeatedly denied the allegations during a criminal bench trial before then-Circuit Judge Debra Tyner in 2005. His court-appointed defense attorney, Deborah McKelvy, never called a witness in his defense and did not cross-examine prosecution witnesses, Elliott said. McKelvy, a veteran attorney who routinely receives appointments from the Oakland bench, could not be reached for comment Thursday.

The new trial is set for Nov. 1, but Elliott said he hopes to have Trakhtenberg released from prison later this month.

"I want to have him released on appeal," said Elliott. "He's already had five years of his life taken from him."

mmartindale@detnews.com">mmartindale@detnews.com (248) 338-0319

© Copyright 2010 The Detroit News. All rights reserved.