

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK; PART 41

THE PEOPLE OF THE STATE OF NEW
YORK

-against-

JOSEPH FRANCO,

Defendant.

STATEMENT OF FACTS

Indictment No. 1257/2019

The defendant, Joseph Franco, is a nineteen-year NYPD detective. He is now charged in a sixteen-count indictment that covers three separate incidents. In each of the three incidents, the defendant was working as a plainclothes detective on a narcotics team from Narcotics Borough Manhattan South. The indictment includes: (1) four counts of Perjury in the First Degree, under PL §210.15; (2) nine counts of Offering a False Instrument for Filing in the First Degree, under PL § 175.35(1); and (3) three counts of Official Misconduct, under PL §195.00(1).

During each incident, the defendant claimed to observe individuals engaging in narcotics transactions. Ultimately, the defendant's alleged observations were contradicted by surveillance video from the arrest locations, as well as statements from others involved in the arrests. Specifically:

- (1) On February 21, 2017, the defendant's false statements led to the arrest of an individual named Julio Irizarry at 288 Delancey Street. The defendant claimed that he saw Mr. Irizarry sell drugs to an unidentified man inside the lobby of the building. However, the video from the lobby showed that on the afternoon of his arrest, Mr. Irizarry entered 288 Delancey Street, proceeded upstairs to another floor, then came back down and exited the building in less than a minute. There was no drug sale in the lobby. Meanwhile, video from outside the building showed that the defendant walked straight past the building after Mr. Irizarry went inside without going near the entrance, making it impossible for the defendant to see anything that happened inside the lobby.
- (2) On June 15, 2017, the defendant's alleged observations led to the arrest of a woman named Tameeka Baker outside 280 Madison Street. During this incident, the defendant stated that he saw Ms. Baker sell drugs to a co-defendant, Evert Sosa, in the vestibule of 280 Madison Street. Mr. Sosa subsequently re-sold those drugs to an undercover officer. Video evidence from 280 Madison Street showed that Mr. Sosa and Ms. Baker entered the lobby of the building, went past an elevator bank to a staircase in the rear of the lobby, and disappeared from sight. There was no drug sale in the vestibule of the building. Furthermore, the video shows that the defendant was never close enough

to the building to observe what happened between Mr. Sosa and Ms. Baker inside 280 Madison Street.

- (3) Finally, on April 23, 2018, the defendant's false statements led to the arrest of a man named Turrell Irving. During this incident, the defendant claimed he was in the vicinity of 38 Gouverneur Street when he saw Mr. Irving give cocaine to a co-defendant, a woman named Karen Miano, who subsequently sold the cocaine to an undercover. Once more, the video from this incident directly contradicted the defendant's version of events. There was no drug transaction between Mr. Irving and Ms. Miano. Instead, Ms. Miano simply held the door open for Mr. Irving as he entered the building and she exited on her way to meet the undercover officer.

Thus, in each of these incidents, a person was arrested because the defendant falsely claimed he saw them sell drugs. The defendant memorialized his false statements in police paperwork that became part of the NYPD and New York County District Attorney's official case files. Furthermore, the defendant testified in the grand jury for each case and committed perjury by repeating these false statements under oath. Moreover, Mr. Irizarry, Ms. Baker and Mr. Irving entered guilty pleas in their respective cases, and both Mr. Irizarry and Ms. Baker were serving state prison sentences before proof that the defendant had falsified the evidence against them came to light.