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May 3, 2021

**via e-mail: [clarkda@bronxda.nyc.gov](mailto:clarkda@bronxda.nyc.gov)**

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Special Narcotics Prosecutor Bridget G.  
Brennan  
Office of the Special Narcotics Prosecutor  
80 Centre Street, 6th Floor  
New York, New York 10013

Dear District Attorneys Clark, Gonzalez, Katz, McMahon, Vance and Special Narcotics Prosecutor Brennan:

We are a coalition of defender and wrongful conviction organizations working in New York City. As you know, on April 7, 2021, District Attorney Gonzalez vacated 90 convictions in which former NYPD Officer Joseph Franco – who is currently facing criminal charges in Manhattan relating to his fabrication of crimes – played an “essential role”. On April 15, 2021, District Attorney Clark and District Attorney Vance each agreed to vacate more than 100 convictions involving Mr. Franco in their respective jurisdictions.<sup>1</sup>

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<sup>1</sup> We hereby ask that the Office of the Special Narcotics Prosecutor likewise vacate all convictions in which Mr. Franco played a key role, conduct a transparent review of any other cases in which he was involved, and inform

These are welcome developments. Criminal convictions cannot rest on testimony or evidence allegedly obtained or produced by law enforcement officers engaged in misconduct connected to their duties and privileges as police officers, particularly when that misconduct goes directly to their credibility or their willingness to abuse power.

Attached to this letter is a list of 20 NYPD officers whom we have identified as having been convicted of crimes and two who engaged in serious misconduct relating to their duties (the "Officers").<sup>2</sup> We write to urge you to vacate all convictions in which an "essential role" was played by any of the Officers, or other, similarly situated officers, including those identified on so-called "Brady/Giglio Lists" or "Do Not Call Lists" maintained by your offices.

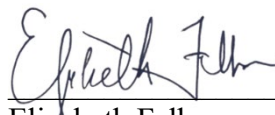
To the extent your review identifies convictions in which the Officer's participation was not "essential" we ask that a full, transparent review be conducted. This review should be conducted with the knowledge and participation of the convicted person and their counsel. As with Mr. Franco's cases, we further ask that your office immediately notify all people whose convictions involved the Officers and their counsel (including the undersigned) of the involvement of any of the Officers in their case(s) and the extent of the Officer's misconduct.

Representatives from each of our offices would be happy to discuss your review of cases involving any of the Officers or similarly situated officers and any client of ours. Criminal convictions based on the testimony of officers known to have engaged in misconduct are fundamentally unfair, erode trust in the criminal justice system and cause ongoing harm to those who endure the collateral consequences of their convictions daily. We urge you to immediately take steps to identify and remedy all convictions caused by law enforcement officers convicted of crimes relating to their duties or who are otherwise incredible or unreliable.

Very truly yours,



Karen A. Newirth  
Director, Mass Exoneration Initiative  
The Exoneration Project



Elizabeth Felber  
Supervising Attorney, Wrongful Conviction  
Unit  
The Legal Aid Society of New York



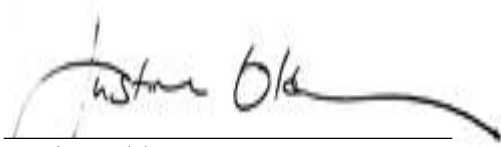
Tina Luongo  
Attorney-in-Charge  
The Legal Aid Society of New York



Lisa Schreibersdorf  
Executive Director  
Brooklyn Defender Services

counsel (including the undersigned) and any person convicted based on Mr. Franco's work of the nature and extent of his misconduct and involvement in those cases.

<sup>2</sup> To the extent that your offices are aware of other law enforcement agents convicted of crimes relating to their duties, we ask that you provide us with their names, and likewise vacate/review their cases in the manner described herein.



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Justine Olderman  
Executive Director  
The Bronx Defenders



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Claudia Trupp  
Supervising Attorney/Director, Justice First  
Project  
The Center for Appellate Litigation



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Elizabeth Fischer  
Managing Attorney, Criminal Defense  
Practice  
Neighborhood Defender  
Service of Harlem



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Caprice R. Jenerson  
President & Attorney-In-Charge  
The Office of the Appellate Defender



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Stanislaw Germán  
Executive Director  
New York County Defender Services



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Lori Zeno  
Executive Director  
Queens Defenders



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Christina Swarns  
Executive Director  
The Innocence Project



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Paul Skip Laisure  
Attorney-in-Charge  
Appellate Advocates

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**NYPD Officers Convicted of Crimes, or Who Engaged in Serious Misconduct, Connected  
to their Duties**

Stephen Anderson

Jason Arbeeny

Michael Arenella

Michael Bergmann

Jerry Bowens

Michael Carsey

Sasha Cordoba

Richard Danese

Michael Daragjati

Kevin Desormeau

Johnny Diaz

William Eiseman

Thomas Elliassen

Michael Foder

Richard Hall

Sean Johnstone

Admir Kacamakovic

Edward Martins

Nicholas Mina

Christopher Perino

Oscar Sandino

Henry Tavarez

