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Brooklyn DA Eric Gonzalez to Dismiss 378 Convictions That Relied on 13 Officers Who Were Later Convicted of Misconduct While on Duty

Following Examination by the Conviction Review Unit, The DA's Office Has Lost Confidence in Cases Where These Former Officers Were Essential Witnesses, Leading to One of the Largest Mass Exonerations Ever in the United States

Brooklyn District Attorney Eric Gonzalez today announced that his Conviction Review Unit will be asking the Court to vacate and dismiss 47 felony convictions and 331 misdemeanor convictions that were directly based on the work of 13 former New York City Police Department officers who were later found guilty of crimes that were committed while on duty. A review by Brooklyn's CRU did not uncover misconduct, but the District Attorney has lost confidence in cases where these officers served as essential witness, i.e., cases that could not have been prosecuted without them. This is the sixth largest mass dismissal of convictions in U.S. history, according to data collected by the National Registry of Exonerations.

District Attorney Gonzalez said, "These former police officers were found to have committed serious misconduct that directly relates to their official job duties, calling into question the integrity of every arrest they have made. A thorough review by my Conviction Review Unit identified those cases in which their testimony was essential to proving guilt, and I will now move to dismiss those convictions as I no longer have confidence in the integrity of the evidence that underpinned them. Credibility and honesty are at the heart of the justice system, and we cannot improve community trust without adhering to the highest ethical standards."

The District Attorney's Office today will be asking Brooklyn Supreme Court Justice Matthew D'Emic to begin dismissing the felony convictions. The virtual hearing will take place at 350 Jay Street, 15th Floor, starting at 2:15 p.m.. The process of dismissing the misdemeanor convictions will begin in Brooklyn Criminal Court later this month.

The dismissals will be made pursuant to a writ of error coram nobis that states that prosecutors "have not identified any information or evidence indicative of innocence or of fabricated evidence and that probable cause existed for defendant's arrest, but that, nonetheless, in the interests of justice, which includes enhancing community trust in the criminal justice system and the proper preservation and prioritization of limited prosecutorial and judicial resources and pursuant to prosecutorial discretion" the DA's Office agrees to vacate the convictions and dismiss the charges. Defendants will not be entitled to refunds of fees or fines.

The review is an outgrowth of the District Attorney's decision in April 2021 to dismiss 90 convictions that relied on the work of former Detective Joseph Franco, who's been indicted in Manhattan for multiple perjuries. That decision not only led other city district attorneys to follow suit, but also sparked a review of past cases that were handled by other police officers who were similarly charged and convicted of misconduct that directly related to their job duties.

A total of 13 officers were identified, and 378 cases – 47 felonies and 331 misdemeanors – that resulted in a guilty plea or a trial conviction will now be dismissed. The vast majority of these cases are misdemeanor possession of a controlled substance and other drug offenses with the second largest category being vehicular and traffic law violations. They originated from arrests that took place between 1999 and 2017 and no one is currently incarcerated as a result of these conviction. About half the arrests (191) were made by four officers who were implicated in the Brooklyn South Narcotics corruption scandal in the late 2010s. Another 78 were made by two narcotics officers who pleaded guilty in 2019 for receiving a bribe in the form of sexual acts from a detainee. Most of the other officers were convicted of various crimes in other boroughs or in federal courts.

The full list of the former officers whose work was scrutinized is below (with the number of dismissed convictions in parenthesis):

- Jason Arbeeny (14) – convicted of official misconduct and related charges for planting drugs in 2007 while assigned to the Brooklyn South Narcotics Division.
- Michael Arenella (3) – convicted of petit larceny for taking money from an undercover in 2007 while assigned to Brooklyn South Narcotics Division.
- Michael Bergmann (1) – pleaded guilty to perjury in connection with a 2019 incident in which he testified falsely in the grand jury that a suspect almost ran him and his partner over with a car; video obtained by the Brooklyn DA's Office showed this didn't happen.
- Jerry Bowens (134) – pleaded guilty to murder and falsifying business records. While assigned to Brooklyn South Narcotics Division in 2008, he supplied drugs to an informant in exchange for information. While his criminal case was pending, in 2009, he shot and killed his ex-girlfriend.
- Richard Danese (4) – pleaded guilty to disorderly conduct in Staten Island in connection with a Halloween 2007 incident in which he and his partner unlawfully imprisoned a 14-year-old boy suspected of misconduct and abandoned him in a marsh.
- Sasha Diaz (15) – pleaded guilty to perjury in Manhattan for falsely testifying to a grand jury about observing a firearm in 2014; also convicted in Queens of offering a false instrument for filing, in which she lied about observing a drug deal.
- Michael Foder (27) – pleaded guilty to federal perjury charges in the Eastern District of New York for testifying falsely at a

2018 hearing about when and how he conducted photo arrays of two robbery suspects in Brooklyn.

- Richard Hall (18) – pleaded guilty to bribe receiving and official misconduct for releasing a woman from custody in exchange for sexual favors from her in 2017.
- Sean Johnstone (40) – convicted of conspiracy for paying off informants with drugs in 2007, while assigned to the Brooklyn South Narcotics Division as an undercover.
- Admir Kacamakovic (14) – pleaded guilty in federal court for civil rights violations for assaulting a bar patron with pepper spray and unlawfully detaining him while in uniform in 2008.
- Eddie Martins (60) – pleaded guilty to bribe receiving and official misconduct for releasing a woman from custody in exchange for sexual favors from her in 2017.
- Oscar Sandino (43) – pleaded guilty to deprivation of civil rights for forcing a woman he arrested to perform oral sex in a Queens stationhouse bathroom in 2008; also pleaded guilty to assaulting an off-duty court officer who was in custody.
- Henry Tavarez (5) – pleaded guilty to offering a false instrument for filing for making false statements regarding a buy-and-bust operation in 2009 while assigned to Queens South Narcotics Division as an undercover.

The Conviction Review Unit reviewed all Brooklyn convictions in which these 13 ex-officers were involved. Cases where they acted as primary witnesses, and there was no other independent evidence to support a conviction, were flagged for dismissal. Defense lawyers and the Court have been notified of the pending dismissals.

The case review was conducted by Assistant District Attorney Eric Sonnenschein, Deputy Chief of the District Attorney's Post-Conviction Justice Bureau, and Assistant District Attorneys John Sharples and Bruce Alderman of the Conviction Review Unit, under the supervision of Assistant District Attorney Charles Linehan, Chief of the Conviction Review Unit.

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