

Police officer lied on search warrant, cases being dismissed

An Eden Prairie police detective lied on a drug case search warrant and as a result, more than 30 cases will be dismissed by the Hennepin County Attorney's Office.

David Brown, chief deputy county Attorney, told a news conference Friday morning that the cases had been charged but not completed as of Sept. 22, 2017. That is the date Eden Prairie Police Detective Travis Serafin filed with the court a search warrant that had been falsified.

"The fair trial of a defendant depends on complete truthfulness by everyone involved," Brown said. "That did not happen here."

As a result, 32 cases have been dismissed or in the process of being dismissed because Serafin was a critical witness. In additions, there are another 11 cases where Serafin was a peripheral witness and the defense lawyers have been contacted.

Of those cases three of them involved men who are in prison. Timothy Holmes, who was the subject of the investigation where the falsified search warrant was used, Torrance Gray and Sean Cole.

In this particular case, Eden Prairie Detective Travis Serafin obtained a search warrant for a house as part of a drug investigation. While executing the search warrant, officers recovered a large amount of heroin and some fentanyl from Holmes' house and a much smaller amount of drugs from a car. This office charged Holmes with first-degree drug sale and third-degree murder in the death of someone to whom he sold the heroin, Brown said.

The assistant Hennepin County attorney and paralegal had the search warrant for the house, but didn't see one for the car. They asked for it and a week later, Serafin sent a search warrant that was identical to the original, including the judge's signature, except the first page included language for searching any vehicles at the property.

In mid-January, the defendant's attorney raised issues about evidence in the case and requested a hearing. One of the issues was why there were two search warrants. The prosecutor asked Detective Serafin to write a supplemental report answering that question, Brown said.

At the hearing in late February, Detective Serafin was required to testify about the two search warrants. Brown said, the judge indicated he intended to suppress the search warrants. On March 16, the defendant pleaded guilty to first-degree drug sale and the third-degree murder charge was to be dropped and it was agreed he would receive a lesser sentence.

However, the judge who heard Detective Serafin testify was concerned about its truthfulness. He sent a copy of the transcript and of the two search warrants to the Eden Prairie Police chief on March 29.

The department immediately began an investigation and a later examination of the detective's computer showed that a week after the search warrant for only the house was signed by a judge and after paralegal asked for the car search warrant, Detective Serafin created a new front page and apparently attached it to a copy of the original, signed search warrant. Clearly, the original search warrant did not allow the search of the car and anything taken from the car was illegally obtained, Brown said. The Eden Prairie Police Department then moved through its disciplinary process.

Subsequently, the discipline against Detective Serafin was sustained and not long after, the information supporting a conclusion that the search warrant and testimony were untruthful and not a mistake was sent to the county attorney's office.

“Two of our managing attorneys reviewed the police file,” Brown said. “We then took the following steps. First, we have sent the police file to another county attorney’s office in Minnesota to review it for possible criminal charges against the detective.

“Second, we contacted the lawyer for the defendant whose house was searched and made him aware of what had happened.

Third, we have gone through all of our cases that were not completed before September 22, 2017 looking for any in which Detective Serafin was a critical witness to the case.”

Where Serafin was a critical witness the county attorney’s office has done the following: five cases had already been sent to diversion so those will simply be dismissed and the court record expunged; sent letters to the defense lawyers in 17 cases inviting them to make a motion to vacate the conviction and prosecutors will then dismiss those cases; prosecutors have canceled four active warrants and will dismiss those cases, Brown said.

In addition, there are approximately 14 cases where the county attorney’s office believes Serafin was only a peripheral witness. Three of those cases had been sent to diversion so they will be dismissed and the court record expunged. For the remaining 11 cases letters will be sent to the defense lawyers advising them of this misconduct.

“Detective Serafin’s behavior was wrong and inexcusable,” Brown said. “It also is baffling to us, because the legal search of the home provided more than enough evidence for our case and if he had been honest, we would simply have agreed to have the drugs from the car be removed from consideration in those cases. The fair trial of a defendant depends on complete truthfulness by everyone involved. That did not happen here.

“Finally, Eden Prairie Police leadership have stood up to the plate and acknowledged the wrong doing of Detective Serafin. They immediately launched a thorough internal investigation, disciplined Detective Serafin and informed the Hennepin County Attorney’s Office of their findings.”

Brown also noted that because of steps the Hennepin County Attorney's office took in 2015, this case was brought to our attention promptly and we were able to take the necessary steps before more harm was done.

Under state and federal law prosecutors have an obligation to reveal to a defense lawyer if a police officer the county attorney's office would call to testify in a particular case has been disciplined for something that could relate to their credibility.

As a result, in 2015, the county attorney's office began signing memorandums of agreement with every police agency in Hennepin County in which the departments would inform prosecutors when final discipline was completed against an officer so that we could review those materials, Brown said.

"Collectively, we have taken the necessary steps to right the wrongs and return integrity to the system," Brown said. "What counts is that when mistakes are uncovered that the appropriate steps are quickly taken to right the wrong. That has occurred in this case."

Video from press conference