

CRIME

# Jury refuses to indict ex-teacher

## Student accused him of illicit affair at Eastside

By ED BEESON  
Herald News

A Passaic County grand jury has refused to indict a former Eastside High School music teacher on charges that he had an illicit affair with one of his students, authorities confirmed on Wednesday.

But the Passaic County Prosecutor's Office said it will seek to empanel a second grand jury to pursue new charges against Gene R. Clemetson, who was fired from the Paterson school district shortly after his arrest in February.

Last week, a grand jury refused to indict Clemetson, 43, of Newark, on charges of sexual assault, endangering the welfare of a child and official misconduct. Clemetson was arrested on Feb. 8 for allegedly having a brief sexual romance with a 17-year-old girl

who was one of his students.

Their alleged affair was uncovered by an Eastside guidance counselor, who had a "professional rapport" with the female student, Chief Assistant Prosecutor Joseph Del Russo said in February. Clemetson was promptly fired by the Paterson school district for "conduct unbecoming of an employee," school officials said at the time.

On Wednesday, Clemetson's attorney hailed the dismissal of the charges against his client.

"It's refreshing to see the grand jury process utilized as a screening process and not a rubber stamp, as is often the case," said Timothy R. Smith of South Orange.

Smith also blasted the Passaic County authorities who charged

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Clemetson based on what he called "a dearth of evidence" and a "coerced" statement from the former teacher's alleged victim. Smith also claimed that authorities

pressured the female student, whom he said had a "crush" on Clemetson, into signing a statement against his client.

"I just hope in the future, when authorities receive specious allega-

tions like this, they don't rush to judgment," Smith said.

Del Russo said the evidence against Clemetson was solid but that the grand jury "ignored the law."

"There was a factual basis as to all of the offenses," he said Wednesday. "It appears that the grand jury ignored the law ... and that's their prerogative."

"Our prerogative is to go back

to a different panel and have a fresh look at it," Del Russo said.

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