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FOR IMMEDIATE RELEASE

Wednesday, April 7, 2021

Brooklyn DA Eric Gonzalez to Dismiss 90 Convictions That Relied on Former Narcotics Detective Later Charged with Multiple Perjuries

Former Det. Joseph Franco is Awaiting Trial in Manhattan; No Misconduct Was Found in Brooklyn, But DA's Office Has Lost Confidence in Cases Where He Was Essential Witness

Brooklyn District Attorney Eric Gonzalez today announced that his Conviction Review Unit will be asking the Court to vacate and dismiss 27 felony convictions and 63 misdemeanor convictions that were directly based on the work of former undercover New York City Police Department Detective Joseph Franco. The former detective has been indicted in Manhattan for perjury, official misconduct and other charges in connection with four incidents whereby he allegedly framed numerous individuals for making narcotics transactions. A review by Brooklyn's CRU did not uncover misconduct, but the District Attorney has lost confidence in cases where the detective was an essential witness, i.e., cases that could not have been prosecuted without him, and is requesting that those convictions be dismissed.

District Attorney Gonzalez said, "Knowingly and repeatedly framing innocent people obliterates the credibility of any police officer and proving perjury in such circumstances is rare. After a grand jury reviewed the evidence and indicted former Detective Franco, I have lost confidence in his work. His cases in Brooklyn are over a decade old, which limited our ability to



reinvestigate them, but I cannot in good faith stand by convictions that principally relied on his testimony. Integrity and credibility are at the heart of the justice system and prerequisites for community trust.”

The District Attorney’s Office today is asking Brooklyn Supreme Court Justice Matthew D’Emic to vacate 27 felony convictions (plus 13 misdemeanor convictions that were taken in Supreme Court), mostly for criminal sale of a controlled substance in the third or fifth degree, and to dismiss the underlying indictments. It is also asking Criminal Court Judge Keshia Espinal to vacate 50 misdemeanor convictions, mostly for criminal possession of a controlled substance in the seventh degree, and to dismiss the underlying complaints. The dismissals are pursuant to a writ of error coram nobis and the court proceedings are expected to continue over the next few days. In all, 27 felony convictions and 63 misdemeanor convictions will be vacated.

Those cases stemmed from arrests that happened when Det. Franco was assigned to Brooklyn commands, between 2004 and 2011. All but one of the 90 convictions were obtained by way of a guilty plea. Most of those convicted for a felony were sentenced to between six months and a year in jail, with the longest sentence being three years in prison. Most of those convicted for a misdemeanor were sentenced to terms ranging from time served to 90 days in jail.

The Conviction Review Unit reviewed all convictions where Det. Franco was involved. Cases where he was the primary undercover and his testimony was necessary for a potential hearing or trial were flagged for dismissal. Defense lawyers and the Court have been notified of the new allegations and the dismissals.

In April 2019, a New York County grand jury indicted Det. Franco on 16 counts of first-degree perjury and related charges. In July 2019, a grand jury indicted him on 10 additional counts of first-degree perjury and related charges. He is awaiting trial on both indictments and was fired from the NYPD in May 2020.

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 Attorney Rachel Nash, Deputy Chief of the District Attorney’s Conviction Review Unit, under the supervision of Assistant District Attorney Mark Hale, Chief of the Post-Conviction Justice Bureau.

#

Note: the court proceedings are expected to begin today at 9:30 a.m. in Criminal Court and can be viewed [here](#) (password: 9000). The Supreme Court hearing is scheduled for 1 p.m. and can be viewed [here](#) (password: 1234).



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