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Case Dropped Against Ex-Cop Amid Allegations of Prosecutorial Misconduct

Defense attorney Howard Tanner on Tuesday made a motion to dismiss the charges against his client Joseph Franco, claiming that prosecutors with the Manhattan DA's Office had failed on three separate occasions to turn over evidence.

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Evidence



Emily Saul



A Manhattan Supreme Court judge has dismissed and sealed the case against an ex-NYPD detective accused of perjury, following allegations of prosecutorial misconduct by the defense.

Defense attorney Howard Tanner on Tuesday made a motion to dismiss the charges against his client Joseph Franco, claiming that prosecutors had failed on three separate occasions to turn over evidence.

Justice Robert Mandelbaum dismissed the charges with prejudice, and sealed the case file. The abrupt decision occurred mid-trial, as the Manhattan District Attorney's office was presenting evidence against the former detective.

The DA's office consented to the dismissal, and swiftly removed Assistant District Attorney Stephanie Minogue—who was leading the prosecution of Franco—from her post as Deputy Unit Chief of the Police Accountability Unit.

Minogue has been removed from that post but not terminated from the office, a spokesperson said, while the General Counsel conducts a "root-cause analysis" of the situation.

"New Yorkers must know that law enforcement, including prosecutors, are acting with the utmost integrity," said spokesperson Doug Cohen. "We hold ourselves accountable to that standard."

Franco was facing trial on 16 criminal counts, including perjury and official misconduct. Prosecutors claimed the former detective lied about witnessing multiple drug deals he did not actually see, leading to convictions.

Some of the people involved in those deals were slated to testify against Franco, said Tanner.

The defense attorney accused the office of "repeated withholding and destruction of evidence, misrepresentations on the record and other ethical violations."

Tanner told the New York Law Journal that prosecutors failed to turn over multiple pieces of evidence, including: "data extraction reports from four cellphones recovered from the drug dealers arrested, some of whom were scheduled to testify at trial; hundreds of audio files from one of the drug dealers who was scheduled to testify; DA investigator

videos; photos, numerous memos and other documents.”

“We are exploring all legal options,” he said when asked if his client intended to seek civil remedies.

Franco has become a symbol of police misconduct across the city. Multiple District Attorneys have announced the vacatur of convictions in which Franco gave sworn statements or testified before a grand jury.

Brooklyn District Attorney Eric Gonzalez’s Conviction Review Unit has so far vacated around 90 convictions relating to Franco. Earlier this month, Bronx DA Darcel Clark’s Conviction Integrity Bureau announced that 257 cases involving Franco were dismissed, and said more were expected.

Manhattan DA Alvin Bragg has so far overturned 100 cases on which Franco worked, and Cohen on Tuesday said the Office’s Post-Conviction Justice Unit would continue their review.

Franco maintains he never did anything wrong, and Tanner said his client, a decorated police officer with 20 years of service, is relieved at the outcome.

“But how does he get his reputation back?” Tanner said in a statement. “This case was baseless and driven from the start by an anti-police agenda in the Manhattan DA’s Office.”

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